
Agency Information

AGENCY : HSCA
RECORD NUMBER : 180-10111-10191

RECORD SERIES : NUMBERED FILES

AGENCY FILE NUMBER : 014624

Document Information

ORIGINATOR : HSCA
FROM :
TO :

TITLE : EXECUTIVE SESSION-BUSINESS MEETING

DATE : 11/15/1976
PAGES : 146

SUBJECTS :

HSCA, ADMINISTRATION, STAFF
WC
SPRAGUE, RICHARD A.
PHOTOGRAPHS AND FILMS

DOCUMENT TYPE : TRANSCRIPT
CLASSIFICATION : Unclassified
RESTRICTIONS : Open in Full
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 08/17/1993

OPENING CRITERIA :

COMMENTS : Hearings 3 successive folders (2-2), 1st hearing marked "Dupolicate Corrections", also Dodd's opening statement. MLK materials withdrawn pp. 31-35. Box #:263.

014624

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

GPO: 16-76107-1

EXECUTIVE SESSION

EXECUTIVE SESSION

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Committee
~~BUSINESS~~ MEETING

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(Monday, November 15, 1976

U.S. House of Representatives, [] [] [] []

Select Committee on Assassinations, [] []

Washington, D. C. []

9 The committee proceeded into executive session at 10:35
10 a.m., in Room 2310, Rayburn House Office Building, the
11 Honorable Thomas N. Downing (Chairman) presiding.

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

15 Also present: Richard A. Sprague, Chief Counsel and
16 Director; Kenneth Brooten, Counsel; Donovan L. Gay, Chief
17 Researcher; Richard Feeney, Billie Gay Larson, Rebecca Martin,
18 Committee Staff; Gus Edwards, Special Assistant; Christine Groden, Robert Groden,
19 Consultants; Gail Beagle, Bruce Gwinn, Percy Harvey, Joe
20 McGee, Vicki Peckham Administrative Assistants; Peter D.
21 Lennon, Robert H. Maloney, Henry Spring, islative Legal Assistants;
22 Quentin L. Burgess, Staff Assistant; and William Briggs,
23 Staff Member.

1 Chairman Downing. For the purposes of the record, I
2 would like each person in the room to identify themselves
3 with their title.

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

6 Mr. Maloney. Robert Maloney. Congressman Stokes'
7 office.

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

9 ~~Mr.~~ Mrs. Martin. Rebecca Martin, with the committee staff.

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

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

12 Mr. Feeney. Richard Feeney, committee staff.

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

14 Ms. Larson. Billie Gay Larson, committee staff.

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

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

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

18 Ms. Groden. Christine Groden, consultant.

19 Mr. Groden. Robert Groden, consultant.

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

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

23 Mr. Sprague. Mr. Chairman and members of the select
24 committee:

25 I would like to take up what has been done up to this

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

13 ¶ With that in mind, I have also accepted the basic
14 assumption that since one of the reasons that these
15 investigations have come to pass is that $\frac{2}{H}$

16 Chairman Downing. Let me interrupt, Mr. Sprague.

17 John Anderson has been appointed to fill in the vacancy
18 IN THE POSITION formerly occupied by Congress^{man} Talcott, and he is on his way
19 here now, so if you will just desist for the moment, and
20 we will wait for Mr. Anderson.

21 [Short recess.]

22 Chairman Downing. The committee will again come to
23 order.

24 I have a letter here from Mr. John J. Rhodes, minority
25 leader, addressed to the Speaker: "As a result of the

1 resignation of the ~~Honorable~~ Burt L. Talcott for the
2 Select Committee on Assassinations, I now make the appointment
3 of the Honorable John B. Anderson."

4 *¶* Mr. Anderson, welcome aboard. This committee is very
5 grateful to have your talents.

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

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

10 All right, Mr. Sprague.

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

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

21 Second~~ly~~, I have made an assumption that one of the
22 reasons that these investigations have come into being is
23 that questions have arisen, criticism has arisen, with
24 regard to prior investigations, the extent to which other
25 agencies of government, particularly the ~~Executive~~ Branch
of government, participated in those previous investigations,

1 and the extent to which those other agencies withheld
2 information, or did certain acts that perhaps indicate
3 destruction of documents affecting the results of the
4 investigation.

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

14 Is there any additional evidence that was not known
15 earlier?

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

21 With that again being an assumption on my part, I take
22 it that this Congress would not, in authorizing this
23 investigation, have as its investigators the agencies of
24 the Federal Government that perhaps might be part of the
25 area to be investigated. By that, to be specific, it seems

1 to me that what has to be for this investigation to be
2 thorough, at least attempt to be definitive, is an independent
3 investigative staff of the Congress, not beholden to any
4 other agency of government. Again that is one of the
5 assumptions that I have made in analyzing what has to be
6 done, and making a determination to recommend to you as
7 to what kind of staff is necessary for this investigation. I
8 am not stating whether or not the Congress was aware as
9 to what really is involved in the investigation of two
10 homicides, two deaths. It is not something that you do with
11 three investigators and two file clerks.

12 Upon taking this assignment, I have instituted a number
13 of measures, and have taken certain actions up to this
14 point, one of which was to be in touch with agencies of
15 the ~~Executive~~ Branch of government, the CIA, the Department
16 of Justice, who spoke in behalf of that department and the
17 FBI, to initiate requests for access to material in their
18 possession. Suffice to say that the indications up to this
19 point have been that of full cooperation, and I might say
20 that in speaking to the representative from the CIA, he
21 advised me that just at the initiation of our investigation,
22 the CIA has some 64 cartons of documents for examination
23 and review, which points out to some extent really the
24 size of the task that is being undertaken here, because
25 we are dealing there with just one ~~branch~~ ^{AGENCY} of the ~~Executive~~

1 branch of government in terms of a mass of materials.

2 9 In order to investigate, it seems to me that there
3 must be a review made as to what has been done up until now.
4 I do not see how, in looking and deciding the directions
5 to go, there can be any intelligent approach without finding
6 out what has been done, ^{ZING} analysis ~~of~~ it, ^{ING} determination in
7 ~~these areas~~ ^{WHAT MORE} ~~what~~ needs to be done, ~~if anything in addition,~~
8 ~~to be able~~ ^{IN ORDER TO} to be able to make a determination what else has
9 to be done.

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

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

22 For example, it has come to my attention that since
23 at least the resolution on which this committee is presently
24 here as passed by the Congress, that authorities in Tennessee
25 have destroyed some documents relating to the surveillance

1 on Dr. King. If that be so, and I have sent an investigative
2 team down to Memphis, it emphasizes the fact that any delay
3 on either one of these investigations is not really in the
4 interests of the Congress to do a thorough job.

5 9) There is another reason. As again an investigator
6 and homicide prosecutor, to me one of the essentials in a
7 thorough investigation is not to have a time limitation.
8 This is a different species of animal than the Congress
9 wanting to have say the unemployment statistics in Michigan
10 a week from Thursday and you can get it. You cannot in this
11 area say wrap up that matter by ~~six~~ months from today. Once
12 you put a limitation, a time barrier, that is destructive of
13 the investigative team, because what happens, and I speak
14 from experience here, the areas of inquiry, the people
15 who are being subject to the investigation, (use then) that
16 ime limitation as a point where they know that if they get
17 a delay, if they get lost for a while, if they tie you up in
18 court for a while, they can really end up preventing the
19 conclusion of the investigation. I think it would be a
20 mistake, and again my main assumption is that what is
21 intended here is to do a thorough job, professional job,
22 definitive as can be, to start imposing some barrier of
23 time. If we were to proceed, for example, in the King
24 assassination first, there would be a great push to get that
25 wrapped up, so we could get on Kennedy, ~~and vice versa~~. If

1 we were to be proceeding on Kennedy, there would nonetheless
2 be a push to get that wrapped up, to be proceeding on King
3 ~~and~~ I think that that kind of pressure ought not to exist,
4 that again in our main thesis of doing it thoroughly, we
5 ought to be willing to do them both.

6 9 Now what do I mean when I say "thoroughly"? I am aware
7 of Perry Mason on TV, and the appearance that you start
8 at ~~X~~ Point A^v and you go to ~~P~~ Point Z^v and it is a nice path.
9 Maybe I am not that good an investigator. I have never been
10 able to do that.

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

22 What I think is required when we talk about a thorough
23 investigation is a willingness to take up the areas of
24 tangential materiality, to be willing to ⁽⁹⁾ go down those
25 roads, make a determination when we get down there, yes,
3

1 what we found out in no way aids, in no way is really
2 ultimately relevant to what we are seeking, but if we
3 are unwilling to be that thorough, then again I say there is
4 no reason to be engaging in this investigation.

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

21 What do I mean when I say "thoroughly"? Let me bring
22 to your attention a number of matters. In the brief period
23 of time that I have been working on this matter, not only
24 going through concepts of what kind of an organization is
25 needed to do a thorough investigation, reviewing applications,

1 and not getting them all reviewed yet, trying to interview
2 people, trying to take up questions with regard to the
3 commitment of the Congress in getting space, I have sought
4 to get some investigative effort underway. I did not see
5 why, just because I happened to be sitting doing some house-
6 keeping chores something could not be done in the meantime.

7 9) Let me present to this committee some things, and I
8 want to emphasize this is just the first blush of an investi-
9 gation that we have ascertained. I will utilize at this
10 point the Dr. King assassination, not that I think of one
11 have ^{ING} priority over another. Both have to be pursued, but
12 let me bring to this committee's attention what we ascertained
13 just by sending and obtaining the guilty plea of James Earl
14 Ray in the assassination of Dr. King. This is a document
15 of only 140 ^{to} 160 pages. You will find in the book that
16 you have in front of you a whole area of threshold inquiries
17 in just the Dr. King assassination.

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

23 When James Earl Ray had been arrested and was in
24 Tennessee to be prosecuted for assassinating Dr. King, an
25 approach was made in behalf of Mr. Ray to the Tennessee

1 authorities to work out a plea bargain for James Earl Ray
2 to plead guilty. The State of Tennessee had been seeking
3 the death penalty against James Earl Ray. They worked out
4 a plea bargain. The State of Tennessee agreed that in
5 return for the plea of guilty, they would agree to a
6 sentence of 99 years in prison for James Earl Ray, and
7 that they would forego asking for the death penalty.

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

24 This is just to me the most natural flow of what
25 happens when someone is plea bargaining in a first degree

1 murder case, and certainly a case that had at least the
2 threshold questions as to whether or not there was a
3 conspiracy, but what did we ascertain?

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

15 At that time Ramsey Clark, who was then the Attorney General
16 of the United States, had made a public statement that there
17 was no conspiracy involved in the assassination of Dr. King.
18 Mr. Hoover had made the same statement. At this plea of
19 guilty by Ray, the State prosecutor made the statement there
20 in open court that they have investigated far and wide, inter-
21 viewed thousands, examined thousands of documents, and that
22 they find no evidence of a conspiracy. The State prosecutor
23 did not say to the judge "But the man who is pleading
24 guilty here, that we are working a plea bargain, we are not
25 bothering to even question about his participation."

1 9 After the State prosecutor made the statement in
2 open court, it is right there and as a matter of fact it is
3 in an excerpt that we have got in the report to this
4 committee here, Mr. Percy Foreman, who was the lawyer for
5 James Earl Ray, got up and he also made a similar statement
6 saying that since he has been in the case, investigating it,
7 the defense lawyer for Ray, for a month, he has checked and
8 he is satisfied himself that the statement by Ramsey Clark,
9 by Mr. Hoover, by the State prosecutor, that there was no
10 conspiracy, is correct, and that there is no conspiracy.

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

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

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

1 about? Tell us what you know."

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

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

16 Just from that very same transcript, the guilty plea
17 alone, we find the following sequence of events, and mind
18 you, these are not laid out on the basis of questions
19 being asked. They are just a narration of events, but
20 look what questions they do raise. James Earl Ray was in
21 a Missouri prison. Who was Ray? He was really a two-bit
22 kind of thug, nothing sophisticated in the crimes he had
23 committed in the past, holdups. He is visited one day by his
24 brother in the Missouri prison. Ray escapes the next day,
25 makes his way through Illinois and up into Canada, goes to

1 Montreal. What does Ray do when he is in Montreal? He now
2 assumes and takes an alias, the name of Galt. It is
3 obviously an area to develop in the investigation. This
4 Ray while in Canada, for the first time in his life is
5 now getting tailor-made clothes, not ready-made suits in
6 stores, but doing things with an indication at least of more
7 money than he has been used to in the past. He uses this
8 alias, the name Galt, and bear with me because it develops
9 and it is in this same transcript, that in not Montreal, the
10 city he was in, but in Toronto, there lives a person by the
11 name of Galt, who has a remarkable ^(X) similar resemblance
12 physically to Ray, and is approximately the same age group.
13 I am not saying at this point that when Ray took the name
14 Galt in Montreal that meant that he is necessarily referring
15 to that Galt that is in Toronto, but bear with me as we
16 complete the circle here.

17 9 Ray, after using this name of Galt in Montreal, comes
18 back to the United States, and I find that an area of inquiry,
19 whether a person who is a two-bit thug, who is wanted in the
20 States, who is successful in getting out of this country,
21 would just be coming back to the States unless there was
22 something that is motivating it or making it worth his while.

AT FLWS

Tartaro
f Cantor
11:10

1 And there are lots of details in terms of what he does
2 when he is back in the States, such as, for example, out in
3 the West Coast, three weeks before the assassination he goes
4 to a plastic surgeon, not one of the sleazy plastic surgeons,
5 to get a nose bob, but he goes to someone who is highly
6 reputable, a plastic surgeon for the Hollywood movie stars,
7 again a question whether someone of Ray's background $\frac{1}{M}$ has
8 nothing sophisticated in his background $\frac{1}{M}$ would end up
9 going to a plastic surgeon who is operating on the level of
10 dealing with the movie stars and having the cash to pay.
11 We find that just three weeks prior to the assassination
12 when Ray goes to that plastic surgeon for this nose job, the
13 plastic surgeon has a photograph, he always does of his patients
14 before the plastic surgery and afterwards.

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

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

25 In any event, what I am pointing out is really threshold,

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file no.
014624
pp. 31-35

RG: 233

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1 even begin to guess.

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

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

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

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

24 The State Department advised us that they gave certain
25 full-time support, but did not tell us of the number.

1 ¶ The Internal Revenue Service stated that their Intelligence
2 Division provided six staff years of support. I do not know
3 what that figure means. But what I am pointing out is, this
4 is what was involved in the Warren Commission investigation.

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

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

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

21 Now I consider, again, my function to effectively be
22 your counsel, not to play that kind of game, but to lay out
23 precisely what is the need. And I will, as I say, get into a
24 breakdown of what one-seven-zero means. But compare 170
25 with what existed with just the Warren Commission and we have

1 the task not only of reviewing the work that they did, but
2 it has come to the fore, and again we have threshold areas
3 of inquiry in the book that we have for you here, in the
4 investigation and assassination of President Kennedy. But it
5 has come to the fore, for example, that there was a destruction
6 of a document, at least, by an FBI agent, and let me say,
7 even there, I am advised that the Department of Justice may
8 shortly be prosecuting that FBI agent for perjury, although it
9 is interesting to note what that FBI agent said was that
10 his destruction of a particular document relevant in the
11 Kennedy assassination was based upon orders that he got from
12 his superior.

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

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

25 It is interesting, and we have it in our report to you,

1 when Patty Hearst disappeared, was kidnapped, with all due
2 respect to the Hearsts, as compared with the magnitude of
3 an investigation as to whether or not other people are
4 involved in the assassination of a president, where that was
5 a civil rights thing, but in ³three months' investigation by
6 the FBI in the kidnapping of Patty Hearst, the FBI alone, not
7 talking about state agencies, spent \$2.6 million. That is
8 a figure we got from the FBI.

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

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

22 As I say to you, frankly each time I have said this I
23 end up really feeling when I am talking about a staff of 170
24 it is being such a minimal figure that when somebody reacts
25 and thinks, "Oh, that is too much", you cannot do this job.

1 And I would say to you, and I mean it, every bone of sincerity,
2 do not tarnish this House of Representatives or yourself
3 by commencing an investigation with not the facilities to do
4 a thorough job and you are not going to be able to do it
5 with less then the minimum figure I am talking about.

6 ¶ Let me ^{Show} ~~give~~ you how that breaks down and, again keeping
7 in mind what I have been talking about here, just think how
8 minimal it is.

9 In each of these two investigations I am talking about
10 $\frac{1}{H}$ and we have a chart on the last page of the booklet that
11 is before you $\frac{1}{H}$ of the two investigative teams, basically
12 Kennedy and King. I am talking about 15 investigators on
13 each, attorneys that is, and 25 investigators. That is 40
14 people on each.

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

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

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

23 Let me also say this, from the investigative standpoint,
24 to do a thorough job does not mean merely going to some
25 witness and saying to him "Come before our subcommittee or

1 committee and relate what you have to say." That is not the
2 way, in my opinion, you investigate. To investigate means
3 field interviews, it means being able to analyze what this
4 witness is saying, to be able to then check the areas of
5 corroboration or the areas to disprove what he is saying.

6 ¶ It is only when that information has been tested that
7 there is then, in that instance, reason to then bring him
8 and have him under oath, let's say, before a committee or a
9 subcommittee.

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

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

23 But you need to have, to do an investigation, the ability
24 to put people on a polygraph if they would agree to do it.
25 I do not happen to think the polygraph is gospel. I would

1 hate to see its use in court speaking as a prosecutor. But
2 as an investigative tool, and also with the stress evaluator,
3 because some people will not agree to go on the polygraph
4 but you can be recording what they are telling you and you
5 can run it through the stress evalua^{tor}. These are very,
6 very helpful investigative tools.

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

15 With the expert polygraph people we not only, by the
16 use of a polygraph with that young lady, were able to get
17 out of her information ¹/_N not that she was saying it at first
18 blush, it was finding out really what she was withholding ¹/_N.
19 and a good operator is not confined merely to just the answer,
20 he can ferret into what it is you are withholding from us if
21 he asks his questions well. We were able to ascertain that
22 this young lady's own father was the one who recruited her
23 in the assassination of Jack Yablonskiⁱ. We were able to
24 ascertain that she in turn recruited then her husband. We
25 were able to ascertain locations that the conspirators met.

1 We were able even to ascertain the dates, the motels, not
2 on the basis of what she was volunteering, but pinpointing it
3 in questions.

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

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

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

20 It is necessary in an operation of this magnitude, with
21 the documents that we are talking about $\frac{1}{N}$ and I will use,
22 for example, just the King plea of guilty $\frac{1}{N}$ that any document
23 that we obtain, we are being inundated by people sending us
24 information now, but there is a need to get, for example in
25 the Kennedy case, access to files, information; in the

1 King case the investigation, the court records; these should
2 not come to individuals on the staff, they will get lost. It
3 is necessary to have a document control unit so anything
4 that comes in, addressed to me, addressed to anyone else on
5 the staff, it does not come to us; if it does it will never
6 be correlated or used. It is necessary to have an operation
7 here that these items that come in must come to a central
8 document unit, which must note, obviously, the date of
9 receipt, they must separate out in its initial evaluation,
10 Kennedy on the one hand, King on the other.

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

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

23 This is a mammoth task for it to be handled properly.
24 Not only cross-referencing things as it now appears, but the
25 documents that we already have in have to now be recross-

1 referenced so that they show the later documents that come in.

2 9 When you realize that we are talking just in the Kennedy
3 case of tens and tens and tens of thousands of documents,
4 literally, the size of this area just bespeaks itself without ⁽⁺⁾
5 further elaboration.

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

14 What does this unit do when they finish? That document
15 that came in, let's say addressed to me, is not going to go
16 right into that file and sit there; it has to get ¹/_H it will
17 not do any good if it came in today and it gets ⁽⁺⁾ to me a month
18 from now. It has to be a unit that can operate and has a
19 sufficient staff so if it comes in today, this cross-referencing
20 documenting is fast enough so that document gets to me that
21 same day. I mean you need that for this investigation.

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

25 What else do I envision here? Make no mistake about it,

1 at least in my own view, there ^{are} ~~is~~ going to be many legal
2 hurdles thrown at this investigation, raising broad, in my
3 opinion, constitutional questions, going into the power of
4 subpoena, contempt power of the Congress. There is going to
5 be a constitutional question ~~raised~~ as to the power of Congress
6 to be investigating here at all, particularly in the case of
7 Dr. King.

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

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

18 I submit one of the things we need now is research
19 by staff so that the resolution recreating this committee in
20 the forthcoming Congress is appropriately bottomed to with-
21 stand constitutional attack in the court.

22 What kind of staff am I talking about? Again, do not
23 get any idea that I am just trying to pad a big thing. I am
24 talking about a staff of four lawyers and a chief deputy,
25 five people.

1 Another area, because it cannot be ignored; security is
2 a problem, from a twofold standpoint:

3 One, my own concepts as to what is done when we are
4 professionals trying to do job, not having leaks. Our own
5 investigative effort must have adequate security. It will not
6 do me any good, for example, if, as I just happened to $\frac{1}{M}$
7 in a matter I will raise with you shortly $\frac{1}{M}$ we sent some-
8 body out to Denver to interview somebody; it would not do the
9 investigation any good if there are leaks of that information
10 or, when we get reports back, all of a sudden they are
11 appearing in the Washington Post or any other news media.
12 They have to be on the basis of our own security.

13 In addition, we obviously are going to be going into
14 areas with branches of the ~~Executive~~ Branch of government
15 that are security problems. I have taken up, as I say, with
16 the CIA and representatives of the Department of Justice my
17 views in terms of our right to have access and their response
18 has been pretty much along the same line, of a willingness
19 to grant access, stating that there may be some individual
20 situations which they would like $\frac{1}{M}$ they do not want to say
21 that they refuse to turn those matters over, but they would
22 rather take them up on a case-by-case basis, whether they
23 feel that the disclosure of the identity or the disclosure
24 of the means of securing the information may present a danger
25 in terms of an ongoing matter.

1 Well, suffice it to say, I have no desire just to make
2 a big point, and I am perfectly happy that we proceed on a
3 professional basis and take those matters up on a case-by-
4 case basis.

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

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

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

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

1 the United States.

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

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

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

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

21 We have felt a desire to present to you $\frac{1}{N}$ because in my
22 view, when we talk about these investigations we ought to start
23 with what we are talking about, the two murders. It was
24 raised earlier: Why have two subcommittees? I hope I have
25 at least made my presentation in any manner of some effectiveness,

1 that there is a recognition that we ought to proceed on both
2 and it would facilitate the investigation if there was a
3 subcommittee that was really staying on top of Kennedy, if
4 there is another subcommittee staying on top of King.

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

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

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

25 Obviously, within the budget that presently exists, I

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

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

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

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

22 As you look at these resumes, I do want to say, I do
23 not know one of them. They are people that I have interviewed
24 that not only, upon interviewing them did I make the decision,
25 but I made requests, I suppose to prosecutors, other people

1 around the country to get evaluations of them. That is what
2 I am seeking to do. Hopefully, if this committee will accept
3 my recommendation as to what I say is a minimal kind of
4 staff, what I will then do is go on with the planning, the
5 filling in of the detail of the actual number of people, in
6 documents, in research, and be able to come back to you at
7 your next meeting with what that total budget requirement is.

8 ¶ You know, salaries is just a small part of this thing.
9 We are not dealing with a matter that is just here in
10 Washington. As I say, I sent out a team to Denver in a
11 matter I will take up in a moment; just to do that cost us
12 \$1,000, to be going out interviewing, interrogating.

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

18 What I would hope is that if this committee approves in
19 concept what I have said, that I be directed to submit to
20 you by the time of the next meeting the detailed, really,
21 appropriation request that is required to do this job.

22 Let me, ending it here, really, point out again the detail
23 that is necessary.

24 I start from scratch in both of these homicides. I
25 assure you, you are not dealing with someone who has

1 preconceptions or opinions. I probably know less, or knew
2 less about both of these assassinations than just about anybody
3 else in the country when I first took this position. I found
4 out in looking over the film you are about to see ¹/_N something
5 that I had not even known, for example, in the past ¹/_N
6 that at the time a photograph was taken by the Associated
7 Press of President Kennedy being shot, the photograph taken
8 from the front of his car going back, that that photograph
9 shows the doorway of the book depository in Dallas, and
10 standing in that doorway there is a person that, when you look
11 at him, appears or looks like Oswald. And this ¹/_N and I am
12 not saying anything that is new ¹/_N this was brought to the
13 attention of the Warren Commission. The Warren Commission
14 determined that that, in fact, was not Oswald.

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

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

24 As a result of looking at some of the film that you
25 are about to see, it turns out that other film was taken as

1 ~~well~~, some other filmm, eight minutes later, I am told $\frac{1}{M}$
2 again this has to be documented and examined. In the additional
3 film which was taken, there is a picture of a person who,
4 as you look at him, looks kind of bearded who has, to say the
5 least, a couple of days' growth of beard. I was advised
6 by the person who is exhibiting the film that in that
7 exhibitor's opinion this bearded individual in fact was
8 Lovelady.

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

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

17 In addition, this bearded person is wearing a certain
18 plaid shirt, black, red, it stands out, you will see it in
19 the picture. I dispatched, as a result of that I sent some
20 people $\frac{1}{M}$ we found out where Lovelady was. The last he was
21 known was in Dallas. We traced him to Denver. I sent out
22 some people to Denver to interview Lovelady. And Lovelady
23 was shown this additional film, the new film, if I can call
24 it that. Sure enough, Lovelady and his wife both see it and
25 say, "Yes, that is me." And his wife goes on to say that

1 Lovelady hates to shave, she always has to be on him to
2 shave, and so forth. And Lovelady said, "You know, you are the
3 first people that have ever asked me was I shaven on the
4 day of the assassination. Nobody ever asked me. And when I was
5 shown that original picture where I said the look-alike of
6 Oswald was me, nobody asked me, really, what jacket or what
7 shirt I wore that day or anything about my appearance."

8 "Now, do not misunderstand, I happen to be a big believer
9 that to be thorough and detailed ¹/_N and I am not saying from
10 this that in fact that is still a different person than the
11 person of the look-alike of Oswald who was photographed. What
12 I am now doing, one of the things I am going to ask, we want
13 to subpoena the Associated Press negative, the original
14 negative that they have, and we want to arrange to have
15 this photograph of what appears to be the look-alike of Oswald
16 blown up.

17 Obviously we want to see what kind of shirt was being
18 worn, we want to see ¹/_N he could still be the same person
19 and the beard may yet be in that picture, although it does
20 not appear to be at the initial thrust of it. But what I
21 am saying to you is, this is the kind of detail that is
22 involved in doing a thorough investigation. If it is going to
23 be done in a way that reflects credit, it has to be done
24 thoroughly.

25 To do it in a way with inadequate staff, not a willingness

1 to be thorough and not a willingness to be professional about
2 it, you are going to be subject to searching inquiry, an
3 evaluation as the Warren Commission has, for my money it means
4 then do not do it. But if you are going to do it, do it
5 thoroughly.

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

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

11 Mr. Gonzalez?

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

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

25 I do not know how to resolve it.

1 Mr. Sprague. Mr. Chairman, with regard to the statement
2 by Mr. Gonzalez, he is absolutely right. And let me state
3 that of the personnel that has been recruited $\frac{1}{N}$ this is a
4 skeletal kind of recruiting I am going into $\frac{1}{N}$ when you look
5 at this resume, I have recruited people who are giving up
6 good positions, who are coming here as professionals, really,
7 with a kind of faith and confidence that the Congress intends
8 to do a thorough job.

9 Chairman Downing. Mr. Devine?

10 Mr. Devine. Thank you, Mr. Chairman.

11 I will be very brief, Mr. Sprague. I am extremely
12 impressed by your presentation. You have been sitting there
13 for ~~an~~ ¹ hour and 15 minutes right off the top of your head
14 giving us a very fine analysis of why you think we should go
15 in the direction you are seeking to go, and I find very
16 little area of disagreement.

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

20 I have three questions that perhaps you can answer
21 rapidly. I am concerned about press releases by anyone
22 connected with this investigation. I had to fly to Miami
23 last week one day and back the next, and read in the Miama
24 Herald all about the fact that, as I indicated to you earlier,
25 this is going to be a massive investigation; it could be a

1 career for many people, with no termination of the number of
2 persons involved. And that raised the question, not particu-
3 larly as to whether or not that is the right thing, but
4 who should make releases, who should be talking about what
5 this committee is doing.

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

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

15 Chairman Downing. That is in the general area.

16 Mr. Preyer?

17 Mr. Thone. How about that first question?

18 Chairman Downing. Do you want to respond?

19 Mr. Sprague. Yes, may I respond?

20 Chairman Downing. Certainly.

21 Mr. Sprague. With regard to the last question first,
22 we do have an inadequate temporary space in ~~the~~ ^(Hk2) ~~old~~ House
23 Annex right now, really just three rooms, but we are
24 making arrangements to get additional temporary space right
25 next to it, which I think will be adequate for the remainder

1 of this year with what is do-able with the limitations of
2 budget for this year.

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

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

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

22 I really thought it would be of aid, even to the committee
23 and the Congress, if members of the public heard not from a
24 congressman but someone who is, I do hope, considered a
25 professional, as to what is the professional need for staff.

1 That is the reason, and that is the area that I have spoken
2 about myself.

3 ¶ Chairman Downing. Mr. Preyer?

4 Mr. Preyer. Well, I agree with Mr. Devine on the splendid-
5 ness of your presentation, Mr. Sprague. I agree with you
6 entirely on the importance of this being a definitive investi-
7 gation, and that if it is not done right it is better not to
8 do it at all.

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

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

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

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

21 Mr. Sprague. Mr. Preyer, the chairman and I have met
22 with the Speaker, I guess I should not say the Speaker,
23 probably the next Speaker of the House and the present
24 Speaker, really for the purpose of laying out, not in the
25 depth that I just did here, but the concepts and the kind of

1 staff that is required, because in my view a big mistake
2 would be made in just thinking that we just drift along.

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

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

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

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

24 Well, I really do think that when we are talking about
25 investigating these two assassinations, we cannot be in the

1 posture of telling investigators, you may have to go out
2 to Denver or you may have to go to Toronto, or may have to
3 go somewhere else, that stop, stop the investigation cold
4 because we need ² ³ two, three weeks, a month, for the reorgani-
5 zation of the new Congress.

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

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

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

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

19 It strikes me we have two ways to go in the resolution:
20 Immediate action on the request by the committee for money $\frac{2}{H}$

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

22 I do not look upon this as a career matter for the staff.
23 It will be nice to work with you and I will appreciate it,
24 but I have other fields to go to back in Philadelphia.

25 This is, in my opinion, a one-shot operation, which is

1 different than the usual continuous committee. It is to
2 do both jobs thoroughly.

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

7 Well, I give them an approximation, saying, but if I
8 say a ~~Month~~, do not at the end of the month jump up and say,
9 Mr. Sprague, you promised us the case would be over today.
10 In that sense I do not think there can be a time limitation.
11 I hope that we could finish the job in the ~~two~~²-year period
12 of the next Congress. I do not think that it ought to be
13 on and on and on and on, and with the kind of staff I am
14 talking about, I hope we can do a difinitive job.

15 Chairman Downing. Mr. McKinney?

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

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

20 Most of us are wearing about six hats at this table. I
21 think it came out at the Senate hearings that lord knows I
22 do not want to add to the staff. But I do think that our
23 reputations are going to ride on this, every person at this
24 table is going to be either looked at as a buck-passer, a
25 failure, and another one of those sort of whitewashers, or

1 they are going to be looked at as people who did a thorough,
2 one-time definitive job.

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

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

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

17 With that I will stop speaking.

18 Chairman Downing. Perhaps that is a good suggestion.

19 Mr. Sprague. May I respond, Mr. Chairman and Mr.
20 McKinney?

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

23 What I had thought was desirable here, and again one
24 of the reasons for the subcommittee, is that what I intend
25 to do is to see that on a weekly basis each member of the

1 subcommittee is fully advised as to what is going on and
2 we are going to take that burden, the deputy chief in Kennedy
3 or King, for that subcommittee, with me, is going to have
4 the responsibility of getting together and giving that
5 information.

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

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

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

23 (Q) What I would request, at least, is that in starting out,
24 at least you attempt it initially the way in which I suggest,
25 where we have that burden and keep each subcommittee fully

1 advised on a weekly basis. If that does not seem to do it,
2 maybe then we would have to make some change, but I would
3 urge that we at least attempt it that way.
4

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9 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
professionalism, ^{and} the kind of staffing that would be required.
I would like ~~like~~ your comments on that.

1 Mr. Sprague. Mr. Chairman and Mr. Stokes, I do think
2 that the laying out of what is needed in terms of staff is
3 desirable to present to the public, and as a matter of fact
4 that is the reason with regard to public press conferences
5 and interviews I have done that. What I thought would be
6 undesirable would be to raise in a public posture at this
7 point even the questions concerning the guilty plea of Ray
8 or the question in terms of a photograph. In the document
9 we have submitted to you, where we lay out threshold
10 questions of inquiry, I thought maybe there might be some
11 questions raised about that, that it would facilitate and
12 be desirable that that kind of detail not be said publicly,
13 because I do think that in terms of the appearance of really
14 professionalism, that the avoidance of saying that kind of
15 thing publicly is helpful.

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

24 Chairman Downing. I take part of that responsibility.
25 It was a decision I made and looking back on it, it may have

1 been better to have it made public but that is something that
2 is up for question now.

3 ¶ Go ahead.

4 ¶ Mr. Stokes, Thank you, Mr. Chairman.

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

18 Mr. Devine. Are you talking about black minorities or
19 Republican minorities?^{ies?}

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

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

24 Mr. Sprague. Mr. Lawson is the only black member of
25 those presently employed. However, that is not to say he

1 is going to be the only black member, and we are interviewing
2 others, and I have been in touch with Mr. Fauntroy about
3 recruiting black members.

4 Mr. Stokes. In the case of Belford Lawson, whom I
5 happen to know and I know he is a very busy lawyer, probably
6 one of the top counsel in the country $\frac{2}{H}$

7 Is this the son?

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

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

10 Mr. Sprague. Oh, yes.

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

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

15 Mr. Stokes. Let me ask you this. In terms of the
16 selection of those who are going to act in the capacity
17 of acting chief counsel or deputy chief counsel, in both the
18 King and Kennedy ^{investigations} ~~incidents~~, were any blacks considered in
19 terms of those appointments?

20 Mr. Sprague. Yes, they were.

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

22 Mr. Sprague. I would say approximately four for those
23 positions. I am not talking about other positions where
24 they are under consideration. As a matter of fact, one of
25 the reasons I have held up the filling of the position of

1 deputy chief counsel of the Legal Division right now is
2 I am trying really to get a black attorney for that position.

3 9 Mr. Stokes. So that I understand, you are not saying
4 you have any difficulty or trouble finding qualified legal
5 talent in the black community for these positions.

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

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

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

22 Mr. Stokes. Neither would I like to see that, but I
23 would like to see a concerted effort, of course, in balancing
24 the staff to see that we do get and provide an opportunity for
25 some of the talent that I do know exists, and I would be

1 very happy to work with you on this, in terms of your
2 finding ^{available lawyers,} ~~availability~~ and I will be glad to discuss the matter
3 with you outside of this hearing.

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

13 Mr. Stokes. Thank you, Mr. Chairman.

14 Chairman Downing. Thank you.

15 The hour of 12:30 has arrived, so we will recess until
16 2 if that is convenient. These booklets that you have in
17 front of you are fairly sensitive as they contain not only
18 the mode of questioning and line of questioning of certain
19 witnesses, but it also contains the names of the witnesses
20 which we propose to investigate, and for that reason I believe
21 that when you leave today they ought to be turned back to
22 the committee. If you want to see them in the meantime,
23 I think it is perfectly proper for you to go into the committee
24 room to see them but to let this material out to the press
25 might hinder the investigation. If you will bear with me,

1 leave it here and somebody will be in the room, Mr. Feeney,
2 you will see to that. The room is going to be electronically
3 swept while we are at lunch again, and we will come back
4 and resume the questioning of Mr. Sprague and go forward
5 with the rest of the agenda.

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

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

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

13 [Whereupon, at 12:30 p.m., the committee was recessed,
14 to reconvene at 2 p.m., this same day.]
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] AFTERNOON SESSION [

~~(2:15 p.m.)~~

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3 // Chairman Downing. The committee will come to order.

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

7 The committee will come to order.

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

10 Mr. Thone. No questions.

11 Chairman Downing. Mr. Fauntroy?

12 Mr. Fauntroy. Thank you, Mr. Chairman.

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

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

24 As we prepare ourselves to do the thorough investigation
25 that you have indicated that we must do, I am concerned also

1 about staff, and for that reason I was certainly supportive
2 of the agreement that staff should be hired by you, since
3 you were going to be responsible for the investigation.
4 Already, however, I have received a number of questions
5 about at least one staff person, Mr. Robert Ozer, on the
6 basis of his conduct as federal prosecutor in the State
7 of Michigan, relating to a Supreme Court judge, where
8 according to newspaper accounts that have been made available
9 to me, he is accused of having engaged in investigation by
10 terrorism, and been responsible for something that you call
11 guilty by announcement, so much so that both the Nation
12 Magazine have taken note of his conduct, and numerous
13 newspapers in Michigan have taken note of it negatively,
14 and I believe ¹/₇ you may correct me if I am not right ¹/₇
15 that at the suggestion of the Michigan Bar Association, at
16 the instigation of the Michigan Bar Associaton, he was
17 removed from the position of investigator.

18 ¶ I raise that question for two purposes. One is that we
19 certainly want to be careful that we not subject ourselves
20 as an investigative committee to unwarranted criticism for
21 being overzealous, and employing tactics that may not
22 stand up to the eye of scrutiny and fair play, but also I
23 raise the question because I would wonder what you would
24 think of having to assist you in the hiring of a large
25 staff that we think is necessary, a personnel committee of

1 this committee, to assure that not only are your concerns
2 that you get the very best, and we want that, but also
3 our concern that we not be exposed unduly to both political
4 pressures and to possible embarrassment up the line.

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

15 I think that it has come across as a high watermark
16 at the inception of this committee that the committee has
17 been willing to really turn over its own power for hiring
18 personnel, to keep it on that kind of a level, and I think
19 a mistake would be made to go back from that. I am certainly
20 concerned, and I think that the question raised that people
21 ought not to be on the staff, however, that in any way could
22 reflect upon not only the integrity of the staff but really
23 the committee, the integrity of each person on the committee,
24 is a point that I would not quarrel with, and would have not
25 the slightest objection let's say when there is somebody

1 that I think measures the test for putting on the staff,
2 if there is let's say a personnel committee then to submit
3 that name for let's say the personnel's committee determination
4 "Yes, we concur" as opposed to it being initiated the other
5 way around, which I think would be wrong. I would have
6 no objection along that line, and I think that still meets
7 the same high level of selection, so that that is my
8 response to that.

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

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

20 From some observations of my own, this is before
21 coming here, I had knowledge of his prosecuting some cases,
22 and in my own view he is not quite the trial lawyer that
23 I would like to see. That is not a reflection on him. He
24 is a good investigator but he ought to let other people
25 try his cases. That is all I mean as to that.

1 *G* However, in the situation in Michigan, he uncovered
2 evidence against a justice in the Supreme Court in Michigan,
3 for which he then tried that justice. The justice was
4 acquitted, but convicted of perjury charges arising from
5 testimony before the investigating grand jury. I had been
6 advised that Mr. Ozer had made statements to the news
7 media, particularly Newsweek Magazine, which subjected him
8 to admonition from the Department of Justice for having
9 spoken to that magazine. I had also been advised that there
10 had been allegations made that his use of the investigating
11 grand jury had been in a heavy-handed fashion.

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

23 What I did do, I sought information from the Department
24 of Justice today, and they have submitted a letter, which I
25 have, which I would be glad to make available, that while
the Department of Justice thought that Mr. Ozer ought not to

1 have made his statement to the news media, they did investigate
2 his use of the grand jury, and found that there was no
3 improper use or nothing high-handed or improper in that.

4 9 In addition, I have here a letter, which is from
5 Judge Ralph Guy, Jr., the District Judge of the United States
6 District Court in the Eastern District of Michigan, which
7 I would be glad to just make a part of the record, unless
8 you would like to have it read.

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

17 I might say that in addition, and again I cannot say this
18 too strongly, to do a thorough job here, the integrity of
19 the personnel and the way in which they are viewed is
20 all important, and I have spoken to Mr. Ozer, because I have
21 been aware, even from Judge Guy's letter, that Mr. Ozer
22 sometimes is not the most diplomatic individual in going
23 on his investigations, and at this point he is representing
24 the Congress of the United States, and that is really a
25 high tone of what one must do.

1 // Suffice to say that from my conversations with him,
2 and looking into these matters, I was and am satisfied as to
3 his integrity and ability, and his intent in not doing
4 anything that would be a disservice to the staff or this
5 committee.

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

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

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

20 Mr. Fauntroy. Mr. Chairman, I am satisfied with Mr.
21 Sprague's answer. I did not intend to get into a specific
22 justification of this particular employee, but to make the
23 point that perhaps a happy medium between our desire each to
24 have someone on staff and on the other hand not having any
25 role in at least looking at staff, that your formulation of

1 the proposal is acceptable to me, that is that we have a
2 small committee to which you could refer, because there
3 might be things that the members of the Congress would see
4 and perceive immediately that might not occur to you.

5 J Chairman Downing. Thank you, Mr. Fauntroy.

6 Mr. Anderson?

7 Mr. Anderson. Thank you, Mr. Chairman.

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

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

22 Mr. Sprague. Mr. Chairman, Mr. Anderson, I do not have
23 a rationale with regard to another committee. It was just
24 my own thinking process here of about one lawyer with each
25 two to three investigators working as a team, and I was

1 trying to figure the number of teams that I thought would be
2 necessary. The investigative talent, the lawyer talent that
3 I am talking about here, is not just legal. They are to
4 take part in the investigation as well, and from previous
5 working with lawyer-investigator teams, I have tried to use
6 approximately one lawyer with two to three investigators.

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

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

18 Mr. Sprague. Mr. Chairman, we have had hundreds of
19 applications sent in to, which we are in the process of
20 reviewing. What I wanted to do and have done, to some
21 extent, is the people that I thought would be in the senior
22 positions, I wanted those to be people that I have gone
23 out and recruited, who were not just people who had submitted
24 applications. What I did do here, I have contacted lawyers,
25 I have contacted judges, I have contacted prosecutors around

1 the country, and asked them, and I put to them, that we are
2 trying to get a totally dedicated professional staff.
3 Would they think about it and submit names to me of people
4 in the upper echelon. What I wanted to do, when I got the
5 people in the upper echelons, I wanted them to go through
6 these applications that we now have, and cull from them and
7 set up interviews then of those people, but in the upper
8 echelons it was my initiation of inquiries. When I was
9 given names, I then made other inquiries of people that
10 had had contact, worked with them, and as a result of that,
11 then arranged interviews, and from those interviews that
12 I did personally, I culled out those in the upper echelons.

13 ¶ Now of those people, I have turned over to them at this
14 point the applications that have come in, and have asked
15 them to go over these applications with me, after they
16 have weeded out those that they think ought to be weeded
17 out, and our thought is to then arrange for interviews with
18 those people.

19 Mr. Anderson. Thank you, Mr. Chairman.

20 Chairman Downing. Mrs. Burke?

21 Mrs. Burke. Thank you.

22 I also certainly want to commend you, Mr. Sprague, on
23 your statement to this committee. One question has been
24 bothering me. You indicated that one of the reasons we had
25 to have independent investigators was because those traditional

1 agencies that we would draw investigators from would
2 possibly be a source of a great deal of the investigation
3 and review.

4 9 Do you see any problem very specifically in the FBI
5 conducting the investigation of the staff, if those staff
6 members may ultimately have to review the FBI? The thing
7 that bothers me is the possibility that something might
8 be in the profile of a potential staff member that would
9 not be disclosed, but could be disclosed at some future
10 time if it became necessary to discredit this committee.

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

23 Second~~ly~~, I have considered whether we ought to ask the
24 Defense Intelligence Agency to do a background check in lieu
25 of the FBI, but I really thought that there is no reason to

1 avoid it. The background check is not for the purpose of
2 that agency then determining for us whether we will accept
3 or reject that employee. It is information. I am all for
4 letting the FBI get all of the information that they can,
5 turning it over to us, for us to have it for evaluating
6 whether we want that person, not asking them to do it. It
7 doesn't achieve anything because they can do anything. Why
8 not avail ourselves of that. It doesn't bother me. I do
9 not see that that is going to interfere in the least, and
10 your concept that maybe they have developed something in a
11 background check that they are not going to turn over,
12 and to use it at some time, if that was to be, that can be
13 done anyway in any event, so it seems to me that if that
14 is the reason for avoiding having the FBI do a background
15 check, it really doesn't hold water.

16 *A* I guess I also have this feeling in my mind with
17 regard to it, and the reason that I do not say let another
18 agency do it. I said earlier the goal is to do a thorough,
19 definitive job. I do not want to be in a position, and I
20 suggest the committee ought not to want to be, that an avenue
21 of attack can subsequently occur. I don't even want to
22 waste the time of this committee or the staff with a public
23 debate how come this committee and its staff did not allow
24 its personnel to be subject to an FBI check. It is a waste
25 of energy to get into, and with a broad body of the public

1 it doesn't mean that much but they are going to think that
2 that is of some significance. Why avoid it? I see no
3 reason to do that, and so my feeling is yes, let's have
4 that check.

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

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

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

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

24 I hope I end up being right in that task.

25 Mrs. Burke. Just one further question.

1 9 Is it still our posture that all staff people that are
2 hired will be on a temporary basis, or are we now saying
3 that all staff people from this point forward are permanent
4 people?

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

8 Mrs. Burke. I see.

9 Thank you very much.

10 Chairman Downing. Mr. Dodd?

11 Mr. Dodd. Thank you, Mr. Chairman.

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

19 One was raised by Mr. McKinney regarding our individual
20 staff people that we have as members. I am sure you are aware
21 that all of us on this committee serve on at least one or
22 two other committees in addition to our obligations in
23 our district and so forth. Aside from the financial
24 problems, what will be the relationship as you see it between
25 our individual staff people and the committee staff?

1 9 Mr. Sprague. I think I ought to make clear the role that
2 I see of the committee itself and the subcommittees, because
3 it may help really explain the way in which the investigation
4 proceeds. I do not see the committee or subcommittees just
5 sitting and being given transcript after transcript to read,
6 witnesses just being brought forth here to testify. There
7 is going to be a need here for members of the committee,
8 two members at a time from each of the subcommittees, to
9 have to go, for example, to Dallas, to have to go to wherever
10 for purposes of at times taking testimony, when witnesses
11 are not otherwise taking testimony.

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

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

21 Mr. Dodd. There are obviously going to be occasions when
22 material is coming in where each one of us are going to
23 want to designate our own staff member to be responsible for
24 this legislative area, and there are going to be numerous
25 occasions that will arise where because of our other

1 obligations we will want that staff person to be in contact
2 with the committee, to determine exactly what is going on,
3 what is coming in and so forth as a conduit.

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

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

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

14 Chairman Downing. Go ahead.

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

23 Mr. Sprague. I guess my response to that would be
24 that the information that we would be conveying to the
25 intermediary would be information that in my opinion, if

1 that person had not been himself cleared, it was proper to
2 let's say clear and something of a more sensitive nature
3 occurred, I would want to take it up directly with members
4 of the committee, unless you arranged that that intermediary
5 was himself cleared.

6 9 It would have to be an area of a certain balancing
7 of what it is we are talking about.

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

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

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

22 Mr. Dodd. If the gentleman will yield back I wasn't
23 talking about the ⁹financial problem. We are talking
24 potentially of 170 staff people to this committee. We add
25 in effect 12 more staff people in terms of the request of

1 the House Administration Committee. We then are going to
2 jeopardize the effectiveness of the committee staff in
3 terms of from a financial standpoint. I understood that
4 as being one of your real concerns. You may want to
5 respond to that.

6 Mr. Sprague. Could I say this, because there may be
7 some area of confusion here with regard to what detail do
8 you want to have information. Let me give as an example
9 here, if I may use the Yablonski murders, at one point
10 in that investigation, for example, I had people in Kentucky
11 interviewing coal miners for a certain purpose. Well, I
12 did not need to know the specific questions asked of each
13 coal miner and the specific responses. The summary that I
14 needed to know, just to let me know, are they proceeding on
15 this thing, are they asking the questions about certain
16 funding, and what is developing took 5 minutes of my
17 time to learn things of that nature.

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

22 Mr. Dodd. So I don't drag this out any longer,
23 I might ask Mr. Sprague if he might consider this and give
24 it some thought as to the chairman's suggestion that if we
25 do designate someone, should it be someone who will be with

1 this all the way through, what relationship you would want
2 to have with him through our office and so forth. I think
3 it would be helpful to us to have some clear idea, because
4 this is something we are all going to do. I guarantee
5 we are all going to have a staff person assigned to this.
6 I would like to know how we deal with that, so that we don't
7 infringe upon your efforts or the committee's efforts, and
8 at the same time we will be kept fully abreast of what is
9 going on.

10 7 Mr. Sprague. Fine. I shall do so, though again let
11 me repeat that hopefully this is going to be a team effort,
12 and I know for my part the importance of the task. I really
13 do intend to see that each member here is kept advised and
14 matters are discussed with them, and frankly to the extent
15 that it can be done without going through intermediaries,
16 I prefer to try to do it.

17 Mr. McKinney. If I could interrupt without killing
18 this whole subject, I would agree with you. I would want
19 to be at every meeting, but the mere fact of the matter is
20 that you are trying to be ranking member of the District
21 of Columbia Committee. I just picked up the Washington Post
22 today and saw that one of my agencies is in terrible
23 trouble. All hell is going to break loose. We need something
24 really if you understand the way we live, which is tough
25 to understand because I still don't understand it after ⁶6x

1 years, someone who sits next to us who says " Hey, boss,
2 remember," becasue we are going to be a team, and we are
3 going to put our final stamp on your decision, and I know
4 what we are going to do. We are going to run to greet the
5 American Legion, the Veterans of Foreign Wars, from committee
6 meeting to committee meeting, we are going to go to your
7 briefings and we need one guy like Hank: "If you are going
8 to let me forget one thing on this committee, we are dead,
9 we need you."

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

17 Chairman Downing. Counsel will take this under consi-
18 deration.

19 Mr. Sprague. One last thought on that if I may. When
20 you say attending these meetings, I really think our obligation
21 is to keep you advised without even meetings. I think we
22 have an obligation to keep you advised on an independent
23 basis. We have to make it our business to get to you, not
24 with the formality of a meeting. That to me is part of
25 our function here.

1 9 Mr. Dodd. Mr. Chairman, if I may indulge, Mr. Sprague,
2 one other small question and then I will stop. I think it
3 is important. It has to do with the media and the press.
4 I might point out that in the last week or so I called
5 Mr. Sprague prior to a radio interview, to talk with him
6 about what I should be talking about and what I shouldn't
7 be talking about. I got a letter today from someone else,
8 what has some hidden information allegedly, and I am sure
9 all of us are going to be inundated with this kind of thing,
10 and I would like to see some of either unwritten rule,
11 gentleman's agreement or something, wherein those of us
12 on the committee don't want to unwittingly be the cause of
13 this team effort suffering as a result of a media play, not
14 in an effort to in any way sabotage the committee's work,
15 but we may be the source of information that shouldn't
16 be made public.

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

22 Mr. Sprague. Mr. Chairman, responding to the question,
23 it is really repeating what I said before, that I would hope
24 that it would be agreed that it is only the chairman and
25 the press aide to whom inquiries from the press should come,

1 who would speak on behalf of the committee and the staff,
2 or of course anyone that the chairman would designate to
3 make any speech.

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

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

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

24 I do not think there should be any responses of that
25 nature. That is what we are investigating.

1 *J* Now hopefully from time to time when things are
2 determined on some definitive basis, then the committee,
3 the chairman, might decide to have a public hearing, and
4 present some testimony, but beyond doing it in that manner,
5 and beyond just an educational process for the public as
6 to what the financial needs are and the size of the staff,
7 I think it detracts from the dignity of this investigation
8 to be saying "No, we do not know of the FBI memo" or "We
9 are going to go into this or that CIA file." I think those
10 things ought not to be.

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

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

14 Chairman Downing. You are welcome.

15 Mr. Ford?

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

17 I have two questions of Mr. Sprague.

18 One as Mr. Dodd mentioned earlier, I would like to know
19 if it is possible since we are talking about approximately
20 170 staff people, each member of this committee, is it
21 possible that one member of the staff could be assigned to
22 each member of the committee?

23 Mr. Sprague. In my opinion that is impossible really,
24 one reason being I am not misstating it when I say that
25 my 170 figure is a bare bone figure. Even to come down

1 from that 170 by 12, is putting it in a most difficult
2 situation, but, second~~ly~~, in terms of the staff, this is
3 a staff that is doing an investigative job for you, for the
4 public. I can't run an investigation where 12 people on that
5 staff are just sitting in on every meeting that we are
6 having, determining, when I get a report from somebody today,
7 that something is occurring in Dallas, and I want to sit
8 with my top people to review that and find out what is to
9 be done. Ought I to be calling 12 aides of 12 Congressmen
10 to sit in, before I then review that and decide what to
11 do, and then when I get that underway, I am getting a
12 report over on the King matter? Do I do that? It is an
13 unworkable thing to do it that way.

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

18 Mr. Ford. One other question.

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

22 Mr. Sprague. There is an organizational chart in the
23 back of that book that I have there, and in brief it is
24 15 attorenys and 25 investigators on each.
25

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1 9 Mr. Ford. I see the chart on the back now.

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

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

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

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

14 Mr. Gonzalez. Mr. Chairman, I would like to move that the
15 committee, in affirming its earlier approbation of Mr. Sprague
16 as the general counsel and chief of staff, further that
17 affirmation by accepting his organizational chart and
18 presentation as to the staff organizational matters in accord-
19 ance with his recommendations.

20 Chairman Downing. Thank you.

21 Do I hear a second?

22 Second?

23 Mr. McKinney. Second.

24 Chairman Downing. All those in favor?

25 Mr. Burke. Mr. Chairman, I would just like to ask one

1 question. How does this organization anticipate we would
2 proceed?

3 9 Would we be holding hearings in the subcommittees and
4 this information brought before individual subcommittees and
5 then, at the end, the full committee would meet, or could we
6 have a bit of clarification?

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

9 Chairman Downing. All right.

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

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

18 It is, as the investigation proceeds we would be advising
19 each of the subcommittees as to exactly what[#] we are doing
20 with people out in the field and discussing with that
21 subcommittee whether or not at this juncture there is any
22 problem occurring where we need to use the subpo^oena power of
23 that subcommittee and bring people before the subcommittee
24 for purposes of obtaining their testimony and, in addition,
25 discussing whether or not we have developed certain material,

1 even though we have developed it out in the field and we got
2 it willingly and there was no use to the subpoena power,
3 but where, as a result of what we have developed, we ought
4 to have a committee hearing to get that fully on the record
5 and under oath in front of that subcommittee, keeping in mind
6 that at some point there would also be a decision whether
7 it ought to be a public hearing. But that is why I say, and
8 repeat what I said earlier, the function is to keep the
9 subcommittee constantly up on what is going on.

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

12 Does that answer your question?

13 Mr. S. Burke. Yes.

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

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

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

22 I related earlier about the information about this
23 Lovelady. It would not be appropriate just to convene a
24 hearing of a subcommittee in the Kennedy assassination just
25 to subpoena Lovelady from Denver and have him testify. The

4
1 first step is to go out there and interview him and find out
2 what does he know? What does he say about this other photo-
3 graph?

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

8 We now have to examine this original AP photo, get it
9 blown up, get it looked at, find out what is there. It may
10 turn out that that in fact is still a picture of Lovelady.
11 That ends that area and we will make a report of that to the
12 subcommittee, but there is no need to have taken the time up
13 in the hearing.

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

1 then be an obligation to present that at a public hearing.

2 9 That is my view as to the way in which these matters
3 would proceed.

4 Mr. ^sBurke. I see.

5 Chairman Downing. Do you understand?

6 Mr. Burke. Thank you very much.

7 Chairman Downing. Thank you.

8 Thank you, Mr. Sprague.

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

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

20 Mr. Devine. Mr. Chairman?

21 Chairman Downing. Yes, Mr. Devine.

22 Mr. Devine. In order that we proceed in order and
23 properly, I notice in the minutes of our meeting on September
24 29 it was agreed that the chairman be given the authority to
25 employ a person or persons to head the overall administration

6
1 and/or legal investigative staffs of the committees so long
2 as the actual title of a permanent position not be given,
3 and that the word "acting" be used in whatever title is
4 selected.

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

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

13 Mr. Devine. Individually, yes.

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

17 Chairman Downing. Let's reserve on that.

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

22 Mr. Thone. You did not vote formally.

23 Chairman Downing. The motion made by Mr. Gonzalez and
24 it has been seconded, that we accept the presentation as
25 offered by the chief counsel; all in favor signify by saying

1 aye; opposed, no.

2 *H* The ayes have it. Thank you.

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

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

13 Now there were many cameras around that day, but appar-
14 ently when the shooting stopped, they very wisely fell to the
15 ground or for other reasons did not keep a continuous filming
16 of the event. This film has quite a history. Mr. Zapruder
17 sold it to Time-Life, who kept it *6* or *7* years and
18 subsequently, for reasons of their own, sold it back to
19 Mr. Zapruder's son for the sum of \$1.

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

24 The film will be shown by Mr. Robert Groden. I do
25 not see him in the room.

1 9 Mr. Sprague. May we send for him?

2 Chairman Downing. Mr. Groden is known as a film expert,
3 an expert in photography. In addition, he has been a
4 student of this matter for the last ~~eleven~~ ¹¹ to ~~twelve~~ ¹² years.
5 So if Mr. Groden and his assistant will come in, we will
6 dim the lights and see the film.

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

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

12 Chairman Downing. Thank you.

13 [A film was shown.]

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

16 Mr. Groden. Thank you.

17 Mr. Gonzalez. There is one question I have.

18 The policeman who had drawn his gun and ended up on
19 top, was he ever identified in the testimony?

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

25 Chairman Downing. Mr. Groden, will you please stick

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4:30

1 ~~stick~~ around to see if the committee has questions?

2 9 Mr. Thone. Who is the gentleman and what is his interest
3 here? I do not know that I got that.

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

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

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

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

25 I was asked to appear here and present to you the

1 photographic evidence as I have been able to compile it.
2 There is more evidence available. I know where a lot of it
3 is, but it has not been available for study before. And that is
4 who I am and that is why I am here.

5 9 Mr. Devine. What has motivated you during these eleven
6 years, who finances your study?

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

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

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

20 Mr. Devine. Are you employed otherwise?

21 Mr. Groden. I was up until a few weeks ago. There was
22 a conflict between my job and doing this work. I am now
23 unemployed. I am trying to go into business for myself. But
24 after eleven years, it seemed to me this was far more important
25 than a job that would not allow me to follow through on this

1 type of work. I felt this appearance was more important
2 and we had somewhat of a disagreement among other things, and
3 I am now unemployed.

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

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

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

19 These are in some cases done from the original film
20 and in some cases done with a first-generation copy of the
21 film, even in the blow-up cases where zooming in, in that
22 type of area, would have been physically impossible.

23 But the techniques are known and verified and they have in
24 some cases been recreated.

25 I believe last year an attempt was done to recreate it

1 by the CBS television network show on the assassination.
2 Again, the time consumption here would not allow the same
3 type of work to be done, and this has been my specialty over
4 the years, 8 millimeter blow-up.

5 Chairman Downing. Let me ask a very important question.

6 Have you done anything to alter these films so as to
7 give a wrong impression of what you see?

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

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

22 The other technique $\frac{1}{M}$ two other techniques I used;
23 one is step-framing, whereby you photograph each frame more
24 than once to slow it down so that, as it is viewed, you com-
25 prehend what you are seeing better.

1 The third technique I used was rotoscoping, which is
2 taking a point of reference and in the aperture, as you
3 photograph the film, you reposition each frame so that the
4 same point of reference falls on the same spot. This way
5 you eliminate the shakiness of that hand-held camera and
6 telephoto lens.

7 Other than these three techniques, there has been
8 absolutely nothing done to this film. The order of frames
9 as you saw them is exactly as they appeared in the camera
10 originally. Nothing has been added, nothing has been sub-
11 tracted.

12 Chairman Downing. Thank you very much.

13 Any further questions of this witness?

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

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

24 The film, when edited down, was released as rush to
25 judgment, in which many of these interviews do exist. There are

1 also numerous outtakes or sections of those interviews which
2 were not included in the film, which I have not seen. But
3 the film itself is perhaps the single most important document
4 of now-deceased witnesses and what they had to say.

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

9 Mr. Stokes. Thank you very much.

10 Chairman Downing Further questions?

11 Mr. Dodd. Mr. Chairman?

12 Chairman Downing. Yes, Mr. Dodd.

13 Mr. Dodd. A couple of things.

14 The letter, letter or document, I guess affidavit regarding
15 Agent Hosty in his statements regarding Oswald, ²/_N

16 Mr. Groden. Yes, sir.

17 Mr. Dodd. ¹/_M was that not eventually shown to have been
18 a misstatement by Mr. Hosty, and in fact the Dallas Police
19 Department, there was some speculation as to whether or not
20 they should be shifting blame from them to the FBI, and
21 therefore that affidavit was questioned to have been
22 different from the officer who overheard Mr. Hosty make that
23 statement?

24 Mr. Groden. In this particular case, and where it deals
25 with that particular document, I am not sure. The document

1 itself is one of the few exceptions that I went into, away
2 from the photographic evidence and into documentary evidence.
3 I do not know of such a history of that particular document.
4 But what you say may indeed be true.

5 9 Just as that document appears in the report, that is the
6 way I dealt with it. What you said may be true and I do not
7 claim to know one way or the other.

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

14 Mr. Groden. As far as I know, it was never established
15 that that bullet ¹/₇ that that damage was caused by a bullet.
16 I believe there has been testimony to the contrary, but it
17 has never been established to a certainty how that dent
18 got there. And certainly no evidence has ever come forward
19 as to the damage to the window itself.

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

25 Mr. Groden. Yes, sir, I have. I have spoken to several

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

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

19 Given the other evidence, including the fact which I did
20 not mention during my presentation, that approximately 23
21 feet, as I recall, behind and to the left of the point of
22 impact on the President's head, a large piece of skull fragment
23 was found and it has been pushed backwards from the point
24 of impact and away from the the grassy knoll, exactly in
25 accordance with the movement of the President's body.

1 Ironically enough, the exact motion of the President's
2 body from moment of impact until he hits the seat behind him,
3 it is in an exact direct line with the grassy knoll, both
4 the end of the stockade fence and the end of the retaining
5 wall, on an exactly straight line.

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

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

17 Chairman Downing. Thank you, Mr. Dodd.

18 Mr. Fauntroy?

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

1 7 Mr. Groden. Yes, sir.

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

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

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

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

25 She claims that this film was taken from her by two men

1 who represented themselves as being FBI agents. The film
2 was then to have been processed and then returned to her. She
3 never saw either of the ^eman or the film again, and the film
4 has not surfaced.

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

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

12 Mr. Groden. Yes. The rather grainy black and white
13 Polaroid photograph was the Mary Moorman photograph, the
14 second of a series of two. The first one, as alleged by
15 Mrs. Moorman or Miss Moorman, I am not clear which ²~~M~~

16 Mr. Fauntroy. Ms.

17 Mr. Groden. Ms., okay, Ms. Moorman. ¹~~M~~ to have shown
18 the depository window that Oswald was alleged to have been in.
19 This picture was taken from her along with the second one by
20 the Dallas police, and later handed over to the FBI, and had
21 never been returned to her, at least for years it had not.

22 Everyone who originally saw that photograph said it did
23 indeed show the depository window at the exact moment, or
24 around the exact moment that the shot was fired. Since we have
25 not seen the photograph, there is no way to determine whether

1 anyone, Lee Oswald or anybody else, was in that photograph.
2 But she did take a photograph which she turned over to the
3 Dallas police, and we have never been able to see it.

4 // Mr. Fauntroy. Thank you.

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

10 Off the record.

11 [Discussion off the record.]

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FMS AT

1 Chairman Downing. Restate your caveat as to film for
2 the purposes of the record.

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

18 The only thing I do want to say, that where there was
19 pointing out of a Mr. Lovelady who appeared to have a
20 noticeable kind of beard and a striking red and black shirt,
21 that our investigators did fly out to Denver and presented
22 that picture to Mr. Lovelady, merely to ascertain from him
23 is he the person with that apparent beard and black and white
24 shirt, and he has indicated that yes, that is so. That in no
25 way indicates that that person that appears to be similar to

1 Oswald is not yet Lovelady as we are going to have to
2 investigate that photograph and blow it up into a larger
3 thing and have it examined.

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

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

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

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

1 for the closed session.

2 9 Now tomorrow we have the King assassination slides, the
3 authorization for subpoenas. I don't see anything that
4 would come up from here on in that would really warrant a
5 closed session, unless counsel disagrees with me.

6 Do you see anything on the ^c remaining agenda?

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

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

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

23 Mr. Thone. Mr. Chairman, I don't want to start where
24 I left off this morning, but I think ^{Mrs} ~~Mr~~ Dodd is absolutely
25 correct. Mr. Sprague, you said before that what we really

1 need now is an educational forum here to acquaint the public
2 and members of Congress with what you are going to need and
3 wherewithal to conduct a thorough investigation. I think
4 we all agree with that. I thought we had a brilliant
5 opportunity to do that this morning and we closed the doors
6 on the press at that time.

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

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

25 Mr. Gonzalez. May I say something in that respect?

1 ¶ I believe every member here of the committee has a
2 similar feeling if you want to have everything out in the
3 open and all. Nevertheless I will point out one thing that
4 happened this morning that might have been inhibited, had
5 you had the press present, and I think that would have been
6 the thing that they would have hung their hat on, and that
7 is the inference that the leaking out of that memorandum
8 supposedly from J. Edgar Hoover came only after a request had
9 been made by you and the staff from the FBI.

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

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

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

20 Mr. Stokes?

21 Mr. Stokes. I have some further discussion on this
22 point. I have some real problems with shrouding everything
23 in secrecy when you are constituted in order to make an
24 investigation by the Congress. For instance, this afternoon
25 in the movie that was shown here, I failed to see anything

1 about that movie that was of a sensitive nature that should
2 have been withheld from the press or from the American public.
3 I don't see any difference in that film and this book entitled
4 "Cover-Up," ^{or} this book here entitled "Betrayal," ^{or this other} ~~another~~ book
5 here entitled "The Umbrella Man," in which all types of
6 theories are advanced with reference to the murder and how
7 it occurred and who might have done it, et cetera. ~~It~~ **I**
8 just seems to me that unless someone can show me what
9 was sensitive about it, in terms of the investigation, that
10 this was an unnecessary portion of executive session, and
11 I would further question, ~~the~~ the constraints of an
12 executive session. What am I to do this afternoon if the press
13 ^{happens} ~~to~~ to call me and ask me about this movie. What constraints
14 are upon us with reference to a movie of this type?

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

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

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

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

24 Chairman Downing. Please do.

25 Mr. Sprague. If I may, and I apologize if I appear to

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

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

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

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

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

25 There again with all due respect, when it is pointed

out let's say a book here "The Umbrella Man, ^W 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

1 help an investigation by just starting out and saying let's
2 have everything really public here.

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

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

15 I would be the first to say tha we ought to go in
16 executive session when there is something sensitive to the
17 total investigation that might in some manner be disruptive
18 or have some adverse bearing upon any witnesses to appear before
19 a congressional committee, but obviously the majority of that
20 which we have received in executive session today, there
21 have been ^{nothing} ~~things~~ sensitive, nothing of an adverse nature
22 in terms of the public or witnesses, and it would seem to me
23 that we have spent a great deal of the American public's
24 time in executive session which they ought to have been a
25 party to.

1 7 Mr. Devine. Mr. Chairman?

2 Chairman Downing. Mr. Devine.

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

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

14 I think it is perfectly proper to do this in executive
15 session. You know they have waited 13 years after one,
16 8 years after the other. I think we need a few more days
17 to get our feet on the ground before we open to the public.
18 I think it is in the public interest and then I think a
19 more respectful image of the Congress to have our hearing
20 tomorrow as we did today and if you want to open up at the
21 conclusion of the basics, then let Mr. Sprague and you or
22 whoever wants to make any statements necessary, but we are
23 building a foundation here today as I see it.

24 Chairman Downing. There is merit on both sides as there
25 always is. I tend to go slow in closing up.

1 Q Do you see anything tomorrow that possibly should be
2 discussed in a closed session?

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

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

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

17 I think Mr. Stokes hit on a point that I intended to
18 mention. I see here some question in all of our minds about
19 exactly wh^en we should or should not be in closed session.
20 I think maybe the first thing we ought to do would be to
21 have some sort of criteria laid out. I think more specifically,
22 Mr. Sprague, in terms of when you believe we should and
23 should not be in closed session. There may be a different
24 set of guidelines we ought to be following than what we
25 traditionally follow in the Congress in terms of having

1 closed sessions. Traditionally, and my more senior colleagues
2 here will be in a far better position to talk about this than
3 I, but it has generally been when it has been national security
4 or sensitive data involving the personal lives of people
5 that that has been invoked, and I think you are talking about
6 something that is entirely different than what we have
7 traditionally followed in the Congress in terms of closed
8 session rules.

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

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

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

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

20 One other thing. Please leave your folders on your
21 desks and they will be picked up by members of the staff,
22 the booklets. They will be brought tomorrow if you want
23 them. If there is no objection $\frac{2}{H}$

24 Mr. Fauntroy?

25 Mr. Fauntroy. I am concerned that we have a little

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

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

9 Don't you agree?

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

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

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

17 The committee is adjourned to meet again tomorrow at
18 10 o'clock in a room to be designated.

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

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