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JFK ASSASSINATION SYSTEM

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HEARINGS

Before The

SELECT COMMITTEE ON ASSASSINATIONS

HOUSE OF REPRESENTATIVES

EXECUTIVE SESSION

PENDING BUSINESS

Washington, D. C.

February 27, 1978

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E X E C U T I V E   S E S S I O N

PENDING BUSINESS

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MONDAY, FEBRUARY 27, 1978

- - -

House of Representatives,  
Committee on Assassinations,  
Washington, D. C.

The committee convened at 2 p.m., pursuant to call, in room 2157, Rayburn House Office Building, the Hon. Louis Stokes (chairman of the committee) presiding.

Present: Representatives Stokes, Preyer, Fatauroy, Dodd, Eithian, Edgar, Devine and Sawyer.

Staff Members Present: G. Robert Blakey, Elizabeth Berning, S. Johnson, J. Wolf, C. Emanuel, M. Wills, R. Klien, G. Cornwell, W. Cross and M. Goldsmith.

The Chairman. A quorum being present at this time we will call the meeting to order.

The Chair recognizes Mr. Blakey.

Mr. Blakey. Mr. Chairman, you have before you an agenda of some twelve items and the first four will require a vote of one kind or another. Five through twelve are primarily informational in character. The first is an issue dealing with immunities. The hearing scheduled on both the Martin Luther King and Kennedy side in the month of March concentrate

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on a number of people that perhaps the Committee should  
secure identities for. Since this deals with an interesting  
issue, I would recommend to the Committee that we go into  
Executive Session at this time.

The Chairman. May we have such a motion?

Mr. Fauntroy. I so move, Mr. Chairman.

The Chairman. It has been properly moved that the  
Committee go into Executive Session for the reason set forth  
by staff counsel.

The clerk will call the roll.

Miss Berning. Mr. Stokes.

The Chairman. Aye.

Miss Berning. Mr. Devine.

Mr. Devine. Aye.

Miss Berning. Mr. Preyer.

Mr. Preyer. Aye.

Miss Berning. Mr. McKinney.

(No response)

Miss Berning. Mr. Fauntroy.

Mr. Fauntroy. Aye.

Miss Berning. Mr. ~~Toney~~ <sup>Thorne</sup>

(No response)

Miss Berning. Mrs. Burke.

(No response)

Miss Berning. Mr. Sawyer.

Mr. Sawyer. Aye.

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Miss Berning. Mr. Dodd.

Mr. Dodd. Aye.

Miss Berning. Mr. Ford.

(No response)

Miss Berning. Mr. Fithian.

Mr. Fithian. Aye.

Miss Berning. Mr. Edgar.

(No response)

Miss Berning. Seven Ayes, Mr. Chairman.

The Chairman. Seven members of the Committee have voted in the affirmative. The Committee is now officially in Executive Session. All members of the public are requested to remove themselves from the hearing room.

Mr. Blakey. Mr. Chairman, my very able lawyer points out that we need eight members present to do the immunities and that we have only seven. I understand that Mr. Edgar will be here shortly and as soon as he comes we can return to the immunities issue.

Perhaps we could do issue number two first. Issue number two deals with an addendum to the non-disclosure agreement. The Committee will recall the Committee has before it a proposed resolution approving this addendum. The Committee will recall that the non-disclosure agreement was drafted at a point in time where we did not have access to material from the Senate Select Committee on Intelligence. We now have access to material from the Senate Committee on

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1 Intelligence and some of that material deals with information  
2 obtained from the CIA and the Federal Bureau of Investigation.

3 The CIA has asked that the non-disclosure agreement be  
4 modified to protect the Senate Intelligence material stemming  
5 from the Central Intelligence Agency. You have before you a  
6 resolution that would simply extend the non-disclosure agree-  
7 ment in that way. The key point in the agreement is, of  
8 course, that the Select Committee and the House of Represen-  
9 tatives remains in the driver's seat as to controlling the  
10 disclosure of any information. After the Committee is no  
11 longer in existence, the Central Intelligence Agency, if the  
12 House of Representatives does not provide otherwise, would  
13 be a successor in interest in enforcing the non-disclosure  
14 agreement.

15 The Chairman. All right.

16 Mr. Blakey. It would be appropriate at this time if  
17 someone would make a motion to approve the addendum. Since  
18 this is a contract between the Committee and the staff, as a  
19 contract it must have the approval of the full committee.

20 The Chairman. May we have a motion to that effect?

21 Mr. Fithian. Mr. Chairman, I so move.

22 The Chairman. It has been properly moved that the  
23 Committee approve the addendum portion of the agreement.

24 Do you need a roll call vote?

25 Mr. Blakey. No.



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The motion. All those in favor say Aye: approved.

The motion is carried. So ordered.

Mr. Blagoy. The next issue to bring to your attention is the issue of number four dealing with designated counsel. As the Committee is aware, under its rules counsel for the Committee may take what amount to depositions from consenting witnesses. As we have been constructing the hearing schedule it has become increasingly obvious to us that not all witnesses that we should hear under oath can be heard before the Committee and we made an effort to draw a distinction between these kinds of witnesses that may be obstreperous, that raise issues of credibility or that the Committee would for some other reason particularly want to hear.

Those other witnesses who essentially provide information but do not present issues of controversy, very often presenting essentially negative testimony, we have scheduled in the plans that their testimony be taken by designated counsel and then made available to the Committee. We had thought that this could be using only the senior staff counsel to take these statements.

The number of depositions or designated counsel's statements that we will take is now recognized to be sufficiently large and geographically diverse so that it would be useful if the staff counsel could as well be designated as counsel. We have set up a very tight procedure for approval of the

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1 deposited and a uniform procedure in which the staff would  
2 under can would be taken.

3 With that background I would recommend to the Committee  
4 the resolution that you have before you dealing with the  
5 Kennedy and the King task force that would pursuant to Rule 4  
6 designate the additional staff counsel as persons authorized  
7 to take designated counsel's statements.

8 The Chairman. May we have such a motion?

9 Mr. Dodd. Which one is this, Mr. Chairman?

10 The Chairman. This is the resolution to designate  
11 counsel in the Kennedy and King matter. The resolution  
12 contains two sections.

13 Mr. Dodd. We have already voted on non-disclosure.

14 Mr. Blakey. Yes.

15 Mr. Dodd. Having voted on that --

16 The Chairman. The Chair recognizes you.

17 Mr. Dodd. I caught one part, I didn't catch the last  
18 part.

19 Are we guaranteeing that at present no staff members  
20 are making personal copies of any --

21 Mr. Blakey. Yes. Everything that is drafted within  
22 the Committee is drafted only in a primary form. There are  
23 no copies made and for anything to be xeroxed it has to have  
24 my permission, Gene Johnson's permission or Geri Cornwell's  
25 permission. Private files are not being kept by any staff



26 *as Committee Exhibit - 10/1/77*



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1 member and none will be taken away when they leave.

2 Mr. Dodd. That would be a dismissable offense?

3 Mr. Blakey. Yes. If you walk out of our office with  
4 your materials and you get caught, you really have to have a  
5 good reason why you should not keep going.

6 Mr. Dodd. That is what I want to know in light of sub-  
7 sequent action.

8 Thank you, Mr. Chairman.

9 The Chairman. If there is nothing further, the Chair  
10 will recognize a member of the Committee for moving the  
11 resolution.

12 *Prover*  
12 Mr. ~~Fauntroy~~ I so move.

13 The Chairman. It has been properly moved that the  
14 resolution to designate counsel be adopted.

15 Do we need a roll call vote?

16 Mr. Blakey. No.

17 The Chairman. All those in favor say Aye; those opposed.

18 The motion is carried and it is so ordered.

19 Mr. Blakey.

20 Mr. Blakey. Mr. Chairman, could I refer you to issue



21 number three and draw your attention to the motion that you

22 have before you dealing with Mr. Claude Powell. As some of

23 the Committee is of course aware, on the King side we had

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1 Miss Berning. Mr. Ford.

2 (No response)

3 Miss Berning. Mr. Fithian.

4 Mr. Fithian. Pass.

5 Miss Berning. Mr. Edgar.

6 Mr. Edgar.

7 Mr. Edgar. I didn't say yet.

8 I will say Yes.

9 Miss Berning. Eight Ayes, Mr. Chairman.

10 The Chairman. Eight voted in the affirmative. The  
11 motion is adopted. So moved.

12 *Fithian.*  
Mr. ~~Blakey~~

13 ~~Mr. Fauntroy. Seven members voted Aye.~~

14 Miss Berning. I beg your pardon?

15 *Mr. Fithian. I passed.*  
~~Mr. Fauntroy. Seven members.~~

16 Miss Berning. That would be seven Ayes and one pass  
17 then. I am sorry.

18 The Chairman. Is that sufficient for passage?

19 Mr. Blakey. Yes.

20 The Chairman. Seven members having voted in the affirm-  
21 ative, the motion is adopted. So ordered.

22 Mr. Blakey. This would bring us back to the first issue  
23 which is the immunities. You have before you a resolution of  
24 providing for immunity for 18 of those witnesses that will  
25 hopefully appear before the Committee in March. You have a

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1 separate sheet for Mr. James Henry Dolan. <sup>5/</sup>

2 I would generally say to the Committee that the first  
3 group of witnesses that appear are directly related to the  
4 King case. The second group of witnesses are related to  
5 the Kennedy case. The form of the motion you should be  
6 aware merely authorizes the counsel to apply to the court  
7 for the order. No immunity is granted until the court signs  
8 the order and then the Chairman, assuming a witness claims  
9 the privilege, actually communicates it to him.

10 Since we have a full Committee meeting today it was the  
11 staff's thought that the full list of witnesses would be  
12 included in this what amounts to a permission resolution.  
13 I would note that there are one or two of the witnesses on  
14 the Kennedy side that we have not yet found, indeed we are  
15 not even sure are alive, so it may well be that all of the  
16 Kennedy witnesses will not ultimately be immunized either  
17 because they won't be found or they will be found not to be  
18 within the jurisdiction of the Committee.

19 All of these witnesses, as the memorandum attached to  
20 the resolution indicates, are the types of witnesses that may  
21 claim the privilege of self-incrimination and if they did it  
22 would be a substantial burden for the Committee not to be  
23 able to hear the witness that day and to have to meet again  
24 at the full Committee level to set up the immunity. This  
25 resolution then should be seen as a contingency resolution

5 *... to Committee Exhibit*



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authorizing immunity rather than as the immediate grant. I would be glad to answer any questions about them.

The Chairman. Are there any members that have questions they would like to pose to counsel prior to voting on the resolution?

Mr. Preyer?

Mr. Preyer. No.

The Chairman. Mr. Edgar.

Mr. Edgar. Thank you, Mr. Chairman.

I just have some questions which we may have gone over in the past as it relates specifically to the question of immunity. Are all the people that you are asking immunity for people that you have some feeling don't have any criminal involvement in the case?

Mr. Blakey. No, on the contrary. Well, there are one or two who could only be witnesses, most of the rest could have some connection.

Mr. Edgar. Can you just summarize very quickly for me why we would go the immunity route for all of those people?

Mr. Blakey. Well, if you recall the kind of immunity that the Congress gives is not transactional; that is, it does not prevent the person from subsequently being prosecuted. It is just immunity, it merely protects his immunity from subsequently being used against him. Since we are not a prosecutive body but a fact finding body, there is really

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1 no impediment to us granting immunity to any witness who  
 2 appears before us who is potentially culpable. You will  
 3 recall, of course, that once immunized testimony is taken  
 4 by the Committee it is treated with the utmost care, it is  
 5 not disclosed, it is hidden deep in the vaults of the  
 6 Committee's safes.

7 As a congressional committee given the fact finding  
 8 function it is entirely appropriate for us to interrogate  
 9 the people who in a judicial context would probably not be  
 10 granted immunity by a prosecutive agency who has some concern  
 11 who has some concern of criminal convictions. Since we have  
 12 no concern for criminal conviction but rather to fulfill the  
 13 mandate of our resolution -- that is, to find out what  
 14 happened -- as we begin touching on this class of people who  
 15 have obviously been involved in criminal behavior and some of  
 16 it on the worst case analysis or best case analysis, depend-  
 17 ing on your prospective in these two cases, it is appropriate  
 18 for us to grant the immunity, not from prosecution but from  
 19 the use of their testimony against them in order that we can  
 20 find out what happened.

21 None of these people would fit into what I would call  
 22 the category -- well, I take it back. There is one person  
 23 who might fit in the category of a shooter. There is an  
 24 allegation that Eugene Hall Brady, for example, is an  
 25 organized crime type who is a fixer for killings. He is the

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1 organizer of assassinations -- not political assassinations  
2 but underworld assassinations. He was present in Dealey  
3 Plaza. He was also in the hotel where Robert Kennedy was  
4 killed. Ironically he is in the category of an immediate  
5 shooter. He has been accused of setting up the Kennedy  
6 assassination. I thought for a minute I could say that none  
7 of them would fall in that category but we have people up to  
8 and including those kind who could be shooters.

9 Mr. Edgar. No further questions.

10 The Chairman. Does anyone else have any questions  
11 relative to this matter?

12 If not, the Chair will entertain a motion relative to  
13 the resolution for immunity.

14 Mr. Dodd. So moved.

15 The Chairman. It has been properly moved that the  
16 resolution for immunity before the committee be adopted.

17 The clerk will call the roll.

18 Miss Berning. Mr. Stokes.

19 The Chairman. Aye.

20 Miss Berning. Mr. Devine.

21 Mr. Devine. Aye.

22 Miss Berning. Mr. Preyer.

23 Mr. Preyer. Aye.

24 Miss Berning. Mr. McKinney.

25 (No response)

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1 Miss Berning. Mr. Fauntroy.

2 Mr. Fauntroy. Aye.

3 Miss Berning. Mr. ~~Terry~~<sup>Thone</sup>.

4 (No response)

5 Miss Berning. Mrs. Burke.

6 (No response)

7 Miss Berning. Mr. Sawyer.

8 Mr. Sawyer. Aye.

9 Miss Berning. Mr. Dodd.

10 Mr. Dodd. Aye.

11 Miss Berning. Mr. Ford.

12 (No response)

13 Miss Berning. Mr. Fithian.

14 Mr. Fithian. Aye.

15 Miss Berning. Mr. Edgar.

16 Mr. Edgar. Aye.

17 Mr. Blakey. Mr. Chairman, for clarification I assume  
18 that the immunity resolution includes James Hanry Dolan who  
19 we had a separate sheet for.

20 The Chairman. Is that the understanding, that we make  
21 it part of the motion?

22 Yes, that is correct, Mr. Blakey.

23 Miss Berning. Eight Ayes, Mr. Chairman.

24 The Chairman. Eight Ayes in favor of the resolution.

25 The resolution is adopted. So ordered.



1 Mr. Fithian.

2 Mr. Fithian. Thank you, Mr. Chairman.

3 Mr. Blakey, am I to understand that there is not  
4 anything we can do to physically safeguard the papers while  
5 we are wrangling over it legally?

6 Mr. Blakey. In effect we have done it by issuing the  
7 subpoena. That brings into play the construction of a  
8 congressional investigation under 18 U.S.A. 1505 but  
9 actually physically protecting them, no. They are under the  
10 protection of law but not the physical protection.

11 Mr. Fithian. Do the members of the family realize the  
12 seriousness of what process is?

13 Mr. Blakey. Yes. My understanding is that they do.

14 Mr. Fithian. I have no further questions, Mr. Chairman.

15 The Chairman. Mr. Devine.

16 Mr. Devine. No questions.

17 The Chairman. Mr. Sawyer.

18 Mr. Sawyer, No questions.

19 The Chairman. Mr. Preyer.

20 Mr. Preyer. No questions.

21 Mr. Blakey. Going to issue number six dealing with the  
22 Department of State and the Department of Defense, the  
23 Committee should be made aware of the situation with respect  
24 to the Department of Defense. The staff has gotten virtually  
25 no cooperation from the Department of Defense on a number of

1 issues -- access to records, access to the camera involved  
2 in the autopsy, removing of the order of silence dealing  
3 with the military personnel associated with the autopsy.

4 There are an extensive number of requests at the  
5 Department for information bearing on the general investi-  
6 gation. This lack of cooperation or apparent lack of  
7 concern with what the Committee is doing eventually lead  
8 to personal contact between the Chairman and the Secretary  
9 of Defense, Mr. Brown. He has appointed a man named John  
10 Kester as a special liaison with the Committee.

11 The Chairman was informed that the Department of Defense  
12 wants to cooperate. I had a meeting with Mr. Kester last  
13 week. It was an extremely disappointing meeting. He appar-  
14 ently is a very busy person who made no preparation before he  
15 came to the meeting. He had no knowledge of what our  
16 problems were or what the history of our problems was. It  
17 was like going back to ground zero; everything had to be  
18 explained to him.

19 For example, we need the order of silence for the  
20 autopsy personnel removed. He made a suggestion that it  
21 would be appropriate for the Chairman to write a letter  
22 asking for that. I pointed out to him that a letter of  
23 that character had been written in November and gave him a  
24 copy of it and that was the way it intended to go down.

25 The Chairman has today at Mr. Kester's request written

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1 another letter to the Secretary of Defense asking that that  
2 order of silence be rescinded. If that is done and a new  
3 spirit of cooperation develops, all well and good for the  
4 investigation. I don't know why this is true but the  
5 feeling I get is that the Department of Defense is simply  
6 not going to spend a lot of time cooperating with us and  
7 March is going to be the month in which that cooperation  
8 either occurs or does not; and if it does not, then the  
9 Committee is going to have to face up to a confrontation  
10 with the Department of Defense and the autopsy issue is  
11 precisely the one that is required.

12 The autopsy panel on the Kennedy side is now winding up  
13 its important consideration that the staff and the Committee  
14 have an opportunity to talk to the personnel that were  
15 involved. Those personnel presently are under an order of  
16 silence. We have been making an effort through the Depart-  
17 ment of Defense liaison people since August of last year to  
18 get this done.

19 The record of contacts, including letters and personal  
20 phone calls, in our effort to get this done is disturbing,  
21 disheartening, and it paints not a pretty picture of the  
22 general lack of attention to the Committee's business. If  
23 we don't get a turn around by the end of the first week in  
24 March, I will come back to you in the full committee context  
25 or a subcommittee context on the Kennedy side recommending

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1 that public hearings be held in which the staff people be  
2 called and let them claim the order as a grounds for not  
3 testifying and then the Secretary of Defense can explain to  
4 the Committee in a public session why he chooses to cover up  
5 what occurred at that autopsy. I simply let you know what  
6 potentially is coming down the path.

7 Every effort has been made to do this with negotiation  
8 and forbearance and no publicity. I think the chickens are  
9 coming home to roost. We face in the month of March -- if  
10 not March, certainly April -- some sort of a confrontation  
11 with the following foreign countries: Mexico, England and  
12 Canada and the Department of State. It is essential on the  
13 King side that this Committee --

14 I told you, Mr. Fithian, that March was the month of  
15 the mafia.

16 Mr. Fithian. No, I was laughing at the Department of  
17 State being listed with the foreign countries.

18 Mr. Blakey. The negotiations with them make it appro-  
19 priate to do so.

20 We have made every effort to work through the Department  
21 of State in formal diplomatic channels, to have teams go to  
22 each of these three foreign countries to run out aspects of  
23 James Earl Ray's travels. To date we have been unable to get  
24 an appointment with any foreign official to resolve these  
25 issues.

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1 Now in mitigation of the situation I should say that  
2 the State Department on the staff level is rustling a lot  
3 of papers. A letter has been written by the Chairman to the  
4 Secretary of State drawing the sorry picture of cooperation  
5 to his personal attention.

6 Canada has a special problem. People to whom we want  
7 to go and talk with are members of the Royal Canadian  
8 Mounted Police. They are, as you may be aware, having an  
9 investigation of their own in Canada dealing with unlawful  
10 opening of mail, black bag jobs, wire tapping, and we get  
11 back informally the feeling. They also have a potential  
12 problem with a civil war I suspect with the Quebec Province.  
13 There is a special investigation commission in Quebec looking  
14 into what the RCMP did under the guise of national security,  
15 to look into the affairs of the separatist groups in Quebec.  
16 So our effort to go up and talk to the RCMP at this particu-  
17 larly sensitive time has not been looked upon with a great  
18 deal of favor.

19 There are difficulties that I would be glad to explain  
20 to you off the record in Mexico that rise to a comparable  
21 level.

22 The people in England apparently are cooperating and it  
23 has just been bureaucratic red tape. If by the end of March  
24 or the middle of March we don't really get something from  
25 these foreign countries, it will be increasingly less likely

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that we will do any investigation in a foreign country, and if we don't it will be appropriate for us to begin making as a committee whatever noises are appropriate to see to it that the foreign countries recognize that they are frustrating an investigation in this country that threatens them in no way and is material to the will of the Congress. It is certainly ironic that private writers can travel to Mexico, Canada and England and write books about these matters but when a lawfully constituted committee representing the House of Representatives attempts to do something comparable as an official agency of the United States Government it meets with bureaucratic red tape.

Let me draw --

Mr. Edgar. Mr. Chairman.

The Chairman. Yes, Mr. Edgar.

Mr. Edgar. I have a basic question at this point. I want to first preface the question by saying that my staff and I have been trying to focus in on particular issues and we spent a lot of time on public transit issues and visits with people in the Administration and I find that when my staff goes to visit with them many times the staff of the particular agency, in this case the Department of Transportation, is reluctant to share information but if my staff takes me by the arm and we go over and sit down and just my presence in the room tends to dislodge some of the issues in



1 until September or October. We may be in a posture where  
2 the Congress and the House will be fully aware of the scope  
3 and the kind of investigation that we are conducting and I  
4 suspect that the issue of a supplemental will not present us  
5 a problem.

6 Having said that, ironically I will come back to the  
7 Committee within a relatively short period of time and give  
8 you a restructured budget in light of the \$2.5 million and  
9 ask for the Committee's general approval of it. In that  
10 restructured budget there will be some shifting of personnel  
11 which may indicate that we have more people in number than  
12 115 but the same budgetary figure for salaries will remain  
13 the same.

14 We have had some senior people, both lawyers and inves-  
15 tigators, leaving and the thought has been to replace them  
16 with some bright young lawyers, recent graduates, who could  
17 be perhaps more adept at going through files than some of  
18 the seasoned investigators might be and might be of more  
19 assistance to us in writing the final report. Consequently,  
20 there may be some shift in the total number of personnel but  
21 I do not suggest to you that there would be any shift in the  
22 amount of money suggested for personnel. I will bring the  
23 details of that back to you somewhat later.

24 Issue number ten is designated as Surveillance. I think  
25 it appropriate that I put in the record the following factual

1 that in terms of our preparation. How soon after the June  
2 hearings could the Committee staff be prepared to go with  
3 20 days of hearings in each case?

4 Mr. Blakey. If everything goes according to schedule,  
5 and it won't, we envision finishing the hearing phase in  
6 June. A month of preparation in July would permit us in  
7 August and September to do either August Kennedy and  
8 September King or vice versa. That is in the best of all  
9 possible worlds -- a place that we do not live in.

10 More realistically we will not be able to finish in  
11 June. That means we will take July as an extra hearing  
12 month. That would mean August would be a preparation month  
13 and then September would be either King or Kennedy. October  
14 obviously is something that we could not ask you people to  
15 sit in and that would indicate that one set of the hearings  
16 would have to come in November. The final report is written  
17 in December and we finish.

18 Mr. Edgar. I must put in my plug for having one before  
19 the election and one after the election, and the one before  
20 the election being the first two weeks in September.

21 Mr. Blakey. If we did 20 days, it would be a month  
22 sitting five days a week which would be a rather heavy  
23 schedule.

24 Mr. Sawyer. Mr. Chairman.

25 The Chairman. Mr. Sawyer.



1 Mr. Sawyer. It would seem to me I guess, speaking only  
2 for myself, that a good part of that decision would rest on  
3 knowing better what we are going to be able to produce than  
4 we know now by way of a hearing. I might strongly opt either  
5 way depending on what the product looked like when I saw how  
6 it shook me up.

7 Mr. Blakey. I am reasonably convinced that both cases  
8 will be developed in such a way as the American people's  
9 perception of them will be substantially changed by what we  
10 do, and what we do will be a very credible job. I am con-  
11 vinced on the Kennedy side that we will have a substantially  
12 new analysis of old problems and perhaps new light to shed  
13 and that the King case is currently in a very dynamic stage;  
14 some time by the end of March or April it may look very  
15 different than it did otherwise.

16 So I think that the judgment that the Committee has to  
17 make is essentially a political one; that is, how can you so  
18 arrange your schedules in light of the election to accommodate  
19 the hearings. The best of all possible worlds would be to  
20 have both sets before the election but that is from the  
21 standpoint of possibility. Maybe the best of all possible  
22 worlds would be to have both sets of hearings after the  
23 election but that is a political judgment. Given the time,  
24 I don't think we can do it all by putting both sets after  
25 the election. I mean physically I don't think the staff

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1 could do it to run them at that time so it is appropriate  
2 for you to think the thing through and give us your sugges-  
3 tions.

4 I might say in that regard as you may want to have heard  
5 the details of the Martin Luther King investigative plan  
6 before then, I can say that it has gone through all of its  
7 internal processes. I have spent the last week in going over  
8 it myself. I plan to spend tomorrow editing it and I hope by  
9 the end of the week to have it in a shape typed so that we  
10 can do for the King side what we have already done for the  
11 Kennedy side.

12 I might say that the delay has not occasioned delay in  
13 the investigation -- it has gone ahead doing everything that  
14 has to be done. All that the delay means is that the docu-  
15 ment itself has not been finally polished and presented to  
16 the Committee. The delay has not foreclosed any Committee  
17 option. We are still currently doing those things that would  
18 be done in everybody's plan but I hope by the end of this  
19 week to be able to present it to you in a full day session.  
20 It will be not only a plan of what we intend to do but it  
21 also will be a review of what we have done.

22 The King plan will not look quite like the Kennedy plan;  
23 a major section of it will review those areas which are  
24 finished. Another major section of it will review those  
25 areas that do not have issues but only work plans. In any

1 case it is in good shape and, God willing and my staff leaving  
2 me alone tomorrow, I will finish the editing tomorrow.

3 Mr. Edgar. Mr. Chairman.

4 The Chairman. Yes, Mr. Edgar.

5 Mr. Edgar. I wonder if Mr. Blakey will bring us up to  
6 date on the replacement for Mr. Lanier.

7 Mr. Blakey. Gene Johnson has agreed to become the  
8 Deputy Chief Counsel on the King side and Mike Eberhardt,  
9 one of the former staff counsel, has agreed to become the  
10 Assistant Deputy Chief Counsel.

11 The Chairman. Anything further?

12 Mr. Edgar. No.

13 Mr. Blakey. The only last project I would bring to  
14 your attention, and that is again by way of information, is  
15 the photographic project. The photographic panel has met on  
16 the Kennedy side and a number of specific work proposals have  
17 been given to the staff for processing of things, including a  
18 work by the Rochester Institute of Technology, University of  
19 Southern California. A number of projects have been suggested,  
20 including testing the alleged fake photograph of Oswald, and  
21 they are convinced they can do this within a reasonable short  
22 period of time and with a reasonable price.

23 They think they will be able to give us the measurements  
24 that we worried about -- that is, where Kennedy was. They are  
25 very confident that they can reconstruct the President's skull

1 and project in whatever direction back from the head the  
2 projectory analysis. They are very confident of that. They  
3 are also confident that they can -- and I find this incredible  
4 -- clean up the autopsy pictures. They tell us by manipulation  
5 of the computer they can eliminate the blood, eliminate the  
6 color red, and we would be able to see more in the autopsy  
7 than was seen by the prior people so that when we produce  
8 our final version of the autopsy we will have the clearest  
9 photographs available. Some of them have been blurred.  
10 They tell us with not much difficulty they can take the blur  
11 out of the pictures.

12 Now we have currently in process approximately 30 days  
13 worth of work representing approximately \$22,000 of scientific  
14 work in this area. They will also be able to look at the  
15 Zupreder film and clear up the fuzziness in it to the highest  
16 degree of any of the work. They also think that they will be  
17 able to do a blur analysis of the Zupreder film and the Nix  
18 film and the Muchmore film and correlate the three. They are  
19 hopeful that they will be able to take the involuntary reaction  
20 of the camera photographer to the sound of the shots and  
21 identify where on the film that occurs. If they can correlate  
22 the three films to the visual images in the films, they may  
23 be able to tell us the sequence of the shots by an analysis  
24 of the photographs. So I am very encouraged with the status  
25 of the photographic projects. I wanted to report to the

1 Committee that they are well in operation.

2 I might indicate, too, that Mr. Bert Marshall who  
3 represents the Kennedy family has been working very closely  
4 with the Committee staff in making those autopsy pictures  
5 available to us and facilitating our access to the materials  
6 at the Archives. He has really bent over backwards to see  
7 to it that in no way restrictions the family put on the  
8 access to them would impede our work at all. He has been  
9 making himself available on weekends and nights to do it.  
10 He has also permitted into the Archives a medical illustrator  
11 and we have in process now some really fine medical illustra-  
12 tions of the President's condition and wounds.

13 In fact, so successful has been the dramatic way and  
14 clear way of presenting the autopsy findings that I have  
15 started talking with Gene Johnson about making a similar  
16 effort on the King side to present the same issue. We don't  
17 have as many controversial issues on the King side but it so  
18 dramatically changes the material in the way the autopsy is  
19 presented that it seems that it also ought to be done on both  
20 sides.

21 For example, one of the things she is doing is every  
22 time a medical term is used there will be a drawing that  
23 illustrates the medical term and consequently you can come  
24 away with meshing the medical terms with mental images that  
25 are depersonalized and therefore not invading the President's

1 privacy but very accurate. We know exactly what happened.  
2 Let me say the previous studies or presentations of those  
3 studies have not been clear in my judgment in part because  
4 they have used medical terminology without explaining it.  
5 That won't be said about what we will be able to do on both  
6 the Kennedy and King sides.

7 You should also know that the funding resolution I am  
8 told will come up on the House floor on Friday at eleven  
9 o'clock. In that connection the Chairman will, I think,  
10 tomorrow or the next day make a short statement in the record  
11 indicating to the House the status of where we are, essentially  
12 in terms similar to the report given to the House Administra-  
13 tion Committee.

14 I am told that there may be some controversy over the  
15 budget on Friday but it should be vocal and I am told that it  
16 will not involve a vote. If you people who know more about  
17 politics than I do can tell me to the contrary, I would  
18 welcome that information, too. My impression is that some  
19 people may object but it will not be brought up for a separate  
20 vote.

21 Mr. Devine. Do you want to bet?

22 Mr. Blakey. As I say, Mr. Devine, I know a lot more  
23 about prosecution than politics. I would not bet you anything  
24 about what will happen on the House floor.

25 I have nothing else. If the Committee has any questions,

1 I would be glad to respond to them.

2 Mr. Preyer. Mr. Chairman.

3 The Chairman. Mr. Preyer.

4 Mr. Preyer. I wonder if we should try to get general  
5 agreement at least that we will go forward with one investi-  
6 gation before the one in September before the election and  
7 one after. Whichever one looks best to present at that time  
8 I would be in favor of presenting it. Frankly I would love  
9 to spend September up here rather than shaking hands in  
10 shopping centers just for the pure politics of it if we  
11 could get enough members. Whichever committee happens to  
12 be called up in September should be willing to come up here.  
13 I wonder if we ought to try to get some feeling from the  
14 Committee that wherever there is general agreement that we  
15 could do one before and one after.

16 Mr. Edgar. Would the gentleman yield?

17 Mr. Preyer. Yes.

18 Mr. Edgar. Further on the one before and one after  
19 there is a combination that could be used of part one and  
20 part the other rather than have a series of 10 days of  
21 public hearings on one and have a series of 10 days of  
22 public hearings on the other.

23 Mr. Preyer. It is just another option before us but  
24 I would agree with you that a good half of those public  
25 hearings whether it is total on one or half one and half

1 the other should be held prior to the election. You know  
2 the month of October is the sacred cow in terms of our needs.  
3 September we have no problem being here and participating.

4 Mr. Blakey. My own reaction is that it is likely that  
5 the Kennedy case will more probably be ready for September.  
6 My feeling is that the King case could as well but that if  
7 we made the decision to do one as opposed to the other and  
8 then postpone it, it would give us more time to spend in  
9 the investigative phase of the King case and frankly my own  
10 preference would be to spend more time on the King case.

11 The Kennedy case at least had the benefit of the Warren  
12 Commission investigation and we are after all "the Warren  
13 Commission" for the King case. Consequently, every hour  
14 that we can press out if it can be profitably used probably  
15 should be. So absent other developments, my own preference  
16 would be to do Kennedy in September and King in November.  
17 It might give us two or three more months to prepare and  
18 that little bit more time might be more useful.

19 The Kennedy case has had more analysis than the King  
20 case -- it has had 15 years and a few more books. The King  
21 case only had 10 years. So in a sense we have gotten more  
22 off the ground in the Kennedy case easier than in the King  
23 case but again I want to leave that final judgment to the  
24 Committee at this time in light of the status of the two  
25 investigations.



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Mr. Fauntroy. Mr. Chairman.

The Chairman. Mr. Fauntroy.

Mr. Fauntroy. I just would like to indicate that I concur with the judgment of counsel on this and with those members who feel that we ought to have some hearings before the election and one afterwards. At this point in time at least I would favor the Kennedy hearings first followed by King after the elections.

Mr. Sawyer. Mr. Chairman.

The Chairman. Mr. Sawyer.

Mr. Sawyer. Addressing myself to that I would like to reserve judgment until I see what the situation looks like come some approaching time that would still leave time to get one ready. I think in my judgment there are too many things in the King case that are still way up on the ceiling so that it is hard yet to form a judgment in that case.

Mr. Blakey. It is that very feeling that would lead me to believe that the longer we take to do the King side, the better off we are.

Mr. Sawyer. Well, again I would like to hold judgment until I can see a little way down the pike what they both look like.

Mr. Blakey. If we saw it started tomorrow afternoon, I will quickly bring it to your attention and we can hold the hearings next week.



The Chairman. Anything further?

Mr. Preyer. I just ask Mr. Blakey off the record what he thinks about Mr. Epstein's new book. I notice there was a reporter for Time magazine this week.

Mr. Blakey. I have no problem with staying on the record on that.

Mr. Preyer. All right.

Mr. Blakey. In the last several weeks the staff has been privy to a series of briefings and examinations going into the questions indeed raised by Epstein's book. The staff was fully cognizant of the underlying issues before it was cognizant of the existence of the book. The investigative plan, as I am sure you are aware, on the Kennedy side requires the Committee to evaluate Mr. Nasinko's story. That indeed will involve the very controversy that Mr. Epstein sets out.

We have had briefings from the FBI and briefings from the CIA. It is, to put it mildly, a very controversial case. I have seen copies of the Reader's Digest story. A member of the editorial board is an old personal friend and he got me a copy of the first edition and he is in the process of getting me a preliminary copy of the second edition. There is nothing in either edition that the staff was not aware of before they were read.

Mr. Epstein presents one view, there is another view. The Committee will have ample opportunity to go over all of

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it.

The Nasinko story is a very fascinating story. He apparently, as Mr. Epstein indicates, did initially defect in May of 1962 -- that is prior to the assassination -- and began cooperating with the CIA. In February of 1964 he asked to come out. He in fact is one of the few members of the second directorate in the KGB. That is the domestic KGB. That is like the FBI opposed to the CIA being overseas.

Lee Harvey Oswald once he defected to Russia was within the jurisdiction of the domestic KGB; that is, the second directorate. If Mr. Nasinko is to be believed, Nasinko was the "case officer" that had Lee Harvey Oswald's file and thus he was fully cognizant of the defection and the transfer to Minsk. When he defected after the assassination he had had an opportunity to know what was in the Lee Harvey Oswald file.

If he is a legitimate defector, he corroborates the basic outlines of Marina Oswald's story and the Warren Commission's finding. If he is not a bona fide defector, as indeed the CIA for a long time thought he was not, then he represents a cover story and the obvious question arises, what was he trying to cover? Was he trying to cover some relationship between the KGB and Lee Harvey Oswald? It is credible that he was not a bona fide defector and that he represents a cover story.

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1 The Committee will have an opportunity to hear from  
2 Mr. Nasinko all the factors that went into the judgment that  
3 he is a bona fide defector or that he is not. We will be  
4 pleased at the opportunity for you to decide for yourself  
5 what you think he was and the implications therefrom. My  
6 own judgment is that you can come out either way and that we  
7 are going to have to look at a lot more documents than we  
8 have already looked at and spend some time talking to Mr.  
9 Nasinko before you can make a decision as to whether he is  
10 truthful and whether in fact Lee Harvy Oswald had some rela-  
11 tionship to the KGB.

12 It is a very interesting matter, to put it mildly, and  
13 something not fully explored by the Warran Commission at all  
14 and certainly not explored in their hearings or in their  
15 final report. It is a loose end that the Committee will have  
16 an opportunity to tie up for the American people.

17 The Chairman. Anything further?

18 If there is nothing further, then at this time the  
19 Committee will adjourn subject to the call of the Chair.

20 (Whereupon, at 3:35 p.m., the Committee adjourned, subject  
21 to the call of the Chair.)

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