

INVESTIGATION OF THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

WEDNESDAY, SEPTEMBER 6, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The committee met at 9:05 a.m. pursuant to notice, in room 2172, Rayburn House Office Building, Hon. Louis Stokes (chairman of the committee) presiding.

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

Staff present: Clifford A. Fenton, Jr., chief investigator; Kenneth D. Klein, assistant deputy chief counsel; Gary T. Cornwell, deputy chief counsel; Leodis C. Matthews, staff counsel; Belford V. Lawson III, staff counsel; G. Robert Blakey, chief counsel; Elizabeth Berning, chief clerk; Michael Goldsmith, staff counsel; and Jane Downey, staff counsel.

Chairman STOKES. A quorum being present, at this time the committee will come to order.

This morning, the Select Committee on Assassinations begins its public hearings into the death of President John F. Kennedy. The committee has identified three main issues to investigate in order to fulfill its legislative mandate, which is found in House Resolution 222.

First: Who assassinated President Kennedy?

Second: Did Federal agencies perform adequately in the sharing of information prior to the assassination, in the protection of President Kennedy, and in their investigation of the assassination?

Third: Did the assassin or assassins have assistance; that is, was there a conspiracy?

In addressing these issues, the committee has made every effort to be fair and objective. As I said when the committee began its public hearing into the King assassination, we regard each of these issues to be equal in importance with the others. We are not, for example, more interested in conspiracy theories than in a balanced evaluation of agency performance. Moreover, while it is true that individual members of the committee may have reached some preliminary judgments on certain issues after many months of studying them, we are suspending judgment as a committee until all of the evidence is in.

This, then, brings me to a very important part of our assignment. We must, in the end, report our recommendations to the House of Representatives and to the American public. For this purpose, we have set aside a period in December to weigh the evidence in both

the Kennedy case and the King case. Only then will we be ready to reach conclusions, make them public, and propose new legislation, if we deem it appropriate. It will be then, too, that we will write our final report.

These hearings now are designed to present and to assess the credibility of the evidence the investigation has developed. If, in the process, new leads are uncovered, we are also prepared to pursue them.

Now, I would like to spend a minute explaining the important difference between these hearings and a criminal trial. The distinction is a fairly subtle one, and it would be easy for people to become confused. I suspect that some did during our hearings into the possible involvement of James Earl Ray in the death of Dr. King. It is necessary to appreciate the differences in order to understand the nature of our work.

There are several characteristics of a trial that do not apply to these congressional hearings:

First, there is no defendant.

Second, there is no prosecutor.

Third, there is no specific burden of proof, no requirement to demonstrate anything beyond a reasonable doubt.

And, fourth, there is no pending indictment.

Now, then, what are we doing here? This committee is evaluating evidence, and we are, in fact, willing to listen to evidence that some of our members may not ultimately be willing to credit. We want to examine all of the evidence, not just that which fits some predetermined mold. Unlike in a trial, we do not insist that evidence be vouched for in advance by either the staff or the committee.

Of course, a minimum test of credibility has been applied to evidence the staff presents, or the committee will permit to be publicly aired; that is to say, the committee will not listen to evidence that a reasonable person would dismiss out of hand. Indeed, that is the reason why the committee has examined much of the evidence it will receive in public session in executive session. We want a preliminary judgment of credibility. But the committee wants to be open minded. We want to be able to assess all of the key evidence on the relevant issues, leaving our ultimate decision to the public meetings to be held in December.

A further point. Those people who follow the hearings either in person or by way of the news media cannot expect each day's presentation to be self-contained. We may raise issues one day that cannot be resolved until testimony can be taken on a subsequent day. Indeed, certain issues may not be resolved at all, in the event some important evidence is not available to us or to anyone. Not all questions that can be asked can be answered.

It is also the intent of the committee to write a complete historic record, one designed to be read as a whole, when we have completed all of our work. It would be a mistake, therefore, for anyone to look for some sensation that makes a news headline each day that this committee meets. Those who do I am afraid will be disappointed. Indeed, some of our work may be dull, but necessary nevertheless. For one reason, we are not only concerned with the meaning of our work at this given moment, but hopefully for years ahead.

Today, and the rest of this week, we will address these subjects: One. The facts and circumstances surrounding President Kennedy's trip to Dallas on November 22, 1963; and, two, a scientific analysis of the facts of the President's death, including the autopsy performed on the President's body, the effect of the missiles that hit him, and other ballistics evidence.

To begin the first phase of our hearing, I would like to at this time recognize Congressman Richardson Preyer, my distinguished colleague from the State of North Carolina, who as chairman of the Kennedy subcommittee has indeed worked tirelessly many long hours with the members of his subcommittee in order to prepare for these hearings that will now unfold. It is my pleasure at this time to recognize my distinguished colleague, Judge Preyer.

**OPENING STATEMENT BY REPRESENTATIVE RICHARDSON
PREYER, NORTH CAROLINA, CHAIRMAN, SUBCOMMITTEE ON
JOHN F. KENNEDY ASSASSINATION**

Mr. PREYER. Thank you, Mr. Chairman. In the hearings to be conducted throughout the month of September on the assassination of President Kennedy, we intend to develop three general themes.

First, we will consider the life and death of President Kennedy and the involvement in that death, if any, of Lee Harvey Oswald. The emphasis here will be on hard evidence, much of it old evidence we will reexamine, though in some instances new evidence that has been turned up by the committee. In either case, we will be assisted in the effort by science and technology that wasn't readily available to investigative agencies in 1964.

Second, we will present an evaluation of the performance of Federal agencies whose assignments have been related to the assassination or the investigation that followed it. These include the Secret Service, the Federal Bureau of Investigation, Central Intelligence Agency, Department of Justice, and the Warren Commission.

Third, we will review conspiracy theories, some specious, some sinister, some inconsistent with one another. In this effort, we will take into account the climate for conspiracy in 1963, and we will closely examine the possible involvement of certain groups or forces that had the motive, opportunity, and means—all three elements being essential—to seek the President's death.

It must be emphasized that as yet the committee has reached no final judgment of the validity of these theories. Indeed, the committee has not reached an ultimate judgment on any of the issues posed in any of the areas I have mentioned. It is for this very reason that as these hearings progress, the committee will at times be considering bodies of evidence that point in mutually contradictory directions. As I have noted, Mr. Chairman, this is particularly true in the area of conspiracy.

Now, I would like to talk for a minute about the course of this investigation to date. The evidence about to be presented is the product of over a year of effort by the subcommittee and a staff of 40 attorneys, investigators, and researchers. They have spent many man-hours sorting out a voluminous 15-year accumulation of information, interviewing hundreds of witnesses and helping the subcommittee conduct hearings in executive session.

The staff and committee members have found it necessary to go on the road to pursue leads and gather data. Cities like Miami, New Orleans, and, of course, Dallas were visited often, and there were trips to foreign cities—Havana, Mexico City, Paris, Madrid. In all, there were 385 trips to 564 points, taking into account return visits, over a total of 1,807 days traveled.

As for witness interviews, 1,548 of them were conducted, and a total of 75 witnesses were questioned in executive session.

I should note, Mr. Chairman, that these figures are based on statistics compiled as of the end of the first 6 months of this year. Since the investigation is ongoing to the end of the year, they will be revised upward.

Mr. Chairman, I realize, while statistics don't always lie, they seldom voluntarily tell the truth and I am not offering these statistics as a measure of the success of the investigation, but I think it is some measure of the effort that has gone into it.

One important measure of that effort, however, is hard to pinpoint. It is the hundreds of agency files the staff reviewed. It combed through over 500 files from the CIA, FBI, Secret Service, Departments of State and Defense, and others. But a file can range from a few pages to thousands. To get an idea of the size of the task, one should realize that the FBI file on Lee Harvey Oswald alone consists of 238 volumes that in turn contain 5,754 serials.

Finally, we employed several consultants in areas of the investigation that required very specialized knowledge and training. A panel of medical experts, for example, studied the autopsy X-rays and photographs. The results of their work will be the subject of tomorrow's hearing.

There have been 44 consultants under contract—in such diverse fields as ballistics, photography, pathology, handwriting, polygraph analysis, and medical illustrations.

It has been a concerted effort, Mr. Chairman. Now comes the real test, as we assess the quality of the evidence in these hearings.

Thank you, Mr. Chairman.

Chairman STOKES. Thank you, Judge Preyer. Now, I am pleased to recognize my colleague from Ohio, the distinguished ranking minority member of this committee, who has worked untiringly as a member of this full committee and also of the Kennedy Subcommittee, for such remarks as he cares to make at this time.

Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Very briefly, I would like to point out that our investigation will not end with these public hearings at the end of this month, at which time we still will have 3 months of hard work to do. Important aspects of the investigation will continue as we fit the last pieces into the mosaic that we are making. We expect to interview additional witnesses, to meet in executive session, and to complete the task of writing our final report.

Much of the effort that remains has to do with resolving seemingly minor points. The alternative to doing this would be to allow gaps to go unanswered and to publish a report that lacks unity. If we did that, we would fail the tests that surely will be applied to the job we do—the test of professionalism and the test of craftsmanship.

Thank you, Mr. Chairman,

Chairman STOKES. Thank you, Mr. Devine. The Chair would like to announce that close to the hour of 10 a.m., it will be necessary for the chairman of the committee, the ranking minority member, Mr. Devine, the chairman of the two subcommittees, Mr. Preyer and Mr. Fauntroy, to leave these hearings and appear before the House Administration committee relative to the balance of the funding for this committee. So when we depart, it will be for that reason. Of course, we will return to the hearing as soon as our work before another congressional committee has been completed.

The Chair at this time recognizes general counsel of the committee, Professor Blakey.

**NARRATION BY G. ROBERT BLAKEY, CHIEF COUNSEL AND
STAFF DIRECTOR**

Mr. BLAKEY. Thank you, Mr. Chairman.

As the committee begins its public hearings on the assassination of President Kennedy, it seems appropriate to reflect for a moment on the meaning of the life—and death—of our 35th President. Appropriate, because, as in the King assassination, ultimately this committee must face this question: Was the President's death unrelated to his life, a senseless act, or did it have meaning?

To begin to understand his death, it is perhaps instructive to refresh our memories of his life, to go back to a cold January morning in 1961 when he stood before the Nation that had just elected him and voiced these memorable words:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty.

No words that could be written now more aptly portray the determination of John F. Kennedy as he assumed office. An articulate, confident new President—his mettle was yet to be tested—he confronted the issues that would put him in conflict with awesome forces abroad and at home.

The cold war was his foremost concern, as the United States and the Soviet Union stood poised to obliterate each other—or to coexist. Kennedy had come down hard in the campaign on a need to bolster military might, a position he would amplify by tacking an extra \$4 billion to the budget for defense that former President Eisenhower had approved.

There were, in fact, trouble spots in the world where the potential of hostilities was real, countries where the Communists were securing a foothold, including one only 90 miles away—Cuba.

Domestic issues had a potential for violence as well.

There was racial turmoil in the South—freedom rides and sit-ins—and there was no way a man like John F. Kennedy would or could stand on the sidelines.

And there was the menace of organized crime. The Justice Department, run by the President's brother, Robert F. Kennedy, was gearing for an all-out drive on the mob, which would include a concerted effort to send Teamster President James Hoffa to prison.

The President's popularity was high—he came into office with a 69-percent approval rating in the Gallup Poll. But his policies both