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EXECUTIVE SESSION
HOUSE OF REPRESENTATIVES

HEARINGS
BEFORE THE COMMITTEE
on

014697

SELECT COMMITTEE ON ASSASSINATIONS

Thursday, December 9, 1976

Washington, D. C.

Official Reporters to Committees

Mills

EXECUTIVE SESSION

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CAPS

COMMITTEE
BUSINESS MEETING

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1218
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Thursday, December 9, 1976

4-1-8

U.S. House of Representatives, 13

Select Committee on Assassinations, 13

Washington, D. C. 13

9 The committee met at 2:45 p.m., in Room 2247, Rayburn
House Office Building, the Honorable Thomas N. Downing
(Chairman) presiding.

12 Present: Representatives Downing (presiding), Gonzalez,
13 McKinney, Preyer, Thone, Stokes, Anderson, and Fauntroy.

14 Also Present: Richard A. Sprague, Chief Counsel and
15 Director; Thomas Howarth, Budget Officer, and Donovan L. Gay,
16 Chief Researcher.

6-1-8

EXECUTIVE SESSION

1 H Chairman downing. The committee will come to order.

2 Mr. Sprague, the next time we have one of these
3 executive meetings, Mr. McKinney made what I think is an
4 excellent suggestion $\frac{1}{M}$ that when we go into executive session
5 we find some suitable room that we can adjourn to, to carry on
6 the executive session, and we won't have this delay.

7 Mr. Sprague. Mr. Chairman, I think it would be a great
8 idea to try to have an alternate room to move to.

9 Chairman Downing. Now, will everybody in the room not
10 a member of this committee staff identify themselves?

11 Mr. Hutton. E. M. Hutton, the ~~C~~Chairman's staff.

12 Mr. Levin. Jay B. Levin, Congressman Dodd's staff.

13 Ms. Caldwell. Bonnie Caldwell, Congressman Gonzalez'
14 staff.

15 Mr. Burgess. Quentin Burgess from Congresswoman Yvonne
16 Burke's office.

17 Mr. Harvey. Percy Harvey, from Congressman Ford's staff.

18 Mr. Spring. Hank Spring, from Mr. McKinney's staff.

19 Chairman Downing. All right. Close the doors.

20 Mr. Sprague, suppose you begin your presentation.

21

22

23

24

25

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1 STATEMENT OF RICHARD A. SPRAGUE, CHIEF COUNSEL AND
2 DIRECTOR

3 Mr. Spague. Mr. Chairman, before I commence that, may
4 I bring up two other matters, first, on which I would like
5 to get some direction from the committee.

6 As I understand it, there is going to be another meeting
7 of this committee for purposes of presentation of the report
8 that will be submitted to the Congress, this Congress.

9 Chairman Downing. That meeting will be next Friday, at
10 10:00 a.m., that is the 17th of December, at a place to be
11 decided.

12 Mr. McKinney. Mr. Chairman, could we have it at
13 1:30 o'clock? Would anybody object? Is it going to be a long
14 meeting?

15 Mr. Sprague. I would not think so.

16 Mr. McKinney. I find myself in an embarrassing position ^{1/2}
17 being ranking member of the Economic Stabilization Committee,
18 Bill Moorhead has moved the steel price meetings three
19 times to accommodate the Minority side of the aisle.

20 Chairman Downing. I certainly have no objection to
21 1:30 o'clock. Anybody else?

22 The committee will then meet at 1:30 o'clock. That is
23 Friday, December 17.

24 Mr. Sprague. What I would like to bring to the
25 attention of the committee, if I may, there is a question

1 in my mind, as your chief counsel, with regard to the present
2 resolution that exists concerning the auth^oority as the base
3 for this committee to operate on. There is in my opinion
4 a grave question of constitutionality, not with regard to
5 the ability of the Congress to be investigating, but with
6 regard to the way in which the resolution that presently
7 exists is worded.

8 *H* Frankly, because of that, I have seen that no sub~~p~~poena
9 was issued that was other than what I call a friendly
10 sub~~p~~poena, because I did not want to get in the posture where
11 someone was attacking it, and taking us into court on the
12 constitutional base that exists.

13 And what I am seeking guidance on ¹/_M I would like to
14 be able to present to the committee, at the next session,
15 a sort of preamble to the resolution stating what I submit
16 would be the appropriate basis for this investigation, so that
17 if and when the matter of the constitutionality arises, we
18 are properly and fully bottomed. But I would not do that unless
19 given such direction by the committee.

20 Chairman Downing. Well, I think if any question exists
21 in your mind as to the constitutionality of the section of
22 the resolution, certainly you should draft a preamble, along with
23 a proposed resolution, which will, of course, have to be
24 submitted in the next session of Congress.

25 Mr. Sprague. At the next session I would like to present

1 what I think will be a preamble there which I think would
2 then save this resolution, the wording of it, from subsequent
3 attack.

4 91 Mr. Thone. Does this come down to whether or not that
5 resolution directs itself ~~how would it stay~~ enough to
6 a legislative purpose?

7 Mr. Sprague. Legislative and oversight purposes, because
8 I think there would be problems the way it is presently
9 worded.

10 Mr. Gonzalez. Mr. Chairman, let me give you a little
11 history, because this is something that bothered me at
12 the very beginning.

13 The wording that finally resulted in this resolution
14 was very hastily prepared, presented to me by the clerk of
15 the Rules Committee. I raised the point immediately, and he
16 said, "This is what I have been ordered to arrange.
17 Do you have any suggestions?"

18 Well, there was one sentence that I knew was at first
19 blush violative ¹/_M "So scratch that out." And I said,
20 "The rest I have my doubts, but my gosh, you want this in
21 today, so you can have something to meet on tomorrow." And that
22 is the way it got submitted.

23 Now, I didn't ask him what the history of the drafting
24 had been when he presented it. But since then, I have been
25 going into that. And I for one would be very grateful if you

1 would, because we may wish to think of the procedure we
2 may want to follow on in January.

3 9 This was a simple House resolution. We may wish
4 to file another for the sake of having immediate full House
5 consideration, so as to not lose too much time. And in that
6 respect, I am trying to get the picture from the Parliamentarian.

7 So I for one would be very grateful if you would, and we
8 could look it over next week.

9 Chairman Downing. Without objection, counsel is
10 directed to draft a preamble and/or a resolution for presenta-
11 tion at the next meeting of the committee.

12 Mr. McKinney. Mr. Chairman, Congressman Dodd could not
13 be here today, because he had to go back to Connecticut.
14 He asked me if I would make sure the counsel ~~please~~ keep in
15 the wording which ~~left the availability~~ ^{retained the option} of looking into the other
16 assassinations. He is not suggesting we should, but he feels
17 perhaps we might want to ~~as a committee~~ at least put
18 a protective hold on materials pertaining to other political
19 assassinations.

20 Mr. Sprague. Mr. Dodd so advised me. And the other
21 matter that I would want to bring to the attention of the
22 committee ¹/₂₁ although we are reviewing it ¹/₂₁ there has been
23 a letter submitted by the Civil Liberties Union in Chicago
24 requesting that we look into what they allege is the assassina-
25 tion of two people of the Black Panthers.

1 9 Mr. Anderson. Is that the Fred Hampton case?

2 Mr. Sprague. Yes, it is, sir. We are in the process of
3 at least looking that material over. And if I may at the
4 next session I will at least prepare a summarization
5 with a recommendation to the committee.

6 Chairman Downing. All right. That will be fine.

7 Mr. Sprague. The next housekeeping chore that I
8 just want to bring to the attention of the committee is this:
9 It has been suggested that assuming this investigation
10 proceeds, and that there are hearings, that they are on such
11 a historical note that either we arrange for a videotaping
12 of them, just the keeping of them as a permanent record,
13 or make arrangements with the news media, who undoubtedly
14 will be televising them, for obtaining their records.
15 I just throw that out, because I do not know what your
16 thoughts are on that.

17 Chairman Downing. Are you talking about a videotaping
18 of the entire session?

19 Mr. Sprague. Of what is our public hearings, where
20 witnesses are presented.

21 Chairman Downing. All right.

22 Mr. Sprague. I am not making any recommendation. I
23 am just bringing it to your attention.

24 Chairman Downing. That is not a matter we have to resolve
25 right now. All right.

1 9 Mr. Sprague. Mr. Chairman, with regard to the investiga-
2 tion in more detail than we have gone into, I would start with
3 the Kennedy assassination.

4 It has come to our attention that in the area of the
5 finding of the bullet which allegedly went through President
6 Kennedy and through Governor Connally, the following situation
7 at least had existed:

8 The bullet was found on a stretcher in the Parkland
9 Hospital. The sequence of events was that upon the shooting,
10 the bodies of President Kennedy and Governor Connally were
11 rushed to the Parkland Hospital. President Kennedy was on
12 a stretcher wheeled into what is called ~~Trauma~~ Room No. 1,
13 Governor Connally into a room right across from that,
14 Trauma Room No. 2.

15 President Kennedy's condition was such that there was
16 nothing further that would or could be done. However, Governor
17 Connally was within a short space of time wheeled out of
18 ~~Trauma~~ Room No. 2 down a hallway to an elevator and up two
19 flights to a holding room for subsequent operation.

20 Now, the stretcher that President Kennedy had been on
21 at some point was taken from ~~Trauma~~ Room No. 1, and taken
22 down this same hallway, and placed against the wall, really
23 just before this elevator that goes from the basement to
24 the second floor.

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1 9 An elevator operator, called an engineer, was given the
2 assignment of operating that elevator on this particular day.
3 That operator took the stretcher of Governor Connally which
4 is said somebody had wheeled back there to the elevator after
5 Governor Connally had been taken to the second floor $\frac{1}{M}$ the
6 stretcher was brought back to the elevator. That operator
7 said he then took the elevator with the stretcher down to the
8 basement floor where President Kennedy's stretcher was against
9 the wall, and the operator said he took the Connally stretcher,
10 wheeled it out and placed it next to the Kennedy stretcher.
11 So you had, as he testified, the Kennedy stretcher next to
12 the wall, outwardly of the Governor Connally stretcher. That
13 witness testified before the Warren Commission and he testi-
14 fied that the bullet he found, which was the bullet that was
15 at least alleged to be this one bullet $\frac{1}{M}$ I think you remem-
16 ber the pictures in terms of the condition of that bullet $\frac{1}{M}$
17 allegedly went through President Kennedy and Governor Connally.
18 That bullet this witness said he found on the stretcher that
19 was next to the wall which would be President Kennedy's
20 stretcher, and there were bloody sheets there. He so testi-
21 fied before the Warren Commission.

22 Obviously if that testimony in fact is true, it does cre-
23 ate a problem as to how this bullet which allegedly went from
24 Kennedy to Connally ends up on President Kennedy's stretcher.

25 The Warren Commission in their examination of this witness

1 drew the conclusion that, yes, he did find this bullet, but
2 he was mistaken as to which stretcher he found it on. He
3 drew that conclusion because in the questioning of that wit-
4 ness they describe these stretchers as ~~/~~stretcher A, ~~/~~stretcher
5 B and perhaps could ~~/~~stretcher B have been in a certain posi-
6 tion and the testimony was generally presented.

7 *Q* Our reading of it is there is an indication of the wit-
8 ness getting confused. In any event, the witness ended up
9 saying he was not sure on which stretcher it was found and
10 there are other people who said the mass of bloody sheets
11 were not on the Kennedy stretcher against the wall but on
12 the Connally stretcher outwards, so the Warren Commission con-
13 cluded this bullet had to be found on the Connally stretcher.

14 I say this because obviously the question as to what
15 bullet where, whose stretcher could be of some importance.

16 A nurse came forward and told us that she was a student
17 nurse there on that particular day along with another person
18 she named as well, and she relates how they had been in the
19 ~~/~~Trauma Room No. 1 with President Kennedy and then coming out
20 in the hallway to go up this elevator upstairs at a point
21 after Governor Connally had been wheeled out of Trauma Room
22 No. 2.

23 This lady, another young lady who we have found out where
24 she is ~~/~~ unfortunately this gets into locating witnesses; she
25 is over in Africa somewhere ~~/~~ neither of these two people had

1 ever been questioned by anybody from the day of the event
2 until this young lady came forth to us.

3 Her explanation ¹/₄ I did ask her, "What is it that moti-
4 vated you to come forth to us after 13 years?" ¹/₄ her response
5 ¹/₄ and we have talked to her directly, I have as well, and
6 there is nothing kooky about this person ¹/₄ is she frankly
7 thought initially some agency of law enforcement would get
8 to her at some point because she is on the record as working
9 that day; there is nothing secret, and in the course of
10 time when nobody did she just kind of felt that guilt that
11 she hadn't said anything, and that has bothered her ever since.

12 In any event what she relates to us is important from
13 two standpoints, in our review of the thoroughness of the in-
14 vestigative effort that existed previously, it is certainly
15 I would say surprising that since the importance of that one
16 bullet and where it was found becomes such an issue ¹/₄ it
17 was an issue even back then ¹/₄ there would not have been an
18 effort to find out each and every person that was present at
19 the hospital who perhaps saw this and interview them for
20 whatever they would say. It does raise some question in terms
21 of thoroughness in the rush to get the prior investigation
22 done.

23 She relates as she came down the hallway with her stu-
24 dent nurse friend to go to the elevator there was at that
25 time only one stretcher, and that was the stretcher next to

1 the wall. Whether this means that Governor Connally's stretcher
2 had not yet been brought back or there was a later period in
3 time we are in the course of investigating, but she relates
4 that the one stretcher that was there with bloody sheets on
5 that stretcher was the stretcher against the wall, and on
6 that stretcher she does see a single bullet.

7 Obviously if in fact this is the same bullet that she
8 has spoken about, if in fact it is the Kennedy stretcher, raises
9 a question. This is an area we are in the process of investi-
10 gating at the moment.

11 The second area that at the moment we have been doing some
12 looking into involves an allegation that concerns wiretapping
13 by the CIA in Mexico where they picked up conversations of
14 Oswald. Suffice it to say $\frac{1}{M}$ here again, I guess we have to
15 put it in context $\frac{1}{M}$ the CIA had testified before the Warren
16 Commission of no prior contact with Oswald known to them prior
17 to the assassination until they then checked the records after
18 the assassination and stated that they found a conversation
19 that Oswald had had in Mexico with the Russian Embassy prior
20 to the assassination, and they dug this out post-assassination.

21 That has been their position ever since. The contention
22 here is that in fact there was more contact by the CIA with
23 Oswald than what they have disclosed.

24 A former CIA agent named Phillips was reported in the
25 press to have made some statements which if true were contrary

1 to what the CIA had publicly said before the Warren Commis-
2 sion. We brought that former CIA agent Phillips before an
3 executive session of the Kennedy Subcommittee, and it was
4 chaired by Mr. Preyer, and Mr. Thone, and took Mr. Phillips'
5 testimony under oath.

6 ¶ The substance of the testimony by Mr. Phillips ¹/_M and we
7 have the transcript; it is available ¹/_M is as follows. This
8 could perhaps be of some importance. Mr. Phillips said that
9 prior to the assassination of President Kennedy the CIA main-
10 tained a surveillance operation in Mexico City of the Cuban
11 and Russian ~~E~~mbassies. The unit that was responsible for
12 surveillance of knowing what was going on in the Cuban Embassy
13 was headed by Mr. Phillips, a Mr. [] was responsible for
14 knowing what was going on in the Soviet Embassy, [] be-
15 ing a CIA agent.

16 In addition, the CIA maintained a wiretap operation and
17 they were wiretapping what calls were coming into the Cuban
18 and Russian ~~E~~mbassies, and they also had bugs in the Cuban
19 Embassy and were picking up some conversations in the Cuban
20 Embassy.

21 The way in which this operation ran was that the inter-
22 cept unit, if I can use that word, would monitor these conver-
23 sations. They would have a recording going on of these conver-
24 sations going into the Cuban and Russian ~~E~~mbassies. There would
25 be a person listening to them as they were being recorded,

1 that after these conversations were recorded they were then
2 taken to either a Spanish or a Russian interpretor who would
3 then translate these recordings and they would be typed up.

4 *Upon* Upon being typed up, these transcripts would be sent to a
5 Mr. ^{Win}~~Wynn~~ Scott, who though not in a technical sense in command
6 of that operation in fact was the person who was running the
7 CIA operation in Mexico. Mr. Scott would review the tran-
8 script and if it was a wiretap of a call into the Russian
9 Embassy, he would forward that transcript to Mr. [redacted] If
10 it were a wiretap going into the Cuban Embassy, he would send
11 that to Mr. Phillips. If it involved both, it would go from
12 Phillips to [redacted] or vice versa.

13 The procedure upon the transcript going to Phillips at
14 the Cuban unit and [redacted] at the Russian was then to advise
15 other agencies of government, such as the FBI, State Depart-
16 ment, concerning that information if it was significant.

17 In matters that were more unique, a cablegram would be
18 prepared by either Mr. [redacted] or Mr. Phillips, which would be
19 routed back to Mr. Scott, and if he approved it that cablegram
20 would then be sent advising CIA Headquarters in Washington as
21 to that particular intercept, that being done in the more
22 unusual situation.

23 He also testified that these transcripts, the recordings
24 themselves, normally were destroyed not by just a destruc-
25 tion $\frac{1}{M}$ nothing ulterior in that sense $\frac{1}{M}$ but by a reuse of

1 these records after they had been transcribed.

2 *¶*In response to a question, would there not be a period
3 of time to hold a recording for the transcript to be reviewed
4 and perhaps a decision being made, that there might be a need
5 to keep that recording itself, Mr. Phillips said, yes, but
6 what that period of time would be and whether there was any
7 formal order, directive, he was not prepared to say. I sug-
8 gested to him, "What if we picked up a conversation in which
9 someone was calling and threatening to, say, assassinate a
10 congressman, would there not be a decision somewhere to hold
11 that tape, you might want to use that for evidence, maybe to
12 identify a voice or something?"

13 He said, "Yes, we would."

14 "What was the criteria that you would use if you heard
15 that an American was trying to get out of the country? Would
16 that be a matter to keep?"

17 He was not prepared to say.

18 In any event, what Mr. Phillips said happened specifically
19 in regard to Oswald was there was an intercept of a conversa-
20 tion by Oswald to the Russian Embassy, and Oswald was in fact
21 calling from the Cuban Embassy. Mr. Phillips said that to the
22 best of his recollection $\frac{1}{M}$ and there is no doubt as to the
23 first part of this $\frac{1}{M}$ one part of that conversation was Oswald
24 advising the Russians that he wanted to get out of this coun-
25 try, that he wanted to get to Cuba, and then to Russia.

1 *9* Mr. Phillips stated what I would consider in an unsatis-
2 factory fashion, a rambling fashion, that it was his feeling
3 from the way in which the words appeared in the transcript
4 that Oswald was indicating that the Russians perhaps ought to
5 be talking to him and that they perhaps ought to give him some
6 aid in getting out of the country. I say to you I feel that
7 Mr. Phillips said it without any degree from my standpoint of
8 authority but that this was an attempt to get out of the coun-
9 try is clear.

10 Mr. Phillips states that as a result of that *1*/*u* and that
11 transcript came to him first and then went on to Mr. *1*/*u*
12 there were two things that he noted, that in this transcript it
13 referred to the fact that Oswald was speaking poor Russian
14 and there were notations typed on here of the poor quality of
15 the Russian that was being spoken, typed on the transcript,
16 and some other comments.

17 As a result, Phillips testified that a cablegram was pre-
18 pared by Mr. signed by Mr. submitted to Mr.
19 Phillips and signed by Mr. Phillips, to then be given to Mr.
20 Scott to be sent to CIA Headquarters in Washington because
21 this information put it in a more unusual category.

22 That cablegram states Mr. Phillips specifically stated
23 that they had picked up this information that Oswald was trying
24 to get out of the country, seeking a visa to go to Cuba and
25 then on to Russia. That becomes of some significance because

1 the cablegram that in fact was sent by the Mexican station
2 to Washington omits that and the cablegram that in fact was
3 sent from the Mexican station to Washington merely states that
4 Oswald was contacting the Soviet Embassy and was inquiring
5 whether they had received a response to a telegram that he
6 had sent, whether the intercepted messages of Oswald calling
7 the Soviet Embassy was his inquiry about a telegram, but that
8 is in addition to the transcript to which I have made refer-
9 ence.

10 ¶ We have asked Mr. Phillips, "Are you positive that the
11 cablegram that you prepared was alerting Washington that this
12 supposed American was trying to get out of the country?" he
13 said, "Yes," He is absolutely sure as to that.

14 "Do you have any explanation for the cablegram that was
15 in fact sent?"

16 His response was that it seems to him it would be acts
17 of negligence by a number of people or a deliberate decision
18 by a person not to have that information conveyed.

19 The second aspect of Mr. Phillips' testimony that is of
20 some significance ^f_h these are areas that were investigated bring-
21 ing up to date this is what we are doing ⁱ_h in this same cable-
22 gram that Mr. Phillips said was prepared was a description of
23 an American seen going into the Russian Embassy on the date
24 of this intercept. This description ⁱ_h we thought the liter-
25 ature has caused numerous problems because it is conceded by

1 everybody that the photograph that the CIA used in the descrip-
2 tion is of a person who is not Oswald. The CIA has since said
3 they made a mistake. The person who ^{gave} ~~put~~ the description thought
4 this was Oswald. What is important here, however, is that the
5 CIA records ¹/₁ even this transcript, Mr. Phillips' testimony ¹/₁
6 is that the person was not in any way related to Oswald going
7 into the Russian Embassy that day but he was in the Cuban
8 Embassy and the question has arisen if they are sending a
9 description of the person that day who made that call, why
10 did they give a description which in fact turns out not to be
11 an accurate description of somebody who is entering the
12 Soviet Embassy when their information is he is entering the
13 Cuban Embassy in which they had a surveillance operation.

14 9 I did ask Mr. Phillips, "Well, did you make any attempt
15 to ask your people who made the surveillance on the Cuban
16 Embassy at that time? What pictures did they take of people
17 going into the Cuban Embassy? What were your surveillance re-
18 ports?"

19 And he said, "No, we did not."

20 "Why not?"

21 He had no response.

22 The sequel to that, of course, is apparently after the
23 assassination when the CIA was asked to furnish what photo-
24 graphs they had of Americans entering the Cuban Embassy on
25 that day, the response was that their equipment did not work

1 on that day and they have no such photographs.

2 *PH* But we did get back to the fact that under Phillips'
3 testimony you have a cablegram conveying information of an
4 American trying to get out of the country. When asked by us
5 whether the FBI or other authorities were notified as to that
6 information, he did not know. In fact, it appears that they
7 were not notified. The information that appears in the cable-
8 gram to Washington, i.e., that Oswald was merely asking about a
9 telegram, that is the extent of the information that was con-
10 veyed to the other agencies.

11 When the CIA responded from Washington they of course
12 alerted Mexico that Oswald had prior defected to Russia and
13 had married a Russian wife. And I asked Mr. Phillips upon
14 getting that response, "Knowing this is an American trying
15 to get out of the country going to Cuba, which it was a vio-
16 lation of the law for Americans to do at that time, what
17 would you do?"

18 He said, "We would commence a surveillance of Oswald."

19 I said, "Did you?"

20 His response was, "No; we didn't."

21 "Well, why not?"

22 "Because we got word that Oswald had left Mexico and he
23 was back in the United States."

24 If this was of sufficient importance, tying in this man
25 trying to get out of the country, who is a prior defector, that

1 you would have commenced a surveillance while he was still in
2 Mexico, what did you do to alert other agencies of the Fed-
3 eral Government. Whenⁿever he was back in the United States
4 they should now commence a surveillance.

5 9 Mr. Phillips said he did not.

6 "Why not?"

7 "Because we assumed the other agencies of government
8 would do whatever was appropriate for them to do," but he
9 conceded that was only an assumption; they were told this
10 American was trying to get out of the country and we have
11 gotten access to those documents of notification to the FBI,
12 the Department of State, and Immigration. None of them were
13 told about this part of the intercept.

14 What makes the area more complex at the moment, after
15 interviewing Mr. Phillips we dispatched two of our staff to
16 Mexico to contact the person who was the transcriber, the
17 interpreter of the wiretap, and the person who typed it, who
18 in fact is the wife of that translator.

19 We have interviewed them and they are both available at
20 some point to come before this committee and testify, as well
21 as Mr. Phillips, publicly. They have stated that, yes, they
22 remember the conversation and they took it down, but no part
23 of it was in Russian. In fact, the translator says: 9 I
24 didn't have to translate because it was in English and that
25 is the reason my wife took it and typed it, and we did not

1 type any notes to this thing that the man spoke in poor Rus-
2 sian or any such thing.®

3 ¶ There definitely was a part of the transcript that the
4 wife remembers vividly which included Oswald stating that he
5 wanted financial assistance from the Russians to get out of
6 this country.

7 We have obtained the typewriter that this lady says per-
8 haps she used in the typing here of the transcript. We went
9 to get the documents and submit them to these people, our
10 people, for them to look at, determine whether these are the
11 transcripts; are these different transcripts. We want to
12 find out what were the original cablegrams that existed and
13 find out why the change.

14 I might say this in addition. This area is apparently
15 sensitive enough to the CIA that although I have not yet been
16 cleared, none of our staff in the security classifications,
17 the CIA contacted me and on an ad hoc basis granted an immedi-
18 ate clearance to have me look at what they submitted were
19 the transcripts of these conversations in their reports con-
20 cerning the Mexican operation.

21 I must say that what appears in their transcripts is
22 at variance with what Mr. Phillips has said and what the
23 translator and typist in Mexico have said in their transcripts.
24 There are markings about the person speaking in Russian,
25 regular writings in there of this being from a Russian trans-

1 lation, which of course would be at variance with what is
2 there.

3 *¶* We are investigating this matter. That brings you up to
4 date as to this particular area.

5 Passing on for a moment, we in the Martin Luther King
6 case have been in touch with a lawyer, a person who was for-
7 merly head of the Department of Corrections in Tennessee who
8 has advised us of personal conversations he has had with
9 James Earl Ray where in one of those conversations Ray told
10 him that when Ray was over in Portugal, Ray, pursuant to ar-
11 rangements, contacted somebody to get his further instructions
12 as to what to do, and pursuant to those instructions he was
13 directed to go on to Belgium to where he was headed when he
14 was arrested.

15 Again, these are areas that we are working in.

16 The other area in Dr. King's case at the moment, it does
17 appear that a police officer who had been assigned for secur-
18 ity for Dr. King ^{*1*}/_{*M*} had been requested as a matter of fact
19 by Dr. King's staff to supply security in Memphis ^{*1*}/_{*M*} named
20 Reddick ^{*tt*} was called off the detail just about ^{*2*}/_{*2*} hours prior
21 to the assassination of Dr. King. The stories that we are
22 obtaining from the various individuals who appear to sponsor the
23 calling off are contradictory stories, one story being that
24 there is information of a plot to kill Reddick ^{*tt*} and therefore
25 there is a need to get him out for his own security and take

1 him away. But the source of that plot, because ¹/₄ one of the
2 things we are trying to do is pin down these people if there is
3 a plot to kill Reddie^{tt}~~s~~, who is the source of that information
4 and see how bona fide this was, or was this merely an attempt
5 to get the officer away who might have been in a position to
6 observe and stop something.

7 *¶* As I say, the stories we are getting are conflicting at
8 the moment and we are investigating back to find out in as
9 much detail as we can to then present them in a hearing be-
10 fore this committee.

11 I would say in the main that represents the limited
12 amount of investigative work that we are in the process of
13 doing.

14 Chairman Downing. You did examine the guilty plea of Ray.
15 Have you told the committee about that?

16 Mr. Sprague. I believe I did, Mr. Chairman, at the earl-
17 ier presentation.

18 Chairman Downing. Mr. Gonzalez.

19 Mr. Gonzalez. The CIA had surveillance on both ~~E~~mbas-
20 sies and presumably they would have two sets of conversations
21 because he called both, didn't he? Did Phillips know, or has
22 this been brought out, about the existence of two or only the
23 one that he might have known about?

24 Mr. Sprague. Mr. Chairman and Mr. Gonzalez, Mr. Phillips
25 knew of both and as a matter of fact that is one of the ques-

1 tions that has arisen here, ought there not be two tran-
2 scripts since there were two wiretaps if the call is from
3 the Cuban to the Russian Embassy.

4 Mr. Gonzalez. Apparently they also had some type of sur-
5 veillance that was taken, photographs of the people enter-
6 ing and leaving, and I would assume they matched. Here is
7 the monitor, and he has the machine going. I guess he would
8 be in contact with whoever was also handling the photo-taking
9 so they would probably $\frac{1}{4}$ what would be the chances for an
10 error of that nature, because I know that the Warren Commis-
11 sion had been given instructions they were to be picked from
12 an individual to be Oswald and obviously it wasn't Oswald.

13 There it would seem to me the question would be, how easy
14 would it be to make that kind of mistake?

15 Mr. Sprague. Mr. Chairman and Mr. Gonzalez, one of the
16 things we want to do is get hold of
17 because they are the ones that gave this description from
18 the obvious incorrect picture. When I say obvious incor-
19 rect picture, you understand it is a picture of someone enter-
20 ing the Soviet Embassy when the information was Oswald went
21 into the Cuban, so that makes no sense.

22 Mr. Gonzalez. Phillips doesn't know who was operating
23 the photograph operation?

24 Mr. Sprague. As far as I recall, he does not.

25 Mr. Gonzalez. Is there any way that could be ascertained?

1 Mr. Sprague. Yes. We are seeking to identify each and
2 every individual. I may say in another area that slipped my
3 mind, in dealing with the translator and the typist in Mex-
4 ico, contrary to again what the CIA has indicated at least to
5 the Warren Commission, not any real knowledge here, nothing
6 that alerted them, the typist and the translator in Mexico
7 acknowledged when they picked up the first intercept that
8 their CIA contact whom they named to us was alarmed about this
9 sufficiently to say to them this is very important. The
10 moment you pick up another intercept we have to know about
11 it, expressing grave concern about this matter.

12 Mr. Gonzalez. For years it has been known for instance
13 that the Russians in Mexico have had four or five times the
14 number of personnel in their embassy than, say, the American
15 and the British combined. Do the CIA officials know of any
16 kind of counterintelligence where they might be taking pictures
17 of our people taking pictures of theirs? Because there has
18 been no doubt that for years they have had a vast army of
19 personnel, way beyond what the picture is of commercial and
20 other interchange between. Obviously there has been intelli-
21 gence here but the figure is astounding, for our five times
22 more. So it would seem perhaps our intelligence efforts could
23 have been outdone in the case of the Russians.

24 Would there be any possibility of some transposing there
25 of information?

1 Mr. Sprague. I just could not say.

2 Mr. McKinney. The typists you talk about, were these
3 Mexican or American citizens, CIA agents or just people?
4 What is their background?

5 Mr. Sprague. The background: The typist is a Mexican
6 and the translator, if I recall, is a former Russian.

7 Mr. McKinney. In other words, is it the CIA practice to
8 hire people like that from a foreign country and not use their
9 own service?

10 Mr. Sprague. I do not feel qualified to speak on the
11 practice on this point. I am advised that the head of the
12 area dealing with the Russian Embassy Mr. [] was formerly
13 from Russia as well.

14 Mr. McKinney. That was going to be my next question.
15 You said you wanted to talk to [] is that
16 correct? Where are they?

17 Mr. Sprague. We do not yet know.

18 Mr. McKinney. The CIA does not know?

19 Mr. Sprague. I have not pressed this inquiry with them.

20 Mr. McKinney. Is this one of the areas you don't really
21 want to press unless there is a better resolution? There
22 could be a fringe area?

23 Mr. Sprague. I guess what I want to do is go over their
24 documents in more detail because if they have eliminated any
25 documents, if there are materials in there that are contra-

dicted by what has been established by witnesses, I want to see what is there without going into the substance of the area of inquiry.

Mr. McKinney. Did the Warren Commission have any knowledge of what Oswald's financial condition was? I have never seen people travel around that had less financial resources in my life. They make me envious. ~~In other words,~~ Here is this man in Mexico. You just don't go to Mexico casually, wander across the border; and how did he get there?

Mr. Sprague. In this area I only know what I was advised in the Warren Commission report. I do not feel I am expert in it. They do say they went into his finances. They have stated the evidence indicates he took a bus to Mexico. It may be of some interest $\frac{1}{M}$ again I am told $\frac{1}{M}$ that when we get to what was it that Oswald said when he was being interrogated, one of the areas he made statements probably untrue is his being in Mexico, raises some question as to his feeling of a need to cover up having even been down there.

Another area that arises in these transcripts as a matter of fact is in one of the conversations by Oswald with the Russian Embassy they asked Oswald, "Where can we get in touch with you?"

And Oswald response is in effect, "I don't know; the Cubans have my address, the Cuban Embassy has it." Which raises some questions why they would have it and he just didn't

1 remember or what. We are really at the threshold. One of
2 our problems is we can only go in to pinpoint some areas and
3 even in doing this it really reemphasizes my point as to the
4 kind of staff to do an adequate job here.

5 9 Mr. McKinney. As far as you can tell from what Phillips
6 said, the CIA made no effort to inform anyone, including the
7 Immigration Service or the guards at the Mexican border, that
8 Oswald had left?

9 Mr. Sprague. That is from what we have to this point
10 apparently clear. They made no attempt to notify anyone he
11 was out of Mexico and they made no attempt to notify that
12 this person was seeking to get out of the country and go to
13 Cuba and Russia.

14 Mr. McKinney. So they just sort of took down informa-
15 tion about ~~somebody~~ ^{Someone} who ~~would have~~ ^{hurried} off to Russia, had a Rus-
16 sian wife and said he is going ~~out of~~ ^{to} Mexico so we won't worry
17 about it?

18 Mr. Sprague. If they sent a cablegram in some way at
19 least alerting Washington this person was trying to get out
20 of the country and changed it to omit that specific informa-
21 tion, whether that was done on anybody's orders or not.

22 Mr. McKinney. Is anyone still alive?

23 Mr. Sprague. Scott is dead. I wouldn't say everybody.
24 I do not know.

25 Mr. McKinney. In the context.

1 Mr. Sprague. I am advised that are
2 alive, the typist and translator of course are. There is a
3 whole raft of people. We have to find out the people in that
4 intercept unit and hear what it is they say occurred.

5 There is a question in my mind even on the destruction
6 of the tape. For example, if this situation was unusual
7 enough to warrant a cablegram being sent to CIA Headquarters
8 in Washington, would not there at least be a thought to main-
9 tain that tape until you get a response from Washington?

10 These are areas of inquiry.

11 Mr. McKinney. One last question. I wondered ~~somehow~~
12 what your timetable was.

13 Mr. Sprague. I do not mean to be facetious in response.
14 I think it would be wrong to have Ray feel as ^{he} feels this mo-
15 ment that he is in the driver's seat and everybody is going
16 to come scrounging and begging to him. You know in the
17 Yablonski case they were trying to get me to question Tony
18 Boyle right off the bat, if I came to him, "What makes you
19 think I am going to tell you everything?"

20 There is a psychological timing to get to someone. In
21 my view there are a couple of things that are important before
22 we get to Ray. I want to be in a much stronger position in
23 terms of knowledge of activities in terms of the whole ques-
24 tion of aliases, the phone calls.

25 Secondly, I am interested in finding out just little tid-

1 bits from anybody who may have been contacted, like this
2 person from the corrections department that we have referred
3 to.

4 9 Finally, and in all good course, Ray has been in corres-
5 pondence with us. He has written and we have responded. Ray
6 is represented at the moment by a lawyer named James Lesar.
7 He was represented by an attorney named Fensterwald, who we
8 did find. The appellate courts in Tennessee have ordered
9 Lesar to remain in the case, which he is doing. Ray also has
10 an investigator, one of the critics of the Warren Commission
11 named Weisberg, and there is some sort of problem existing
12 not only between them and us but between Ray and these people.
13 Frankly, one of the things from the psychological standpoint,
14 I am hoping that at some point Ray kind of does not continue
15 to have these people representing him and may want to be in-
16 itiating some contacts on his part.

17 It is a long way to answer, but I can not be prepared
18 at this point to answer except that a lot more groundwork
19 has to be laid before we get to that stage.

20 Mr. McKinney. There is no way at all we can ever ^{request} ~~ask~~
21 ~~for or ever get any~~ ^{obtain} information about what ^{Mr.} Ray told his
22 first attorney ~~that he refused~~ ^{that he refused} because that is privileged.

23 Mr. Sprague. I am glad you asked that, because I apologize,
24 that is another area we should take up. One of the things we
25 are doing is attempting to get what it is that Ray has told

1 each of his attorneys as well as what information was conveyed,
2 and so forth. As a matter of fact, there are subpoenas on
3 each of them at the moment. However, trying to hand out a
4 carrot at the same time, I have been talking with Mr. Ray's
5 present lawyer, Mr. Lesar, with regard to obtaining from Ray
6 a waiver of attorney-client relationship as to all of his
7 prior counsel, and if I can get that, I would rather proceed
8 in that vein.

9 ¶ The probabilities are we can still get it because Ray
10 in his various legal proceedings has attacked his prior coun-
11 sel and that has probably achieved a waiver of attorney-
12 client privilege, but I would rather not get to that step if
13 I could proceed in the first way of getting this waiver of
14 attorney-client relationship.

15 Mr. McKinney. I apologize for taking so long.

16 Chairman Downing. Mr. Preyer.

17 Mr. Preyer. I just have two brief factual questions
18 and one general question. You mentioned the CIA transcripts,
19 documents which you have had a chance to see recently, and
20 you say they differ from those of the translator and from
21 Mr. Phillips' recollection.

22 Do those documents indicate that Oswald was seeking to
23 get out of the country?

24 Mr. Sprague. Those documents, even their own documents
25 that are there, indicate that Oswald was attempting to get a

1 visa to go to Cuba and Russia. The part of those documents
2 that I say has that in part is a Soviet call with Oswald
3 speaking to the Russian Embassy, and it could be a little
4 unclear from the transcript as to who is making the state-
5 ment but it is clear it is referring to Oswald being the one
6 to go out of the country.

7 Mr. Preyer. On the bullet, the two stretchers, was
8 the Warren Commission clear that of the two stretchers against
9 the wall in the basement, one was Kennedy's stretcher and one
10 was Governor Connally's? I had a recollection that the
11 President had remained on the stretcher during the entire time
12 and I didn't recall that was clear in the report. Is it clear
13 of the two stretchers one was Kennedy's and one was Connal-
14 ly's?

15 Mr. Sprague. I have been advised of that. I have been
16 told by a member of the staff who has read that but I will
17 check that.

18 Mr. Preyer. I was just wondering generally how much of
19 any of this you thought might go into the report which I
20 guess we will have next week.

21 The mention of ~~six and a half~~ ^{\$6 1/2} million ~~dollars~~ has made me
22 feel we should try to put as much strong medicine in that re-
23 port as possible.

24 I wonder how much you think of what you have told us may
25 be addressed to the point where we wouldn't be compromising

1 any future leads to put it in the report?

2 Mr. Sprague. I recognize what you say. The trouble is
3 that each of these matters merits and calls for intensive in-
4 vestigation and I feel that disclosure would be premature at
5 this point.

6 It would be very difficult when we have yet to be compar-
7 ing typing with documents, when the questioner is speaking to
8 to have this kind of information out.

9 Mr. Preyer. So you probably wouldn't be able to complete
10 that in one line of this inquiry by January? ~~say~~

11 Mr. Sprague. I will try to wrack my brain to see if there
12 can be some allusion without disclosure, but I am afraid
13 that the allusion that doesn't disclose, doesn't achieve what
14 you say.

15 Mr. Preyer. I can see the witnesses like the
16 and so forth might take some time to track down and you
17 wouldn't want to go into that until you have them.

18 Mr. Sprague. I also have the additional problem. I
19 would like to show these transcripts to this typist and to
20 the translator as well. There are notations there and I
21 would like them to see those notations and see if they say
22 they are theirs.

23 Mr. Preyer. Thank you.

24 Chairman Downing. Mr. Anderson.

25 Mr. Anderson. I couldn't be present at the hearing that

1 was held I guess a week ago Friday or Saturday because I was
2 out of the country when Mr. Phillips came in, so I am not aware
3 of how his testimony developed. Did he come in voluntarily
4 before the committee?

5 Mr. Sprague. As a result of a story that appeared in
6 The Washington Post we immediately interviewed Phillips. I
7 thought this was merely involving what was reported in the
8 paper as to what someone was orally stating and I thought we
9 ought to get from him directly what it is he has to say.
10 What in fact he told us was not quite as it appeared in the
11 paper. Then we thought we ought to get what he said under
12 oath as promptly as possible.

13 Mr. Anderson. He seemed to be totally cooperative?

14 Mr. Sprague. He appeared to be, although I must say that
15 I found there was a selective ability to recall and not recall
16 during the questioning process. I had some questions at some
17 points as to how forthright he was being with us.

18 Mr. Anderson. I am not familiar with what the statutes
19 are. Are there any prohibitions[#] on former CIA people as to
20 what they can or can not disclose to someone like yourself
21 or a committee of Congress with respect to the activities of
22 the agency for which they once worked?

23 Mr. Sprague. I am not in a position to give you a
24 definitive answer. My belief at the moment is the only pro-
25 hibition is what they are obligated to pursuant to a contract

1 they signed with the CIA. I am advised that the CIA advised
2 Mr. Phillips prior to his responding to our subpoena under
3 oath that he was technically bound by that contract. Mr.
4 Phillips chose to appear and testify anyway. Mr. Thone was
5 very concerned about the CIA telling him that he was technically
6 bound by contract.

7 Mr. Gonzalez. May I interrupt?

8 In the Marchetti case where you actually had a hearing,
9 the court upheld the CIA contract.

10 Mr. Sprague. That is my understanding.

11 Mr. Anderson. Just one final question. You have actually
12 seen or someone on the staff has actually seen the transcript
13 of what the station chiefs got and did send back to CIA Head-
14 quarters in Washington with reference to this wiretap on the
15 Oswald conversation between the Cuban and Soviet Embassy, the
16 transcript that differs from the recollection of the tran-
17 scriber and the interpreter? You have seen that physically?

18 Mr. Sprague. The way you said it, Mr. Anderson is not
19 quite accurate. What Mr. Scott sent to Washington was a
20 cablegram $\frac{2}{4}$

21 Mr. Anderson. It contained no reference?

22 Mr. Sprague. Right. He did not at any time send a
23 transcript of the conversation. There are two areas: One is
24 the transcript and the other is the cablegram. I have seen a
25 copy of the cablegram that they say was sent by the Mexican

1 station to CIA Headquarters in Washington and I have seen
2 what they say are the transcripts of the taped conversation
3 that was picked up.

4 Mr. Anderson. And they are as different as you have
5 described them?

6 Mr. Sprague. Yes, they are.

7 Mr. Anderson. Both of those documents were turned over
8 to you by CIA?

9 Mr. Sprague. They were furnished to me to look at. I
10 frankly did not want to, at that time not having a security
11 clearance, have them remain in my possession because I did
12 not want to take the chance of something happening and the
13 staff or me being accused of any leak or loss of the documents,
14 so I looked at them and had them taken back.

15 Mr. Anderson. Thank you.

16 Mr. Gonzalez. One further matter. In the Gonzalez case
17 the question was with respect to the publication of a book
18 and this is a congressional subpoena, so we have an interest-
19 ing situation there in case there were pressing points.

20 Mr. Sprague. I want to say to get to that point, sec-
21 ondly, that Marchetti case is a different context. That had
22 to do with their enjoining him from the publication of a book.
23 The area that might apply here might have to do with executive
24 orders, but the President of the United States, it turns out
25 that the executive order in terms of classification and dis-

1 closure that the CIA operates under was the executive order
2 issue, there is a question as to that limitation, and I
3 frankly would think that the power of subpoena and investi-
4 gation by this committee overrules that.

5 Chairman Downing. Mr. Stokes.

6 Mr. Stokes. Thank you, Mr. Chairman.

7 This morning during the presentation, Mr. Sprague, you
8 mentioned to us a rather voluminous file ^{which} ~~that~~ you have ~~which~~
9 ^{representing} ~~represents~~ an inventory of the Memphis Police Department rec-
10 ords from which you will ascertain what records you ultimately
11 would like to have in your possession.

12 With reference to that Memphis Police record file, does
13 ^{it} ~~that~~ relate to just ^{the} ~~that~~ day of the assassination and subse-
14 quent investigation or does it cover a period of surveillance
15 of King prior to the assassination? What period of time are
16 we talking about ~~there~~ in terms of that file in your posses-
17 sion?

18 Mr. Sprague. There are indications here in the indexing
19 of parts of the files that go into surveillance operations
20 and Dr. King prior to the assassination as well as the inves-
21 tigation thereafter. There are indications of surveillance
22 action by the Memphis ^{Police} ~~Police~~ as well as the Federal Bureau
23 of Investigation prior to the assassination.

24 There is an appearance here also of a representative of
25 the Department of Justice being at the Lorraine Motel at the

1 very same time Dr. King was assassinated, and allegedly it
2 says they had a meeting with Dr. King, so there is some
3 appearance of information concerning that person being there
4 and the reasons therefor, which would have existed prior to
5 the assassination as well. How far back in time I can not
6 say.

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1 Mr. Stokes. Have we had any further information or follow-
2 up with reference to the historic files that came up at our
3 last executive committee meeting?

4 Mr. Sprague. We have spoken to a police officer who has
5 advised us that some of the files that have been destroyed
6 by the Memphis police were surveillance materials on Dr.
7 King prior to the assassination. We have not yet gone further
8 on that particular area, although we are in operation to
9 defer that to the coming week.

10 Mr. Stokes. I think I have just one further question.
11 At our last [#] executive committee meeting, you provided
12 us with some information with reference to a former FBI
13 agent who gave information ^{relative} to the type of heavy surveillance
14 on Dr. King in the Atlanta area, and in the Memphis area,
15 and the fact that when he left one jurisdiction he was
16 picked up in the other jurisdiction, et cetera. Have you
17 been able to follow up on that line of surveillance activity
18 by the FBI?

19 Mr. Sprague. We are in the process, as I think I said
20 previously, of trying to obtain from the House its other
21 documents that they already ^{JS} have on the COINTELPRO operation,
22 which was the FBI surveillance of Dr. King. We have not
23 yet succeeded in getting those documents. We have learned
24 the names of two other former FBI agents who were part of
25 the surveillance of Dr. King, and we are advised they have

1
2 information they are desirous of giving us. We have not yet
3 gotten to that.

4 *9* Mr. McKinney. Can I interrupt for a moment?

5 Why are you having so much trouble getting things in
6 the same building we are sitting in right now?

7 Mr. Sprague. Well, the technical side of it is that
8 through the *f*Chairman we have contacted I guess it was the
9 Speaker's office. As to the other, we were referred to
10 the *f*clerk. We were told we would have to contact someone
11 who is in a position of being a representative for the committee.
12 It has just been a long drawn-out process. And I may throw
13 in we have had the same thing with regard to the Senate
14 intelligence area, where we go from one to the next, and then
15 we go to getahold of the chief counsel, and we are told he is
16 not going to be back in town for a couple of weeks. It is
17 that kind of thing. I am not saying we are not going to
18 get them. But frankly, at this moment it has not been
19 breaking my heart that we have not gotten them, because I
20 do not know that we can do much about them. We are now getting
21 in the process where I would like to get them. *R* Rather than
22 any thought for the committee now, at our next meeting if we
23 do not have them and we are in the process to go ahead then,
24 I would get back to you on that.

25 Mr. Stokes. If I could have just one *f* further inquiry:

1 In light of the lead that you now have that a member of the
2 Department of Justice was perhaps registered at the same hotel
3 as Dr. King, have you proceeded to attempt to get ahold of the
4 record of all persons registered at or about that time?

5 Mr. Sprague. Yes. And one of the other things we are
6 trying to do is find out, in the interviewing of witnesses,
7 what interviews existed even of this person, if he was
8 allegedly there, and if none, then why none?

9 Mr. Stokes. Thank you, Mr. Chairman.

10 Chairman Downing. Mr. Fauntroy.

11 Mr. Fauntroy. Thank you, Mr. Chairman.

12 I am interested in the handwriting, or the notes on the
13 transcripts of the conversations in the Kennedy case.

14 Do I understand you to say that the records which appear
15 in Washington had notation in handwriting that the subject
16 spoke poor Russian?

17 Mr. Sprague. That part is typed in.

18 Mr. Fauntroy. It was typed in.

19 Mr. Sprague. Typed in. On the side there is handwriting
20 that this is the translation from the Russian, and that
21 is in handwriting.

22 Mr. Anderson. Could I interject at that point?

23 Does that raise the possibility that we are talking in
24 fact about a couple of conversations, one where he spoke
25 English and one where he did speak poor Russian?

1 Mr. Sprague. It certainly raises that possibility. And
2 that is one of the things that we are examining ¹/₂ the totality,
3 and whether one is talking about one, and someone else is
4 talking about another.

5 The problem with that is, though, that in looking at
6 what are the total transcripts, at least the CIA advised me
7 what they showed, there is nothing there that conforms to
8 what the people, the typist down in Mexico is saying, from
9 that standpoint.

10 Mr. Fauntroy. The typist in Mexico indicates that she
11 had no trouble typing the transcript because what she heard
12 was in English.

13 Mr. Sprague. That is right. And I might also say,
14 in response to Mr. Anderson as well, these two people, this
15 translator and typist, state that on all calls to the Russian
16 Embassies, they would be the ones to type and translate ¹/₂
17 there would not have been anyone else.

18 Mr. Fauntroy. May I ~~just quickly~~ quickly go to the
19 King matter?

20 Do I understand that the index of files available in
21 Memphis includes both local police records and FBI records
22 of all surveillance undertaken by the FBI in Memphis?

23 Mr. Sprague. I cannot say all surveillance. I can
24 only say that the index indicates that there are surveillance
25 records by FBI and local police here. But I would not say

1 that is all that there is.

2 // Mr. Fauntroy. Is there any indication of informants
3 which either the FBI or the local police had among the
4 Invaders, ^{consisting of} a group of young people who had been active in
5 demonstrations and on whom they blamed the violence in the
6 first demonstration?

7 Mr. Sprague. I do not see anything in the index that
8 would indicate that. But we have not yet read and digested
9 this material in any detail. All we have done is just go through
10 and itemize what was there.

11 Mr. Fauntroy. But there is no indication of the source
12 of what surveillance information they have on hand?

13 Mr. Sprague. I cannot even say that, Mr. Fauntroy,
14 because we have not read what is there. All we have done is
15 take what are the items that appear there. The analysis
16 and reading of it is yet to be done.

17 Mr. Fauntroy. Thank you, Mr. Chairman.

18 Chairman Downing. Mr. Sprague, I would be interested
19 in knowing how you set priorities on your leads. Now, I think
20 we all understand the need for immediate investigation of
21 Mr. Phillips, as that broke suddenly. The bullet theory is
22 an important one. But you take the numerous irregularities
23 in each case ¹/_M taking Kennedy for a moment now. There is
24 information that there were two rifles in the Texas Depository,
25 and that there is a deputy down there someplace in Dallas

1 that saw the other rifle. Have you got a list of irregularities,
2 and then you have a list of priorities? Just how do you
3 work it?

4 Mr. Sprague. Well, the basic approach $\frac{1}{M}$ and of course
5 again I have to repeat $\frac{1}{M}$ the basic investigation here cannot
6 get underway until we get the staff to do the job.

7 In the interim, it is finding out all of the material
8 that exists and where it exists. That seems to me to be one
9 of the first steps $\frac{1}{M}$ what investigative reports there are,
10 where are they, what is there, so that something doesn't
11 then disappear. And that is one of the essentials that
12 I think have to be undertaken and is being undertaken.

13 To the extent that we get some matters of information $\frac{1}{M}$
14 Phillips, I think we would be derelict in waiting there. The
15 nurse and the Parkland bullet, she contacted us. I do not
16 think $\frac{1}{M}$ as a matter of fact, I could not very well say to her,
17 "Thank you for the call, we will see you ~~six~~ months from now."
18 So I think that calls for that kind of immediate response.
19 And I may say the person with the information on Dr. King
20 was someone who contacted us, willing to give this information.
21 Again, I think we have an obligation there to respond
22 immediately. I don't think I should say, "We will get to you
23 a month from now."

24 But aside from these areas that I call of immediacy, I do
25 not want to see us jumping off and just being like a little

1 jack-in-the-box jumping to any stimuli that occurs, because
2 somebody in the Press wants to push a button here, someone wants
3 to push a button there. The real way to proceed is to get
4 everything that exists up to now, to know where it is, to get
5 it reviewed, analyzed, every bit of physical evidence, what
6 are the weaknesses there, where are the avenues that then have
7 to be explored, where are the witnesses, what witnesses apparently
8 were never followed through on. That seems to me the
9 approach. And that is the best I can respond.

10 Chairman Downing. I was thinking of this.

11 If you could prove or disprove an irregularity, and
12 then perhaps make that public, to not only show the American
13 people that you are making progress, but show the Congress
14 that you are making progress $\frac{1}{M}$ is that possible? For
15 instance, if you came up with startling news, "Yes, indeed, there
16 were two rifles in that Texas Depository" $\frac{1}{M}$ I don't think
17 you would have any problem with any of those people down
18 on the floor. On the other hand, if you came up with only
19 one rifle in the Depository, then we would go on to the next
20 one.

21 Mr. Sprague. The problem there, Mr. Chairman, if I
22 may say $\frac{1}{M}$ I am conscious of what you are saying. I guess
23 in trying to keep this at a professional tone, and do a
24 thorough job, just like I have felt it is not up to me to
25 give any fictitious or padded figures $\frac{1}{M}$ I really don't even

1 want to be in a posture of pump priming with the Congress.

2 I want to do a thorough job.

3 *¶* I think in the long run the evaluation and the
4 analysis of what this committee does $\frac{1}{A}$ because I think it is
5 going to be examined with a fine tooth comb, as it ought to
6 be $\frac{1}{A}$ ought not even to be tarnished with the thought that
7 we just went out and shot in and tried to create something for
8 an immediate effect. I guess that is my best response.

9 Mr. Preyer. Would the gentleman yield? I was
10 wondering on one point along that line, which would not be
11 sensationalizing it, but which you have given some substance
12 to here, that could be made in a report, is the incompleteness
13 of the other investigation. You have mentioned the two
14 student nurses who had not been seen by any investigator.
15 And I understand these translators in Mexico, the ones who
16 translated the intercept, have never been talked to by
17 anyone.

18 Mr. Sprague. That is correct.

19 Mr. Preyer. Which is a rather startling commentary on
20 the quality of the investigation.

21 Mr. Sprague. Mr. Preyer, isn't that amazing, that
22 even the CIA, with the questions that have been raised
23 about their own transcript, have never themselves gone back
24 to the primary source as to who did it. That I find
25 amazing.

1 Mr. Anderson. Mr. Chairman, following, I think, the trend
2 of your question, and also Mr. Preyer's thought, and in my
3 question I betray my ignorance of computer technology $\frac{1}{\mu}$
4 is it possible, because you will have some computer capability,
5 as I understand it, tied into the House computer, to program
6 a computer in such a way that you can somehow highlight
7 and pinpoint the discrepancies that admittedly do exist in
8 the papers that are now extant on this whole investigation, both
9 investigations?

10 Mr. Sprague. Yes, Mr. Anderson.

11 Mr. Anderson. Is that one way of proceeding, in which
12 you could rather quickly highlight a whole series of things that
13 are questionable, and that deserve the amount of time and money
14 and attention that will be given in this investigation?

15 Mr. Sprague. It is a way of proceeding. As a matter
16 of fact, that is one of the reasons we are going to be using
17 the computer. It is broader based. In fact, it could be
18 doing exactly that in terms of discrepancies and corroboration.
19 It works both ways. The problem at the moment is it would
20 be impossible in the time frame between now and frankly the
21 end of this year to be able to program and do that.

22 Mr. Gonzalez. Also financially, isn't that correct?

23 Mr. Sprague. Oh, yes. We do not even have the
24 money.

25 Mr. Gonzalez. You don't have the \$100,000 for that.

1 9 Mr. Sprague. We are down to just about \$25,000 at
2 this moment.

3 Mr. Gonzalez. We have a Catch-22 proposition here.

4 Mr. Fauntroy. Mr. Chairman, pursuant to the point which
5 you raised, and which Mr. Anderson mentions, I admire the
6 thoroughness and ground work, the approach you have been
7 taking, to the investigation. But I have been in a sort of
8 a dilemma, personally, about how to proceed. In the first
9 instance, I recognize we do need a little something to
10 take to ~~that~~ ^{the} floor, and we need public interest stimulated
11 if we are in fact to be able to do the thorough job that you
12 outline here.

13 I have wondered whether or not it might be useful
14 to have someone on the staff, or a small group on the staff,
15 to go over thoroughly much of the research, many of the
16 books that have been written $\frac{1}{4}$ some of them positing theories
17 about how the assassinations were carried out and by whom,
18 and that sort of thing, with a view to arriving at one, two
19 or three propositions that have been made by some of those $\frac{1}{4}$
20 some have seemed to be very thorough in their investigations $\frac{1}{4}$
21 as a starting point, to see if there is in fact anything
22 there.

23 Mr. Sprague. Well, my problem is, Mr. Fauntroy,
24 that $\frac{2}{4}$

25 Mr. Fauntroy. Let me first say I have read so much now,

1 and I am so confused by the many, many theories, that I welcome
2 what I call the grate-laying you are now doing in terms
3 of finding out the sequences. ^WWhat in fact happened, when, and
4 where $\frac{1}{M}$ we are going to need that to straighten it out.

5 Mr. Sprague. That is the problem.

6 I am looking at it, maybe improbably in the long
7 road, because maybe we will never get to travel that long road.
8 But assuming we do, I do not think it would do us well
9 if in that long travel, we put ourselves in the position at
10 the beginning of giving the indication, now that we are
11 on the road, started the investigation, of just shooting
12 off in terms of somebody's theory here and there. I really
13 think total impartiality is what is essential for our own
14 investigation.

15 Chairman Downing. Are you now or would you next week be
16 in a position to say that the Warren investigation was not
17 a complete investigation?

18 Mr. Gonzalez. Excuse me for interrupting before
19 you answer. Let me say this, Mr. Chairman. I don't think
20 that we should have to try to reach for the sensational, or
21 the tantalizing thing, to dangle before the Members of the
22 House, in order for us to get the approval for this. We have
23 to confront each and every Member of the House as if it
24 were us $\frac{1}{M}$ that is assuming that they are men of good reason
25 and all. Because just as many of the critiques and the theories

1 and the hypotheses that you have in both homicides, you
2 have almost an equal number of apologies ^eas $\frac{1}{M}$ that is people
3 writing books sustaining those findings. So I think if
4 we get into that, we are going to be chasing rabbits right off
5 at the beginning and we will get lost.

6 *I* I think we have got to look at it this way. And the
7 reason I interrupted before I even gave him a chance to answer
8 his $\frac{1}{M}$ the Warren Commission $\frac{1}{M}$ I have even seen members
9 of the Congress say, "We are reopening that." We are not reopen-
10 ing anything. This is the first time it has ever been done.
11 The Congress has never undertaken this.

12 I had a reporter argue, "Well, you had the Church
13 Committee, you had the Pike Committee." It is not the same thing.
14 They never had a grant of authority to look into this.
15 They stumbled upon some peripheral matters in looking into
16 the intelligence agencies of the Federal Government that had
17 to do with Kennedy, that had to do with Martin Luther King.
18 But they were peripheral. They never had the authority,
19 they never had the resources to go into this.

20 Now, what we are saying is $\frac{1}{M}$ *I* Look, 'Mr. House', you
21 gave us \$150,000 to start. We are doing the best thing
22 we know how, which is to get the best expertise available
23 on a professional basis, here is the consensus, it was being
24 given to us first, we have had a chance to shoot at it, and
25 we have got to take that risk. *I* I think if we try to say

1 we know now, and we can tell even at this point the Warren
2 Commission was defective partially or in toto, I think, Mr.
3 Chairman, we might be really flirting with trouble, even if
4 we got the \$6 million.

5 Mr. Sprague. Mr. Chairman, I didn't get to answer, but
6 I really feel Mr. Gonzales answered for me.

7 Chairman Downing. I think that is a pretty good answer.
8 I think we all admire your thoroughness.

9 You just bring in a report next week.

10 Mr. Gonzalez. Let me say this: We cannot minimize.
11 This is sensational, just what has been done thus far.
12 Well, what is this? Well, one, none of these witnesses, including
13 Marie Niles, has ever testified under oath. We cannot expect
14 of the Warren Commission a power that could rise and be inherent
15 in the ~~Executive~~ Branch of the Government. It was an ad
16 hoc situation, to try to address itself to the nation at a time
17 of trauma and high emotionalism, and where all kinds of
18 theories were batted around. We had a similar thing in the
19 case of the murder of Martin ~~L~~uther King, Jr. You had rioting,
20 you had emotions ¹/₄ people said, "Aha, we know it." But now
21 we have a brilliant opportunity to look at this in retrospect ¹/₄
22 and not so far off where you don't have more living witnesses
23 than those dead, where we still have available some [#]documentation.

24 Our task is going to really be big, and that is to talk
25 to those who voted for it who are still with us, those who

1 didn't, and somehow convince them. This is the reason I
2 asked the question earlier this morning. Maybe even on an initial
3 fragmentary basis $\frac{1}{4}$ maybe they will say, "We can't give
4 you \$6 million for the whole year, but we will give you one-
5 third of that for one-quarter of the year."

6 *I* I don't know whether that is feasible or not. But at least
7 we have got the flow of resources on the level we feel are
8 required.

9 But I don't know $\frac{1}{4}$ I have faith it is going to be
10 sold. We will have to call on you, Mr. Chairman, even though
11 you won't be here after January 3. But I think the influence
12 is still there.

13 Chairman Downing. I have faith in the manner in which
14 the staff is proceeding.

15 Mr. Fauntroy. Mr. Chairman, may I just ask in that
16 regard $\frac{1}{4}$ could a part of this report be the listing of the
17 unanswered questions that we have with respect to the plea of
18 guilty by Ray?

19 Mr. Sprague. Yes. And in making the report, I will be
20 conscious of the thoughts that are suggested here. But I would
21 also like to respond with one comment to Mr. Gonzalez.

22 You cannot have funding for a third of the year or
23 half of the year. There is no way that we can get the
24 competence and the kind of staff that we need, and say
25 to them, "We can only tell you you are going to be employed

1 from now to March,^u or now to June^w. It is problem enough.
2 The other would make it impossible. ~~The other would make~~
3 ~~it impossible;~~

4 ¶ Chairman Downing. Okay. Any further questions of this
5 witness? If not, the committee is adjourned, and we will meet
6 again on Friday, December 17, at the call of the Chair.

7 [Whereupon, at 4:25 ~~o'clock~~ p.m., the committee
8 adjourned to reconvene on Friday, December 17, at the call
9 of the Chair.]