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PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, FIRST SESSION

STATEMENTS BY CONGRESSMAN HENRY B. GONZALEZ RELATIVE TO THE NEED FOR RECONSTITUTING THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS: JAN. '77

January 10, 1977

CONDUCT OF INVESTIGATION BY SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, there appeared in the CONGRESSIONAL RECORD for January 6, 1977, a copy of a letter from my distinguished colleague Chairman DON EDWARDS to former Chairman Tom Downing of the Select Committee in a dedicated manner which respects all traditional safeguards.

Frankly, I am not persuaded at this point that either the Committee or the staff has given adequate thought to its basic role, its own procedures, and the myriad problems which confront it in the proper discharge of the authorizing resolution. I would like to be able to fully support the activities of the Select Committee. I cannot, however, approve any tactics or techniques which I have personally fought against when employed by the Executive Branch or by other Congressional committees.

Since we all will be called upon to support your work I believe these questions must be dealt with in a most precise manner as soon as possible.

My staff and I will be happy to meet with you, your members and your staff at any time to discuss this matter of common concern.

With kind personal regards.

Sincerely,

DON EDWARDS,

Chairman, Subcommittee on Civil and Constitutional Rights.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1977.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR DON: Thank you for your letter of January 6, 1977, in response to my letter of December 28, 1976, with respect to the conduct of the investigations into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

At the very beginning of that letter I stated: "I certainly agree with you that the Select Committee in its investigation must proceed under the highest ethical and professional standards. Indeed, we have never set lower standards, nor do we intend to. One of the major characteristics of this project is the preservation of the integrity of the Congress. If we should do anything in an unprofessional manner, our credibility as well as that of this House would be diminished."

The statement relating to the use of transmitters and polygraphs must be read in the context of the foregoing assurance. Similarly, it must also be read in the context of my statement on Page 2, paragraph 4 that all such requests are subject to review by the House.

Somehow, Don, in my haste to respond to the letter you wrote to Former Chairman Downing, I apparently did not make clear that each investigative technique must be approved by the full committee after careful consideration, debate and deliberation.

Each of us has taken an oath to uphold and preserve the Constitution. We intend to do no less in the course of this investigation and most emphatically not to, "indulge in a temporary suspension of the Bill of Rights."

I welcome the opportunity to discuss this with you and your staff at the earliest possible time to avoid further misunderstandings as to our intent and purpose.

With kindest personal regards, I am
Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

P.S.—I am so grateful to you to have had an opportunity to speak to you on the telephone today. I had dictated the above before I spoke to you and am most grateful to have a chance to meet with you Monday as you consented to and will see you then.

Second, Mr. Speaker, the gentleman from Maryland [Mr. BAUMAN] introduced into the record of this House a personal attack on the committee's chief counsel, Richard Sprague. He suggests, among other things, that Mr. Sprague has "virtually assumed the role of chairman of the committee." It is implicit in that unfounded accusation that the members of the committee have abrogated their constitutional duties. The conclusion has no basis in fact. Indeed, I can state quite unequivocally that my colleagues on the committee from both sides of the aisle have worked diligently to insure a credible, professional, ethical, independent investigation. There is no reason to believe that we will continue to do less. One must bear in mind that when the House created the select committee last year, it had nothing, not even a place to meet, much less a staff. It had a total life span of 2½ months.

Next, Mr. Speaker, the gentleman introduced an article which appeared in the New York Times on January 1, 1977, written by David Burnham. I do not often dignify unfounded accusations in the press by responding to them, but where, as here, a journalistic vendetta dredged from the turgid and murky waters of big city politics more than a decade ago has been introduced into the record of this House, I am constrained to conclude that justice and fair play require a response. Failure to respond to accusations of this nature would work a fraud upon the House.

Mr. Burnham in his article suggests that the committee did not do a background investigation of Mr. Sprague prior to his selection as chief counsel. What Mr. Burnham did not write was that Mr. Sprague was appointed Special Assistant to the Attorney General of the United States in charge of the Boyle prosecution. A fact which was known and considered by members of the committee when they unanimously confirmed Sprague as chief counsel. I think it only fair to conclude that if the U.S. Department of Justice found Mr. Sprague to be of questionable integrity or ability the appointment would never have been made.

Finally, Mr. Speaker, I think it is clear that any person who has spent as many years in public service and who has prosecuted as many cases as has Richard Sprague will be the target for criticisms. Where those criticisms are politically motivated they command no credence.

January 13, 1977

ASSASSINATION INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the 94th Congress on September 17, 1976, debated, deliberated and decided that there should be an investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. It seems to me unconscionable to the American people, this House and the professional staff who have already begun this investigation now to renege a policy which has previously been decided.

Legitimate questions have been raised by my colleague, Chairman DONALD EDWARDS, about the conduct of the investigation. To keep the Members of this House fully apprised of those issues as well as my response I have inserted all of that correspondence in the RECORD of this House. Other inquiries have been raised about the proposed budget and

the size of the staff. Personal attacks have been leveled in the media against Richard Sprague, the committee's chief counsel.

The inquiries do not raise an issue as to whether we should continue these vital investigations but how. Certainly there should be no question as to the will or desire of the American people to carry on these investigations. The primary issue now facing the House is simply to reestablish the select committee.

There are very compelling reasons for the immediate reestablishment of the select committee. For example, subpoenas which have been issued in both the Kennedy and King investigations are no longer enforceable. Thus, the evidence which was previously under the control of the House is no longer effectively under its control. Similarly, evidence which should be immediately brought under the control of the House cannot because there is no committee and no subpoena power. The select committee is literally in a legal limbo.

The committee has assembled a staff of professionals who are continuing to proceed. Yesterday, members of the Kennedy subcommittee and I received a briefing from the staff outlining areas of investigation which require sustained effort. I know that if it were possible to divulge at this stage of the investigation the facts and evidence adduced, every reasonable-minded Member of the House would say: "By all means proceed." I believe that if the American people were to know these same facts and developments, they would never forgive us for not going on.

The staff is continuing to proceed with the acquisition and analysis of documents from all agencies of Federal, State, and local government. Unfortunately, where there is no legal authority, even the acquisition of documents has been seriously hampered.

Today, I received a letter from Attorney General Levi, properly advising me that until the committee is reestablished we are "unauthorized persons," and thus prevented from further examination and analysis of records. The Attorney General has assured me of his cooperation once the committee is reestablished and I am also advised that he has directed the Federal Bureau of Investigation to continue to process requests so it can be examined and analyzed as soon as the select committee is reestablished.

Finally, Mr. Speaker, I cannot too strongly stress that it is imperative that the select committee be established immediately. Unwarranted delay will permanently cripple the efforts of our investigations.

January 17, 1977

ARE WE A NATION GOVERNED BY LAWS OR BY MEN?

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the assassinations of John Kennedy and Martin Luther King shook the very foundations of our governmental structure based on the concept of the free and peaceful exercise of rightful authority and expression of opinion or belief. Indeed, they raised the question of whether or not we are a nation governed

continued on back....

by laws or by men. Unfortunately, as a result of potentially ineffectual investigations, the answer to that question has never been fully resolved. Consequently, this House determined that it would, once and for all, decide the extent to which the fabric of our Nation's structure was torn, how, and, by whom.

Some people question whether the House can justify why these investigations should be under taken. They do not see any possible benefit that can be gained by exploring these past events. Yet no less than the integrity of our democratic process and belief in fundamental freedoms is at stake. The House is the largest body which represents the American people; the public's faith in the integrity of our democratic process and constitutional ideals is the foundation of our authority to govern. We have a continuing obligation to justify such faith. Under such circumstances, the burden is not on the House to justify why it should investigate these assassinations, but on those opposed to the investigations to make a compelling case for why it should not.

In constituting the select committee and charging it with the responsibility to conduct a full and complete investigation, this House vested great responsibility in its committee. In fact, the integrity of the Congress in the future may rest, in some part, on the thoroughness of this investigation. Absent a thorough investigation, we will risk being subject to the same allegations of cover-up, ineffectiveness, and the like that are the very reasons it is necessary that we undertake the current investigations. If we do not perform fully and effectively, we will lose the opportunity to explore the jeopardy to our governmental structure at the time of the assassinations.

We will not merely lose the opportunity to learn from a historical lesson, but possibly the opportunity to bring to justice those who have for these many years remained unpunished and unexposed. Thus, it is imperative, as the original resolution charges, that we perform our function completely so that there will be left no unresolved questions as to the past. The purpose of the House, therefore, must not be to restrict the quest for truth, but in fact, to broaden it.

To this end, the original resolution, as well as that in question today, charges the select committee to examine not only the murders of Kennedy and King, but also "any others the select committee shall determine." Much thought has been given to the inclusion of this phrase by the members of our committee and staff. We have determined that in its absence, very grave problems could befall the course of our investigation and we could be thwarted in the vital collection of evidence and testimony. Simply stated, absent this phrase, we might be confined to the investigation of facts restricted in time and place, to the deaths of these two great leaders.

It is known by the Members of this House that many persons have died since the deaths of President Kennedy and Dr. King. Whether they be witnesses, conspirators or deaths totally unrelated to the assassinations, an exploration of

the circumstances and the impact of their deaths may be vital to finally answer all the questions that have been raised. Without the clause in question, we might be compelled to prove the death was related to either that of Kennedy or King before we have the authority to investigate that very issue. Courts never presume a relationship in a situation such as this, but require its proof; without broad jurisdiction in this select committee, proof may be impossible.

Most of the questions with regard to the authority and the jurisdiction of the investigation will arise when a subpoena is questioned. It is my belief that without this clause, the burden of proof upon the select committee as to the intent of this House will be severely increased. Without this language, a court might narrowly construe the circumstances surrounding the deaths of Kennedy and King to those events which were directly related in time and proximity. Such a narrow construction might preclude the committee from investigating the many mysteries that have arisen concerning the deaths of others which may bear directly on the investigation. Such a narrow construction would be an error given the broad inquiry the committee and House intends to undertake but it is a possibility whose effects we should minimize.

Moreover, since this clause did appear in the original resolution, to delete it at this juncture might suggest that Congress intended to narrow the extent of the authority of the select committee. This might be fatal to the effort to obtain any analyze the evidence.

The point of this discussion is that the inclusion of this language in the resolution as a deliberate and conscious determination by this House will indicate to any court that the Congress wishes the investigation to be unfettered by a narrow delineation of authority. The purpose of embarking upon this inquiry is a full and thorough quest for the truth, and if this involves the deaths, murders, or assassinations of others that may initially appear only tangentially, remotely, or indirectly relevant to those of Kennedy and King, then I hope the committee will be able to examine the issue before it has to demonstrate or prove any relevance to the death of Kennedy or King.

In fact, so that no question should exist in the minds of others, whether they be those under subpoena to testify or the courts examining our subpoenas, permit me to discuss briefly the areas which this House wishes to have us explore, without narrow limitation. The "circumstances surrounding the assassination, murder, homicide and death" of Kennedy and King is meant to be a very broad scope of inquiry. It is meant to include those who may have been involved in the planning, execution or any coverup of the assassinations. It is meant to include the investigations into each assassination. It is meant to include all events that may relate to either assassination—whether they occurred within days of either death or within the past week.

It is clear that the select committee should attempt to determine the identi-

ties and motives of all persons who were in any way involved in the killings of Kennedy and King. This inquiry, of course, would include the examination of whether or not any governmental agencies, Federal, State, or local in the United States or any foreign country were involved. Moreover, the oversight responsibility of the Congress would include examination into whether or not any law enforcement or intelligence agency of the United States had knowledge of or was in any way a party to plots to murder these leaders.

It is important that the select committee determine whether or not any agency of the Federal, State, or local government engaged in the investigation into either assassination fully and effectively performed its function. In fact, was there the required degree of effectiveness in the cooperation among these agencies? Finally, did any person, agency or organization deter the course of the investigation of these assassinations by withholding, destroying, or altering evidence?

The investigation, to date, has raised many questions in the areas that I have just categorized. Although I do not mean to suggest that we have firm conclusions as to the resolution of any of these questions I have raised, there is no doubt that we have uncovered much material which gives rise to further exploration.

Before I conclude, may I take one last moment to urge upon this House that we act quickly and expeditiously to reauthorize the select committee. Any further delay could result in a serious hindrance to our investigation in its quest for truth. The obvious effect of delay would be to suggest to others that this House vacillates and is indecisive as to whether or not it wishes to pursue this cause. This will result in a critical effect on our credibility with other agencies, whether executive branch, State or local, and will suggest a lack of firmness in our pursuit of a subpoena with the judicial branch. Of more acute importance, two problems immediately face the committee for we are without any legal authority whatsoever and, in law, do not exist. Thus, 13 vital subpoenas for essential evidence which have been issued in Tennessee and Texas are, at present, completely unenforceable. Further, those of us on the committee have seen emergency situations arise in the past where the testimony of witnesses or the collection and custody of evidence is immediately vital, and under our current status, we could only sit helplessly in futility.

In conclusion, I ask you now, expeditiously and with full support to reauthorize the select committee. In effect, I ask you to permit us to finish the job which we have just begun. To turn our back on this obligation now is unthinkable and would make this House the laughing stock of the world. So much has shaken the confidence of the American people in their governmental institutions in the past two decades that we find ourselves with a rare opportunity, at least in these two areas, to say to our fellow citizens that given this opportunity, we acted.

The House Rules Committee is scheduled on Tuesday, January 25, to consider H. Res. 9 -- reconstituting the House Select Committee on Assassinations at a temporary funding level which would be the same as it was funded during the month of December -- \$84,000 a month. Hopefully this reconstitution resolution will be approved by the House Rules Committee that day, and the measure is then expected to be on the House floor the next day, January 26. There is considerable danger that there will be a strong effort made to "gut" the resolution by House Members offering substitute resolutions or weakening amendments.

Comments in support of the investigations into the deaths of President John F. Kennedy and Dr. Martin Luther King should be sent to the U. S. Representative of the writer with a carbon copy to U. S. Rep. Henry B. Gonzalez, 2312 Rayburn House Office Building, Washington, D.C. 20515, if possible.

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