

ASSASSINATION RECORDS REVIEW BOARD

PUBLIC HEARING

Auditorium
Old U.S. Mint
400 Esplande Avenue
New Orleans, Louisiana

Wednesday, June 28, 1995

The above-entitled public hearing commenced,
pursuant to notice, at 10:00 a.m.

BEFORE:

JOHN R. TUNHEIM,
Chairman

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1 PRESENT FOR THE BOARD:

2 KERMIT L. HALL, Member

3 WILLIAM L. JOYCE, Member

4 ANNA K. NELSON, Member

5 DAVID G. MARWELL, Executive Director

6

7 PARTICIPANTS:

8 THE HONORABLE LINDY BOGGS

9 THE HONORABLE HARRY F. CONNICK, SR.

10 WAYNE EVERARD

11 MICHAEL L. KURTZ

12 STEPHEN TYLER

13 CYNTHIA ANNE WEGMANN

14 STEVEN D. TILLEY

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P R O C E E D I N G S

[10:09 a.m.]

CHAIRMAN TUNHEIM: A call to order, this public hearing of the Assassination Records Review Board. Welcome everyone here to our hearing today in New Orleans. We're very happy to be here.

We're happy to be in New Orleans for a number of different reasons: The importance of this city in terms of overall understanding of this very tragic event, the assassination of President Kennedy, the fact that the only criminal prosecution associated with the assassination of President Kennedy took place here in New Orleans, and the fact that the prime suspect in the case, Lee Harvey Oswald, was born here and spent time here in the months before the assassination.

We are on a search for records. Our mandate from the Congress of the United States is to find all of the records associated with the assassination of President Kennedy, put them all together in one collection at the National Archives freely available to the American public to review, to come in, to study, to understand and to make their own minds up about what happened on that tragic day in Dallas 31 plus years ago.

It's important for closure to this event to have a complete collection of the records. While one of our

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1 central focuses as a Board is a review of Federal records,
2 particularly records that are held at the CIA and FBI and
3 other Federal investigative agencies, records that we are in
4 the process of reviewing now, we are also interested in
5 state and local records, in records that are in private
6 hands because, as I said, what we'd like to see in the end
7 and what the Congress has tasked us with is creating as
8 complete a collection of the records of the assassination of
9 President Kennedy as possibly can be done in this period of
10 time years later.

11 Just a short bit of history. The Assassination
12 Records Review Board was created by an act of Congress
13 passed in 1992 and signed into law by President Bush.
14 Within the following year, the Board members were appointed,
15 confirmed by the Senate and we have the begun the process of
16 surveying records in the Federal Government.

17 We, in fact, just last week ordered the release in
18 full of 16 records that were held by the CIA, records that
19 had been only partially released in the past. We're hopeful
20 that those records will be available to the public and to
21 researchers within the next month. So the process of
22 reviewing the records is underway.

23 We've held other public hearings. We held a
24 public hearing in Dallas, a public hearing in Boston. Part
25 of our mission is to communicate with the American public,

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1 to give you an opportunity to let us know where records are.
2 It's very important for us to have the cooperation and
3 assistance of the public because we can't possibly know
4 where all the records are ourselves. So our appeal to the
5 public is to let us know where records are, even if you
6 don't know for sure, if you have a hunch. We're happy to
7 follow up on any leads that anyone might have.

8 I have to emphasize that it's not the role of this
9 board to reinvestigate the assassination of President
10 Kennedy. It's not our responsibility to come up with a
11 conclusion as to what happened in Dallas 30 years ago. But
12 it is our responsibility to find the records and we have
13 sufficient powers to be able to do that, as given to us by
14 the Congress.

15 We're a short term agency. We will sunset on
16 October 1 of 1997. We fully expect to be done with our work
17 by that time and hopefully in the end we will have a
18 collection of millions of records at the National Archives
19 that will be freely available to the public and to
20 researchers. Then the public, hopefully, will be able to
21 understand and make up their own minds about what happened,
22 the assassination.

23 A couple of other points. The Board has met in
24 the past to discuss and finally approve a definition of what
25 an assassination record is. It's my understanding that the

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1 final definition is published today in the "Federal
2 Register." So that process is now been completed.

3 I also want to make a special note of thanks
4 before we begin to Lyon Garrison and the Garrison family,
5 who have donated records from the personal files of Jim
6 Garrison to the Board for inclusion in the public collection
7 of the JFK assassination records. So I'd like to just
8 publicly acknowledge that donation and thank the Garrison
9 family for their willingness to make Mr. Garrison's records
10 part of the national collection related to the assassination
11 of President Kennedy.

12 I want to extend a special welcome to all of you
13 here today and especially our witnesses. As I said, we're
14 on the search of records and that's the focus of the
15 testimony today, where records might be, leads that we might
16 be able to follow. This is an issue of trust for the
17 American public, an issue of trust in their government, and
18 we hope that through our work we can restore some of the
19 trust that perhaps has been lost over the past 30 years with
20 the veil of secrecy that has shrouded some of the records of
21 this very tragic event.

22 I'd like to call our first witness to the stand
23 this morning and extend a special welcome. Congresswoman
24 Lindy Boggs is here to testify before us this morning, the
25 wife of Hale Boggs, who, of course, was a member of the

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1 Warren Commission in 1964. We're especially honored that
2 she has agreed to testify today. Mrs. Boggs

3 MS. BOGGS: Thank you, Mr. Chairman. Mr. Chairman
4 and members of the Committee, welcome to New Orleans and a
5 special welcome to Anna Nelson, who we were very sorry to
6 lose from New Orleans and from her service to our city and
7 state and Tulane University. We're very happy to have her
8 back for awhile.

9 And welcome to this grand ole building where you
10 have assembled in a splendid effort to uphold the finest
11 traditions of our Constitutional heritage.

12 In this era of cynicism about government, your
13 mission is of critical importance. Devoted to the archival
14 history of our nation and to those institutions that
15 preserve and distribute it, I served for several years on
16 the National Historical Publications and Records Commission
17 at the National Archives, as a member from the U.S. House of
18 Representatives. I currently serve as a member of the
19 National Archives Foundation Board. I think I'm the Vice
20 President, but I'm not quite sure.

21 I salute your dedication to your task and am
22 pleased to cooperate with you and I have assured Mr. Samoluk
23 from your Commission that he has my consent to examine the
24 papers of my husband, Hale Boggs, who, of course, was a
25 member of the Warren Commission, at the Tulane University

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1 Library.

2 Hale's service on the Warren Commission demanded
3 untold hours of hearings and of reading of transcripts, and
4 also of heartbreaking experiences concerning the
5 assassination of his good friend, Jack Kennedy, and the
6 removal of him as an inspiring young leader of our nation.

7 When the metal-bound loads of testimony would
8 arrive on our doorstep at home every night, I wished
9 fervently that I could read and digest it and put it into
10 outline form, as I sometimes did with some of the other
11 voluminous testimony from less sensitive hearings. But, of
12 course, I was precluded by security standards from doing so.
13 Consequently, Hale read far into the night on many occasions
14 and his attitude was indicative of the devoted service
15 rendered by all of the members of the Warren Commission.

16 Following Hale's death, Chief Justice Warren often
17 repeated to me that Hale's language that -- and I paraphrase
18 -- according to the evidence submitted to this Commission,
19 Lee Oswald has assassinated the President, and that this
20 language resulted in the unanimous signing of the report by
21 the commissioners.

22 My feeling has always been that if new evidence
23 was discovered and new hearings conducted as a result, that
24 Hale would applaud those efforts. Consequently, when
25 Congressman Lou Stokes, a Democrat of Ohio, who chaired the

1 Special Committee to examine new findings and to review the
2 existing testimony, I spoke out in favor of extension of his
3 committee on the floor of the House during the general
4 debate.

5 Prior to my arrival on the floor, my colleague,
6 Congressman Dave Treen of New Orleans, and I attended a
7 luncheon with young scholars specially selected from the New
8 Orleans area for this trip to Washington. When Dave asked
9 for a show of hands among the thoughtful young Americans
10 about any doubts concerning the Kennedy assassination and
11 about the necessity to extend the wake of Mr. Stokes'
12 committee, at least two-thirds of the students vigorously
13 thrust their hands up.

14 So, Mr. Chairman and the members of this
15 committee, I strongly thrust up my hand and my encouragement
16 to this Commission, and I wish you well in your continued
17 quest for truth and justice. Thank you.

18 CHAIRMAN TUNHEIM: Thank you, Mrs. Boggs. If you
19 wouldn't mind, if members of the Board have any questions
20 for you.

21 MS. BOGGS: I would be delighted, Mr. Chairman.

22 CHAIRMAN TUNHEIM: Any questions?

23 MS. NELSON: I don't know that I have a question
24 so much as I have a comment. That is that I'm not surprised
25 that you supported the archival record and also the fact

1 that there might be new information.

2 Is there a sense that -- did your husband have a
3 sense that the Warren Commission was happening so fast that,
4 in fact, other information would come out? Do you think
5 that was that sense during the Warren Commission?

6 MS. BOGGS: I think that when they read all the
7 testimony that came to them each night that they felt a
8 great deal of information had come their way. However,
9 there were obvious feelings of wanting to know more about
10 certain areas of the investigation, wanting to have filled
11 in some of the unanswered questions, and of course, that was
12 why it was so necessary for Hale to be able to say that
13 according to the testimony submitted to the Commission, that
14 Oswald was the assassin.

15 MS. NELSON: It's interested the public a great
16 deal as to how members of the Warren Commission were chosen?
17 There have been various members of the public who have
18 questioned that. Do you remember how Congressman Boggs was?

19 MS. BOGGS: Well, Hale was one of the first people
20 who suggested to President Johnson that there should be a
21 commission.

22 MS. NELSON: I see.

23 MS. BOGGS: Hale was devoted to President Kennedy,
24 and there was some talk following the assassination that
25 Hale had warned the President not to go to Dallas. The

1 connotation was that it would be physically dangerous for
2 him to do so.

3 That was not Hale's message to the President
4 because just a few weeks prior to that the President was
5 coming to New Orleans to dedicate the new wharf and the
6 President said to Hale that he had some warning that he
7 should not come to New Orleans. Hale had answered when the
8 President of the United States can't go to a city of the
9 United States and be protected, we've come to a very
10 difficult time in our nation's history, and encouraged him
11 to come.

12 But Hale's warning the President about going to
13 Dallas was that there was great in fighting among the
14 members of the Democratic party and the Democratic stars in
15 the state and he didn't want the President to become
16 involved in a factional disagreement.

17 So that I'm happy to have another opportunity to
18 lay that rumor to rest.

19 MS. NELSON: Thank you very, very much.

20 MS. BOGGS: I thank you.

21 MR. HALL: Mrs. Boggs, knowing what our job is, is
22 there any place in particular where you might send us to
23 look for documents?

24 MS. BOGGS: I hope that you have examined all the
25 documents from the Louis Stokes' Committee and I'm certain

1 that you have been in touch with Congressman Stokes. He is
2 an extraordinarily reliable member of Congress and a
3 searcher always for the truth. He would be a source of
4 tremendous help to you.

5 Also, I think that what you're doing in reaching
6 out to people who are in the public sector, just people who
7 are perhaps have information, have documents, have recorded
8 perhaps conversations and so on, that you're doing the
9 correct thing. Of course, you are to judge these were valid
10 expressions or not. But the expressions should be there for
11 the public to see, whether you consider them valid or not.
12 I am very pleased that you are involved in that quest.

13 CHAIRMAN TUNHEIM: Thank you very much, Mrs.
14 Boggs. We really appreciate your testimony this morning.

15 MS. BOGGS: Thank you very much.

16 [Applause.]

17 CHAIRMAN TUNHEIM: Our next witness is the
18 Honorable Harry F. Connick, Sr., the District Attorney of
19 New Orleans. His office possesses records from the
20 investigation into the assassination of President Kennedy
21 and the prosecution of Mr. Clay Shaw, which was conducted by
22 former District Attorney James Garrison in the late 1960s.
23 Good morning, Mr. Connick and thank you.

24 MR. CONNICK: Good morning. Thank you very much.
25 I want to compliment you after some prolonged thought and

1 deliberation about the propriety of what to do with these
2 records that we have. I compliment you for attempting to do
3 what I think is a necessary undertaking. Your folks came
4 down to our office and we made available to them the viewing
5 of what records that we have in our office that were left.

6 At my understanding from talking to people who had
7 some familiarity with this investigation and prosecution,
8 there was a substantial amount of material at one time and
9 that what we have left now when we took office in 1974, in
10 April of 1974, we, in essence, had one file cabinet with
11 five drawers of material in it. Then in 1990, we turned
12 some of those materials over to the public library and I
13 think they're going to make that available to you.

14 But we think that what you are doing is important
15 and we think that what we can hopefully add to what you're
16 doing will clarify some of the clouded areas of the past and
17 make sense out of what happened.

18 CHAIRMAN TUNHEIM: Thank you. Questions?

19 MR. HALL: Mr. Connick, do you have any idea
20 whether the documents that have been held at your office
21 have remained the same since the donation that was made to
22 the public library

23 MR. CONNICK: Did they remain the same?

24 MR. HALL: Yes. Has there been any official
25 deletions of those materials?

1 MR. CONNICK: No, the materials that I have in my
2 office and have had for 21-1/2 years have been I think under
3 fairly close control and we really haven't had to give
4 access except on maybe one occasion, shortly after we took
5 office. But most of that is intact. A lot of it, though,
6 is missing and was taken before we took office. This is my
7 understanding. Where that is, I don't know.

8 I might also answer one of the questions that you
9 posed to Congresswoman Lindy Boggs. There are a lot of
10 folks that were connected with that investigation and
11 prosecution and were in that office from that time of the
12 trial. So we took office in '74. I think that a lot of
13 that material is probably in their custody.

14 I think those files were rifled and I think they
15 took from those files things that would be of great interest
16 to the American public and to the world as a matter of fact,
17 because of what happened in that case and the tragedy of the
18 whole short prosecution. But what we have has been fairly
19 well untouched for 21-1/2 years until very recently.

20 MR. HALL: Thank you.

21 CHAIRMAN TUNHEIM: Mr. Connick, are there lists
22 available of prior employees of the Office that we might be
23 able to follow up on --

24 MR. CONNICK: Yes.

25 CHAIRMAN TUNHEIM: And see?

1 MR. CONNICK: Yes. I think anyone down here in
2 New Orleans who followed that prosecution can give you that
3 information, too. But we have some of that information, if
4 not all of it, and can let you have it.

5 For instance, I was talking to someone who was
6 very close to the investigation at that time. I was told
7 that there was an index, there was a record kept, an archive
8 as a matter of fact, of everything that came into that
9 office connected with that investigation and prosecution,
10 and all those things are gone. We'll be happy to work with
11 you and your folks to make information and possible leads
12 available to them so you perhaps can recover some of that.

13 MR. JOYCE: Mr. Connick, in addition to the Clay
14 Shaw prosecution by Mr. Garrison, have you become aware of
15 other information that might be related to the assassination
16 of President Kennedy that would be local in its orientation
17 and that we might want to pursue?

18 MR. CONNICK: Not really, not really. I wasn't in
19 the United States Attorneys Office at that time of the Clay
20 Shaw trial and was removed from any direct contact with
21 anything that happened in that building. But I don't know
22 of anything.

23 I know I spoke to our Clerk of Court this morning.
24 There was some question about this Zapruder film because it
25 was not in my office when we went there. I was asking him

1 if he had turned over to you information that the Clerk's
2 Office had in connection with the prosecution of Mr. Shaw.
3 He informed me that he had made available to you these
4 things, but did not know whether that particular film was in
5 that packet or not.

6 MR. JOYCE: I see. Thank you.

7 MR. HALL: Do you know if the public servant under
8 Louisiana law removed materials relating to this
9 investigation whether that would be a violation of Louisiana
10 law?

11 MR. CONNICK: Our criminal code calls that theft

12 MR. HALL: It's pretty simple.

13 MR. CONNICK: It's pretty clear that you have no
14 right to take something that belongs to the state. If a
15 public servant removes documents, as they obviously did in
16 Mr. Garrison's office, then that would constitute a
17 violation of our law on theft.

18 MR. HALL: Would you say that over the past
19 quarter of a century, maybe over the past 30 years, the
20 level of record keeping in the District Attorney's Office
21 can best be described as diligent and systematic?

22 MR. CONNICK: Well, when we went into office, it
23 was a pretty sorry state of affairs. We immediately took an
24 inventory of everything that we were inheriting from Mr.
25 Garrison and we found that it was not a very well managed

1 office and that things were run in a very slipshod manner.

2 We set about to correct that by bringing in a
3 computer system and by accounting for every record that we
4 were responsible for, every police report, where that police
5 report or where that case went, whether it was accepted or
6 refused or referred to another law enforcement body. But it
7 was -- it took us a while to compile that. It was in bad
8 shape. Thank you very much.

9 CHAIRMAN TUNHEIM: Thank you, Mr. Connick. You've
10 been extraordinarily helpful and generous with your time and
11 staff time and we appreciate that. Thank you.

12 Next, we'd like to hear from Mr. Steve Tilley, who
13 is the person in charge of the JFK Collection at the
14 National Archives. Mr. Tilley works closely with us. We're
15 an independent agency. He works for the National Archives,
16 but he's the person who is in charge of the collection and
17 he periodically provides updates to the Board on additions
18 that have been made to the collection and he will give us an
19 update today. Welcome, Steve.

20 MR. TILLEY: Thank you, Mr. Chairman. It's a
21 pleasure to appear before the Board again.

22 On the Kennedy Act, the John F. Kennedy Act,
23 mandated seven specific responsibilities to the National
24 Archives, but for our purposes today I'll discuss that I
25 think are probably the most important as far as the public

1 is concerned.

2 First, within 45 days of the statute being signed,
3 the Archives was required to prepare to make available
4 standard identification forms for use by all government
5 offices in describing assassination records. Further, the
6 Archives was required to ensure the creation of a database
7 for these identification forms to serve as an electronic
8 finding aid to the collection.

9 Of course, as the Board knows and as anybody who
10 has researched with us knows, this, in fact, has been
11 accomplished and the database is up and running at this
12 time. It currently contains about 120,000 forms, records we
13 say or forms. It's important to point out that the database
14 does not contain the actual documents themselves. It is not
15 a scanned type situation where the actual text are in the
16 database. This is a database of the record identification
17 forms that have been created by the agencies as they
18 reviewed their records.

19 At this time, the database can still only be
20 searched by members of the National Archives staff, but we
21 are continuing to work on getting this thing available via
22 the Internet, which is a development I know the research
23 community is awaiting.

24 Our second responsibility was to establish the
25 President John F. Kennedy Assassination Records Collection.

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1 On December 28, 1992, we established the collection based on
2 an announcement published in the "Federal Register" on
3 December 21. This announcement also solicited open
4 assassination records from all Federal agencies.

5 Now since the Archives already had custody of most
6 of the open records, this is primarily just a technical
7 event designating the follow records as part of the
8 collection: It was the records of the Warren Commission;
9 the records of the Secret Service; part of the records of
10 the Department of Justice, the Criminal Division case file,
11 which we already had custody of; records of the Central
12 Intelligence Agency, the CIA having already transferred the
13 first portion of Lee Harvey Oswald's 201 personality file in
14 September of 1992; and personal papers and donated records
15 from our presidential libraries.

16 A third major requirement was, along with other
17 government agencies, was to identify, review and make
18 available to the public all assassination records that were
19 closed that could be disclosed within a 300-day review
20 period. All records reviewed in this 300-day review period
21 were required to be entered into the database and have a
22 record identification form attached.

23 At the end of the 300-day review period, which was
24 August 23, 1993, the Archives made available the newly
25 released records, which included the remainder of the CIA's

1 201 file, along with other records which we've deemed the
2 "segregated collection"; records from several components of
3 the Department of Justice, however, none from the Federal
4 Bureau of Investigation at that time; the records pertaining
5 to the President Kennedy assassination from the House Select
6 Committee on Assassinations; and records from our
7 presidential libraries.

8 Now the first FBI records were transferred in
9 December of 1993, beginning with the records on the
10 investigation of Jack Ruby. Since then, we have also
11 acquired records on the -- their file on Lee Oswald and also
12 their file on the assassination itself. The FBI has also
13 transferred files on related individuals, such as Marina
14 Oswald, David Ferrie and Clay Shaw and on related subjects,
15 such as its liaison file with the House Select Committee on
16 Assassination and the Church Committee. Also files on
17 certain individuals related to organized crime, such as Sam
18 Giancana. Other files are also under review at the FBI.

19 In September of '94, the CIA made an additional
20 transfer of approximately 30,000 pages of material as part
21 of the segregated collection, and these records relate
22 primarily in CIA's with Cuban exile groups in the early
23 1960s.

24 At this time, though, I should point out that only
25 a portion of the 201 file is available on the database, can

1 be searched through the database. We're still waiting for
2 the transfer of disks, dated disks from the CIA for the
3 remainder of their records.

4 Now we also have the records of the Church
5 Committee and the initial transfer took place in January of
6 1994. We currently have approximately 40,000 pages of this
7 material. There are additional records under review at the
8 committee. Once again, we cannot search these in the
9 database at this time. The committee hasn't turned over
10 their disks yet.

11 There are also three boxes from the records of the
12 Pipe Committee that have been transferred. It's important
13 for the research community to remember that those two
14 committees looked at a number of different subjects dealing
15 with the activities of the CIA, primarily domestic
16 activities outside their charter, and potential involvement
17 with the assassination of President Kennedy was only one
18 aspect of their charge and we have other records related to
19 that particular aspect of their work.

20 We have State Department records. We have
21 received approximately 17,000 pages of State Department
22 records. We also have records of the Naval Criminal
23 Investigative Service, which includes records of the Office
24 of Naval Intelligence.

25 Records from presidential libraries. We have a

1 number of records from five of our libraries. The three
2 that had the most materials, of course, are the Johnson
3 Library, the Kennedy Library and the Ford Library.
4 Materials from the Johnson Library include transcripts and
5 tape recordings of conversations of President Johnson that
6 are related to the assassination.

7 All conversations of December and November of '63
8 have been released in the interest of having total
9 disclosure so there would be no idea that perhaps certain
10 conversations in that most important period right after the
11 assassination were being withheld. From January to '64 on
12 then, assassination related conversations have been
13 released.

14 All tape recordings that have been identified by
15 the staff of the library have been released with -- there
16 are a few which have some minor deletions. Not every
17 conversation has a transcript and the Archives does not make
18 transcripts of records and the transcripts that do exist
19 were made by the staff of the White House or persons working
20 for President Johnson on a private basis at the time he
21 working on his memoirs, "The Vantage Point."

22 The Kennedy Library has released desk diaries,
23 telephone messages, and telephone logs of Attorney General
24 Robert F. Kennedy for the years 1961 to 1964. There are
25 some gaps in these records, however, and they've also

1 released copies of the Secret Service gate post log for the
2 White House.

3 Now just in the past month, Kennedy Library has
4 also released papers from the -- documents from the papers
5 of Theodore White, that deal with the so-called "Camelot
6 Papers" and based on an interview he did with Mrs. Kennedy
7 on November 29, 1963. They have just recently been released
8 and have been added to the collection.

9 Now in November of 1994, the CIA sent a team of
10 reviewers to the Ford Library to review records of the
11 Rockefeller Commission, which are in the custody of the Ford
12 Library. That review has resulted in the release of
13 approximately a third of those records. We are still
14 awaiting copies of those records to be sent by the staff of
15 the Ford Library. The remainder of that file is still under
16 review by the CIA.

17 At this time -- well, let me just say one other
18 thing in reference to court materials.

19 There are some Federal court records at our record
20 center in Fort Worth that do apply to Clay Shaw and to Jim
21 Garrison. My understanding is that Mr. Shaw eventually had
22 to get a restraining order through the Federal courts in New
23 Orleans to basically keep Jim Garrison away from him and we
24 have found out that there are files down there and we are
25 getting copies of those and we'll be adding them to the

1 collection as soon as possible. Of course, they'll be open.
2 Shouldn't be any problem with any withholdings there.

3 CHAIRMAN TUNHEIM: Are those records, Steve, in
4 Fort Worth did you say?

5 MR. TILLEY: Yes.

6 CHAIRMAN TUNHEIM: And they're not held under any
7 seal of court at this time?

8 MR. TILLEY: I'm sorry.

9 CHAIRMAN TUNHEIM: They're not held under any
10 seal, any court seal at this point?

11 MR. TILLEY: No, they're just part of the holdings
12 of the U.S. District Court record group down there and we've
13 had people down there go through the finding agent and
14 identify these case files that apply to this. So they are
15 going to be copying those and then sending them to us.

16 Around this time the collection is approximately
17 doubled since the time we opened it August of 1993, well
18 over a million pages of documents so far. We are awaiting
19 additional records to be transferred from other agencies
20 and, of course, records that will come to us through the
21 activities of the Review Board.

22 I'll be glad to answer any questions the Board may
23 have, sir.

24 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley. Are
25 there questions?

1 MS. NELSON: You keep mentioning gaps. Can you
2 tell us a little bit more because, of course, gaps are what
3 we as a board have to deal with, those things that are not
4 open? Can you tell us a little bit more about the gaps, for
5 example, gaps in some of the collections from the Kennedy
6 Library?

7 MR. TILLEY: Sure. The particular instance that I
8 mentioned is that the desk diaries for Robert Kennedy, the
9 desk diaries, which are basically a calendar of his daily
10 events with his meetings and et cetera that on there, the
11 diary for 1963 is missing. The Library staff indicates that
12 it was never in the possession of the library. It was never
13 turned over to the library by the Kennedy family. So that's
14 one example where there is a gap.

15 There are also gaps in some of the telephone logs
16 for that period. I believe we're missing both '62 and '63
17 on the telephone logs. So that's an example of a gap that
18 does exist.

19 MS. NELSON: Are there similar gaps in the Johnson
20 Library?

21 MR. TILLEY: Not really, no. I don't think
22 there's anything like that. We have a complete listing of
23 all of the tape recordings that are in the Johnson Library
24 and the library staff has been listening to all the tape
25 recordings since the law was passed and has identified what

1 they say are all the assassination related tape recordings.

2 Now they have recently informed us that a couple
3 of more have been identified that will eventually come to
4 us. But there is an ongoing review and I really don't think
5 we can say there's any gaps there. They seem to have a good
6 control of what they have.

7 MS. NELSON: The documents that are turned over by
8 the government agencies have deletions? That's the gaps?

9 MR. TILLEY: Well, yes. I mean many of the
10 records that have been transferred by agencies do have
11 deletions in them. In its initial transfer in '93, the CIA
12 estimated that approximately 10 percent of their records
13 were released in full, 10 percent denied in full and 80
14 percent released with deletions. My experience in looking
15 at the records and in dealing with them over the past couple
16 of years, I would say that's probably a fairly accurate
17 guess.

18 There's no doubt that the FBI records also contain
19 many, many deletions of information within them. So when I
20 say gaps, I'm talking about things which should be there and
21 aren't. As far as deletions, just many, many documents in
22 the collection do have deletions that have been made by the
23 reviewing agencies.

24 CHAIRMAN TUNHEIM: Mr. Joyce?

25 MR. JOYCE: Mr. Tilley, you refer to a number of

1 instances in which the agencies have not provided the disks
2 necessary to provide information for the database for the
3 collection. Can you elaborate on the reasons why that might
4 be the case and what effects that's had on access to the
5 collection by researchers?

6 CHAIRMAN TUNHEIM: Well, I think in certain
7 instances it's probably because they're doing a lot of
8 quality control checking on the disks. They're trying to
9 make them as accurate as possible. They're going back and
10 putting in more.-- when they have records come back that
11 have been on coordination with another agency, they're
12 holding it so they can try to put that information into it
13 so it'll be as final as possible before they transfer it to
14 us.

15 I think in several instances, particularly with
16 the FBI, it's also a question that have so many people
17 working and they're just continuing to review documents and
18 they continue to add documents to the disks. But I won't
19 say that it hasn't had an effect on our ability to service
20 the collection. Certainly, we have not been able to do as
21 good a job in providing access to particularly the records
22 of the CIA without having these data disks available to us.

23 What we have done is we have tried to create some
24 more traditional archival finding aids, which we call folder
25 title list, where we list the title of every folder that's

1 in a box and provide a paper listing to the researchers, so
2 they can at least get some idea of what is in that
3 particular box or what's in that folder. But it's obviously
4 not as detailed nor nearly as complete as a document level
5 finding, which the database is.

6 I mean the database lists every document that's in
7 the collection. So it's obviously had some effect on our
8 ability to help the researchers.

9 MR. JOYCE: Thank you.

10 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley. I'm
11 constantly struck by the immense volume of the records that
12 are accumulating at the National Archives and we're going to
13 be providing a few more for you.

14 MR. TILLEY: I'm sure you are, sir.

15 CHAIRMAN TUNHEIM: Thank you.

16 MR. MARWELL: I have one question.

17 CHAIRMAN TUNHEIM: Go ahead, David.

18 MR. MARWELL: We've learned today that members of
19 the public have donated records to the collection. Can you
20 just tell us what will happen to those records, the records
21 that Mr. Connick spoke about and the Garrison family
22 records?

23 MR. TILLEY: Sure. The Archives has a small gift
24 collection that we have maintained from before where folks
25 have wanted to donate records to the Federal Government. We

1 have procedures where the donation will be received by our
2 Projects Division, we call it, our Archival Projects
3 Division and someone from our staff will probably examine
4 the records at some time and do what we call an appraisal on
5 it.

6 The appraisal generally would be done to make sure
7 that, in fact, the records are worthy of retention by the
8 National Archives as history of the Federal Government.
9 Obviously, I think in this instance that will be a
10 perfunctory event because obviously these records are worthy
11 of retention as part of the collection. But there is a bit
12 of a paper process we have to go through.

13 But we will have it -- we'll have the records
14 appraised, have a formal document signed, which says they
15 are worthy of retention in the National Archives, and then
16 once the record is transferred to us, then we have a certain
17 period of time in order to process them.

18 Our projects people will then go through the
19 records. If they are not well-arranged, we'll try to
20 arrange them in some sort of form. If they are properly
21 arranged, we will then accept them as they are. We'll
22 identify them in some manner with some sort of a finding
23 aid.

24 Then what we will have to do, I think there's no
25 doubt, that we will then to do record identification forms

1 on each document so that they will be part of the database.
2 That will be a time consuming process obviously. I would
3 think that we will try to make some accommodation with the
4 research community. We won't sit back and spend six months
5 or a year doing that process, which for a large collection
6 of records could very well take that long because it is a
7 time consuming process doing this data entry. However,
8 we'll probably try to do it in stages and have other records
9 available with some of a sort less creative finding aid, if
10 you will, for research.

11 But that will be the process. We will bring them
12 in, do some marketable processing on them and then as soon
13 as possible, make them available.

14 Let me just say one more thing, I think it will be
15 also -- the Board should know that James L. Rankin, Jr., the
16 son of J. Lee Rankin, the General Counsel of the Warren
17 Commission, has contacted us, has written to us and has
18 indicated that he wishes to donate his father's papers to be
19 stored with the records of the Warren Commission,
20 approximately seven boxes. I'm not sure how much volume
21 we're talking about.

22 People from our Records Center, Records Branch,
23 out in Laguna and Miguel in California -- I'm sorry -- San
24 Bruno in California, will be in contact with Mr. Rankin in
25 the near future to start the process of having those records

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1 made part of the JFK Collection. We're looking forward to
2 adding those to the collection.

3 CHAIRMAN TUNHEIM: It's an important addition to
4 the collection.

5 MR. TILLEY: Yes, I think it is.

6 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley.

7 MR. TILLEY: Thank you, sir.

8 CHAIRMAN TUNHEIM: Our next witness this morning
9 is Cynthia Ann Wegmann. Mrs. Wegmann is the daughter of the
10 late Edward Wegmann, a member of the legal team that
11 defended Clay Shaw at the 1969 assassination conspiracy
12 trial. Good morning, Mrs. Wegmann.

13 MRS. WEGMANN: Yes. I am Cynthia Wegmann,
14 daughter of Edward F. Wegmann, who was Clay Shaw's civil
15 attorney for some 20 years before this tragic event
16 occurred. At that time I was 16, a senior at the Academy of
17 Sacred Heart here in New Orleans and totally outraged. I
18 spent the next two years in New Orleans at Daddy's side and
19 at Mr. Shaw's side trying to assist and at the same time
20 being totally wide-eyed at the facts and the allegations and
21 utter insanity of it.

22 The records that we are making available to the
23 Assassination Board are the records that were maintained
24 for, prepared for trial by my father, his brother, Billy,
25 Irving Diamond, who was the criminal attorney in charge of

1 the defense team, and Sal Panseca. These are the
2 investigation files and the statements taken and whatever we
3 could grasp at in order to attempt to defend this mass
4 tangle of a web that was conceived and then pursued.

5 What is amazing to me now, some 30 years later --
6 I guess it's not that -- 25 years later, is that despite the
7 fact that after a 40-day trial, a 55-minute deliberation by
8 12 jurors and a resounding acquittal, that Clay Shaw's name
9 remains besmirched, that he can be portrayed as a buffoon in
10 films, that the true nature of the man has been hidden and
11 destroyed.

12 I believe that anyone who takes a look at these
13 records will realize how amorphous, how little evidence, if
14 any, there was, and it's for this reason that my mother and
15 I and my brothers would like to make this record available
16 to the public.

17 The unfortunate thing in my view is that the
18 records do not tell the story of the man, Clay Shaw, whose
19 true courage has been -- his reputation has been ruined --
20 that I met him as a 16-year-old and found him to be a
21 gentleman in every sense of the word, a man of dignity, an
22 enormous presence and only learned later of his
23 contributions to the city; of the fact that he had
24 envisioned the World Trade Mart.

25 He had started it, he had a great deal to do to

1 encourage trade with the Port of New Orleans, both in South
2 America, France, Belgium. He received awards from those
3 countries -- that when he was in the Army he received the
4 Quade Gaie from France, the Legion of Merit and the Bronze
5 Star from the United States, that he made the first
6 restoration of our French Market.

7 He restored singlehandedly on his limited
8 resources some nine buildings in the Quarter, which remain
9 restored today. He was a playwright. He spoke several
10 languages -- Spanish, French, English and something else. I
11 don't remember what -- and that I would hope that anyone who
12 sees what these records reveal would know that he was a
13 victim, someone chosen to be the patsy, somebody who could
14 make an otherwise fictional investigation gain publicity.

15 Had Clay not died in 1974, some seven years after
16 his arrest and five years after his acquittal, I believe
17 that he would have been vindicated by the civil suit that
18 was brought on his behalf. But because of the quirk in
19 Louisiana inheritance laws at that time, this was considered
20 a personal action and he died without any heirs, any
21 descendants or ascendants. His mother died just months
22 before he did.

23 So I would hope that once the public sees that
24 what they're was or what little there was, that then they
25 would allow him to remain at rest. Thank you.

1 CHAIRMAN TUNHEIM: Thank you, Mrs. Wegmann. If we
2 could ask you a few questions if you wouldn't mind.

3 MRS. WEGMANN: Sure.

4 MR. JOYCE: Mrs. Wegmann, in addition to the
5 records that you've very generously agreed to make available
6 to the Board, would there be other materials that you might
7 guide us to look after to see if there might be supplements
8 to what you've given us?

9 MRS. WEGMANN: Mr. Joyce, I'm not certain. When
10 my father died in '89, I was left with the contents of his
11 office, which included these records. The contents moved to
12 various places. Clay's records moved to my attic. I
13 believe that there is one more file box somewhere in the
14 depths of my attic space that contain perhaps the records of
15 the civil suit.

16 I know that Daddy was the lead counsel on the
17 injunction suit and I believe that in the boxes that I gave
18 Mr. Samoluk yesterday are the contents of that injunction
19 suit that was held before Christenberry.

20 What else may be there may simply be the contents
21 of the civil damage action and perhaps Clay's will file,
22 which, if it is his will file, I believe would be privileged
23 and since there's nobody to ask if we could make it
24 available, I don't believe that we can. I believe that that
25 remains, but for the public matters, public record matters,

1 very confidential. But there's nothing -- if I find it, I
2 will make it all available to you.

3 I don't believe that either Mr. Diamond or Mr.
4 Panseca or my Uncle Billy have any records because they have
5 referred people to me. But certainly I would believe that
6 Mr. Diamond and Billy Wegmann and Sal Panseca should be
7 contacted to see if they have anything in addition to what
8 we retained in our office.

9 MR. JOYCE: Thank you.

10 CHAIRMAN TUNHEIM: Dr. Hall?

11 MR. HALL: District Attorney Connick told us that
12 the thought his predecessor in that office presided over at
13 least some theory that some records were taken that properly
14 belong in the public record. Often the case is that the
15 people who know best what's taken are the people that didn't
16 take them but wish they could find them.

17 I'm curious whether you would have any suggestions
18 for us about individuals that we might turn our attention
19 who might have private records -- public records now held
20 privately that relate to the actions of District Attorney
21 Garrison.

22 MRS. WEGMANN: I don't but for the copies that
23 were turned over to us as the -- us -- them. I was a baby
24 -- at the defense team. When Mr. Gervich left, he made a
25 copy of Garrison's investigation file up to that point. But

1 it was a Xerox copy and it only goes through the date of his
2 departure, which was sometime in June of 1967. Since
3 Garrison's investigation only started in February, then
4 that's the only copy that we have.

5 MR. HALL: Well, that's, I think, a particularly
6 important point here because one of the ways at getting at
7 the issue of some of these supposedly missing documents is,
8 in fact, the copies that would have been available to --

9 MRS. WEGMANN: Well, those are included in the
10 records that I turned over to you -- Mr. Samoluk, yesterday.

11 MR. HALL: So it would be interesting to know the
12 veracity of the essential criminal discovery process and the
13 extent to which it really was shared with the defense. But
14 that's very helpful. I appreciate it very much.

15 MS. NELSON: You mentioned that Clay Shaw died
16 without heirs. Do you know if he had papers? Do you know
17 what happened to his papers or possessions?

18 MRS. WEGMANN: Clay left his worldly goods, since
19 his mother had died, I believe to Jeff Bidison. But I
20 believe -- I don't know if Mr. Bidison is any longer alive.
21 Edith Stern was a very good friend of Clay's and a staunch
22 supporter, but Ms. Stern is also dead, deceased. I really
23 don't know.

24 I was married in '73 and after that we wrote the
25 briefs, my father and I, to try to sustain the civil action

1 after his death. But what happened to his papers then, I
2 don't know. I became an admiral to the attorney and didn't
3 go on to save the world from evil, to save a few votes.

4 MR. HALL: You really went for the world of the
5 arcane then.

6 MRS. WEGMANN: Right.

7 MS. NELSON: But the reason I asked is that very
8 often boxes of records of survive in a curious way as they
9 are moved about and, you know, you just never know what
10 happens.

11 MRS. WEGMANN: Rosemary James I believe also
12 stayed very close to Mr. Shaw until his death, Mrs. Stern,
13 Father Sheridan is now dead. He was a counselor and a
14 supporter for Clay during the trial. I, unfortunately, just
15 don't know.

16 MS. NELSON: That's all right.

17 CHAIRMAN TUNHEIM: Well, thank you very much, Mrs.
18 Wegmann. I think the American public will be forever
19 grateful for your donation of these records, to try to set
20 the record straight.

21 MRS. WEGMANN: Thank you.

22 CHAIRMAN TUNHEIM: Thank you. Our next witness
23 this morning is Mr. Stephen Tyler, who is the producer and
24 director of a 1992 documentary entitled, "He Must Have
25 Something: The Real Story of Jim Garrison's Investigation

1 of the Assassination of JFK" Thank you, Mr. Tyler, for
2 joining us today.

3 MR. TYLER: Thank you, Mr. Chairman, members of
4 the Board. Welcome to my home town.

5 As you've stated, in 1992 I produced a 90-minute
6 television documentary on Jim Garrison's investigation into
7 the assassination of President Kennedy, entitled, "He Must
8 Have Something." This film was funded by a grant from the
9 Louisiana Endowment for the Humanities, the state affiliate
10 of the National Endowment for the Humanities.

11 My goal in producing this program was to present
12 an oral history of the case. I was interested in the
13 impressions of people who had had some involvement in the
14 trial or had at least observed it closely. In keeping with
15 the humanities based theme of this project, I was
16 particularly interested in how the Shaw case illuminated
17 what it was and is to be a New Orleanian.

18 The sometimes carnival atmosphere of the trial,
19 with its rogues, gallery of witnesses and colorful attorneys
20 for both sides, typified a view of the city that has since
21 become as cliched as it is regrettably accurate.
22 Furthermore the notion that New Orleans is really just an
23 overgrown small town where everybody knows one another, more
24 like two degrees of separation rather than the putative six,
25 was never more dramatically apparent than in the trial of

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1 the State of Louisiana vs. Clay L. Shaw.

2 The Shaw case encompassed all the elements which
3 make us natives view the city with such an intense mixture
4 of love and hate, a place whose undeniable charm masks a
5 political legacy and tolerance of corruption -- social,
6 political, economic -- the likes of which are rarely seen
7 north of, say, Guadalajara.

8 It was this sense I was trying to convey in "He
9 Must Have Something." It was never meant to be an
10 investigative journalism piece. I was never so much
11 interested in Mr. Shaw's guilt or innocence as much as I was
12 the reasons New Orleanians held an opinion one way or the
13 other.

14 Still, I began work on that program thoroughly
15 convinced that the jury in the Shaw trial had reached the
16 proper verdict, a belief shared by the vast majority of New
17 Orleanians to this day. I firmly held to this belief
18 throughout production and post-production and well into
19 several screenings of the program, including a featured
20 presentation at the Fourth Annual New Orleans Film and Video
21 Festival and, yes, even after the release of Oliver Stone's
22 motion picture, "JFK."

23 Stone's disputable depiction of Jim Garrison as a
24 Capra-esque "one man against the system epic hero" outraged
25 me at the time with its depictions of Clay Shaw as a

1 sinister, menacing fop taunting the noble Garrison with an
2 air of imperious smugness, a characterization that
3 contradicted everything even Garrison himself told me about
4 Shaw. In fact, in my 1990 interview with him, Garrison
5 spoke admirably of Shaw's dignity in the face of the
6 catastrophic effects Garrison's investigation had on the
7 defendant.

8 But for all its faults, the film "JFK" openly led
9 to a new road on my personal assassination journey just as I
10 had reached the end of another. This voyage had begun in
11 1967 when as a 12-year-old New Orleanian, Shaw's arrest and
12 trial two years later was the first public event I followed
13 on television and in newspapers with any level of
14 sophistication or even understanding.

15 The fact that Oliver Stone with his access to all
16 the available research on the assassination would feel so
17 strongly about Shaw's guilt planted the first seeds of
18 disillusionment and doubt about everything I thought I knew
19 about this peculiarly New Orleans story. But the event that
20 did the most to chip away at my assumptions about Jim
21 Garrison's legacy, was my attendance in October 1992 at the
22 Second Annual Assassination Symposium on John F. Kennedy in
23 Dallas.

24 The assassination research community, a loosely
25 defined network of citizen researchers dedicated to

1 uncovering the truth about this hideous crime, is
2 characterized by nothing as much as its factionalism, and
3 certainly there are factions which accept the verdict
4 delivered by the Shaw jury in 1969.

5 But this conference in Dallas in 1992, as soon as
6 I was identified as the producer of "He Must Have
7 Something," I found myself besieged by the alliance which
8 vehemently proclaims Shaw's guilt to this day. I was
9 approached time and time again as "the guy who thinks Clay
10 Shaw is innocent" by people who hadn't even seen my program
11 and I quickly found myself barraged by their claims of
12 evidence inculcating Shaw.

13 I suddenly felt like the child confronted with the
14 suggestion that Santa Claus does not exist, that I was being
15 ridiculed for believing that a fat man really could squeeze
16 through a chimney with a bag of toys over his shoulder.

17 I did not sleep well that first night, and as I
18 futilely sought slumber, I tried to reassure myself that
19 this is the pain of growth, that real knowledge comes from
20 having one's accepted notions challenged by others. It was
21 at this point that I decided to learn more not only about
22 Clay Shaw, this Tangipahoa Parish boy, who by all accounts
23 loved my hometown every bit as much as its most ardent
24 native, but about President Kennedy's assassination in
25 general.

1 I regret I never had the opportunity to meet Clay
2 Shaw. I truly do not know if the man was anything other
3 than the distinguished retired businessman and French
4 Quarter preservationists most Orleanians remember him to
5 have been.

6 I do believe, however, to answer the rhetorical
7 question suggested by the title of my film, that Jim
8 Garrison had something. Many of his theories have since
9 been confirmed by evidence not available to him, in many
10 cases denied him by representatives of Federal and state
11 governments at the time of the Shaw trial. I also have come
12 to believe there is reason to question whether Mr. Shaw
13 might have been less than forthright in some of his trial
14 testimony.

15 Documents that have since been declassified
16 suggest the defendant was less than truthful in his denial
17 of any involvement with the Central Intelligence Agency.
18 Whether this involvement was necessarily an indication of
19 any sinister intent is a question that can only be
20 conclusively answered by full and complete release of any
21 relevant, still classified documents.

22 My interest still lies in the peculiarly New
23 Orleans aspects of the Kennedy assassination, although my
24 focus has shifted from the purely humanistic, the why, to
25 the investigative, the who, what, where and how. To that

1 end, I would like to submit to this august body that the
2 following documents, all of which have particularly
3 relevance to the New Orleans aspect of the assassination, be
4 located, identified, declassified and made available to the
5 American public for its perusal via permanent storage in the
6 National Archives:

7 All the research files compiled by District
8 Attorney Jim Garrison and his staff, including those still
9 in the possession Orleans Parish District Attorney's Office;
10 and any and all files Mr. Garrison had in his possession
11 during his tenure as appeals court judge, including those
12 which might have been entrusted by Judge Garrison to his
13 appeal court's staff for safekeeping; all classified
14 documents regarding Clay L. Shaw, including, but not limited
15 to, the Domestic Contact Reports made by Mr. Shaw to the
16 Central Intelligence Agency in the '40s and '50s; all files
17 regarding Mr. Shaw's involvement with a CIA project code
18 named QKENCHANT, for which Mr. Shaw had been assigned a
19 covert security approval in 1962; the United States Army
20 Intelligence files and any other classified files on
21 European trade organizations known alternately as Permandex
22 and/or Central Mondolli Commerciality, on whose boards Mr.
23 Shaw served; the Inspector General's report on the Bay of
24 Pigs, completely un-redacted; the Church Committee's file on
25 CIA media assets completely un-redacted; all files

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1 pertaining to INCA, the Information Council of the Americas,
2 including, but not limited to those in the Alton Ochsner
3 Collection; all research compiled by Messrs. Wegmann and
4 Irving Diamond in preparation for the defense of Mr. Shaw,
5 including any records pertaining to Mr. Shaw's original
6 counsel, Guy Johnson -- and obviously Mrs. Wegmann has
7 already referred to this earlier today; and, finally, all
8 notes and materials compiled by Messrs. L.J. Delsea and
9 Robert Buras during their work for the House Select
10 Committee on Assassinations in the late '70s.

11 For my part, I am offering to the National
12 Archives not only a copy of my completed 90-minute film, "He
13 Must Have Something," but out takes from the 30-some on
14 camera interviews from which the final program was culled,
15 some 25 hours of materials, approximately one-third of which
16 I have right here.

17 The more I learn about this case, the more I am
18 appalled by the shameless bias of the mainstream news media
19 against any account of the assassination other than the one
20 promulgated by the Warren Commission. Even if one accepts
21 the widely held notion that mainstream media is inherently
22 liberal and would automatically question any version of the
23 official story, it seems ironic that whenever reports are
24 filed by "Newsweek," "Time," "Esquire," "Washington Post,"
25 they tried out all the Warren Report apologists who heap

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1 scorn upon conspiracy theorists, regardless of their
2 credibility.

3 The fact is that every mass opinion poll taken
4 over the years on the subject indicates an overwhelming
5 skepticism about the Warren Report. One month before
6 publishing George Lardner's censorious essay on Oliver
7 Stone's "JFK," the "Washington Post" conducted a survey that
8 showed 59 percent of the American public believed in some
9 sort of conspiracy and that only 19 percent agreed with the
10 Warren Commission's findings.

11 As far as film and television, my field of
12 endeavor, the overwhelming majority of programs produced by
13 the commercial networks and PBS over the years have, for the
14 most part, ultimately embraced the findings of the Warren
15 Commission. Perhaps the traditional media's attitude
16 towards the assassination for the past three decades can
17 best be epitomized by a recent program entitled, "Who Killed
18 JFK: The Final Chapter."

19 This 1993 program, produced by CBS News and aired
20 by them that November on the occasion of the 30th
21 anniversary of the assassination, was co-written by Dan
22 Rather and staffers from "Newsweek" and the "Washington
23 Post" and hosted by Rather and concluded with the host
24 averring on camera, "Despite all the attacks, the Warren
25 Commission's main conclusions have so far passed the test of

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1 time. There is no proof and very little, if any, credible
2 evidence of any conspiracy. The facts, including much hard
3 physical evidence, do indicate one man was the assassin, Lee
4 Harvey Oswald. Any contrary conclusions are speculation
5 based less on fact than imagination, often by people who
6 divine things the ear cannot hear and the eye cannot see."

7 So with one fell swoop, the heir to Walter
8 Cronkite's throne, the senior spokesman for the network that
9 gave us Edward R. Murrow, on the occasion of that network's
10 definitive investigative conclusion on the 30th anniversary
11 of President Kennedy's death, dismisses 30 years of dogged,
12 relentless research by serious scholars as the ravings of a
13 collective schizophrenic.

14 Dan Rather's claim is simply, profoundly untrue.
15 We, the people, deserve more, and if those 59 percent of us
16 who believe in some form of a conspiracy and 81 percent of
17 us who just disagree with the Warren Commission's findings
18 in spite of what the nation's leading media want us to
19 believe, don't constitute an underserved constituency, then
20 I don't know what does.

21 [Applause.]

22 MR. TYLER: The President of the United States was
23 assassinated over 30 years ago and, notwithstanding the
24 Warren Commission's conviction of Lee Harvey Oswald, we
25 still don't know all of those who were responsible. There

1 can be no greater goal than uncovering the truth. I
2 sincerely believe "that serious inquiry into the
3 assassination mystery illuminates and enlivens something in
4 us all." to quote James DiEugenio, author of a compelling
5 1992 study of the Garrison investigation, entitled "Destiny
6 Betrayed."

7 The American public believes the truth has been
8 hidden from them for over three decades. If there is truly
9 nothing to hide, then there is no better reason for any and
10 all classified documents to be herewith declassified. Only
11 then can the people's trust be restored. Only then can the
12 healing begin. Thank you.

13 [Applause.]

14 CHAIRMAN TUNHEIM: Thank you, Mr. Tyler. We may
15 have a few questions for you, if you don't mind.

16 MR. TYLER: Certainly.

17 MS. NELSON: I think the most valuable thing that
18 you probably have are the oral interviews that are the out
19 takes. It's very difficult to find things like that 30
20 years after the fact, 20 years after the fact. Who were
21 some of the people that you did interview? Just New
22 Orleanians or people who were associates of --

23 MR. TYLER: No. I mean people outside of New
24 Orleans would have been people who had some connection with
25 the case, for example, Mark Lane, the author; James Faelin,

1 a journalist who covered the trial for the "Saturday Evening
2 Post," at the time; people like that, former Governor John
3 McKeithen.

4 MS. NELSON: Were they people who knew Shaw?
5 Anyone who knew Oswald?

6 MR. TYLER: Certainly, certainly. I mean again
7 that's the thing about New Orleans, that everybody knows
8 everyone else. You know New Orleans is always sort of held
9 it a badge of honor that Oswald was born here. They don't
10 like what he did necessarily or allegedly did, but they're
11 proud of the fact that he's from here.

12 I think unfortunately though the mystery becomes
13 the celebrant theme because you never know -- people's
14 memory is selective. You never know, in today's lexicon,
15 what different people's agendas are. The fact of the matter
16 is just because I have all these out takes, it begs the
17 question that everybody that talked to me was being
18 completely forthright. I would like to think that my faith
19 in humanity is such that they are, but I've grown a little
20 more disillusioned over the years.

21 CHAIRMAN TUNHEIM: Bill.

22 MR. JOYCE: Mr. Tyler, you said that there were
23 theories that Jim Garrison had about the activity of Clay
24 Shaw and that there was information that could not have been
25 available to him that now was available. I was wondering if

1 any of that information that you referred to may still be in
2 private hands and is not accessible for researchers or the
3 public more generally to be aware of and, if so, if you can
4 direct us to where some of that might be.

5 MR. TYLER: From what I understand, you're already
6 on the right track. Judge Garrison's files over the years
7 had evidently become spread out in a variety of different
8 areas. Some of them were even still at Judge Garrison's
9 home. Some were also, as District Attorney Connick were
10 saying, in the current District Attorney's Office.

11 Some were evidently also transferred to the Court
12 of Appeals Office. I would hope that you might talk to some
13 of the people on the Appellate Court staff during Judge
14 Garrison's tenure regarding any of those documents, some of
15 which I'm relatively certain had been entrusted to that
16 staff for their safekeeping and since Judge Garrison's death
17 I don't know what the status of those documents is.

18 MR. MARWELL: Do you base your claim that some of
19 the records were given to staff for safekeeping on some
20 evidence that you have or is it --

21 MR. TYLER: Yes. I mean what's been told by
22 somebody. I've not been able to corroborate that
23 necessarily, but I would suggest that it bears further
24 investigation. Any of the people who worked in Judge
25 Garrison's office at the time might be able to clear that up

1 one way or the other.

2 MR. HALL: Are there any key persons, Mr. Tyler --
3 and I ask you this question in the context as someone who
4 comes to us as an authority on the character and state of
5 the culture of this city. Are there any individuals
6 connected with the Garrison investigation that we ought to
7 inquire about specifically with regards to records?

8 MR. TYLER: Being an alleged or putative expert on
9 the culture of New Orleans is a blessing as well as a curse.
10 We're very parochial here, and I don't necessarily mean that
11 as a pejorative term. Much of the information that I have
12 acquired in the succeeding years since this assassination
13 film that I produced has come from people outside of New
14 Orleans who look at this case, who look at this city, with a
15 more objective eye.

16 Everyone I've ever spoken to, for example, echoes
17 the same impressions that Mrs. Wegmann did and I have no
18 doubt whatsoever that those are accurate impressions. The
19 question that needs to be answered is, Are there other
20 aspects of Mr. Shaw's political or professional life that
21 may have led Mr. Garrison's on his path, perhaps not as
22 accurately or as directly as it needed to be, but to bear
23 further scrutiny?

24 None of that would necessarily have to impugn Mr.
25 Shaw's reputation. But there are questions that remain

1 unanswerd about affiliations with government agencies,
2 intelligence agencies and so forth.

3 MR. HALL: A fair amount of what you've written
4 elsewhere or presented elsewhere that I've seen suggests
5 that Clay Shaw's homosexuality figured to some significant
6 degree in the working out of Garrison's relationship in
7 going after him. Am I correct in that judgment?

8 MR. TYLER: Well, I'm very hesitant to make
9 anything resembling a definitive conclusion about that. I
10 mean I have my own opinions about a sort of psychoanalytic
11 culture approach to that, if you will. But for what it's
12 worth, my personal is to illustrate by example is that I
13 believe that notwithstanding his testimony that Mr. Shaw
14 knew David Ferrie and I've always assumed over the years
15 that Mr. Shaw testified under oath that he did not know Mr.
16 Ferrie because of the fear of potential embarrassment that
17 that might bring him, considering the fact that evidently
18 Mr. Ferrie was a rather notorious homosexual in certain
19 circles in New Orleans at the time.

20 I have since come to suspect that Mr. Shaw's
21 reticent about being forthright about his relationship with
22 Mr. Ferrie also might have had political connections, namely
23 a mutual involvement with the Central Intelligence Agency.
24 Now whether that involvement was purely benign, whether it
25 was benign in the sense that it was motivated by a sense of

1 patriotism, however misguided, I don't know.

2 But whether that connection had any sort of
3 sinister intent or sinister result, I don't know that
4 either. But I think that there are documents that sort of
5 chart Mr. Shaw's involvement with that agency, which will
6 help us clear up this question once and for all.

7 As I indicated, for example, this program called
8 QKENCHANT, one of the cryptonyms that the CIA is fond of,
9 there are documents that have thankfully been released which
10 clearly indicate in black and white that Mr. Shaw had a
11 covert security approval number with that program. Now
12 that's smoke. Whether there is fire there as well, we need
13 to conclusively determine. So Mr. Shaw's legacy can be
14 accurately portrayed and considered.

15 CHAIRMAN TUNHEIM: Mr. Tyler, to the extent that
16 David Ferrie, just referred to, was investigated by Mr.
17 Garrison, are there records we should be pursuing relative
18 to David Ferrie in your point of view?

19 MR. TYLER: The short answer is yes, absolutely.
20 I personally believe that David Ferrie is the key to
21 unlocking once and for all the mystery of the assassination
22 and questions about whether there was a conspiracy of any
23 sort.

24 Mr. Ferrie has left quite an interesting trail
25 behind him. As far as being able to point you in specific

1 directions, I don't know. I would be interested in knowing
2 more about any kind of work Mr. Ferrie might have been doing
3 in terms of medical research, particularly as it might have
4 been endorsed or sanctioned somehow by the Ochsner Medical
5 Institutions. That's just a personal question that I have.
6 I don't mean to suggest, nor making any kind of accusation,
7 but I would like to know more about that.

8 Mr. Ferrie was an interesting man indeed and any
9 and all documents or records pertaining to Mr. Ferrie -- for
10 example, his autopsy reports are still in the hands of the
11 current New Orleans Parish coroner. Some have suggested,
12 Mr. Garrison included, that those reports indicate Mr.
13 Ferrie's demise as being something that might have had a
14 sinister connection.

15 MS. NELSON: If I could just ask briefly, we've
16 concentrated on the record trial of all the people involved
17 in the Garrison trial. I think we are assuming that Lee
18 Harvey Oswald came and went without much of a trial, except
19 what is known, handing out leaflets.

20 Do you have any impressions of the climate in New
21 Orleans at the time that he was a young man handing out
22 flyers on the streets of New Orleans?

23 MR. TYLER: Well, for example, what I can tell you
24 about that is --

25 MS. NELSON: And where we might go for people who

1 had some sort of records of that?

2 MR. TYLER: I think people need to remember, and
3 certainly Professor Kurtz is much more better qualified to
4 comment on this than I am, but in the late '50s and early
5 '60s around the time of Castro's rise to power, New Orleans
6 was obviously a hotbed of anti-Castro activity. Personally,
7 anecdotally, I have had people tell me that there are many
8 occasions that they would be at social functions where anti-
9 Castro Cuban exiles would be vociferously complaining about
10 that S.O.B. Castro. What can we do to get rid of him? Why
11 isn't Kennedy doing more? And Clay Shaw was at these
12 parties at time to time.

13 Again, you take a case like that, maybe it's just
14 completely innocent. We don't know. We don't know.

15 MS. NELSON: There is no indication --

16 MR. TYLER: I was attempting to answer your
17 question about the atmosphere at the time. What you have to
18 remember about the atmosphere at the time was that there was
19 fervent anti-Castro sentiment in this city and Oswald's
20 trial in and out of that has been documented --

21 MS. NELSON: Oh, yes.

22 MR. TYLER: With varying degrees of accuracy and I
23 think conclusiveness.

24 MS. NELSON: What about the attitude toward
25 President Kennedy?

1 MR. TYLER: Well, I mean think New Orleans being
2 one of the most Catholic cities in the world, certainly they
3 felt a particular affinity for President Kennedy for that
4 reason alone. Beyond that, I think those people who might
5 have had a political agenda or leaning of any kind, whether
6 it's anti-Castro Cuban activity or whatever, you know their
7 feelings about Kennedy would flow in that direction.

8 MS. NELSON: But, in fact, you don't know of any
9 other sources of records or documents that have not been
10 revealed about Oswald and the anti-Castro groups?

11 MR. TYLER: As I mentioned in my earlier
12 statement, there very well might be some information in the
13 files of the organization INCA, Information Council of the
14 Americas. Also, I think the personal files that were in the
15 office of the late Guy Banister, which evidently have never
16 been accounted for, very well might have information
17 regarding what you're talking about. Best of my knowledge,
18 those files have never been located nor has their location,
19 wherever it is, been confirmed. I presume they might have
20 been destroyed, but we don't know.

21 CHAIRMAN TUNHEIM: Mr. Tyler, one of the issues
22 facing the Board as we go through this process is what to
23 devote primary amount of our resources to. Given the fact
24 that the assassination of President Kennedy occurred during
25 an age when television had come into American living rooms,

1 there is a great amount of material, we believe, that is in
2 the possession of television networks and local television
3 stations, the kind of out takes of the sort that you are
4 donating to our collection, the published collection today.

5 How great a priority would you advise us to set on
6 seeking out takes, copies of videotapes, that might be held
7 by the media?

8 MR. TYLER: I frankly would be a little dubious
9 about any probative value that that might have. I think
10 that certainly the State Archives in Baton Rouge already,
11 have much footage from WWL, the CBS affiliate from the time.
12 The New Orleans Public Library -- Mr. Everard could talk
13 more conclusively about that -- has a little bit of footage
14 from the ABC affiliate.

15 I think most of what you're going to find there is
16 the sort of images that we've seen, you know, many, many
17 times that are sort of like rocks at the bottom of a stream
18 where the waters float over them for so long that all the
19 rough edges are gone.

20 I would recommend that more of your efforts be
21 devoted towards trying to find those actual files and
22 documents that I enumerated earlier.

23 CHAIRMAN TUNHEIM: Thank you very much, Mr. Tyler.
24 I know we appreciate your donation and the public will, your
25 sharing of your work. Thank you very much.

1 MR. TYLER: My pleasure.

2 CHAIRMAN TUNHEIM: Our next witness this morning
3 is Dr. Michael L. Kurtz, Professor of History at
4 Southeastern Louisiana and author of a 1982 book on the
5 assassination of President Kennedy that's entitled, "Crime
6 of the Century." Dr. Kurtz, welcome and thank you for
7 joining us.

8 DR. KURTZ: Thank you, Mr. Chairman. By way of
9 introduction, let me give the Board a very brief background
10 on my qualifications for testifying before the Board today.

11 I'm one of the very academicians who researched
12 and written about the assassination of President Kennedy.
13 In addition to my book, "Crime of the Century," published by
14 the University of Tennessee Press, I have published two
15 scholarly articles on the assassination in the journals "The
16 Historian" and "Louisiana History." I presented papers on
17 the assassination at meetings of such professional
18 organizations as Phi Alpha Theta, the Southern Historical
19 Association and the Louisiana Historical Association.

20 Now I've given lectures and appeared on panels at
21 places as diverse as Tulane University, Georgia Southern
22 University, Harris County Community College in Texas, and so
23 forth.

24 My purpose in appearing before the Board today is
25 to provide you with suggestions about the acquisition of

1 records as defined by the Act itself. So I will turn to
2 that topic immediately.

3 First, one passage in a recent book about
4 President Kennedy's foreign policy relationships with Soviet
5 Premier Nikita Khrushchev, "The Crisis Years," by Michael
6 Beschloss, struck me as very odd. I'd like to quote the
7 passage from page 682 of that book.

8 "Richard Helms, who at the time was Deputy
9 Director of Plans for the CIA" -- this is in early 1964 I
10 might add, the context -- "found Johnson distracted well in
11 1964 by his worry that Kennedy had been assassinated by
12 conspiracy. As Helms recalled, the Agency was" -- in here
13 Beschloss is quoting Richard Helms -- "very helpful to
14 Johnson on this" and meet the new president's request for an
15 independent CIA study. Motion picture of the Dallas
16 motorcade and autopsy photographs were sent to the agency."

17 In his footnotes, or I should say end notes, Mr.
18 Beschloss cites a personal interview with Richard Helms as
19 the source of this statement. I urge the Board to pursue
20 this matter, if, in fact, the CIA did conduct its own
21 investigation of the assassination simultaneously with that
22 of the Warren Commission, all records pertaining to that
23 investigation should, of course, be included in the JFK
24 Records Collection in the National Archives.

25 As far as I know, nothing pertaining to that

1 special CIA investigation that Helms mentioned to Beschloss
2 has ever been made public. Certainly nothing in the
3 existing assassination documentation refers to the CIA's
4 having received access to autopsy photographs. I recommend
5 that the Board exercise its legal authority under the Act
6 and, if necessary, subpoena Mr. Helms and interview Mr.
7 Beschloss about this subject and require the CIA to release
8 unedited any and all of its records concerning this 1964
9 investigation.

10 Secondly, I urge the Board to conduct a survey of
11 the documentary record if, indeed, any exists to ascertain
12 precisely when and how the Kennedy family came into legal
13 possession of the autopsy photographs and X-rays and other
14 related materials. I myself have received run-arounds and
15 evasions from the National Archives, the Secret Service and
16 the Kennedy Library about this matter. The family's legal
17 control over these materials has been upheld in Federal
18 court, but at no time has any documentation ever been
19 produced to determine the origins of the family's legal
20 control.

21 I know of no case anywhere in the United States
22 where the family of a deceased has legal control over the
23 autopsy records of that individual. For example, the
24 Kennedy family does not have legal control over the autopsy
25 records of Senator Robert Kennedy. The State of California

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1 quite properly has control over those records. How did the
2 Kennedy family come to have legal possession of those
3 records is a fundamental question for which some trial of
4 evidence under the broad definition of record should exist

5 I urge the Board to, in addition to interviewing
6 Burke Marshall, who, of course, is the Kennedy family's
7 legal representative on this particular matter, the deed to
8 the National Archives in 1966, and conduct a systematic
9 review of all records of the Secret Service, especially that
10 agency's Protective Research Division, which assumed,
11 original custody of the materials the night of the autopsy.
12 Additionally, the Board should review all records of the
13 Bethesda Naval Hospital about this matter.

14 Furthermore, along the same general lines, I urge
15 the Board to conduct an intensive investigation into records
16 dealing with the certain actions taken by the Secret Service
17 in 1963. I have communicated with the Secret Service, the
18 Kennedy Library, National Archives about this matter and all
19 of them say no such documentation or records exist. Surely
20 some records exist.

21 Why did the Secret Service remove President
22 Kennedy's body from Dallas and transport it to Washington?
23 What Federal statute gives the Secret Service jurisdiction
24 over a presidential corpse? As far as I know, there is none
25 in existence. Why were three Secret Service agents present

1 at the autopsy at Bethesda Naval Hospital? I don't know.
2 No documentation has ever been produced to document that.

3 Why did Roy Kellerman take possession of the
4 autopsy photographs, the unprocessed negatives and the X-
5 rays at the time of the autopsy? What legal authority did
6 Kellerman have to possess these materials and then turn them
7 over to Robert I. Bouck, the head of the Protective Research
8 Service of the Secret Service, when at that time Lee Harvey
9 Oswald was still alive and these autopsy records were
10 properly legal documents that should have been under the
11 jurisdiction of Dallas District Attorney Henry Wade, not the
12 Secret Service of the United States?

13 Why did Secret Service Agent James Fox make a
14 private set of autopsy photographs for himself? What legal
15 possession did he have over those autopsy photographs and
16 what legal authority did Fox have to sell these so-called
17 couched set of photographs to David Lifton in 1988 and
18 authorize Lifton to reproduce them?

19 Why did Robert Bouck turn over the autopsy
20 materials to Robert Kennedy in 1965, that is through the
21 Evelyn Lincoln and Angela Novello chain that the House
22 Committee tried to track down? But what legal authority did
23 Robert Bouck have? What legal authority did Robert Kennedy
24 have over Robert Bouck? As far as I know, there was none.
25 Robert Bouck answered to the head of the Secret Service, who

1 answered to the President of the United States, not to a
2 senator from Massachusetts.

3 These are records that I think the Board should
4 certainly try to investigate and not simply accept the word
5 of an agency of the United States that no such records
6 exist. Surely some trial of evidence exists about these
7 questions.

8 As Steve Tyler was talking -- and, by golly, I
9 wish I had gone before him instead of after him -- he did
10 such a good job of his presentation. I disagree in the
11 sense that I think that the Board should attempt to obtain
12 all out takes of all television documentaries produced about
13 the Kennedy assassination from the time it occurred until
14 the present.

15 For example, in 1967 CBS did a four-hour long
16 special hosted by Walter Cronkite. We know for a fact that
17 hundreds of hours of film was made, four hours aired minus
18 the commercials. I'd like to see the Board obtain these
19 original records, the out takes of these documentaries,
20 because I think that they could contain very valuable
21 information.

22 For example, CBS conducted a firing test of the
23 man with a car cannon and showed only a brief flash on the
24 screen. The complete out takes could certainly provide some
25 additional information about that ballistics evidence.

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1 Numerous other pieces of evidence should also be obtained
2 from these, the out takes of these documentaries.

3 Now in another matter, although conspiracy
4 theories about the Kennedy assassination abound, many of
5 them ludicrous and ridiculous, one that remains a plausible
6 one, supported by a substantial amount of evidence, is the
7 so-called Cuban connection to the assassination. Lyndon
8 Johnson's often-quoted statement to two sources, Howard K.
9 Smith and Joseph Califano, that "Kennedy was trying to get
10 Castro but Castro got him first." The possibility of Cuban
11 government complicity in the assassination certainly cannot
12 be ruled out.

13 I implore the Board to demand the immediate
14 release of all records of the CIA, FBI, Defense Department,
15 National Security Agency, State Department and any other
16 agency of the United States Government under its
17 jurisdiction under the Act pertaining to U.S.-Cuban
18 relations during the period 1959 to 1963, especially any and
19 all records concerning the assassination plots against the
20 life of Fidel Castro.

21 In addition, I would like -- although Mr. Tilley
22 mentioned that the Lyndon Johnson Library has been very
23 cooperative in this matter, it's quite clear from what he
24 did not say that the John F. Kennedy Library has not been
25 cooperative at all, that the Board should request, even

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1 though the Act does not give the Board this authority since
2 this falls under the private deed exemption to the Act -- I
3 believe I'm correct in saying that -- that the Board should
4 at least publicly implore the John F. Kennedy Library to
5 allow its staff members to listen to all White House tapes
6 made during the Kennedy Administration and especially
7 conversations between John Kennedy and Robert Kennedy and
8 any other individuals concerned with U.S.-Cuban relations
9 during that period.

10 The same, by the way, could be true -- I'm not
11 aware of the existence of such -- of any tapes from the
12 Eisenhower presidency since these activities, of course,
13 originated in 1960 under Eisenhower's Administration.

14 One record potential record comes from a rather
15 surprising source, H.R. Haldeman. In his memoirs, "The Ends
16 of Power," Haldeman actually refers to the Kennedy
17 assassination as the underlying topic of the infamous
18 smoking gun Watergate tape of June 23, 1972, in which
19 Haldeman and Nixon discuss the payment of money to certain
20 Cuban associates of E. Howard Hunt, which was the primary
21 subject of that conversation, although not the specific
22 reason that Nixon got himself into very deep trouble and
23 resigned a few days later, money that originally came from
24 some of Nixon's campaign contributors.

25 I recommend that the Board research Mr. Haldeman's

1 papers, as well as those of the Nixon White House tapes to
2 determine the source of Haldeman's rather surprising
3 reference to the Kennedy assassination within the context of
4 that smoking gun conversation.

5 As Mr. Tyler briefly mentioned the name of Guy
6 Banister, certainly Guy Banister remains an enigmatic figure
7 in this case for the relationship, if any, between Oswald
8 and Banister during the spring and summer of 1963. As I
9 have in my book and I'll repeat it here today, I myself saw
10 Banister and Oswald together in New Orleans in the summer of
11 1963.

12 On the first occasion, Banister was debating
13 President Kennedy's civil rights policy with a group of
14 college students, including myself. Oswald was in the
15 company of Banister. At the time -- this is the late spring
16 of 1963 -- I was a senior at what at that time was the
17 Louisiana State University in New Orleans, although today
18 it's called the University of New Orleans.

19 Banister was not discussing anti-communist, for
20 which he is most widely known, but rather racial
21 integration, and Banister was certainly a rabid
22 segregationist to say the least, vehemently critical of
23 President Kennedy's civil rights policies.

24 Now the possible racist connections of Lee Harvey
25 Oswald to Guy Banister lead to another recommendation of the

1 Board to peruse the FBI files on such topics as Leander H.J.
2 Perez, Sr., the Citizens Council of Greater New Orleans and
3 a title that, of course, only the FBI under J. Edgar Hoover
4 could have developed, "Communist Infiltration of the NAACP."
5 There is an actual FBI file with that title. References to
6 Guy Banister may be found also in various papers from the
7 DeLesseps Chep Morrison Collection from Tulane University
8 and from the New Orleans Public Library.

9 Speaking of Tulane University, I'd like also the
10 Board to investigate whether any of the papers of Leon
11 Hubert, who was a law professor at Tulane School of Law, are
12 at the Tulane Library because Mr. Hubert was junior counsel
13 for the Warren Commission and that is a possible source of
14 material. Congresswoman Boggs' testimony earlier made me
15 think of that.

16 My time has expired. With no time limit, I could
17 easily provide the Board with innumerable other potential
18 sources of information and concerning the availability of
19 records pertaining to the assassination.

20 In conclusion, I would like to state for the
21 record that the more than three decade long history of
22 obfuscation and suppression of records about the
23 assassination of President Kennedy needs to be ended as
24 expeditiously as possible. In that light, I urge this Board
25 to exercise its authority under the Act, to release all

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1 records pertaining to the assassination without exception,
2 and to instruct the National Archives to make them available
3 for immediate public inspection. Thank you.

4 CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz..
5 Appreciate your testimony today and your advice to us.
6 Certainly additional advice that you have that you weren't
7 able to pass along today, we'd certainly appreciate it in
8 writing because we will follow up on your suggestions.

9 DR. KURTZ: Yes, for example, Mr. Samoluk of your
10 staff has contacted me about reproducing the preliminary
11 hearing transcripts of the Clay Shaw trial, which we have at
12 our library at Southeastern Louisiana University. We're
13 trying to figure out the logistics of doing that right now.

14 They don't lend themselves to Xeroxing, probably
15 an optical scanner, but be assured that we will provide the
16 Board with copies of all of those transcripts of those Clay
17 Shaw preliminary hearings and a few other pieces of
18 materials that our library has and I, myself, have in
19 personal possession. We'll certainly share copies with the
20 Board.

21 CHAIRMAN TUNHEIM: Excellent. Would you mind if
22 we ask you a few questions, the members of the Board?

23 DR. KURTZ: Not at all.

24 MR. HALL: Mr. Kurtz, Dr. Kurtz, Professor Kurtz

25 --

1 DR. KURTZ: Doesn't matter. Same person.

2 MR. HALL: You concentrated a good deal on Cuba
3 and potential connection of Cuba to the assassination of the
4 President. I wonder have you thought through or addressed
5 the question in the relationship of Mexico to Cuba and where
6 Mexico stood in the light of the New Orleans and Louisiana
7 economy and political community in 1963?

8 DR. KURTZ: You're talking about the Mexican
9 Government now in your question. Not much to be quite
10 honest with you. At the time, I don't recall that Mexico
11 itself had any major relationship with the United States
12 other than what was common knowledge. I did not think of
13 Mexico as a source of any kind of perhaps intelligence
14 activities, although Mexico City, of course, was a beehive
15 of different kinds of intelligence activities and Oswald's
16 famous trip there in September of 1963 has generated a lot
17 of controversy.

18 But I don't really see a great deal of connection
19 there, directly or indirectly, except that Mexico was a
20 conduit to which the U.S. could communicate with the Cuban
21 government of course.

22 CHAIRMAN TUNHEIM: Any questions?

23 MS. NELSON: Professor Kurtz, are you aware of the
24 recent release from the FBI of records -- an interview with
25 someone -- or a memo I believe it is -- of someone who saw

1 Castro reenact the assassination, the assumption behind that
2 being that he didn't have anything to do with it? Are you
3 aware of that?

4 DR. KURTZ: Yes. Yes, I am. I'm also aware of
5 Castro's denials of having participated in the assassination
6 of President Kennedy and also of the fact that a
7 particularly strong majority of the community of Kennedy
8 assassination scholars who agree with me that there was a
9 conspiracy in the assassination; do not agree that Castro
10 was the mastermind behind it.

11 Nevertheless, I do not take Castro's denials with
12 a grain of salt -- I mean I take them a grain of salt and I
13 certainly do not take Castro's experiments with the rifle to
14 see whether or not one man could fire the shots any more
15 than I do CBS experiments with a rifle --

16 MS. NELSON: So, basically, you think there are
17 more references out there?

18 DR. KURTZ: Oh, yes. I think there's a great deal
19 more that we can learn that even members of the Church
20 Committee did not have access to concerning all of this
21 business. I think there's a great deal more.

22 I mentioned, for example, the National Security
23 Agency as a potential source of information. I don't know
24 that there are records but, nevertheless, I think it's an
25 avenue of investigation the Board should pursue.

1 CHAIRMAN TUNHEIM: Dr. Kurtz, are you aware of any
2 records that the government of Cuba or in private hands on
3 the island of Cuba that might be relevant to all of this
4 that we should be seeking? Are you aware of anything there?

5 DR. KURTZ: I wouldn't be surprised that there
6 are. I am not aware of any at all, Mr. Tunheim. Frankly, I
7 would think that the Board would waste its time
8 communicating with Premier Castro about this matter. He's
9 not going to cooperate any more fully than he did I think
10 with the House Select Committee on Assassinations.

11 CHAIRMAN TUNHEIM: Could you just follow up on a
12 point that you made in your testimony, Dr. Kurtz, about the
13 Kennedy family's control of the autopsy materials. I was
14 curious about why that is significant to you, I mean as part
15 of this entire picture. Maybe you can explain that a little
16 more to me.

17 DR. KURTZ: It's significant, Mr. Tunheim, because
18 the Kennedy family has persistently refused to make these
19 records available to serious, honest researchers and
20 scholars. Not only historians and academicians, but also
21 many people highly qualified in the areas of forensic
22 pathology, such as Dr. John Nichols and Dr. Milton Helpern,
23 were specifically turned down by the Kennedy family in their
24 request to inspect the autopsy materials under the deed of
25 gift in the National Archives.

1 I realize, of course, that today we have -- the
2 copies have been so widely reproduced and so forth, but as
3 you yourself have heard in testimony in the previous meeting
4 from Dr. Aguilar, I believe, there are so many questions
5 that still remain about the whole broad subject of the
6 medical evidence in this case. I think that this is
7 something that needs to be pursued as thoroughly as possible
8 and any and all records pertaining to this needs to be made
9 public.

10 CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz. I just
11 want to add that I found the introduction that you wrote to
12 your book, "Crime of the Century," to be particularly good
13 at putting together a lot of the different theories that are
14 out there. I found that very useful and I just wanted you
15 to know that.

16 DR. KURTZ: Thank you.

17 CHAIRMAN TUNHEIM: Thank you for your testimony
18 today and your advice to us.

19 Our next witness this morning is Wayne Everard.
20 Mr. Everard is the archivist for the City of New Orleans
21 Archives. He oversees the records at the New Orleans Public
22 Library that are from the investigation into the
23 assassination of President Kennedy conducted by the District
24 Attorney's Office. Welcome, Mr. Everard.

25 MR. EVERARD: The city archives, I should say

1 first of all, is the official archives for the City of New
2 Orleans. It happens to be administered by the New Orleans
3 Public Library. But we are a separately ordained creature.

4 We've been in the JFK assassination business I
5 guess for about 20 years now. I should say right off that
6 our records have always been open to the public with a few
7 procedural limitations, and have been used by a number of
8 researchers over the years.

9 In 1974, we received a series of New Orleans
10 Police Department arrest books and included in that was the
11 volume that contained the record of Oswald's arrest on
12 August 9, 1963 in New Orleans. Later NOPD accessions have
13 included a offense reports, such as the one for Jack
14 Martin's complaint on November 22, '63 against Guy Banister
15 and also the report of Ferrie's initial --David Ferrie's
16 initial arrest on November 25, 1963.

17 Also in the Police Department records is a series
18 of police crime scene photographs, including images made of
19 Ferrie's apartment following his death in 1967.

20 We have also records from the New Orleans Parish
21 Coroner's Office, including several documents involving the
22 Ferrie autopsy report, although the original autopsy file,
23 which included views of Ferrie's body before and after the
24 autopsy and additional photographs of the apartment, were
25 requested to be returned back to the Coroner's Office in

1 1988, and that file is still over there.

2 Even the library's records itself include a file
3 on the assassination, beginning with the following day after
4 the assassination where FBI agents went to the library to
5 ask about Oswald's reading proclivity, since it turned out
6 that he was a patron of the library, of our Napoleon Branch.

7 Since then this book has turned up. They were
8 cleaning out the branch last year I guess to turn it into a
9 children's library. This is actually a copy of Taylor
10 Caldwell's, "The Arm in the Darkness," and it has a little
11 card in the back that has written in, "Due on September 9,
12 1963, Checked out by Lee Harvey Oswald." Now whether this
13 is real or somebody just added that little note, who knows.
14 But it's one of our few Oswald artifacts that we have in the
15 collection.

16 But our biggest and most significant assassination
17 related record series actually didn't come to the library
18 until 1990, and you've already heard a little bit about it
19 this morning. I'll give you sort of a blow-by-blow
20 description of how we got them and also some description of
21 what is in this collection.

22 Early in 1990, the city librarian received a call
23 from the File Room supervisor for the District Attorney's
24 Office. They were interested in purging their case files
25 from the 1950s and 1960s. Apparently, the Office was

1 looking for ways to save money. They were storing these
2 records in a private records warehouse and I'm sure the
3 charges were pretty fierce.

4 The File Room supervisor realized that these were
5 historically significant records and didn't just want to
6 destroy them and he probably had been talking with the Clerk
7 of Criminal Court who had, just a year before that,
8 deposited some of their older records with the Archives. So
9 he was talking to us to see if we were interested in
10 accepting the district attorney's records as well.

11 I went and made an on site inspection of the
12 records and found out that there were a few boxes, three
13 boxes I think actually, marked JFK Assassination, and any
14 doubts about whether we wanted to accept the entire donation
15 were dispelled by the opportunity to collect some of these
16 things.

17 On February 13, 1990, we did transfer the district
18 attorney's records from their warehouse to the Central
19 Library. After some preliminary arrangement and
20 description, I drafted a donation agreement which the
21 Executive Assistant District Attorney signed on March 1,
22 1990, turning files over to the City Archives collection.

23 There were only these few boxes with JFK markings.
24 We actually hoped that as we were transferring the records
25 other things would turn up, but nothing additional did turn

1 up.

2 I should stop at this point and say that these
3 were files that, as far I can tell, totally different from
4 the files that the District Attorney's Office still has,
5 which are locked up in a separate room over there and these
6 things were in boxes off in a warehouse ten miles away from
7 the District Attorney's Office. So there were probably some
8 differences in the records, and I'll talk about that a
9 little bit more.

10 After we got these records and I looked at them
11 more carefully, it turned out, indeed, they did include
12 original materials from the Garrison investigation and for
13 several reasons we decided very early on that we would
14 microfilm the collection before we did anything in the way
15 of making them available to the public.

16 I arranged the records and did some archival
17 description on them and I'll read you briefly, a little bit
18 more in detail, a description of the records. Again, the
19 original records were in three boxes, probably somewhere in
20 the neighborhood of two cubic feet because of the way they
21 were stored. They include materials apparently collected by
22 Garrison and his staff during the investigation, also
23 included a photocopy of portions of the court record in the
24 case of Louisiana vs. Clay Shaw and other cases related to
25 the investigation, correspondence files and one file of

1 miscellaneous material.

2 The correspondence sub-series includes general
3 correspondence of the District Attorney's Office during the
4 period. The period is 1966 to 1973, as well as letters
5 dealing specifically with the assassination investigation.
6 Many of the letters that are relevant to the assassination
7 are in the nature of fan mail, people writing letters
8 encouraging Garrison to continue the investigation, asking
9 him to come speak to their groups and that sort of thing.

10 But there are also letters to and from reporters
11 and other representatives of the news media and letters from
12 people from around the country are offering their own
13 assassination theories and commenting on Garrison's. Those
14 are two of the major groups in the correspondence category.

15 There were a few letters dealing with complaints
16 lodged with the State Bar Association against Garrison by
17 attorneys who are representing witnesses in the Shaw case.
18 There's one letter from Garrison to Marina Oswald Porter,
19 telegram from Lee Oswald's mother, letter from Garrison to
20 Irving Diamond, who was Shaw's criminal attorney, concerning
21 details of the case. So there's some interesting
22 substantive material in there.

23 Also there's a memo from Garrison to one of his
24 assistants concerning the David Ferrie autopsy, which you
25 have talked about and heard a little bit about earlier from

1 Mr. Tyler. I'll just read a very brief portion of that.
2 Garrison to his assistant, dated December 11, 1967.

3 "I think we should make a thorough investigation
4 of the possibility that Ferrie committed suicide by means of
5 Proloid. This is particularly justified by an earlier
6 statement of his -- I believe it was made to Perry Russo --
7 to the effect that he knew how to commit suicide and leave
8 no traces.

9 "I would appreciate it if you" -- referring to his
10 assistant -- "would handle this operation. Dr. Begnetto has
11 promised to provide us with a statement saying that Ferrie
12 had high blood pressure and should not be using Proloid. I
13 believe that Lou Ivan" -- another of his assistants -- "has
14 had some initial investigation done in this area. I think
15 we should prepare, if possible, a complete case for the
16 Proloid possibility, supported by statements from
17 pathologists and other qualified doctors. I am sure that if
18 we are able to develop this factually, Dr. Chetta will
19 reconsider the initial conclusion that death was due to
20 natural causes."

21 Garrison goes into this a little bit in his book,
22 "On the Trial of the Assassin." Apparently no blood samples
23 were saved so that didn't proceed beyond this memo or beyond
24 the investigation that this memo led to.

25 Among the letters -- and again I'll just mention

1 two of them of giving us some sort of a flavor of what is in
2 this collection. It's a letter of August 16, 1967, from
3 Melvin Belli to Jim Garrison. Belli was a former attorney
4 who represented Jack Ruby after he was tried for murder of
5 Oswald.

6 "Dear Jim, I see the bastards are still after us,
7 but if they weren't, then we wouldn't know who are friends
8 were." He goes on to say, "How are things going with you?
9 I hope sometimes to get down your way and say hello, and
10 whenever you get out this way, publicly or privately, be
11 sure and let me know beforehand. If you're just John Jones,
12 you shall remain such and I'll stash you away in the
13 damnedest penthouse you've ever seen this side of the Cape
14 of Good Hope."

15 The second letter is dated August 27, 1967. It's
16 a copy of Garrison's letter to Lord Bertram Russell, who
17 Garrison acknowledges in his book had been an early
18 supporter of his investigation, one paragraph, Garrison
19 identifies in the beginning of the letter a coalition of
20 anti-Castro Latins and the Minute Men organization as the
21 President's killers and then Garrison goes on to say:

22 "Above the operative level, insulated and removed
23 to the point of being very nearly invisible, appeared to
24 have been individuals whose political orientation can only
25 be described as Neo-Nazi. We regard the defendant, Clay

1 Shaw, as being a member of this group. These individuals
2 appear to have rather unusual international connections and
3 it is not unlikely that they might have had earlier
4 relations with the Gayland Intelligence apparatus instituted
5 in Germany.

6 "Elements of the ^{Gehlen?} Gayland apparatus appear to have
7 been digested by our own CIA during the course of the Cold
8 War apparently because of their possible value in fighting
9 communism. Even as I have described this neo-Nazi aspect, I
10 am sure that it sounds somewhat fanciful. Because of the
11 unbelievability of this part of the picture, I have found it
12 necessary to refrain from mentioning it. It is bad enough
13 that the press describes the more obvious parts of the
14 conspiracy as unbelievable without my supplying them with
15 new fuel.

16 "Nevertheless, the essentially Fascist origin of
17 the assassination is inescapable, more about which I will be
18 happy to tell you when I have a little more time.

19 Again, this is three excerpts from probably 1,000
20 or so pages in the collection. They give some flavor for
21 what is included in there.

22 We did, after I completed this inventory, precede
23 with our plans to microfilm the collection. We've produced
24 360 millimeter rolls of film and I gave Tom Samoluk a set of
25 those films this morning, so you will have those for the

1 collection.

2 We didn't really announce availability of these
3 records again until we had finished filming them for
4 security reasons. We didn't really seek any publicity for
5 the records. We made announcements to the local state and
6 regional archival newsletters, and until "Times-Picayune"
7 article last week about this hearing, I don't think that the
8 local press had ever carried any stories about our
9 collection of Garrison materials.

10 But they have been used. We've had several
11 researchers request them in house and the records, the
12 microfilms, are out in public accessible areas. We really
13 don't have any statistics on how many people have used them.
14 We did, when we did the film, make two sets of films so
15 that one would always be available for interlibrary loan,
16 and we have had several interlibrary loan requests since
17 they've been available.

18 We did enter a catalog record for the material
19 into the OCLC database and we also just this year added a
20 copy of the inventory to our worldwide web site on the
21 Internet. So we are trying to let the world know that we
22 have these and we're willing to let everybody who wants to,
23 use them.

24 At the 1993 Annual Meeting of the Society of
25 American Archivists, which was here in New Orleans, I

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1 participated in a session on the assassination records. I
2 discussed our holdings and how they were used, pretty much
3 as I've done here this morning.

4 But two of the other presenters on the panel were
5 from the National Archives and their description of the
6 whole Assassination Records Collection Act and how they were
7 implementing it and everything was very interesting to me
8 and sort of inspired me after the session was over to go
9 back and write letters to the New Orleans Police Department
10 and to District Attorney Connick asking them to once again
11 look and see if it were additional records and to consider
12 making them available in the spirit of the Federal
13 legislation.

14 The Police Department responded that they had no
15 additional materials. I have no idea what they looked at in
16 order to come to that conclusion. But that was their
17 answer. The district attorney, however, did assign one of
18 his chief assistants to work with me on the matter. On
19 October 14, 1993 I met with him at the District Attorney's
20 Office, where he did show me the collection, which again was
21 in a separate room, locked room away from all the rest of
22 the records. It seemed to me at the time that it was more
23 than one file cabinet, but I didn't really have a lot of
24 time to look at the records and just very brief impressions
25 is all that I came away with.

1 We discussed the possibility of those records
2 being added to the donation that we had already received
3 from the District Attorney's Office, but nothing further
4 came from that discussion.

5 Last month I got a letter from the District
6 Attorney advising me that they were planning to donate
7 additional materials to the library. Immediately thereafter
8 I learned of this Board's interest in New Orleans records
9 and have since learned that the District Attorney will now
10 be turning the records over to the National Archives, rather
11 than to us, although in discussion with Tom Samoluk this
12 morning, it sounds like we can work out some kind of a deal
13 where we can get copies of those records to be kept with our
14 records at the Public Library. We would very much like to
15 have local accessibility to those records continue.

16 I look forward to working with you all and the
17 National Archives in the future on this never ending story.

18 CHAIRMAN TUNHEIM: Thank you, Mr. Everard. Are
19 there questions, members of the Board?

20 MR. JOYCE: Mr. Everard, one of the ways that
21 repositories are able to supplement their holdings is when
22 their librarians and archivists encounter researchers who
23 come to use the collection.

24 I'm wondering in the case of your collection, if
25 you've encountered any researchers who have been able to

1 provide you with additional information about the records
2 already in your custody and the possibility that there may
3 be other records out there somewhere that might be relevant?
4 Do you have information like that or any guidance that might
5 be of use to us?

6 MR. EVERARD: No, I really don't. We have had
7 people use the records, but they have very much tended to
8 close mouthed about what they were finding and what value
9 they found in the records and really haven't gotten into
10 those kinds of discussions and possibly because we have
11 microfilmed them and we don't have the usual kinds of
12 contacts between researcher and archivist that would be
13 necessary in the case of original records. We don't get the
14 full sense of how and who are using the records.

15 But, no, I haven't really had those kind of
16 discussions with researchers. People have asked questions
17 about the existence of other records, and I've tried to
18 answer those to the best of my ability, but no leads from
19 outside like that.

20 MR. JOYCE: Thank you.

21 CHAIRMAN TUNHEIM: Go ahead, Dr. Hall.

22 MR. HALL: If I may, I'd like to say a word of
23 praise on behalf of the New Orleans City Archives and New
24 Orleans Public Library. I had the pleasure of doing
25 research in your library and in the archives and it's really

1 substantive materials, one of the best facilities in the
2 entire south.

3 MR. EVERARD: Thank you.

4 MR. HALL: But having said that now, I'm actually
5 trying to figure out how the New Orleans City Archives
6 works. I'm particularly interested in the way in which the
7 materials come to you in 1990. This is a call initiated
8 apparently out of the Room Supervisor of New Orleans
9 District Attorney's Office concerning their interest in
10 purging their files.

11 Now how do you do business here in New Orleans?

12 [Laughter.]

13 MR. HALL: How do you go about --

14 MR. EVERARD: Good question.

15 MR. HALL: Is there a process for systematic
16 review, a kind of diligent oversight of records that are --

17 MR. EVERARD: We, again, we --

18 MR. HALL: To be brought to the Archives?

19 MR. EVERARD: We are the municipal archives. Our
20 mandate is to collect records of the City of New Orleans and
21 we have a -- maybe it's not all that strange, although it
22 seems strange to me, a governmental arrangement here where
23 although the City of New Orleans and Parish of Orleans are
24 coterminous, there are offices at the parish level which are
25 not part of the municipal government. Therefore, we have no

1 mandate or legal authority to collect records from the
2 District Attorney's Office, records from courts and records
3 from the coroner, which are all parish, or by extension,
4 state agencies.

5 There has been I'd say over the years a failure on
6 the part of those parish/state agencies to provide their own
7 archival mechanisms. Also efforts by the state archives to
8 collect those have met with resistance on the local level.

9 MR. HALL: I think this was a particularly
10 important and worthy note because we could, I think, readily
11 become confused here about the process of finding records in
12 Louisiana.

13 MR. EVERARD: Right. A lot of the things that
14 happened early on were before my time, but I can give you a
15 little bit of knowledge about how some of these things work.
16 For example, the civil court records in New Orleans were in
17 the custody of the Civil District Court, which is one of
18 these parish/state agencies. In the early '70s, my
19 understanding is that they were just going to throw away all
20 of their old records because they didn't have any way to
21 take care of them any more.

22 Members of the local history community found out
23 about this and approached the head of the archives, Collum
24 Hammer, my boss, about a possibility of taking these
25 records, and he did that. He agreed and signed a deposit

1 agreement with the judges and we have all the civil court
2 records for involvements in our collection, although they
3 are not technically part of the City Archives collection.

4 Similar kinds of arrangements were made with the
5 coroner over the years and we have large expanses of files
6 at the Coroner's Office.

7 In the late '80s, we made a similar arrangement
8 with Criminal Court to take their early records, from 1831
9 to 1931, and immediately thereafter -- and this was what
10 lead me to think that maybe the reason the District
11 Attorney's people approached us is because they had been
12 discussing with the Clerk of Court, who is right across the
13 street from them, about how to take care of records they no
14 longer felt a need to maintain themselves. Out of that
15 discussion, came the approach to the city librarian and
16 ultimately the records coming to us.

17 The records that we did take on donation at the
18 time, probably something in the neighborhood of 165 cubic
19 feet, case files from approximately 1955 to 1960, already
20 the capital cases and other first class cases have been
21 removed. So these are the less important cases. But
22 included in that were these three boxes that were marked
23 JFK.

24 They were not trying to keep these from us. The
25 file clerk alerted me to the fact that these records were

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1 included and we probably would have taken them anyway, but
2 this certainly made an easier decision for us to go ahead
3 and do this.

4 MR. HALL: Can I just one other question to go
5 along with this. As a matter of course in Louisiana, where
6 are grand jury materials archived?

7 MR. EVERARD: My understanding is with the
8 District Attorney's Office. I have no direct knowledge of
9 that.

10 MR. HALL: Well, let me then, if I could, spin the
11 question around the other way. Do you have any grand jury
12 materials in the City Archives?

13 MR. EVERARD: There are some very old 19th century
14 records that came to us with the Criminal Court accession
15 that we made in 1989 and there are things like maybe witness
16 books and such. I don't think there are any actual
17 testimony case files or anything like that. We do have
18 reports that the grand jury made of their inspections of the
19 criminal justice system. But those were public reports
20 which I'm sure were widely distributed.

21 There are -- and this maybe will give you a little
22 bit more indication of some of the confused state of records
23 over at the courthouse. In one of our accessions of records
24 from the Coroner's Office, there were maybe five or six
25 boxes of records from the District Attorney's Office that

1 came in, probably because they were sharing temporary
2 storage space over in the courthouse. There were maybe two
3 or three grand jury reports included in that file, which I
4 will not release because it is my understanding that grand
5 jury testimony is confidential and not public record.

6 MR. HALL: It is an interesting situation though
7 when a District Attorney comes and testifies and says that
8 at least when he came into office the records that would be
9 especially prudent to us were in a state of disarray and
10 some confusion, that there may have, in fact, been public
11 materials that were put into private hands. I think he used
12 the word "thievery" to describe that activity.

13 And then to realize as well that the legal
14 authority by which those records are maintained in Louisiana
15 seems to be at least confused as to where they are
16 ultimately to be located, and that we could, in fact, be in
17 the position where a fair amount of materials, some of which
18 turned out to be prudent to understanding the assassination,
19 were potentially going to be destroyed saved for the good
20 judgment of some of the staff in your office.

21 MR. EVERARD: I think you might want to, if you
22 haven't already, talk to the State Archives, just talk to
23 them about these matters of jurisdiction and also about the
24 possibility that they may have some records that would be --

25 MR. HALL: Well, that's clearly the direction that

1 I'm headed in. I think that's something worth being
2 explored because the criminal records or court records, as I
3 understand it, in Louisiana are in an anomalous archival
4 position.

5 MR. EVERARD: You'll also recall -- and I don't
6 have an exact cite here -- but somewhere in Garrison's book
7 he refers to the fact that when he went back to do research
8 in his records he discovered that they had been stolen.

9 CHAIRMAN TUNHEIM: Thank you very much.

10 MS. NELSON: We might defend Louisiana a little
11 bit by saying that's true of other states, too.

12 MR. EVERARD: Thank you.

13 CHAIRMAN TUNHEIM: Any other questions for Mr.
14 Everard?

15 [No audible response.]

16 CHAIRMAN TUNHEIM: Thank you, Mr. Everard. We
17 appreciate your testimony today and look forward to working
18 with you. Thank you.

19 We have one additional witness today before we
20 complete this morning's public hearing. Mr. Eltan William
21 Killam, who is a relative of a deceased individual whose
22 name has come up in connection with the assassination, and
23 Mr. Killam would like to present to us some of the research
24 that he's done on that person. Good morning.

25 MR. KILLAM: Yes. Thank you, Mr. Chairman. I

1 appreciate the opportunity to address this Board.

2 Just to give you a little background on myself,
3 I've been a criminal defense lawyer for 21 years specially
4 in homicide cases. So I am a little bit familiar with the
5 investigation of criminal cases and the rules of evidence
6 and what hearsay may be and I know some of the things I may
7 tell you this morning would not necessarily be admissible in
8 court as hearsay, but it's still research.

9 Back when Henry Thomas Killam died in Pensacola,
10 Florida, I was just 15-years-old. Prior to his death, my
11 household had received a number of calls after the Kennedy
12 assassination seeking Henry Thomas Killam. I'm a distant
13 cousin of Mr. Killam. He was one of the first suspicious
14 deaths in the wake of the Kennedy assassination. At the
15 time of Hank Killam's death, he had lived previously in
16 Dallas and was married to a long time employee of Jack Ruby,
17 Wanda Joyce Davis Killam.

18 Hank was a large, imposing individual,
19 approximately 6' 4", 250 pounds. I have information that he
20 worked as either a bouncer, a bar tender or a hanger out of
21 sorts at Ruby's Carousel Club. Other researchers and family
22 friends have uncovered the following about Killam's
23 relationship to the JFK assassination:

24 Immediately after the assassination, Killam was
25 questioned by the FBI in Dallas. Prior to living in Dallas,

1 Killam was on probation in Pensacola, where he acted as an
2 informant for the Sheriff's Department and the County's
3 Solicitor's Office. But Dallas FBI requested that the
4 County Solicitor's Office in Pensacola pick up Killam after
5 the assassination of John F. Kennedy.

6 While in Dallas, Killam painted houses with a John
7 Carter, who was a Beckly Street occupant and possibly helped
8 Oswald find a place to stay at the request of Ruby. It's
9 been reported that Killam also resided at the Beckly Street
10 address and also shared a bathroom with Oswald.

11 Within approximately one week after the
12 assassination, Killam returned to Pensacola a very
13 frightened man and spoke to various people about the
14 circumstances surrounding the assassination. He claimed he
15 had special knowledge and carried around a large wallet
16 filled with newspaper articles pertaining to the
17 assassination. Killam had stated that he had been in
18 meetings in New Orleans and in Dallas where the
19 assassination had been discussed.

20 Killam was also a frequent visitor to New Orleans
21 and liked to go to the Show Bar and, as the committee may
22 know, that's where Jada was employed, and I understand that
23 she rode around in a red Chevrolet Impala convertible that
24 was parked in the garage of Jack Ruby.

25 Killam was picked up for violation of probation in

1 Pensacola in 1963, in December of '63. He was in jail for
2 approximately two weeks, but was checked out of jail daily
3 and allowed to spend his days in a local bar. Killam told
4 the owner of the bar that he had special knowledge of the
5 assassination and that he had been involved in the
6 transportation of a woman associated with Ruby.

7 While in Pensacola, the FBI interviewed and
8 polygraphed him and they generated memorandums about these
9 interviews, and I've had FBI agents in Pensacola tell me
10 they generated memorandums, which I have not been able to
11 obtain from the National Archives.

12 Killam left Pensacola for Tampa in order to escape
13 the harassment of the FBI. He was interviewed in Tampa,
14 which produced a statement that's in the Warren Commission
15 Report, which does not coincide with what he told anybody in
16 Pensacola. I have tried to talk to the FBI agents in Tampa
17 that interviewed him down there. They have refused to talk
18 about their interviews with Mr. Killam.

19 Killam was forced to come back to his mother's
20 house in Pensacola. He stated to the County Solicitor's
21 Investigator in Pensacola, who I've personally interviewed
22 two weeks prior to his death, that there were little dark
23 people following him around, who he described as either
24 Mexicans or Cubans, and that they were out to kill him.

25 There was also a man dressed as a priest who was

1 following him around Pensacola at that period of time, and I
2 know that Frank Sturgis was known to carry around a priest
3 outfit. Of course, David Ferrie paraded around as a priest
4 and also his former roommate, Raymond Broshears. I feel
5 like there's a good possibility that one of the three of
6 them was in Pensacola during that period of time shadowing
7 Mr. Killam.

8 On the day this priest was sighted, this was
9 independently verified by the minister for Mr. Killam who
10 was present at his house and witnessed the person across the
11 street watching the house. I talked to Mr. Killam's
12 probation officer who personally took two FBI agents over to
13 Mr. Killam's house because he had talked to Mr. Killam and
14 had been advised of the information regarding special
15 knowledge concerning the assassination. He told the
16 probation officer that the only person that he would reveal
17 the full story of what he knew about the assassination to
18 would be Lyndon Johnson.

19 After the interview with the FBI, they advised the
20 probation officer that Mr. Killam needed psychiatric help.
21 That psychiatric help was never forthcoming because the next
22 morning Killam was dead. His death occurred on March 17,
23 1964 in the early morning as a result of a single slash that
24 was three inches deep into his jugular vein. Officially the
25 death was ruled as a suicide or an accident, that he had

1 apparently jumped or fell through a plate glass window.
2 There were no other cuts on his body.

3 In 1967, his brother Earl tried to have his body
4 exhumed. This was in the wake of the Garrison
5 investigation. That was denied by local authorities citing
6 no association between the assassination and the death of
7 Mr. Killam.

8 I've independently received CIA documents and
9 other material not provided to the JFK archives pertaining
10 to Killam. I feel that other FBI documents do exist and
11 this is because of the number of encounters that I have
12 verified that Mr. Killam did have with the FBI.

13 I realize that this one little individual is maybe
14 not important in the grand scheme of things, but it does
15 present to this Board the problems that one person has in
16 trying to obtain information from the Archives, which they
17 may be denied this information by the FBI and for that
18 reason I'm not able to put together a total view of what
19 happened.

20 I've listened to the other witnesses testify. I
21 can tell you about some of the things that I'm concerned
22 about on a broader scale that might available to this
23 committee to request. I understand that the CBS footage of
24 what happened in Dallas on 11/22 has never been released by
25 the network, that it may show a Studebaker that Oswald

1 allegedly escaped the book depository in.

2 I was watching a show not too long ago where they
3 were discussing Haldeman's diary. In Haldeman's diary,
4 there was a section classified that dealt with a
5 conversation that Richard Nixon had with LBJ regarding
6 getting the Democrats off his back over Watergate that was
7 classified as being something to do with national security.
8 I feel like it had something to do with this 18-minute gap
9 that's been discussed.

10 You've talked about stuff missing from Mr.
11 Garrison's file. I believe there's evidence that there were
12 a number of people in the Garrison investigation,
13 investigators that were CIA "moles" that carted off large
14 amounts of information. I know of one individual, a William
15 Boxley, who went back to Texas. I know that his widow gave
16 the information that Mr. Boxley left behind to a researcher
17 over there, a J. Gary Shaw, who has all of Mr. Boxley's
18 information.

19 I think that Mr. Boxley's part in Garrison's
20 investigation dealt with the players in the Carousel Lounge
21 and I think that's where you're going to find a major void
22 in what actually occurred in Dallas.

23 The other thing that I can suggest to you is that
24 there is no statute of limitations on the crime of first
25 degree murder. The State of Texas still has jurisdiction.

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1 They've just recently buried Governor John Connally with
2 bullet fragments. You might consider digging him up and
3 doing some ballistic work on those fragments.

4 I find it hard to believe that Fidel Castro could
5 orchestrate events at Bethesda Naval Hospital and the book
6 depository in Dallas and disagree with Professor Kurtz on
7 that. I think that Mr. Castro would be valuable, especially
8 right now since he has Robert Vesco and Donald Nixon in
9 custody and certainly they have a lot of information
10 concerning that 18-minute gap.

11 I appreciate the time that the committee has given
12 me to address you.

13 CHAIRMAN TUNHEIM: Thank you, Mr. Killam. Any
14 questions?

15 MR. JOYCE: Mr. Killam, I think you said that the
16 published interview by the FBI with your relative in Tampa
17 did not coincide -- I think was the language you used --
18 with a lot of information in Pensacola that he had given the
19 FBI. I'm wondering, first, how do you know that and,
20 second, whether there might be documentation that supports
21 that, that could be made available to the Board or that you
22 can direct us to?

23 MR. KILLAM: I have interviewed three of the four
24 wives allegedly married to Mr. Killam. Upon his return from
25 Dallas, he told one of them specifically that he knew Lee

1 Harvey Oswald and also know Jack Ruby, that he has special
2 knowledge concerning the assassination. I've also
3 interviewed a niece of Mr. Killam's, who talked to him
4 several days before his death. She related to me that he
5 told her that he knew Lee Harvey Oswald and also knew Jack
6 Ruby. I've also interviewed several other people who
7 verified the same information.

8 There's also some information that's published by
9 Penn Jones. Penn Jones' research would be very valuable in
10 this regard. He published an article where he described the
11 fact that Mr. Killam lived in the rooming house with Oswald
12 on Beckly Avenue and was seen in the company of Oswald
13 before the assassination.

14 Certainly, this doesn't coincide with Commission
15 Exhibit 1451, which states that Killam had no knowledge of
16 Lee Harvey Oswald and just had a very brief encounter with
17 Mr. Ruby at the club over the fact that his wife was a
18 cigarette girl there and she knew nothing about him other
19 than that he had some dogs and she had fed him some pizza
20 and they had gotten mad about that incident and that was the
21 extent of the Commission exhibits interview with Mr. Killam
22 and, of course, the FBI agents who interviewed him are still
23 alive and well in Tampa and they won't talk about it. Of
24 course, they're under some oath, I understand, not to
25 discuss things that went on.

1 CHAIRMAN TUNHEIM: Thank you very much, Mr.
2 Killam. We appreciate your testimony this morning or this
3 afternoon, I guess.

4 This brings us to the close of our public hearing
5 today in New Orleans. I should mention -- I neglected to
6 earlier -- that our colleague Dr. Henry Grass was unable to
7 be with us today, could not join us.

8 The testimony that we've received this morning I
9 think has been very helpful and very interesting, giving us
10 some excellent leads, and more importantly, giving us some
11 significant groups of records for inclusion in the JFK
12 Collection at the National Archives, which, after all it the
13 ultimate goal of our Board.

14 I want to also emphasize something that I think is
15 important and I try to emphasize to people and that is the
16 independence of this Board. We're five private citizens who
17 are not full-time employees of the Federal Government. We
18 are an independent agency. We are not beholden to any other
19 agency of the Federal Government so that we can make our
20 decisions about these records in a totally independent
21 fashion.

22 I think it's important always to emphasize that
23 Congress was very expressedly concerned about making sure
24 this Board was viewed as independent so it could make its
25 own decisions without influence from other branches of the

1 Federal Government.

2 We appreciate very much the donations that have
3 been made to the collection by the individuals who have
4 testified here this morning and other individuals in the New
5 Orleans area and certainly any information that comes up
6 subsequent to this hearing that would be important for the
7 Board to know about, we encourage you to contact us. Our
8 address is on materials that is at the back desk there. We
9 do have an office in Washington and we would appreciate any
10 help the public can give us.

11 We are going to adjourn this public hearing
12 portion of our meeting. We're going to resume our meeting
13 with simply a meeting of the Board at 2:00 p.m., either in
14 this room or the room right behind the partition. This is a
15 meeting that's been noticed in the Federal Register. On our
16 agenda for the meeting, if you care to attend, is some
17 housekeeping matters about scheduling our next meeting of
18 the Board, a report on some regulations that we are
19 currently in the process of publishing, dealing with the
20 Sunshine Act, the Freedom of Information Act, and the
21 Privacy Act, and then a discussion and a vote on the types
22 of procedures the Board is going to follow for review of
23 Federal Government records that have been postponed by the
24 agencies that possess them.

25 So that will be on our agenda beginning at 2:00

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1 and anyone is welcome to attend that part of our meeting
2 today. If there's no other business to come before the
3 Board, at this time I will adjourn the meeting and we'll be
4 back at 2:00 p.m.

5 [Whereupon, at 12:40 p.m., the public hearing was
6 concluded.]

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