

Jerry Policoff -- 2/26/77

When the House of Representatives voted on February 2 to give two more months of life to its beleaguered select committee investigating the assassinations of President Kennedy and Martin Luther King, Jr., many felt that the House was merely searching for an easy way to ease the committee out of existence.

That the probe is indeed nearing extinction was confirmed by House Speaker Thomas (Tip) O'Neill on February 25 when he told a Washington television audience that unless the committee was to find "sensational" evidence by March 31, when its temporary funding expires, "the chances are that the committee will go out of business at the end of March." Expanding upon his remarks O'Neill flatly stated that if the committee could not produce proof of conspiracy "the committee isn't going to be continued."

This pronouncement by O'Neill was tantamount to a death sentence since temporary funding is <sup>insufficient</sup> ~~not great enough~~ to permit even limited travel by the staff, and in view of the fact that the probe has been virtually immobilized for weeks -- lacking subpoena power or the power to compel <sup>sworn</sup> testimony; their access to long-distance phone calls shut-off; even their access to FBI, CIA and Secret Service files terminated. There are many who would argue that Warren Commission critics have amply documented the conspiracy sought by O'Neill, but Congress is unlikely to be swayed by anything less than a smoking gun at this point.

The fate of the assassination investigation was most likely sealed when open feuding erupted between the Chairman, Henry B. Gonzalez (Tex. - Dem.) and the rest of the committee -- a feud

which has been largely misrepresented as solely involving whether or not Chief Counsel Richard A. Sprague should remain with the committee.

Gonzalez was denied the chairmanship of the committee last year despite the fact that protocol usually assures that position to the originator of the resolution establishing a select committee. A primary factor in the denial of the chair to Gonzalez was his identification with the so-called "lunatic fringe" of Warren Commission critics (most notably Yippie leader A.J. Weberman, the forward to whose book "Coup D'Etat In America" was written by Gonzalez. Weberman claims to be one of the few Commission critics not employed by the CIA). There were many who felt that Gonzalez' somewhat flakey reputation could lead to embarrassment for the committee -- especially during its formative first few months.

Denial of the Chairmanship never sat well with Gonzalez, and upon achieving that position following the retirement of interim Chairman Thomas N. Downing (Va. - Dem.) Gonzalez made no effort to hide his dissatisfaction with the manner in which his predecessor had conducted the investigation.

Gonzalez' efforts to assume control of the committee received their first rebuff on February 8 when the eleven other members refused to support his demands for staff cuts pending input from Sprague. Sprague opposed the cuts, contending, apparently with the support of the committee, that the voluntary 35% temporary pay cut taken by the staff was sufficient to allow continued operation of the committee within the allotted interim budget of \$84,000 per month if the committee spent frugally. He argued that to fire a single staffer would amount to betrayal of the good

faith each had exhibited in coming aboard. The apparent consensus of the committee was to proceed rapidly with their mandated task of adopting rules and proposing a revised budget. If the committee was re-constituted and reasonably funded, the thinking went, staff cuts would be unnecessary. Otherwise the entire matter would be moot since everyone would be looking for a job anyway. Gonzalez meanwhile argued (apparently with some justification) that even with the pay cuts it would be virtually impossible for the committee to operate within its slim budget at the present 73-man staff level.

Just exactly what transpired between February 8 and 10 when Gonzalez fired Sprague -- giving him two hours to clear out -- depends upon whether one listens to sources in Gonzalez' office or sources on the committee staff. What is certain is that the action took the rest of the committee completely by surprise. "I knew there was friction between Sprague and Gonzalez," commented one committee member, "but nothing this serious."

The firing of Sprague late Thursday -- after most of the Committee members had left Washington for the Lincoln's Birthday break and followed immediately by Gonzalez' departure for his home in San Antonio -- was widely interpreted as deliberately planned timing. Coming as it did upon the heels of Gonzalez' likewise unilateral request of Attorney General Bell that staff access to FBI files be cut off and by his similar request of the Secret Service and CIA, the result was virtual insurrection on the part of the rest of the committee. Overruling the Chairman on the technical grounds that only the committee had the power to fire Sprague all eleven committee members authorized their signatures to a letter informing Sprague to disregard the orders of the

Chairman -- a clear rebuff to Gonzalez which seems to have no comparable precedent in recent times.

Ironically, in a Television interview taped before Gonzalez fired Sprague but aired afterwards Gonzalez, when asked why he had not yet fired Sprague, replied that he lacked the authority.

Gonzalez further exacerbated the situation by ordering Kenneth Brooten, a lawyer hired at Gonzalez' urging last September, to assume the role of acting Staff Director and Chief Counsel. Gonzalez informed the press that if Sprague remained it would be without pay since only the Chairman can certify the payroll. "He's off the payroll as of now," Gonzalez was reported as saying. "There's no power on Earth that can compel me to put him back on."

Going yet one step further, Gonzalez -- obviously in no mood to compromise with his rebellious committee -- requested the House Administration Committee to order the long-distance phone access of the committee staff terminated.

During all of this Gonzalez' only communication with the rest of the committee took the form of a "dear colleague" letter justifying his actions. It was sent to each member and simultaneously released to the press. In a telephone interview Gonzalez' Administrative Assistant Gail Beagle defended the unilateral action of the Chairman asserting that the investigation was out of control and criticizing the other committee members for not supporting the actions of Gonzalez. "The committee must be brought under Gonzalez' control," she explained at the time, characterizing the other members as "prima donnas," just like Sprague.

With the committee scheduled to meet in public session the following Wednesday (2/16) Gonzalez made no attempt to communicate with the rest of the committee in an effort to privately

iron out difficulties. One committee member, hoping that the meeting would be held in executive session and that Gonzalez would not press for a public showdown commented "Gonzalez has to realize that this is it." "If this thing fails," he added "that's the end -- forever." He added that Sprague was no longer the central issue. Another source close to the committee conceded that what had begun as a conflict between Gonzalez and Sprague had clearly mushroomed into a war of wills between Gonzalez and the rest of the committee.

Hopes that some attempt at compromise could be reached in private were dashed at the February 16 committee meeting. Following nearly five hours of discussion of rules to be adopted Gonzalez launched into the reading of a 12-page prepared statement defending his sacking of Sprague despite the fact that two committee members had earlier ~~stated~~ <sup>implied</sup> that they would oppose a public discussion of the matter. Congressman Richardson Preyer (N. Car. - Dem.), Chairman of the sub-committee presiding over the Kennedy investigation, objected, saying "I don't think we want to have a Wednesday Afternoon Massacre," referring to the obvious ill-temper likely to flare before the cameras if the Sprague matter was taken up. Gonzalez stunned nearly everyone present by launching into an attack upon Preyer, one of the most respected members of the House, accusing him of having "an intense desire to be Chairman" of the committee.

Over Gonzalez' objections the eight committee members present unanimously voted to adjourn. In the bizarre scene that followed Gonzalez continued to read his bill of particulars against Sprague to the press while the rest of the committee and staff filed out of the chamber.

In the press conference that followed Gonzalez maintained that he had no intention of letting Sprague stay or resigning himself, regardless of what the other committee members felt. "If they [the committee members] ask me to drop dead, I'm not going to comply with their wish," he said when asked if he would accede to any committee request that he step down as chairman of the committee.

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It is difficult to conceive at this point of a compromise that could reconcile Gonzalez and the rest of the committee. It is even more difficult to conceive of the full House, more wedded to protocol than to the question of who killed Kennedy and King, reconstituting a committee that did not include Gonzalez as Chairman, ~~and~~ thus publicly humiliating him. Nevertheless Congress is acutely aware that it will be accused of covering up if the current probe is shut down.

One conceivable face-saving scenario might be for the House to turn the entire matter over to the Senate Intelligence Committee which, this reporter has confirmed, has quietly resurrected its investigation of the Kennedy assassination under the direction of Senator Gary Hart (Col. - Dem.)

Such a move would hardly warm the hearts of critics who felt that the limited investigation conducted by the Senate Select Committee on Intelligence last year was a further whitewash of the Kennedy assassination.

Last year's Senate probe, chaired by Hart and Senator Richard Schweiker (Penna. - Rep.) operated under the limited mandate of investigating the performance of the intelligence agencies with respect to their investigation of the assassination of Pres-

ident Kennedy. Physical evidence was not reviewed, nor was the most central and controversial finding of the Warren Commission: whether Lee Harvey Oswald had indeed killed the President.

The report of the Senate documented the fact that J. Edgar Hoover had regarded the Warren Commission as an adversary and that the FBI had conducted a narrow investigation focused only on Oswald, failing to conduct a broad investigation into the possibility of a foreign or domestic conspiracy. The report failed to draw the obvious conclusion, however, namely that the Warren Report could no longer be considered a valid document if this were true even assuming that the Commission had attempted, for its part, to conduct an unbiased investigation. The Warren Commission, after all, was completely dependent upon the FBI as its principle investigative arm.

The Senate report also faulted senior FBI and CIA officials for failing to apprise the Warren Commission of the U.S. plots against Castro in view of the fact that Oswald had apparently had both pro-and anti-Castro ties prior to the assassination.

Despite recognizing the possibility of a domestic plot the Schweiker/Hart report leaned heavily toward the "if there was a conspiracy it was probably Castro's" angle ignoring or glossing over several leads hinting toward some <sup>U.S.</sup> intelligence function for Oswald. Several important leads pointing toward possible involvement by organized crime and Cuban exiles among others were similarly glossed over.

Critics also pointed out that to speculate as to the possible forces behind the assassination without any attempt being made to resolve the question of Oswald's guilt represented a clear case of putting the carriage before the horse.

The fact that Hart is directing the new Senate probe does not instill confidence that the new investigation will be any more thorough than the last. Despite the fact that the Senate committee's findings obviously spread a dark shadow over the entire Warren Commission investigation Hart was widely quoted as <sup>being</sup> satisfied that Oswald had acted alone, contending that the question still to be resolved was not whether he did it but rather why he did it. Hart joined other members of the Intelligence committee in calling for a further investigation of Oswald's motives.

Thus with one Congressional committee seemingly dead, barring a miracle, and with another of dubious intent gearing up, the future of the investigations into the assassinations of President Kennedy and Dr. Martin Luther King seems as clouded as ever. It seems more and more likely that the answers will be a long time in coming.