

THE ASSASSINATIONS OF
JOHN KENNEDY AND MARTIN LUTHER KING:
NOW IT'S CONGRESS'S TURN

By: Jerry Policoff

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"Resolved, that there is hereby a select committee to be composed of twelve members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman

"The select committee is authorized and directed to conduct a full and complete investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Jr., and any others the select committee shall determine.

"For the purpose of carrying out this resolution the select committee . . . is authorized to sit and act during the present Congress . . . and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary"

"Yeas": 280
"Nays": 65
"Present": 1

"So the resolution was agreed to."

And so, one week short of the twelfth anniversary of the issuance of the Warren Report and seven-and-a-half years after James Earl Ray pleaded "technically guilty" in an abbreviated mini-trial, all the while proclaiming his innocence, the Congress of the United States has declared both crimes to be unsolved homicides. By a lopsided vote of 280 to 65 the House of Representatives has proclaimed that the Government's "official" verdict is no longer good enough.

"I say it's about time," says Theodore Kupferman, a judge in New York Surrogate Court who in 1966 and again in 1967 as a Republican Congressman from New York City's Silk Stocking District was the first to introduce a resolution aimed at re-opening the investigation into President Kennedy's assassination. His resolution never emerged from the Rules Committee. Kupferman is not totally surprised. "Pearl Harbor was re-investigated three or four times," he notes. "They came in with reports which were really unacceptable and finally they did a definitive one. This just took longer."

There are those who feel that Kupferman's resolution might have borne fruit in 1967 had it not been for the emergence of one Jim Garrison -- the flamboyant New Orleans District Attorney who announced triumphantly to the press early that year that he had "solved" the crime. Many drew back to wait and see. Many others climbed upon the DA's bandwagon proclaiming that he had indeed unraveled the mystery while deep down only hoping that it was true. Of course, the case was far from solved, and the undercurrent pressures from a Congressional inquiry that lay restlessly smouldering while the relentless prosecutor pursued his case were doused and buried on March 1, 1969 when a jury took 53 minutes to unanimously acquit Clay L. Shaw of conspiring to murder the President of the United States.

There are also those who maintain that it is fortunate that Congress did not re-open the case in 1967. A Congress uninitiated by the official deceptions of the Vietnam War; by the assassination plots and domestic spying of the Central Intelligence Agency; by the as yet unexposed cointelpro program of J. Edgar Hoover's FBI, would hardly have been prepared to believe that the Federal bureau-

cracy had deliberately withheld, destroyed, and altered evidence. The possibility that the Warren Commission might have engaged in a conscious cover-up would certainly have been a hard pill for Congress to swallow. And with the crusty old dossier-keeping Hoover still around, would Congress have been any less reluctant to challenge his denials than was the Warren Commission?

Garrison's failure was widely heralded by a non-conspiratorial-minded press as a reaffirmation of the Warren Commission's findings. But while it had once again become respectable to believe the Warren Report, few really did. Like an elusive cramp it continued to gnaw at the American consciousness. The 1968 assassinations of Martin Luther King, Jr. and Robert Kennedy, both by "lone assassins," just like Oswald, did little to still doubts, and as conspiracy rumors festered in both of those killings doubts about Dallas inevitably mounted.

Though there is no official record of Congressional interest at the time, Los Angeles newsman Peter Noyes reported in his book "A LEGACY OF DOUBT," published in 1973, that a secret investigation in fact took place. According to Noyes, the Senate Judiciary Committee, then under the chairmanship of Senator James Eastland of Mississippi, held secret hearings in the Fall of 1970 on both Kennedy assassinations. Noyes claimed that an Eastland aide had confirmed the probe to him and added that three of the committee's staff investigators had been to the Los Angeles area searching for information on both murders. If that probe in fact did take place its findings remain a mystery.

Just as the assassination of Lincoln remains a controversy more than a century after it occurred it is doubtful that the passage of time would have stilled the doubts about the John Kennedy assassination and those that followed it. But it was the series of events and exposures beginning with Watergate, not the persistent lobbying of a small band of critics, that culminated with the inevitable re-opening of the case. The shadow-world that nurtured the Waterbuggers E. Howard Hunt and Frank Sturgis; the murky illegal operations of the CIA; the assassination plots; obscure references to darkly hinted at events on the Nixon tapes; J. Edgar Hoover's psychotic pre-occupation with Martin Luther King; CIA plots to kill Castro and hints that he may have retaliated; the emergence of previously classified Warren Commission Executive Session transcripts revealing a Commission terrified of J. Edgar Hoover and resigned to an inevitable course in view of the Director's insistence upon Oswald's guilt. The assassination became a major topic on the college lecture circuit, and for the first time thousands of students and faculty were seeing the long-suppressed Zapruder film of the assassination with its apparent refutation of the "lone assassin shooting from behind" findings of the Warren Commission. In February 1975 the film was shown on national television by optics expert Robert Groden. The inevitable course of events had reached the point of no return.

On February 19, 1975 Congressman Henry B. Gonzalez of Texas, a passenger in the fateful Dallas motorcade, introduced House Resolution 204 calling for an investigation of the assassinations of John and Robert Kennedy and Martin Luther King, and the

attempted assassination of George Wallace. On April 30, 1975 Congressman Thomas N. Downing of Virginia, a conservative Democrat whose faith in the Warren Report had been shaken by the Zapruder film, introduced House Resolution 432 to investigate the assassination of John Kennedy. Both bills were referred to the House Rules Committee where nine years before Congressman Kupferman's bill had died a slow death. Each bill was re-submitted several times, each time with additional co-sponsors. Ray Madden, Chairman of the Rules Committee, steadfastly refused to place either bill on the Committee's agenda. Meanwhile, another "investigation" was in progress.

The Rockefeller Commission investigating the misdeeds of the CIA had let it be known that it was investigating allegations of CIA involvement in the assassination of John Kennedy -- a development that hardly earned the applause of the Warren Commission critics who had long aimed their guns upon the Rockefeller Commission's Executive Director David Belin, an alumnus of the Warren Commission staff, and beyond question the Warren Report's most strident defender. Utilizing many of the same "expert" witnesses relied upon by the Warren Commission and concentrating upon some of the zanier conspiracy theories that most of the more scholarly critics discounted, the Rockefeller Commission re-affirmed the findings of the Warren Commission in June 1975. Claims by Belin that he had divorced himself from that aspect of the probe were looked upon with incredulity by more than a few observers.

By September 1975 support for a Congressional investigation had gathered additional momentum. On September 8, Senator Richard

Schweiker introduced the first Senate bill aimed at re-opening the Kennedy investigation, likening the Warren Report to a "house of cards" that was about to "come tumbling down".

The following month Congressman Don Edwards' Subcommittee on Civil Rights and Constitutional Rights, a committee with partial oversight power over the FBI, held hearings into allegations that Lee Harvey Oswald had delivered a threatening note to the Dallas headquarters of the FBI just weeks before the assassination, and that the note had been destroyed after the assassination. The committee was treated to totally conflicting testimony regarding the contents of the letter, whether it was in fact threatening in tone, and under what circumstances it was flushed down the toilet following the assassination. One agent testified that he had been ordered by superiors "not to volunteer any information" to the Warren Commission. Despite clear evidence of perjury, no further hearings were held and there was no prosecution recommended. Presumably Edwards, himself a former FBI agent, saw no need. Transcripts of those open hearings, normally available from the Government Printing Office within 90 days, are not yet available after the passage of an entire year.

The following month Senator Richard Schweiker and Senator Gary Hart, both members of the Senate Select Committee on Intelligence (better known as the Church Committee), were named co-charimen of a special select sub-committee to investigate the role of U.S. Intelligence agencies in investigating the John Kennedy assassination.

Later that month Bella Abzug's Subcommittee on Government Information and Individual Rights held hearings on National Archives declassification requests as they pertained to the John Kennedy assassination. The Archives are the repository for the Warren Commission's files. Congresswoman Abzug's committee found that the Warren Commission had never received specific authorization to classify its transcripts and memos and that hundreds of Commission documents were withheld without legal basis.

Several numbered Warren Commission documents which were supposed to be in the Archives were found not to be there by the Abzug committee. Among them:

- A memorandum concerning rumors that Oswald was a Government informer.
- FBI lab reports concerning examination of the Presidential limousine.
- An informer's tape recording made by the Miami police on November 10, 1963 in which a militant right-winger discussed a plot to kill the President. The plot involved the use of a high-powered rifle and the apprehension of a patsy "just to throw off the public."
- Transcripts of an April 16, 1964 meeting of the Warren Commission.
- A memorandum dealing with unidentified prints found on cartons in the Texas School Book Depository.
- Pages "O" and "T-Z" of Jack Ruby's notebook.

- Several photographs and films of the assassination scene.
- An FBI technical lab report concerning spectrographic analysis of the ballistics evidence.
- Records of Dallas Police and County Sheriff's office concerning arrests made on November 22, 1963.

By November 1975 the Downing Resolution had 84 co-sponsors, and Gonzalez's 53. Excluding duplication there were now more than a hundred members of Congress who had leant their names to legislation aimed at re-opening one or more of the assassination probes. Nevertheless Madden held fast and refused to place either resolution on the agenda of the Rules Committee. Much of the resistance was said to stem from reluctance on the part of many Democrats to "embrace" Senator Edward Kennedy who was still considered a draft possibility for the Democratic nomination. There does not seem to be any evidence that the Massachusetts Senator ever discouraged the investigation, however. His publicly articulated position was that while the family had no reason to doubt the findings of the Warren Commission report or the investigation into the assassination of Robert Kennedy, any judgment as to whether there is sufficient evidence to warrant a re-examination of deaths "would have to be made by legal authorities." "I do not believe," he went on, "that their judgment should be influenced by any feelings or discomfort by any member of my family."

On March 18, 1976 Downing and Gonzalez took their fight directly to the floor of the House of Representatives. Joined by several co-sponsors, an impassioned plea was made before Congress that the Rules Committee be prodded into placing the resolutions on its agenda and freeing them for a floor vote. Madden relented. On March 31 Gonzalez and Downing pleaded their respective cases before the Rule Committee. Congressman B.F. Sisk of California immediately moved that both resolutions be indefinitely postponed without further consideration. Congressman John Anderson of Illinois proposed a substitute motion that further consideration be postponed until the Schweiker/Hart report, due for release in late April, was available. The Anderson substitute motion was defeated in a tie 7 to 7 vote (a majority is needed to carry), but significantly the previously recalcitrant Madden voted for it. The Sisk motion, which would have effectively killed both resolutions was then comfortably beaten back by a vote of 9 to 6. The showdown in the Rules Committee was hardly a victory -- the resolutions were once again off the agenda and had failed to make it to the floor of the Hase -- but nor was it a demoralizing defeat. The 7 "aye" votes on the Anderson substitute motion were 2 more than Downing and Gonzalez had expected. Another chance seemed likely for these two resolutions which now had 136 co-sponsors, exclusive of duplication.

Meanwhile all was not going well with the Schweiker/Hart subcommittee. Despite Schweiker's announced intentions to interpret the Church Committee's mandate broadly enough to allow for a complete investigation of the Kennedy assassination the staff interpreted it narrowly and limited itself to the post-assassination

conduct of the investigative agencies. Like the Warren Commission, the staff more or less relied upon the FBI and CIA to supply relevant information or, in fact, to investigate their own performance and report upon it. As liason to the subcommittee the CIA supplied Raymond Rocca, the same individual who had performed that identical function for the Warren Commission.

On June 23, after being held up and sanitized by the Church Committee (8 of 15 of whose members had previously sat upon the Senate CIA oversight committees, known for their indulgence of the CIA) the subcommittee report was released to the press.

Basically the findings were: a) there is no evidence of conspiracy, but b) interesting leads were never followed up pointing toward possible involvement by c) Fidel Castro, angered by attempts upon his life or d) Cuban exiles angered at Kennedy for his failure to restore Democracy to Cuba. The report stated that "the [Warren Commission's] investigation of the assassination was deficient and that facts which might have substantially affected the course of the investigation were not provided . . ." Further investigation by the Senate Select Committee on Intelligence was recommended.

While refutation of the Warren Report, the Schweiker/Hart report was seriously flawed. It heavily emphasized the "Castro did it" angle while ignoring or glossing over evidence implicating others, e.g. Cuban exiles, Organized Crime, or employees of government agencies. Totally ignored in the report, for example, was Oswald's use of a mailing address for his Fair Play for Cuba Committee literature which happened to be the side entrance of a building closely associated with CIA operations in the Carribean. The building among its many curiosities, had housed the Cuban Revolutionary

Council and the Cuban Student Directorate, both CIA fronts established as conduits for financing of the Bay of Pigs operation. Other indications that Oswald's one man chapter of the FPCC might have been an intelligence cover as well as other provocative clues pointing toward some intelligence connection for Oswald were likewise passed over.

The greatest shortcoming of the Schweiker/Hart report, however, was its assumption that certain correlaries were to be taken for granted because of the narrow mandate of the investigation. A passage that was widely quoted by the press stated that the committee "has not uncovered evidence sufficient to justify a conclusion that there was a conspiracy to assassinate President Kennedy". But hardly quoted at all was a significant disclaimer which in effect acknowledged that no such evidence had been sought. On the very first page of the report it was stated that "the committee did not attempt to duplicate the work of the Warren Commission. It did not review one of the principal questions facing the Commission: Whether Lee Harvey Oswald was in fact the assassin of President Kennedy." Members of the Church Committee who informed the press that they intended to examine Oswald's motives during the 95th Congress had apparently also missed that paragraph when they read the report of their subcommittee.

Despite its shortcomings the Schweiker/Hart report served as one more lethal blow against the Warren Report. The report had ██████████ documented the deliberate withholding of relevant evidence from the Warren Commission by both the CIA and the FBI.

Other events were also taking shape:

With the nomination of Jimmy Carter one more obstacle preventing a Congressional investigation of the Kennedy assassination disappeared. Congressman Thomas T.P. (Tip) O'Neill, a close ally of the Kennedy family and the man who will succeed retiring Speaker of the House Carl Albert next term, began to inquire about further details of the Downing Resolution. Other members of the House who had resisted the Downing and Gonzalez resolutions while there remained some chance Edward Kennedy would be the party standard bearer now seemed more receptive to the idea of some sort of House inquiry. Interest became even more pronounced following the August gangland style killing of mobster John Roselli, the third member of the CIA/Mafia conspiracy to assassinate Castro to die within a year (William Harvey, the CIA man assigned to supervise the project had succumbed to a heart attack in June, and Chicago Mafia chieftain Sam Giancana had been slain just prior to his scheduled appearance before the Church Committee on the subject of the Castro endeavor).

In August veteran Warren Commission critic Mark Lane obtained an audience with Martin Luther King's widow, Coretta King, that was to prove to be the proverbial straw that broke the camel's back. Lane presented Mrs. King with material which he was preparing to publish in the August 26 issue of NEWSWORKS, a Washington underground newspaper which has since folded. The article contained information which seemed to implicate the director of the Memphis Police and Fire Departments, a former FBI man who had had a close personal relationship with Hoover, with responsibility for removing black members of the two departments sympathetic to King from the vicinity of the Lorraine Motel, the scene of the assassination, prior to the murder.

Lane was to receive an unfavorable backlash over his "discoveries". The NEWSWORKS article had clearly implied that the information was uncovered as a result of Lane's own investigations when in fact most of the revelations had appeared in a copyrighted article by Long Island NEWSDAY reporter Les Payne published and nationally syndicated (though not widely picked up) by that paper on February 15, 1976. Much of the material had also appeared in "FRAME-UP", a 1971 exposé of the King case by Harold Weisberg.

Nevertheless, the Mark Lane/Coretta King meeting was to have a swift impact. Mrs. King met immediately with the leadership of the Congressional Black Caucus which had long supported a Congressional review of the King assassination (most of the Caucus members were co-sponsors of the Gonzalez bill), but had not made it a legislative priority. At the behest of Mrs. King it now became their first priority.

Leaders of the Black Caucus commenced meetings with the leadership of the House, Speaker Carl Albert, and his successor-to-be Tip O'Neill. The Caucus desired the assistance of the leadership in pushing through an immediate bill that would authorize the Caucus to investigate the King assassination. The leadership, however, opposed any such limited legislation and declined to support any bill that would create a committee that did not include in its mandate an investigation of the Kennedy assassination. At this point Congressman Downing was brought into the discussions. An agreement acceptable to all parties was soon hammered out: The leadership would help push the Downing resolution through the Rules Committee (Albert, a more reluctant supporter of the bill than O'Neill, had opposed re-opening the Kennedy investigation in 1966, saying "I never get upset over minor inconsistencies such as an extra bullet".),

the Black Caucus would lend the bill its support, and they in turn would receive representation on the committee and would be permitted to branch off into an investigation of the King assassination. Eventually it was decided simply to include the King assassination in an amended resolution.

On September 15, 1976 the Rules Committee met on the revised Downing resolution, which now had actually become the Downing/Gonzalez/Fauntroy resolution (Walter Fauntroy is the Delegate of the District of Columbia and Vice-Chairman of the Black Caucus). By a vote of 9 to 4 the bill was cleared for a floor vote. Two days later it was passed by better than a 4 to 1 margin by the House of Representatives.

It has been suggested that rivalry among the Warren Commission critics prevented the case from being re-opened long ago. A similar rivalry opened up behind the scenes during the maneuvering that preceded and followed the House vote. Congressman Gonzalez was not included in the discussions between the Black Caucus, the House leadership, and Downing and did not even learn immediately that they were taking place. When he did learn he quickly became suspicious of the motivations of Downing and the Black Caucus in excluding him. Sources who were close to the situation insist that the exclusion of Gonzalez was not deliberate. Gonzalez, it was pointed out, had apparently conceded defeat of his resolution following the first unsuccessful encounter with the Rules Committee. His active lobbying ceased, and his newsletters reflected pessimism. Downing, on the other hand had continued to concentrate his efforts toward securing another hearing for his Resolution. When those efforts appeared to be near achieving fruition Gonzalez had turned to concentrating his efforts on other matters. Gonzalez became further troubled when he learned that Downing would be made Chairman

of the new select committee, a post which he believed should be his since his legislation had preceded Downing's, and since it was his resolution, not Downing's that called for an investigation of the King assassination. A third factor which Gonzalez felt should have ruled out Downing as the Chairman was the fact that Downing was retiring from the Congress, and hence a new Chairman would have to be selected in January anyway, resulting in a loss of continuity.

In fact, Downing seemed the obvious choice for the Chairmanship. A veteran of eighteen years in the House he is one of the most respected members of that body with a strong reputation for honesty. The fact that he was retiring meant that he could not be accused of attempting to further his political career, and more than anything else, the committee requires credibility during these crucial formative months if it is to be re-constituted by the next Congress.

Though no one will admit as much, it is likely that Gonzalez forward to a 1975 conspiracy book entitled "COUP D'ETAT IN AMERICA, THE CIA AND THE ASSASSINATION OF JOHN F. KENNEDY", by Michael Canfield and A.J. Weberman also contributed to the feelings that Downing would be a wiser initial choice for the Chairmanship than Gonzalez. Weberman, a founder of the Yippies and its newspaper THE YIPSTER TIMES is well known for his claims that most of the critics of the Warren Commission are actually agents of the Central Intelligence Agency. He is also one of the main protagonists of the theory that two tramps, apparently under arrest, shown in photographs at the scene following the John Kennedy assassination are actually Frank Sturgis and E. Howard Hunt of Watergate fame.

The claim is derided by most Warren Commission critics (all agents or dupes according to Weberman), and was eagerly embraced by David Belin and the Rockefeller Commission as one of the irresponsible claims of the "critics".

The week after the House vote Speaker Albert announced the membership of the select committee. It includes eight Democrats (Yvonne Burke, Walter Fauntroy, Harold Ford, and Louis Stokes, -- all of the Black Caucus, plus Chris Dodd, Thomas Downing, Henry Gonzalez and Lunsford Preyer) and four Republicans (Samuel Devine, Stuart McKinney, Burt Talcott*, and Charles Thone). Only one of the committee members, Samuel Devine, had opposed passage of the Resolution. Devine's role on the committee bears watching in view of his efforts in 1964 to support the internal maneuverings of one of his Republican colleagues on the Warren Commission, then Minority Leader Gerald Ford.

Ford, after failing in his attempt to get one of the more liberal members of the Warren Commission's legal staff fired, apparently sought assistance from his friends in Congress. The lawyer in question, Norman Redlich, had been connected with the Emergency Civil Liberties Committee, an adjunct of the ACLU formed to deal with civil liberties issues growing out of the Civil Rights Movement. It was one of many similar liberal organizations declared to be Communist "fronts" by the House Un-American Activities Committee and the FBI in the 1950's. Devine, a former FBI agent and former chairman of the Ohio Un-American Activities Committee before entering the House, wrote Warren Commission General Counsel J. Lee Rankin:

* Talcott was not re-elected, and will be replaced.

". . . It seems strange that a man of this background would be appointed to a commission investigating the circumstances of the assassination of President Kennedy by a Communist oriented assassin. "I am also led to believe that Congressman Gerald Ford moved for the dismissal of Norman Redlich from the Commission and that his motion was overruled . . ." Gerald Ford was carboned on the letter.

With the committee formally assembled, at least for the present term of Congress (it must be formally re-established by vote of the House next January) the next step was to appoint a staff director, the man who would actually direct the probe. Downing's first choice for that position was Washington attorney Bernard Fensterwald, former counsel to several Senate committees and now the director of a clearing house-type organization on various conspiracy theories called the Committee to Investigate Assassinations. Fensterwald had worked closely with Downing during the year-and-a-half Downing was trying to pass his bill. Downing felt that it was essential that the staff director be someone who was thoroughly familiar with the intricacies of the evidence in the J.F.K. case. But there were several arguments against the naming of someone like Fensterwald to this most important staff job. To begin with there was at least the appearance of a conflict-of-interest in that Fensterwald had represented accused assassin James Earl Ray in his attempts to secure a new trial on the charge that he had slain Dr. King. Secondly Fensterwald was clearly identified as a critic and conspiratorialist on both the Kennedy and King cases and would therefore have been justifiably subject to criticism as staff director on the same grounds that the critics of the Warren Commission had attacked David Belin's participation with the Rockefeller Commission. Thirdly Fensterwald over the years had become one of

the most controversial critics within the critical community itself. A man with many contacts and a fascinating list of clients (including James McCord, the former CIA man who had blown the lid off the original Watergate cover-up), Fensterwald had come to be regarded warily by some of the Warren critics who felt that he might indeed be a spook. Among the wariest was Congressman Henry B. Gonzalez.

Gonzalez wrote Downing on September 23 recommending procedures that the select committee should follow. The letter contained the recommendation that Fensterwald not be appointed to a staff position with the committee. Fensterwald, meanwhile, aware of the opposition, from Gonzalez, requested that his name be withdrawn from consideration. Gonzalez was apparently prepared to take no chances. On October 4 THE WASHINGTON STAR carried an article with the provocative headline: "IS FENSTERWALD A CIA PLANT? ASSASSINATION INQUIRY STUMBLING." The piece detailed the internal opposition to Fensterwald and the circumstantial case for him being an agent advanced by some of the critics. Questioned by this writer, a Gonzalez staffer conceded that the article had originated in Gonzalez' office.

Ironically, Gonzalez in line to succeed Downing as committee chairman in January, now regards the appointment of Downing as "a blessing in disguise". The ultimate choice for Staff Director and General Counsel, Philadelphia attorney Richard A. Sprague (not to be confused with the Warren Commission critic Richard E. Sprague) was one in which he concurred. He feels that both Downing and Sprague have bent over backwards to consider his opinions and suggestions, and he is grateful that Downing can

devote full time to organizing the committee staff and procedures when the rigors of an election year would have made that an impossibility for Gonzalez.

Sprague was under active consideration almost from the beginning, even while Fensterwald was still considered a candidate. As Special Prosecutor for Washington County Pennsylvania from 1970 to 1975 he had drawn national acclaim by unraveling the complex conspiracy behind the brutal murder of United Mine Workers reformer Joseph (Jock) Yablonski. At one time Sprague had been nominated for the job of Special Watergate Prosecutor by an unlikely coalition that included Joseph Ruah, former head of the liberal Americans for Democratic Action, and Philadelphia's Right-leaning law-and-order Mayor Frank Rizzo. Sprague's appointment as acting Chief Counsel and Staff Director (the entire committee must officially ratify the choice when it next meets on November 15) was announced on October 4, the same day the WASHINGTON STAR carried the Fensterwald item.

The choice of Richard Sprague immediately evoked the suspicions of many of the Warren Commission critics, for during eight of seventeen years that Sprague had spent in the Philadelphia District Attorney's office his boss had been District Attorney Arlen Specter, the same man who, as Warren Commission Counsel, had constructed the notorious single-bullet theory. It was this theory that had enabled the Warren Commission to account for what appeared to be too many wounds and too many shots fired in too short a period of time for one individual with one decrepit World War II surplus rifle to have done all the shooting.

"Specter's job was to make a case fit the pre-conceptions that there was no conspiracy and that Lee Harvey Oswald did the shooting," observed one critic when informed of the Sprague choice. "How is [Sprague] going to investigate his former associate?"

Another critic observed initially that "Specter's work ought to be the focus of any decent investigation of the assassinations," opening that "if the new commission has integrity it would not appoint as investigator one who worked under him."

Sprague is adamant that he would not hesitate to go after Specter if the evidence warranted it. "I have no problem in going wherever the evidence leads," he states firmly. "Whoever has any involvement suffers whatever may be."

Those who know Sprague are almost unanimous in their high opinion of his integrity. They all seem to share the opinion that Arlen Specter will find little relief from Dick Sprague if the latter concludes that Specter was a party to a conscious cover-up.

Sprague was appointed First Assistant District Attorney under Specter in 1966, and in that position wielded more power than any previous occupant of the job. Specter, who was busy cultivating his own political ambitions, virtually delegated the day-to-day operations of the DA's office to Sprague who was more than happy to accept the responsibility. Sprague, a Democrat, was in turn extremely loyal to his Republican boss and resisted intense pressure to run against Specter for the office of District Attorney despite the fact that he was generally considered the only Democratic candidate who could easily defeat Specter.

Nevertheless sources who were close to Sprague at the time maintain that the relationship between Sprague and Specter was often a cool one. Sprague was said to disapprove of much of

Specter's conduct which he regarded as politicizing of the DA's office, and on more than one occasion their differences reached the Philadelphia media, precipitating rumors of a Sprague/Specter rift. At one point Specter is reported to have barred Sprague from accepting the job as special prosecutor on the Yablonski case, fearful to taking too much of a back seat to his First Assistant. Sprague threatened to quit and Specter backed down. That determination and defiance seems characteristic of this man's remarkable career.

Following his graduation from Penn Law School Sprague joined the Public Defender's Office where his tireless work on behalf of his clients earned him the notice of the District Attorney's office. He joined the DA's office in 1958 at the age of 35, and earned the nickname "the iron man", after working the courtroom for 57 consecutive weeks without breaking for a vacation. In 1962 he was appointed Chief of Homicide, passing over many of the Assistant DA's who had been in the office considerably longer than he had. In 1966 he was appointed First Assistant District Attorney by the newly elected Specter, the highest position in the DA's office beneath the District Attorney himself. As First Assistant Sprague ran a staff of more than 140 Assistant DA's -- the largest legal office in the city of Philadelphia.

Along the way Sprague earned such descriptions from his peers as "the prosecutor's prosecutor" and "the best one-on-one prosecutor in the world". He became a feared opponent in the courtroom. During his career as prosecutor he supervised over 15,000 criminal cases including over 400 homicides. He tried 71 First-Degree murder cases, obtaining 70 convictions and one hung jury.

Sprague also earned a reputation as a strict law-and-order man who favored the restoration of the death penalty, opposed plea-bargaining, and applauded the softening of the Miranda Decision by the Berger Court.

As a prosecutor he was considered by many to be "ruthless", "vicious", and "cold-blooded". One defense lawyer called him "the complete enemy during a trial", but the same people who described him in these terms also called him compassionate, "a legal schizophrenic", as one put it. He is said to maintain an open mind and admits to error when convinced that he is wrong.

By 1970 Sprague had earned a state-wide reputation that made him a perfect candidate for the job of Special Prosecutor in the investigation of the murder of Joseph Yablonski, his wife, and his daughter -- all brutally murdered as they slept.

When he took the job Sprague predicted that it would take four or five years to complete the probe. "The chain of command will become clear as we go up the line", he said at the time.

And the chain of command did become exceedingly clear during the five years it took to obtain all nine indictments and convictions. First came the apprehension and conviction of the three assassins. Next came their four co-conspirators further up the line. Then came the indictment and conviction of Albert Pass, the Secretary-Treasurer of District 19 of the United Mine Workers. Finally in September 1975 Tony Boyle, the powerful leader of the United Mine Workers, was convicted and sentenced to life imprisonment as the man who financed the assassination of Joseph Yablonski.

TIME magazine called Sprague's accomplishment "an extraordinary achievement that prosecutors will discuss for years to come". Yablonski's family is said to feel that the case would never have been pursued to its conclusion had Sprague not been in charge.

Yablonski's surviving sons Joseph and Kenneth Yablonski, wrote the PHILADELPHIA INQUIRER that as "surviving members of a family which was assassinated in a complex conspiracy . . . we shall be forever grateful for the remarkable performance of Mr. Sprague and his assistants in solving what many believed to be an insoluble crime. As a courtroom advocate Mr. Sprague has no peer. As a conscientious and dedicated law enforcement official, he already ranks among the greatest in the history of Anglo-American jurisprudence."

The Yablonski case brought to light another fascinating aspect of Mr. Sprague's complex make-up. Criticized for prosecuting a state case on Philadelphia time Sprague, who was paid only expenses for his Special Prosecutorial role, produced records to show that he had taken vacation time to conduct the trials (over several years in the DA's office he had accumulated approximately 7 months of unused vacation time).

Sprague had become a national figure, but ironically his public career in Philadelphia was about to take a dramatic plunge.

In a startling upset Arlen Specter was defeated in his bid for re-election in 1974 by F. Emmet Fitzpatrick, his relatively unknown Democratic opponent. Despite a general shake-up of staff Sprague was asked to stay and was promised the same level of responsibility he had under Specter.

Fitzpatrick, however, seemed to be uncomfortable with Sprague, and he did limit Sprague's authority. In what appeared to be an obvious move to undercut his famous First Assistant Fitzpatrick commissioned an "independent" study of the District Attorney's office by a legal consultant who was a close friend and political ally. The report recommended the abolition of the First Assistants position and accused Sprague of being a virtual dictator

who used "iron control" and impeded implementation of policy by isolating the District Attorney from his staff. Fitzpatrick, feigning surprise, stood strongly by Sprague and disavowed any intention of removing him.

Sprague, meanwhile, continued to prosecute the Yablonski case, and began to use his national prominence as a prosecutor to speak out against what he considered to be inadequate performance by Watergate Special Prosecutor Leon Jaworski, and against the plea bargained resignation of Spiro Agnew which he likened to "a guy who commits murder being allowed to plead guilty to carrying a gun". The plea, he wrote in a NEW YORK TIMES op-ed piece, "reiterated the long-held belief that nothing happens to those at the top, that the bigger you are, the lighter you fall and the more lenient your treatment". Jaworski, he wrote in the same piece, was "plea bargaining at Monday morning bargain rates", citing the latter's decision to allow former Attorney General Richard Kleindeinst to plead guilty to a minor misdemeanor of giving "incomplete" testimony before the Senate Judiciary Committee when in fact he had committed perjury, a felony. Sprague called the reduced plea a "perversion" of the law. He was even more critical of Jaworski's action in telling the Watergate Grand Jury that they could not indict Richard Nixon, claiming that the determination was a judicial one which rightfully should have been decided by Judge Sirica. In any event Sprague wrote that Jaworski had "misused and abused" his position as Special Prosecutor by not informing the Grand Jury that it was not bound by his decision. Sprague later extended his attack upon Jaworski following President Ford's pardon of Nixon. In a letter to TIME magazine Sprague wrote that "Mr. Jaworski is not making the slightest attempt to uphold his own solemn oath of office . . .

by obtaining a court test of the [Nixon] pardon".

Almost from his first day in office District Attorney Fitzpatrick was involved in charges of misfeasance and corruption. He had pocketed the proceeds of a \$50 per person "victory" party given and attended by defense lawyers; had awarded a high paying job to the wife of the party giver; had accepted a loan on very favorable terms from another defense lawyer; had dropped vote-fraud charges against fellow Democrats; and in general inspired the wrath of the Philadelphia dailies, one of which characterized him as a "controversial, bullheaded individual who seems to relish getting himself into deeper and deeper trouble".

Sprague kept silent until Joseph Nardello Jr., a five-time convicted felon who Sprague was attempting to jail for possession of stolen goods, was freed on unsupervised probation on Fitzpatrick's recommendation. Fitzpatrick, it seems, had once argued a case on behalf of a co-defendant of Nardello before the Supreme Court. In defense of himself Fitzpatrick claimed that he knew nothing about the case and was merely carrying out the recommendations of the previous Administration. For Sprague that was the last straw. Asked for comment by the PHILADELPHIA INQUIRER Sprague delivered up some hot copy.

Fitzpatrick, Sprague told the INQUIRER, was "a liar", and "the worst District Attorney I've seen in seventeen years". Sprague had found himself in the uncomfortable position of criticizing Watergate while his continued silence would have meant "participating in my own mini-Watergate". The day after his INQUIRER interview Fitzpatrick demanded Sprague's resignation. Sprague refused to tender it and was fired. He retired to private practise, but continued on as Washington County's unsalaried Special Prosecutor on the Yablonski case.

As Chief Counsel and Staff Director on the Kennedy/King investigation Sprague demanded and received as a prerequisite to accepting the job absolute freedom to hire and fire staff and to conduct the investigation as he sees fit, subject only to the veto of the committee. "I intend to recruit the best legal people and investigators," he said in his initial meeting with the press. He claims to have an open mind as to whether a conspiracy exists in either case and insists that "no time frame has been set" to make that determination. "We might as well not commence the investigation if a deadline is set", he maintains. "Such an extensive job can't have a time frame. . . it needs a space of years."

Sprague's intended approach is to set up two complete homicide investigations, each to run independently and concurrently, each with a legal, investigative, and clerical staff. He plans a third division as well, a Legal Counsel with a separate staff to provide legal advice so that the time of the staff is not taken up in this area. This group will also represent the committee in the event of litigation so that the investigations are not stalled while their staffs are having their time taken up defending matters in court. Other committee functions will include press, budget, and so forth.

Sprague categorically rules out assistance from the FBI or the CIA on "any work involving inquiries into any Governmental agency", and despite the lack of prosecutorial power intends to compel accurate testimony. "There's contempt power. There's immunity power," he observes. "If in fact somebody is caught in perjury in a property proveable case I do not think there will be much problem in seeing that there's prosecution."

Sprague seems to sense that he is in for the battle of his life. The Kennedy/King inquiry is likely to make the Yablonski case look like a purse-snatching incident by comparison. He can expect little of the Federal assistance this time that he had in solving the Yablonski murders. The Justice Department and the FBI consider the Kennedy and King murders to be "solved" homicides, and the credibility and integrity of those and other Government agencies is certain to suffer from any complete investigation of either murder.

It may take years, and the effort may prove fruitless, but one suspects that if anyone can unravel the mysteries of Dallas and Memphis the Downing Committee has found its man.