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U.S. HOUSE OF REPRESENTATIVES

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 22, 1977

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FILE REF. B13a

Dear Supporters of House Select Committee on Assassinations:

The House Rules Committee did not complete action on H. Res. 9 last Tuesday. They met all day long January 25. This day long session included my testifying and being questioned by members of the Committee for about four hours.

There are still several Members of the House, who are left to testify either pro or con, at a meeting scheduled by the Rules Committee in continuation of consideration of H. Res. 9 for next Tuesday, February 1. If the Committee completes consideration and takes favorable action on H. Res. 9 that day, the resolution will be scheduled for a vote on the House floor on Thursday, February 3.

Reconstitution of the House Select Committee on Assassinations continues to be a long, hard struggle, and I am appreciative of the help that you have been giving me.

I am enclosing, for your information, a copy of my testimony before the House Rules Committee (however, you would have to read the entire transcript of the Rules Committee hearing that day in order to get a complete picture of the issues involved from the questions that were asked), including a comparison of H. Res. 9 to H. Res. 1540 (the resolution passed in the 94th Congress last September 17 establishing the committee). Also, on the back of this letter is a reprint of an article from the Washington Star. The article is, generally speaking, accurate.

Sincerely,

Henry B. Gonzalez
Henry B. Gonzalez, M. C.

Assassination Panel's Future Is Left Dangling

By Jeremiah O'Leary
Washington Star Staff Writer

The House Rules Committee, hanging like a hung jury over the fate of the Select Committee on Assassinations, has put off until next week the decision of whether to kill off the panel or pass the final verdict along to the full House.

But, even with the select committee and its 73 staffers in legislative limbo, there was an obvious and growing consensus for severely restricting the controversial assassination committee chief counsel, Richard A. Sprague. At least one witness, Rep. Robert E. Bauman, R-Md., called for Sprague's resignation and Rep. Delbert Latta, R-Ohio said, "Somebody ought to put a leash on him."

Rep. Henry B. Gonzalez, D-Tex., who will be chairman of the assassination panel if it survives, was forced to fight a rear-guard action yesterday. He pleaded with the rules committee to give him a chance to reorganize the unit and re-estimate

the cost of operating the probe of the murders of President John F. Kennedy and Dr. Martin Luther King Jr.

FACED WITH THE fact that Sprague has become a major issue in the fight for the committee's survival, Gonzalez said, "Staffers should be on tap, not on top."

Gonzalez sought to reassure the Rules Committee that he is aware of all the problems he has inherited and let it be known outside the committee room that he had other problems of his own since it became obvious he was going to succeed lame-duck Rep. Thomas N. Downing, D-Va., who has retired.

Gonzalez told newsmen he has been informed by the FBI and Texas police that he was the target of one assassination "contract" for \$35,000 last October and another "hit" in December.

Gonzalez said he has never been able to ascertain from the FBI what

the motive was for the reported plots against him or what became of them.

Rep. B. F. Sisk, D-Calif., told his fellow Rules Committee members that he has received threats from Los Angeles and Detroit and that his staff has been cursed because he was perceived as leading the opposition against reconstituting the assassination committee.

BUT ESSENTIALLY Gonzalez put his reputation as a hard-working and well-liked legislator on the line as a guaranty in return for consent of his peers to carry on with the investigation. He asked the Rules Committee to report out the resolution to reconstitute the select committee so that the House can vote its will.

Chairman James J. Delaney, D-N.Y., said he was disposed to put the resolution forward and let the entire House decide.

While that may be the result next Tuesday after the Rules Committee hears more witnesses and then votes on the assassination committee's fate, another consensus appeared to be developing.

The mood of the committee seemed to indicate that the best Gonzalez can get at that level is a 90-day extension at the present rate of expenditure until the issues of cost, longevity, investigative techniques, staff controls and other arguments are settled in the House Administration Committee and on the House floor.

MEANWHILE, Sprague and his 72 staff employees are on no payroll and even the subpoenas they have issued for witnesses have become null and void. It is known that Sprague already has reduced his onetime rock-bottom budget estimate of \$6.5 million for the first year of operations to \$4 million. House members indicated yesterday

there is little likelihood of even \$4 million being approved even if the committee is extended for 12 months.

There were these other developments yesterday:

- D.C. Delegate Walter E. Fauntroy got into a tangle with Sisk when he spoke of "new evidence" uncovered in the assassinations by the staff, then changed his statement to say the staff was "pursuing new leads." When Sisk pressed him to disclose the new information, Fauntroy said he did not feel at liberty to do so.

- Rep. Richardson Preyer, D-N.C., defended Sprague, saying, "He's had no experience with Congress, he's demonstrated he is no diplomat, but he's good at tracking down killers. His staff will get some answers (to the questions revolving around the two assassinations), but it needs to be Congress-broken."

- Rules Committee members said they heard the Sprague staff might be going to Cuba to try to get a deposition from Fidel Castro about the Kennedy death and to Africa to interview a witness in the King case. • Other members were concerned that the assassination committee will be doing investigations that four other existing committees may already have jurisdiction in what Sprague and his staff will be investigating if they are continued.

THE RULES Committee, it seems apparent, will report out the resolution next week, but the heated debate of yesterday was only the first round. Capitol Hill veterans predicted more trouble ahead when Gonzalez comes up with a new, reduced budget and asks for funds and permission to get started.

STATEMENT OF CONGRESSMAN HENRY B. GONZALEZ IN SUPPORT

OF HOUSE RESOLUTION 9, BEFORE THE HOUSE RULES COMMITTEE, JAN. 25, 1977

Mr. Chairman, Members of the Committee, I appreciate having an opportunity to appear in support of House Resolution 9, reestablishing the Select Committee on Assassinations and providing interim funding under the provisions of House Resolution 11.

I have come here today making this request for approval of H. Res. 9 fully realizing the impact of some of the controversy surrounding the use of various investigative techniques, the proposed budget and the activities of the Chief Counsel.

First, a proposal was made by the staff for the use of polygraphs and stress analyzers. These items have never been used. I am personally opposed to their use. Before they could be used they would have to be approved by the full committee after careful debate and deliberation. I am confident that once it is reestablished and the Members have an opportunity to meet, that the Committee for the 95th Congress will not sanction the use of such devices.

Furthermore, I have made it clear that each and every investigative technique proposed to be used will be carefully considered and decided by Members of the Committee.

Second, questions have been raised about the size of the proposed budget of \$6.5 million. Until we are reestablished as a Select Committee there cannot properly be a budget request. Once the Committee is reestablished, the Members will have to thoroughly review and evaluate the proposed budget. We will then be in a position to justify each and every expenditure. At this point, we do not know what the budget request will be. I can only state that whatever the amount of the request, the Committee will be prepared to justify it and I believe it will be acceptable to every Member of the House who wants to see a thorough, professional, independent investigation.

Third, various questions have been raised about the activities of the Chief Counsel, Richard A. Sprague. Some of the stories which have been published about him were dredged from the turgid and murky waters of big city politics. They are political and bear no credence. As to his frequent contact and visibility in the media, I have already prepared a draft of proposed rules for both the staff and the Members of the Committee. Once we are reconstituted the Members of the Committee will then be able to immediately consider and adopt such rules.

Fourth, while I propose to speak for no other Member, I am sure that I reflect their strong feelings that this investigation will be conducted under the highest professional and ethical standards. I can personally assure the Members of this Committee and of the House that this investigation will be carried out in the most professional manner so there will be no doubt as to our credibility or that of this House.

It is important to point out that I have not yet served as the Chairman of the House Select Committee on Assassinations. Even though I was the originator of legislation creating the Select Committee on Assassinations I was not named the Chairman of the Committee when it was first established last September. Therefore, it is important to understand that I have inherited the errors and misjudgments that have been made during a period when I was not the person in charge.

I have devoted myself, and much of the time of my personal staff, to meeting the challenge of these circumstances, and it is my judgment after very close consideration that there is nothing so dire that cannot be resolved or corrected. The work that has been done thus far by the legal

and investigative efforts of the Select Committee's staff is commendable and outstanding.

At such time that this Committee is reconstituted and I am officially made the Chairman by House Speaker, Thomas O'Neill, it is certain that some staff adjustments will be made, and there is no doubt in my mind that after these adjustments are made we can work together in such a way that no further missteps are taken that could cause harm to this body or these investigations.

Mr. Chairman, my colleagues, I have long sought enactment of legislation establishing a House study of the political assassinations.

I feel strongly about the need for assessing the impact of these assassinations on our country, and getting to the truth of why they happened so that we can prevent such events from happening again.

There has never been a period of time in the history of our country like the decade of political assassinations which began with the murder of President Kennedy and included the death of Dr. King.

This decade of assassinations shook the foundations of our democracy and has had lasting effects on the people -- too many of whom have very serious doubts and fears about their government and its ability to cope with forces both within it and loose throughout the land.

I sincerely did not seek the establishment of this Select Committee so that I could become the Chairman. The thought did not even cross my mind. Maybe it should have, because I certainly have other objectives and responsibilities which must be considered too.

All I have wanted from the beginning is the truth about these crimes against the people, and this is why I seek reestablishment of the Committee first established through legislation I originated.

I cannot think of anything more important for us to do here in the Congress, as elected representatives of the people, than to insure that the people have the option to choose their national leaders by ballot, rather than subjecting them to the possibility that bullets may eliminate those who could possibly serve, or who might continue to serve, in either a volunteer or elected position.

When I first introduced my proposal in the 94th Congress -- on February 19, 1975 -- calling for a Select Committee to study the circumstances surrounding the deaths of President Kennedy, U. S. Senator Robert F. Kennedy, Dr. King, and the attempt on Governor George Wallace's life -- I was serious, but since I was not taken too seriously at the time I had no reason to know much about the forces in this country that are dedicated to keeping the truth from being known.

Now that the Committee has been a reality and the investigations begun, I know full well that there are strong and organized forces dedicated to stopping these investigations in their tracks.

Nevertheless, I am willing to stand up to these forces, and I hope that you are willing to give me and my colleagues, who want to continue to serve on this Committee a chance to give the people a full accounting of why President Kennedy and Dr. King were slain.

Those of you who served on the House Rules Committee during the 94th Congress know that this Committee on September 15, 1976 favorably reported out House Resolution 1540, which authorized a Select Committee on Assassinations. On September 17, 1976, the House passed that resolution. Thus, four months ago, the House debated, deliberated and determined that

there should be full and complete investigations into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

The initial reasons for the establishment of a Select Committee were thoroughly discussed and obviously dispositive to the overwhelming numbers of the Members of the House who voted in favor of that resolution.

First of all, the inadequacies of the investigations in both assassinations and the questions which have been raised, as well as independent findings of other Congressional Committees that in the case of the assassination of President Kennedy the Warren Commission was not provided with all the evidence, continue to be compelling reasons why the investigations must be carried out.

Similarly, Mr. Chairman, it was certainly the will of the American people that these investigations should once and for all solve these assassinations and determine the truth. To this end I would simply remind the Members of this Committee that both a CBS and a Detroit news poll indicated that 65% and 87% of those polled do not believe the conclusion of the Warren Commission. A poll by the Philadelphia Daily News indicated that 96% of those polled supported the need for investigations. Thus, the will of the American people to fully investigate these assassinations was carried out by the House last September by the passage of House Resolution 1540. A recent Gallup Poll indicated that only 11% of the people believe the conclusion of the Warren Commission.

During the span of its short life in the 94th Congress, the Select Committee found previously undisclosed evidence, critical witnesses who had never been questioned, and revelations which lead to serious questions that must be resolved.

Can we, like an ostrich, now hide our heads in the sand and pretend this evidence does not exist? If we do, I submit we can be accused of the greatest Congressional cover-up in history. To do so would be tantamount to the Senate Watergate Committee discovering the existence of the tapes and not inquiring further, or the House Impeachment Committee drawing a Bill of Impeachment and not proceeding.

Further unwarranted delay would demonstrate vacillation and indecisiveness which ultimately damages our credibility as Members of this House.

Mr. Chairman, the evidence is compelling -- it will not be washed away -- it cannot be ignored. As I said earlier, to stop now would be unthinkable. It would demonstrate to the American people that when faced with this challenge we turned our backs on the quest for the truth.

In closing, I would like to call your attention to a comparison of H. Res. 9 to H. Res. 1540 of the 94th Congress which I am submitting with this testimony, also copies of material from the Congressional Record relative to the need for the reconstitution of the Select Committee, and to the exchange of correspondence I have had with Congressman Don Edwards in response to his initial letter to former Select Committee Chairman, Congressman Thomas Downing, who is now retired.

Again, I ask for your support of this effort to find the truth, and welcome any questions you might have.

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COMPARISON OF H. RES. 9, 95th Congress, TO H. RES. 1540, 94th Congress

Mr. Chairman, House Resolution 9, introduced by Mr. Wright on January 4, 1977, to re-establish the Select Committee on Assassinations is different from House Resolution 1540, 94th Congress, which initially authorized the Select Committee. The purpose for the additions to the original authorizing resolution are to state and express legislative purpose, broaden the language of the resolution to withstand anticipated legal challenges to subpoenas and to promote the efficiency of the inquiry by allowing specifically designated Committee counsel to take sworn statements from witnesses.

First, H. Res. 9, creates a Select Committee on Assassinations effective January 3, 1977. The language creating the Select Committee is the same as H. Res. 1540, with the additions of the effective date and the name of the Select Committee.

Second, while H. Res. 1540, authorized an investigation into the circumstances surrounding the "death"(s) of President John Kennedy and Dr. Martin Luther King, Jr., H. Res. 9, provides for an investigation into the "assassination, murder, homicide and death" of President Kennedy and Dr. King. While the additional language, assassination, murder, homicide, does not broaden the scope of the inquiry, the additional language provides a broader legal basis for the enforcement of subpoenas. For example, if a court were to narrowly construe the term "death" it may conclude that "death" is not per se illegal and thus not enforce a critical subpoena. Clearly, assassination, murder and homicide are illegal and comport with our express legislative purpose for the inquiry.

Third, unlike H. Res. 1540, H. Res. 9, provides an express legislative purpose. I would like to point out that the addition of the express legislative purpose does not confer legislative jurisdiction on the Select Committee but does provide that legislative recommendations would be made to the House. Those recommendations would then be referred to the appropriate Standing Committees of the House who have jurisdiction over the subject matter. Even though the Supreme Court of the United States recognized that "the power of inquiry— with process to enforce it is an essential and appropriate auxiliary to the legislative function," the bounds of a congressional inquiry are limited by the areas in which Congress can legislate. Thus, in anticipation of challenges to the enforcement of subpoenas we have enumerated specific areas in which the Congress has legislated.

Fourth, we have added the words, "in any other country," to allow the Select Committee or a subcommittee thereof to take testimony outside of the United States. Again, this addition does not broaden the substantive authority of the Committee but simply broadens the places at which the Committee may sit and take testimony. We feel this addition is necessary since both Lee Harvey Oswald and James Earl Ray traveled outside of the United States.

Fifth, we have added a provision to authorize designated counsel to take statements from any witness who is placed under oath. This provision is similar to a provision used by the House Impeachment Committee and which is contained in H. Res. 803, Section 2(a), 93rd Congress. It is also similar to the authority contained in Section 3(a) of S. Res. 60, which established the Select Committee on Presidential

Campaign Activities. Additionally, the taking of statements or depositions under oath is consistent with Rule 28 of the Federal Rules of Civil Procedure. The purpose of this provision is to promote the efficiency of the investigation by avoiding the necessity and expense of having Committee Members travel to take testimony or of bringing witnesses to Washington. Similarly, if a witness wishes to volunteer information, the witness will be less likely to volunteer false or misleading information if the statement which he gives is under oath. Of course the Committee will establish strict guidelines for the taking of such statements to fully insure that the rights of witnesses are protected. We believe that this method of taking such statements is entirely consistent with the conduct of a professional investigation.

Sixth, H. Res. 9 provides that "one-third of the Members" shall constitute a quorum. This language is consistent with House Rule XI, Clause 2(h), as adopted by H. Res. 5, 95th Congress, January 4, 1977.

Seventh, we have added, "or any subcommittee thereof," to the language providing for the issuance of subpoenas. Since two subcommittees were formed during the last Congress, the provision would clearly delegate the authority to authorize subpoenas to the subcommittees as it would to the Chairman of the full committee.

Eighth, we have added language which expressly provides for contempt of Congress and to the granting of immunity to witnesses by the Select Committee. While this authority is already provided by the cited statutes, we noted that the Senate Select Committee on Presidential Campaign Activities authorizing resolution (S. Res. 60) contained such a provision. That provision was the subject of litigation in the United States District Court for the District of Columbia as it related to David R. Young. Again, it does not broaden the authority of the Select Committee but in the event this provision would involve litigation it would be clearly contained in our authorizing resolution.

Finally, we have added a provision in the Resolution which provides for the adoption of written rules. Unfortunately, the Select Committee did not adopt rules other than the Rules of the House when it was initially created and this provision would mandate the adoption of such rules.

In summary, Mr. Chairman, the changes which are contained in H. Res. 9, which were not contained H. Res. 1540, were added in contemplation of challenges to the enforceability of our subpoenas and to provide a clear legislative purpose for the inquiry.