

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

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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

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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

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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

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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

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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

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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 --

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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.

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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.

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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

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