

Forward

Blakey

C) The Plot to Kill the President is the title of a book by G. Robert Blakey and Richard N. Billings. ^{a)} As a work of fiction it is not an inappropriate title but as what it claims to be, a work of nonfiction which it is not, it is more than merely inappropriate. It is a deceiving title because while the authors began with the belief that the mafia killed President John F. Kennedy, by the time they finished their book they did not even have a legitimate basis for their preconception.

Blakey was the general counsel and staff director of the House Select Committee on Assassination. Heran that investigation, from the first, seeking proof for the notion he seems to have gotten when he was on the Department of Justice in its ^{mu} Organized Crime section.

I do not now have access to my records, which are at Wood College, here in Frederick, where they will be a free public archive when all that needs being done has been done, but it is my recollection that with Blakey making the demands of the FBI, he got ^{close to} about the same number of mafia records that he did on the JFK assassination. ^{on perhaps a bit more.}

Before the House voted to establish that assassins committee, I had filed a number of lawsuits, mostly against Justice and its FBI, in an effort to make them disclose what they kept secret about that assassination. In one of those lawsuits, ^{CA 75-1996,} I got the FBI internal records relating to what they intended doing when Blakey made his demands for their records. Several of those memo state they would

Withhold all the could and if that did not work, they would give that committee as little as they could of what had ~~xxx~~ already been disclosed to me! ^{They} ^{been compelled to} ^{if I give him only some of what was public & literally}

And that to Blakey the FBI was able to do substantially that aside from the mafia record, which had no relevance at all,

According to the FBI's records, that committee did get more records, in all, than I did, but I got quite a bit more assassination

than that committee did. And, ^{the committee had already} most of what it got, ^{was} already public before the FBI let the committee have ~~those~~ ^{copies} of them!

That committee was ^{mandated} ~~formed~~ to investigate both the ^{President} Kennedy assassination and that of Martin Luther King, Jr.

As investigations ^{of} they were both farcical. They did not get ^{relevant information} any more from all the government agencies than they used to ~~find~~, if ~~that~~ ^{right} that is the word, what had been decided officially long before they had been created.

Blakey ran that committee. Not at first ^{but} for most of its life. Billings, who had been an editor of Life, ^{editor and his} was his flack, "Flack" was not his ~~official~~ ^{one of his} job title but it was his function, as it seems to be in this book.

Blakey succeeded Richard Sprague, former hot-shot Philadelphia district attorney.

Sprague had asked me in, I presumed to ask what he could get from me relating to his assigned investigation, but that he did not ask, not in any form. He spent a long morning ^{and overly-busy} putting on an act intended to convey the notion that he was an important man. When

I got to where he ~~had told me to go~~ he was behind a very large desk, with ^{With phones ringing all the time} ~~scars~~ of people around him and coming in and going out.

We had - could have had - very little conversation about anything at all. I spent just about all the time I wasted there just observing the unimportant way in which he sought to make himself seem to be important. In a well-run investigation ^{those} that things, for the most part, are handled by subordinates.

Sprague had, however, gotten himself ~~my~~ much publicity, mostly personal publicity, as he let the press know who he was and what he was doing and expected to do. Most of what he said might have been acceptable ^{elsewhere} but in the ^{Congress} Congress it was not. Especially not the

preplanned and ~~ac~~ announced acts that the Congress did not permit in its name.

I do not remember his making a single reference to the JFK assassination at the time I was with him. He did, once, refer to the King assassination. He asked if I would speak to some of his King assassination staff and I readily agreed.

But as I left I told him that the ~~XXXXXX~~ Congress was a different world than he ~~was~~ was used to, that I knew from having worked there, and that if he continued the way he was ~~going~~ going ~~the~~ they would cut him off at the knees. (I had been first an investigator and then ^{the} editor of the Senate Civil Liberties Committee, as it was best known, from 1936 until the end of 1939.)

When that ~~ap~~ happened, the Gainesville, Florida lawyer who was, temporarily, chief counsel, until the committee was reorganized and Blay was made permanent chief counsel, phoned to tell me he had seen me as ^{Merlin}, remembering the future ^{to} ~~to~~ ^{Diague}.

My visit with the King staff was no more gratifying. It was not interested in established fact and ^{a very loose line} save for Ozer, who did not stay long, disclosed no interests. Ozer was gung ho! for proving Ray guilty, not for ^{any} investigation. And, it happens, that is House assassins' view that was formalized in its so-called hearings, the effort to prove the innocent and framed Ray was guilty. No other interest of any kind was indicated. When I offered them what until then was the only King assassination information given under oath and in federal court, I had to embarrass the young lawyer who did, finally, take them. They were not returned until I made repeated demands as that committee was reaching the ^{end} of its life and then one volume of the fourteen was missing. Fortunately, although it had made no use of that evidence, the committee had copied those fourteen

days of sworn testimony none of which was refused.

But before Blakey took over, ^ZOzer confirmed my belief that instead of investigating the King assassination, the committee's mandate, it had decided in advance, at least the general counsels had, whether or not the Members had, that its function was to confirm the official assassination mythologies. Ozer had kept after Jim Lesar, then still Ray's attorney, trying to get him to grant permission to interview Percy Foreman, the lawyer who had put Ray away over Ray's ^{on}strong objections. Finally, ^{Lesar}Jim asked Ozer why he was so intent upon interviewing Ray's former lawyer. Ozer replied, "So we can convict Ray."

When Ray had finally given in to Foreman it was because he feared that if Foreman threw the case in court he, Ray, would be worse off than if he entered a technical plea of guilty, ^{fore}Foreman, which the district court judge had told Ray he would not permit, and then used a Tennessee law which provided for a "new trial" if requested within a month of the plea ^{what had been} entered.

Ray did notify the ^{Judge Preston Battle}district court as soon as he was in the Nashville jail, that he would be entering such a plea and then he did

To jump ahead, when Lesar and I were exercising "discovery" prior ^a to the evidentiary hearing, ^{Battle}we found that the judge had begun what could have been the granting of that Ray request for a "new" trial (when he had never had any trial) and then had dropped dead over his ^{his}begin writing that traditional yellow paper. (We also ^{his office}discovered that ~~his desk~~ had been stripped of all that could safely be removed from it. ~~Even~~ Even his desk calendar that been removed and replaced by a new one in which the only appointments Judge ^{4 few}Prestin Battle had for the entire year were ~~the~~ medical and dental.

Not m - not a single one - *relates me to this nationally impor- out call - in which Battle had many appointments, including with the media and with lawyers*

For all the time he sat on the Ray case Judge Battle had not a single other appointment to record on the daily pages of that calendar. *which gives an idea of how things were in Memphis then, and a glimpse of what Lesar faced on relevant words missing and with court + 1000 delays*

One of the bases for Ray's plea for a new trial made after the dead Battle was replaced was that Ray had not had the effective assistance of counsel from Foreman. We believed that we had made that case ~~but~~ the federal district court judge, Robert Mackay, ~~was~~ did not agree. His belief was that, as he put it in his decision, that guilt or innocence were not before him but without doubt the approach we had ~~taken~~ had made that the basis of our request for the trial Ray never had.

After discovery, Lesar and I ~~had~~ divided the work, He took the law and I the ~~fact~~ facts, the evidence. With Foreman then the most famous criminal lawyer in the land, now could ~~we~~ we prove he had not given Ray ~~the~~ ^{his} effective assistance ~~or~~ ^{as} counsel? I decided that the only way we could do that was to present to the court what Foreman had not used in Ray's defense. In fact, Foreman used ~~and~~ ^{nothing} and did

nothing at all. He saw Ray, in all, only for ten hours in ~~total~~ all the time ~~he~~ represented Ray. The ~~was~~ ~~case~~ ~~we~~ ~~put~~ ~~an~~ ~~acquitted~~ Ray, and that was the case Foreman could and should have put on instead of ~~bulldozing~~ ^{pressuring} Ray into the plea Ray did not want to make and, as man not guilty, should not have been ~~forced~~ ^{believed that what} to make.

It was our ~~belief~~ ^{belief that what} when we ~~put~~ ^{put} in the case of Ray's innocence that was not refused we had shown ^{as dramatically} as it could be shown that Foreman had not given Ray ~~the~~ ^{his effective} effective assistance ^{of} of counsel ^{at} that had been prepared by a ~~poor~~ ^{poor} man who had no resources or special connections ^{me,} whereas Foreman was an influential and a wealthy practitioner.

and able

Apparently the judge took into consideration what his prospects for survival were in racist Memphis and that is what dominated against Ray and against justice, his decision, MacRae also knew that if he was not visited by violence he would be a social ~~apartheid~~ pariah in the Memphis of those years.

^{see} These things I say and ~~how~~ how I say them, like the foregoing and what follows, may be considered by some to reflect bias or some special dislike ~~of~~ or prejudice against those of whom I

write
It is especially one of the
and for the kinds of bad conduct ^{and} ~~or~~ refusal ^{to} meet obligations, ^{particularly}

to meet ~~ones~~ obligations as honestly and as ^{truthfully} as is possible, ^{should be able to expect from} ~~to what we~~ all ~~expect~~ of public employees, nor of those who undertake such ^{great} obligations as investigating ~~of~~ such major tragedies as these two ^{assassinations} investigations, of the President and the man regarded by ^{many} as the black messiah, two men who ^{gave} gave hope to so many.

As is never said by any of the major media, by those who are most prominent in it or by any politician, ~~is that~~ the assassination of any president is a de facto coup d'etat, and in our society a coup d'etat is the greatest subversion. In writing about that, the greatest of subversions, an author intending honest ^y with his readers will not sugar-coat anything at all because the assassination

of any president is the greatest of subversions, a crime that aside from being a ^{crime} crime, the crime of murder, also nullifies out entire system of society. Writing about this ought be as straightforward, as direct and as forceful as the author ^{can} can make it. That is not an expression of prejudice or of dislike. It is an effort to be as informative as the author can be when faced with the great subversion such a crime really is. ^{and the whitewash in an investigation} If he cares for

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his country and what was done to it, an honest writer will not hide his natural emotions and that has the additional advantage of not only telling ^{the truth} the people. It also puts them in a position to make their own evaluations of the author.

That I ~~can~~ ^{harshly} write/about the Blakeys who made ^{the} those great tragedies of those two assassinations even greater tragedies is not a reflect of how I feel of them. I use language justified of dishonesty and prejudice, by their dishonest records, and in their records, ~~that~~ they portray themselves, personally and professionally.

Relating to this I note still ^{again} that vigorously as I expressed myself, ~~as~~ strongly as I was critical of so many, including Members, others on the Blakey level and lawyers and special agents, of the FBI in particular, going back more than thirty-five years, I have not received a single phone call or letter from any one of them claiming that in what I said of him I was unfair or ^{inaccurate} ~~unkind~~.

And what they did to this country deserves, at the least, harsh criticism. It cannot be ^{excused} excused. Or justified.

In a sense Blakey's offenses are ^{greater} greater than those of Lee Rankin, who had the same position on the Warren Commission. Rankin knew what he was doing when he did it and there is no excuse for him, either. But by the time Blakey directed the supposed investigations of the House assassins committee, he had full knowledge of all the criticisms of Rankin and of the Warren Commission, But instead of correcting them, Blakey took that same ^{unjustified} course in his own way.

Despite his contrary pretenses Blakey did not hide his intent to defend and protect the ^{many official} ~~my~~ assassination mythologies, the fabrications substituted for the fact that was in hand and unrefuted. Blakey's most obvious ^{of} his many disreputable tricks in doing his

dirty work in his own way was to begin ~~near~~ ^{each} public hearings with what he referred to as his "narrations." In these brief begin beginnings of those hearing he would "narrate" what he said individual ~~crit~~ critics had said and ~~then~~ ^{then} say ^w that was he said those critics had said would be addressed in that hearing.

The actuality is that in those hearings, instead of ^Ninvestigating those assassinations, Blakey undertook to ^{some of} refute what the critics had ~~said~~ said. He picked what he wanted to ^{put down} put down, of course. Some were *incredibly extreme, too.* With a single exception: he never once mentioned me or quoted what he said that I'd said.

When it was ~~beyond~~ ^{beyond} question that that he was burying truth deeper, confusing and misleading the ~~fac~~ ^{fac}ing people even more, *and in-* *tended to,* I made myself a one-man truth squad and, without once requesting confidentiality or anonymity. I proved ~~what~~ ^{what} he said to be wrong, factually incorrect.

Without any kind of complaint from his ^M ^N direct or indirect.

Some of my exposures of Blakey got extensive attention. One ~~of~~ ^{of} his dishonesties, when I ~~gave~~ ^{gave} it and documentation of it to the St. Louis Post-Dispatch, made a ^{series} series of four page-one articles that, in extensive syndication, got that kind of attention in the newspapers ^{which} ~~who~~ received copies from the Post-Dispatch.

I kept no separate file on this but it was extensive and it had to be embarrassing to Blakey, who was portraying himself as virtually another Perry Mason and then read in the papers the ~~truth~~ ^{truth} he misrepresented, the fact he distorted or suppressed, and in not a single one the many ^{instances} incidents did he ^{make} ~~have~~ any criticism of what I had said in criticism of him and of how he was running his committee.

Until, finally, a reporter asked him if had ^{anything} anything to say

about what I was saying about him. In obvious anger and frustration but in not once getting to the fact of it all, he exclaimed, "Weisberg? Weisberg? He can kiss my ass."

Most papers were unwilling to publish anything like that but ^{then} George Lardner, of the Washington Post, phoned me and told me what Blakey had said and asked if I objected to its publication.

^{he laughed} I laughed and said I had no objection ^{if then} and what ~~Blakey had said~~ ~~instead of proving he had done no wrong, said no untruth~~ ~~when he could do neither,~~ was published in the Post.

With no subsequent comment by Blakey.

Blakey's inability to respond to anything I said about him and his committee, his frustration, were their own kind of endorsement of what I'd said about him and about his committee.

We had only one direct contact during all the time he ran that committee. He wrote or phoned me asking if I would talk to him and an assistant of his. I replied, in writing, that I'd be glad to but for him to bear in mind that because I'd been Ray's investigator I had to regard some of our direct contact as confidential. I place no restriction on anything else. Including on what I learned as Ray's investigator. As Blakey should have known, I had given his assistants the full set of transcripts of that evidentiary hearing ^{which} lasted for fourteen days, ^{twenty eight transcripts.}

Quite some time passed and then I got another letter from Blakey. I cannot quote it directly because it is with all my records, at Hood College, where those records are being prepared for access to them. But the sense of his second letter is that they had decided not to talk to me about the Ray case because ^{of} my relations with ^{Ray} ~~him~~, because they required confidentiality. ^{with} in my reply I told him ~~that~~ his mandate was not to investigate

evidentiary hearing

Even though from the very first they had, from me, the unrefuted,
sworn-to proofs ^h that Ray was not only innocent but ^{not} ~~the~~ the crime ~~see~~
as offically alleged, was a completely impossible fabrication,
a total manufacture that ^{had} ~~he~~ no support of any kind

any "Ray case," that I had helped draft the resolution which created his committee and there was no mention of any Ray case in it, either. I said his responsibility was to investigate the King assassination and in telling him and his committee what I knew of it I had no confidential relationship of any kind and would be glad to give him and his committee anything I had on their mandated investigation, of the King assassination, he or they might want.

I never heard from Blakey again,

It had been obvious from the first that under Blakey that committee was out to prove Ray guilty and to do nothing else about the King assassination. As the committee neared the end of its legislated life it called a Ray sister, Carol Pepper, and then a brother, John Ray. Earlier it had called the youngest brother, Jerry Ray.

They all had gotten to know me and to trust me. Carol asked me to appear with her. I said I would but that she really did need a lawyer. So, Jim Lesar and I went to the house room in which she was told the hearing would be.

It turned out that that was a secret hearing, held in a small hearing room, with no observers allowed. When the then Chairman of the King subcommittee, Reverend Walter Fauntroy, a black man who liked to call himself "Congressman", which he was not. He was the "delegate" from the District of Columbia. One states have Members of the Congress and Washington, is not a state.

When Fauntroy got there he looked down on us and asked nobody in particular, "Who is that?" I told him. He kicked me out and there was nothing I could do about that.

When John was subpoenaed he also told me he's like me to sit with him and I told him also that he urgently needed a lawyer. So, at

the hearing the next morning, at the witness table in that public hearing, with the large hearing room filled, Jim Lesar sat in the middle, John sat ^{on} his left and I on his right. There was no hint that I ought not be there and I could help Jim, who was under great pressure from the antagonistic committee members, particularly some of the Black members. I could pass him notes, make suggestions and help him with answers.

At one point the insults from the chairman, Representative Louis Stokes of Ohio, were so nasty that Jim, a peacenik under string assaults in many FOIA lawsuits but who never once lost his temper in the, gave Stokes a hard look and said what was widely misunderstood, "Congressman, I invite you to leave this room and repeat what you said."

Stokes did not. Instead he recused himself and left the hearing room.

Lesar was not inviting Stokes to leave the hearing room and fight. Lesar said what he said because the legislators are immune in all they do that is part of their official duties, but they are not immune in personal matters. In that room, Stokes was immune in what was really libelous but outside that room he had no immunity.

One of the notes I passed to Jim was suggested that he asked for permission to file comments and corrections relating to errors in the documents they used, and that what we provided would be printed as part of that hearing. The committee could hardly refuse that when we had said, on the record and before that large audience and tell these reporters that their records contained factual errors. But that did not prevent the committee from doing all that could to make the filing of a statement in time to be in-

cluded in the hearings when they were published. I think the total time was less than two weeks. And the committee, which had promised to give us copies of those ~~documents~~ documents to use and not to have to depend on our memories, did all it could to make a response impossible. It's dirtiest of a series of dirty tricks was to send the copies of its ^{of}unfactual records to John Ray, ^{then} in jail on a come-up. And not all in one large envelope. I got the last ones the last day I had to work on what we would file, the day before the morning I filed it at the committee's last hearing.

My wife finished the ~~retype~~ clean typing about two in the morning of the committee's last day. I was on the bus with it at six that morning, at the hearing room before nine and the deadline was met.

I'd had no time to address some of what needed addressing and I'd not had time to read and correct or to edit my rough draft. As I was ^{writing} doing it my wife was retyping it. It is of forty-nine of fifty pages and is printed in facsimile in that committee's volume eight of its King assassination books of hearings and exhibits.

There is nothing good I could say about that committee, which I always referred to as the House assassins committee, and when I expanded on that I said that it assassinated truth. I had every reason not to like them and what they did but that does not account for the severity of my ~~criticisms~~ criticisms of the committee and some of its Members.

Similarly with the JFK hearings. I had ^{plenty} ~~plenty~~ of criticisms of the FBI, which I sued under the Freedom of Information Act about a dozen times. In the end I got JFK assassination records

records from the FBI totalling about a quarter of a million pages, with those relating to the King assassination the total was about a third of a million pages. And the FBI was able to pull even dirtier trick in that case to stonewall and to avoid complaine. One that I believe is without duplication was to ~~the~~ talk the judge in that case, CA 75-19976, June Green, into

having me, the plaintiff, act as counsellor to the defendant I was suing, the Department of Justice and its FBI. ~~Wrong~~ Wrong as that was, until I could get it all done and handed in, the FBI claimed it could not do a thing. ~~One~~ Once ~~it~~ ^{in the FBI} Handed it ~~is~~ it did ~~not~~ not a thing, paid no attention to anything in it. Not only that, it cheated me. To get the judge to have me act against my own interests, the Department told her it would pay me at its regular consultant rates. But once I turned it in the Department lawyers said that the ~~lacked~~ lacked the authority to make that payment.

I think that was a lie because on the records the assistant chief of the civil division, the number two man in it, had appeared to assure the judge that they would pay me.

When the Civil Division said at the end that it had ~~no~~ no authority to pay me. the judge had not a ~~word~~ word of criticism ^{for} ~~fr~~ it or any of its personal for ~~even~~ defrauding me and she made no effort to learn if the ~~re~~ authority did ~~not~~ or did not exist.

In another of my FOIA lawsuits against the Department and its FBI, when I was wearing of the FBI and its endless perjury in which it was always immune, although perjury is a felony, I decided to go head to head against the FBI in an effort to end that perjury, which tainted just about all cases.

I could have filed those charges in a pleading by my counsel and it then would have been immune. But to get head-to-head I filed

the agencies operate illegally. The problem is that in the quest for law and order, case after case after case after case has been thrown out because the law enforcement and intelligence communities acted illegally. So I do not think we attain any particular status of accomplishment in conquering organized crime, or any crime whatsoever for that matter, with illegal activities resulting in cases being thrown out of court.

I would suggest that the record speaks for itself. Frankly, I never thought the record of former Attorney General Ramsey Clark was that good. But, comparing his record with that achieved by succeeding Attorneys General, he looks like Tom Dewey in his prosecutorial heyday.

Mr. HRUSKA. That record is bad, but do we want to make it worse by adopting this amendment which threatens to tie the hands of the FBI and dry up their sources of information? I say, with that, the soup or the broth is spoiled, and I see no use in adding a few dosages of poison.

The pending amendment should be rejected.

Mr. KENNEDY. Mr. President, I do not recognize the amendment, as it has been described by the Senator from Nebraska, as the amendment we are now considering. I feel there has been a gross misinterpretation of the actual words of the amendment and its intention, as well as what it would actually achieve and accomplish. So I think it is important for the record to be extremely clear about this.

If we accept the amendment of the Senator from Michigan, we will not open up the community to rapists, muggers, and killers, as the Senator from Nebraska has almost suggested by his direct comments and statements on the amendment. What I am trying to do, as I understand the thrust of the amendment, is that it be specific about safeguarding the legitimate investigations that would be conducted by the Federal agencies and also the investigative files of the FBI.

As a matter of fact, looking back over the development of legislation under the 1966 act and looking at the Senate report language from that legislation, it was clearly the interpretation in the Senate's development of that legislation that the "investigatory file" exemption would be extremely narrowly defined. It was so until recent times—really, until about the past few months. It is to remedy that different interpretation that the amendment of the Senator from Michigan which we are now considering was proposed.

I should like to ask the Senator from Michigan a couple of questions.

Does the Senator's amendment in effect override the court decisions in the court of appeals on the Welsberg against United States, Aspin against Department of Defense; Dillow against Brinegar; and National Center against Weinberger?

As I understand it, the holdings in those particular cases are of the greatest concern to the Senator from Michigan. As I interpret it, the impact and effect of his amendment would be to override those particular decisions. Is that not correct?

Mr. HART. The Senator from Michigan is correct. That is its purpose. That was the purpose of Congress in 1966, we thought, when we enacted this. Until about 9 or 12 months ago, the courts consistently had approached it on a balancing basis, which is exactly what this amendment seeks to do.

Mr. President, while several Senators are in the Chamber, I should like to ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Furthermore, Mr. President, the Senate report language that refers to exemption 7 in the 1966 report on the Freedom of Information Act—and that seventh exemption is the target of the Senator from Michigan's amendment—reads as follows:

Exemption No. 7 deals with "investigatory files compiled for law enforcement purposes." These are the files prepared by Government agencies to prosecute law violators. Their disclosure of such files, except to the extent they are available by law to a private party, could harm the Government's case in court.

It seems to me that the interpretation, the definition, in that report language is much more restrictive than the kind of amendment the Senator from Michigan at this time is attempting to achieve. Of course, that interpretation in the 1966 report was embraced by a unanimous Senate back then.

Mr. HART. I think the Senator from Massachusetts is correct. One could argue that the amendment we are now considering, if adopted, would leave the Freedom of Information Act less available to a concerned citizen that was the case with the 1966 language initially.

Again, however, the development in recent cases requires that we respond in some fashion, even though we may not achieve the same breadth of opportunity for the availability of documents that may arguably be said to apply under the original 1967 act.

Mr. KENNEDY. That would certainly be my understanding. Furthermore, it seems to me that the amendment itself has considerable sensitivity built in to protect against the invasion of privacy, and to protect the identities of informants, and most generally to protect the legitimate interests of a law enforcement agency to conduct an investigation into any one of these crimes which have been outlined in such wonderful verbiage here this afternoon—treason, espionage, or what have you.

So I just want to express that on these points the amendment is precise and clear and is an extremely positive and constructive development to meet legitimate law enforcement concerns. These are some of the reasons why I will support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. Mr. President, I should like to point out that the amendment proposed by the Senator from Michigan, preserves the right of people to a fair trial or impartial adjudication. It is careful to preserve the identity of an in-

former. It is careful to preserve the idea of protecting the investigative techniques and procedures, and so forth. But what about the names of those persons that are contained in the file who are not informers and who are not accused of crime and who will not be tried? What about the protection of those people whose names will be in there, together with information having to do with them? Will they be protected? It is a real question, and it would be of great interest to people who will be named by informers somewhere along the line of the investigation and whose name presumably would stay in the file.

Mr. President, by way of summary, I would like to say that it would distort the purposes of the FBI, imposing on them the added burden, in addition to investigating cases and getting evidence, of serving as a research source for every writer or curious person, or for those who may wish to find a basis for suit either against the Government or against someone else who might be mentioned in the file.

Second, it would impose upon the FBI the tremendous task of reviewing each page and each document contained in many of their investigatory files to make an independent judgment as to whether or not any part thereof should be released. Some of these files are very extensive, particularly in organized crime cases that are sometimes under consideration for a year, a year and a half, or 2 years.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. KENNEDY. I yield the Senator 5 minutes on the bill.

Mr. HART. Mr. President, I ask unanimous consent that a memorandum letter, reference to which has been made in the debate and which has been distributed to each Senator, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MEMORANDUM LETTER

A question has been raised as to whether my amendment might hinder the Federal Bureau of Investigation in the performance of its investigatory duties. The Bureau stresses the need for confidentiality in its investigations. I agree completely. All of us recognize the crucial law enforcement role of the Bureau's unparalleled investigating capabilities.

However, my amendment would not hinder the Bureau's performance in any way. The Administrative Law Section of the American Bar Association language, which my amendment adopts verbatim, was carefully drawn to preserve every conceivable reason the Bureau might have for resisting disclosure of material in an investigatory file:

If informants' anonymity—whether paid informers or citizen volunteers—would be threatened, there would be no disclosures;

If the Bureau's confidential techniques and procedures would be threatened, there would be no disclosure;

If disclosure is an unwarranted invasion of privacy, there would be no disclosure (contrary to the Bureau's letter, this is a determination courts make all the time; in-

Full text of Congressional Record of which this is part in top drawer of JFK appeals file cabinet.

Or my sworn-to allegations of it.

Which not a single ^{judge of that} ~~judge~~ ^{before whom we were} district paid any attention to.

All I have ~~of~~ from it is the rare compliment by the FBI, which it may or may not have meant, ^{it is also} which was an admission of ^{FBI} felonies, ^{or any of its agents} as I had alleged, and with no punishment of the FBI for any of ^{their} ~~its~~ many offenses in court.

This is but a partial account of all the ^{FBI} ~~ad~~ dishonesties and dirty tricks intended ^{to} discourage and delay me ^{if} not to deny me what I was entitled to under FOIA. I can ^{be} ~~be~~ considered a ^{basis on} ~~basis~~ for prejudice, ~~as~~ ^{only} but the fact is that it is also a partial account of what justifies ~~my~~ my refusal to honey-coat ^{ser} ~~var~~ ious official offenses that included serious crimes. I use what can be regarded as ^{harsh} ~~harsh~~ criticisms in some instances but ^{as} the record shows, those criticisms are more than justified, ⁱⁿ ~~in~~ all cases are ^{factually} correct and again, the language is suitable, considering that the offenses are all official, all without ^{any} ~~any~~ justification and all intended to ^{be} ~~be~~ bittle the magnitude of the crimes supposedly investigated and when neither ever was.

Just imagine: crimes like these, one at the very least ^a ~~a~~ de facto coup d'etat, and when officially supposedly investigated neither ~~ever~~ was, officially!

More than a decade after the Warren Report, when Blakey got his hooks into what the House of Representatives intended to be a real investigation of both crimes, he saw to it that neither was investigated. ~~He~~ Instead he set out to negate all the criticism of the Warren Report, which was as intendedly dishonest a government report as their could be. The rumor from inside that committee, ^{and} ~~and~~ it was only a rumor, is that Blakey hoped that what he was doing to save official ^{face} ~~face~~, particularly in the Justice Department, would make him attorney general.

Instead if doing any real investigation, Blakey had two ^A devices for ^{el} ~~seeing~~ ^{assassination} to ~~that~~ that, to the degree possible for him, the official mythologies were supported by the ~~at~~ House of Representatives. He had ~~panels~~ panels of experts consider some of the basic evidence, and no experts ever justified the saying ^a about experts any more than Blakey's did, that the experts ^u ~~found~~ ^{want} for those who pay them. And then he began hearings with his "narrations" and then used those ~~at~~ hearings to put criticism of the Warren Report down.

The decision not to investigate the assassination of John F. Kennedy was formulated as soon as Oswald was dead, meaning as soon as it was ~~known~~ ^{then} there would be no trial, there ^{being no} suspect other than Oswald. Deputy Attorney General Nicholas ^{Katzenbach,} the man in charge in the ^R Department of Justice with ~~Robert~~ Kennedy first absent and then having recused himself, formulated what became national policy the afternoon before the ^{assassinated} President was buried. ^{Right after} ~~The afternoon~~ ~~that~~ Oswald was killed. Two days after the assassination. At about nine that night the new president, the man who became President only by that assassination, approved ^{that policy} it after hearing about it from Bill Moyers. Then ^J Johnson ~~phoned~~ phoned first J. Edgar Hoover and then ^{meant} Katzenbach with his approval of what, as Katzenbach formulated it in more polite language, ^{declared} ~~was~~ that there would be no investigation and that Oswald would be ~~declared~~ the lone assassin.

Blakey knew this, but he did not make any mention of it. Instead he quoted the end of that Katzenbach memo, where what became the Warren Commission was urged on the new President. But the key words of that Katzenbach ^M memo are

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the ^{el} evidence was such that ~~he~~ ^{it} would have been convicted at trial.

under
my
space

(I have the Secret Service records of the phone calls referred to, first by Moyer to Johnson and last from Johnson to Kaitzenbach as well as ^{later} White House phone calls ^Hconfirming the decision made ~~at~~ that Sunday night between Johnson and Hoover.)

Blakey tells us all we need to know about Blakey and about his determination to misuse the House committee in his effort to validate the invalid Warren Report and to perhaps become attorney general by ^{his} that infamous abuse of trust and of ^{his} obligation.

Not only is not a single word of what is quote above ~~true~~ true, even if any of it had been, that brief a period when practically no FBI investigation was possible - it did not even have the right to investigate the crime but Hoover moved in illegally, as he later boasted to William ^{Wainwright}

It was terrible that ^his because ^{then} national policy ^{was} before ~~the~~ typed copy was typed, but it was as bad, if not worse, for the Blakey "investigation" to suppress it while disclosing knowledge of it in referring to the penultimate paragraph, which recommends creation of the Presidential ~~commit~~ commission. ^{NA here}

The full memo is appended. The first copy I obtained, of which the appended copy is a copy, I got from the Criminal ^{Division} of the Justice Department. Later the FBI copy was disclosed in what it termed its "general disclosures." In them the FBI sought to prevent FOIA litigation which could compel greater disclosures, a trick that failed. This Justice Department copy bears the initial of Howard P. Willens, a Criminal Division lawyer who Katzenbach loaned to the Warren Commission after he had said that he would place his eyes and ears on the Commission. ^{that} (Willens kept ^{the November 25, 1963 memo} it out of Justice Department ^{until May 24, 1965} files for a few days more than a year and a half, until eight months after the Report was issued.)

It was incredible enough for the new President to have, in effect, conspired with Katzenbach and others to see to ~~it~~ ^a that the crime by which he became President would not be investigated, but it was ^{only a} little less ^{able} horrendous that Blakey, under no compulsion and ^{with} the ~~with~~ obligation to do the opposite, suppressed this in the

non-investigation he ran ~~in~~ ^{to which it} instead of the investigation ordered by the House of Representative, which gave ~~to~~ the largest appropriation ^{it is even given only investigation money} that ~~to then was the largest~~ in our history.

With this only part of Blakey's actual record, it is obvious that no criticism of his actual record can be ~~more~~ ^{more} severe than he actually earned. *and it should be made clear to and understood by the people.*

In this connection. ^{Blakey} another word about those "invest" ^{in the} "narratives" ^e as he termed what he intended disproving ^{the} ~~the~~ ^h ~~the~~ ^o hearing when the purpose of the hearing ^{was} ~~it is~~ to develop proof, not engage in propagan ~~da~~.

Blakey built them up, like one plots a novel, getting a little hotter all the time, As he planned it and as it worked out, he ~~ke~~ kept for last ^{the meaning of a} his special distortion of an ~~assassination~~ bystander using his umbrella in ~~a~~ Chamberlain-like ^{potest} ~~potest~~, going back to the days immediately before World War II, and for his special put-down of all criticism, by his ^{planned} ~~planned~~ use of the Dallas police tape of its ~~ad~~ assassination broadcasts. He expected that to be the ~~put-~~ ^{put-} down of put-downs and for it he engaged a prestigious firm in that line of scientific work, *Bolt, Baranek*

The whole and the accurate story of that umbrella man was told by Earl Golz in the Dallas Morning News. But an imagined version had been published in which it was said that the umbrella ~~was~~ really the launcher of flechettes, miniature rockets, and that it ~~was~~ one of those flechettes that killed JFK. This is what Blakey had his eye on and the ^{grat} ~~grat~~ belly-laugh he could get from it as it put ~~down~~ all criticism ^{of} the Warren Report.

In his book ^{Blakey} says with re^markable brevity that he got the ~~the~~ tape from the Dallas police. But long before there was any

it confirmed that there had been a fourth shot. When the best shots in the land could not fire three shots in the time the ~~diff~~ ~~er~~ Oswald is official said to have fired three, including the fatal one,

word on the committee having that tape, I was told that Judy Bonner, author of a book crediting the Dallas police with all but ~~the~~ the landing of ~~the~~ the moon, who had gotten that tape from the police, had given ~~the~~ ^a tape to Mary Ferrell ^{a Dallas critic,} and that Mary had given it to ^{another} Gary Mack, who gave it to ~~Dr~~ Blakey.

Whichever version is true, when Blakey got the results of their scientific study of that ~~tape~~ ^{of} from that firm, ¹⁹⁴ Balt, ~~Baranek~~, that ~~he~~ ^{Blakey} did not ~~has~~ ^{his} have the expected ^{of put-down} bonus for ~~to~~ him. It ~~save~~ ^d him from total bankruptcy. It enabled him to do as ~~he~~ had ~~planned~~ and done through his entire ~~fiction~~ of an investigation, ~~endorse~~ ^{II} the Warren Report, while at the ~~same~~ time concluding the ~~opposite~~, ^S by ~~concluding~~ ^{that there was an} ~~another~~ ^{He then signed} crew of assassins on the Grass ~~by~~ ^{knoll}, but ~~that~~ the shot admittedly from the knoll missed ~~entirely~~.

And thus he confirmed the Warren Report, that ~~Oswald~~ was the lone assassin.

Of the great amount more of this there is we come to some, ^{not all} all being impossible, as we examine what was not The Plot to Kill the President.

This alone is more than enough to make it clear that no criticism of Blakey, no condemnation of his ~~corrupting~~ ^{up} ^{of} our precious history, and of his making it more ^{im} impossible to identify the real assassins, which means those responsible for the coup d'etat that every presidential assassination is, whether or not that is intended, can be at all excessive. It is not possible to ~~condemn~~ his unpatriotic propaganda, whether in his investigation or in his book, more than is warranted by his infamous record.

He had a duty neigh to §acred in a democratic society and
he did the devil's work.

21A

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Blakey ^{is} his is the book on the plot to kill the President

It is not that at all. There is nothing reasonable in his con-
doction, nothing factual in it, nothing not ridiculous, preposterous,
silly and with less fact about the assassination ^{of the President} than in most of
the many zany books said to be on it and are not.

There is not even a real account of the assassination in his
book. He could not have given it if he had wanted to.

He has a record on this because he was the general counsel and
staff director of the ~~S~~ investigating committee established by the
House of Representatives to, in the intent of the House, really
investigate the assassinations of the President of an the great
man widely regarded as the Black Messiah, Martin Luther King, Jr.

But instead of investigating either of those great tragedes,
either of those enormous losses to the country, Blakey saw to
it that the one thing his committee did was not investigate either
crime. He set out to, and he did not even disguise it, provide what
suppoert he could ^{to} the two official "solutions" of those assassina-
tions, neither official "solution" having been at all adceptable.

Even credible. ^{From} his misleading his committee away from its
legislated purpose Blakey succeeded in spending the largest
appropriate ^{even} awarded any investigation by the ⁽House of Repres-
entatives so far from its intended purpose that he and it did not
add a single significant fact to what had been established by either
of the earlier offic^{ial}, please excuse the expression, "investigation^o"

There is not a single significant thing to be learned about the
assassination of the President, the only one Blakey pretends to
^{in his book} address and he does not even do that. All he does is try to give

some ^{my} semblance of reality to the ~~an~~childish ly zany notion he began with when he decided that he was the real Perry Mason.

Not only ~~is~~ there ~~nothing~~ - not a single real thing - to be learned from this book. Worse, it will seriously misinform and mislead those ^{heed it and who} who care about the coup d'etat ^h that the assassination was, those who care about their country, those who would like to know what happened. ~~It is~~

It is an ignorant and entirely untrustworth pretense of an account of that tragic assassination. ^{It is a worse than worthless book}

It does tell us much about Blakey^s, if anyone care, and about the Congress, about ^{which} ~~wh~~ all should care.

November 25, 1963

MEMORANDUM FOR MR. MOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat--too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

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DEPARTMENT OF JUSTICE	
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The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public property in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General