

ASSASSINATION RECORDS REVIEW BOARD

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2

PUBLIC HEARING

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Auditorium

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Old U.S. Mint

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400 Esplanade Avenue

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New Orleans, Louisiana

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Wednesday, June 28, 1995

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The above-entitled public hearing commenced, pursuant

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to notice, at 10:00 a.m.

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BEFORE:

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JOHN R. TUNHEIM,

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Chairman

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PRESENT FOR THE BOARD:

KERMIT L. HALL, Member

WILLIAM L. JOYCE, Member

ANNA K. NELSON, Member

DAVID G. MARWELL, Executive Director

PARTICIPANTS:

THE HONORABLE LINDY BOGGS

THE HONORABLE HARRY F. CONNICK, SR.

WAYNE EVERARD

MICHAEL L. KURTZ

STEPHEN TYLER

CYNTHIA ANNE WEGMANN

STEVEN D. TILLEY

P R O C E E D I N G S

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[10:09 a.m.]

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CHAIRMAN TUNHEIM: A call to order, this public

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hearing of the Assassination Records Review Board. And welcome

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everyone here to our hearing today in New Orleans. We're very

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happy to be here.

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We're happy to be in New Orleans for a number of

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different reasons: The importance of this city in terms of overall

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understanding of this very tragic event, the assassination of President

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Kennedy, the fact that the only criminal prosecution associated with

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the assassination of President Kennedy took place here in New

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Orleans, and the fact that the prime suspect in the case, Lee Harvey

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Oswald, was born here and spent time here in the months before the

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assassination.

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1 We are on a search for records. Our mandate from the
2 Congress of the United States is to find all of the records associated
3 with the assassination of President Kennedy, put them all together in
4 one collection at the National Archives freely available to the
5 American public to review, to come in, to study, to understand and
6 to make their own minds up about what happened on that tragic day
7 in Dallas 31 plus years ago.

8 It's important for closure to this event to have a complete
9 collection of the records, and while one of our central focuses as a
10 Board is a review of Federal records, particularly records that are
11 held at the CIA and the FBI and other Federal investigative agencies,
12 records that we are in the process of reviewing now, we are also
13 interested in state and local records, and records that are in private
14 hands because, as I said, what we'd like to see in the end and what

1 the Congress has tasked us with is creating as complete a collection of
2 the records of the assassination of President Kennedy as possibly can
3 be done in this period of time years later.

4 Just a short bit of history. The Assassination Records
5 Review Board was created by an act of Congress passed in 1992 and
6 signed into law by President Bush. Within the following year, the
7 Board members were appointed, confirmed by the Senate and we
8 have the begun the process of surveying records in the Federal
9 Government.

10 We, in fact, just last week ordered the release in full of 16
11 records that were held by the CIA, records that had been only
12 partially released in the past. We're hopeful that those records will
13 be available to the public and to researchers within the next month.
14 So the process of reviewing the records is underway.

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1 We've held other public hearings. We held a public
2 hearing in Dallas, a public hearing in Boston. Part of our mission is
3 to communicate with the American public, to give you an opportunity
4 to let us know where records are. It's very important for us to have
5 the cooperation and assistance of the public because we can't possibly
6 know where all the records are ourselves. So our appeal to the public
7 is to let us know where records are, even if you don't know for sure, if
8 you have a hunch. We're happy to follow up on any leads that
9 anyone might have.

10 I have to emphasize that it's not the role of this board to
11 reinvestigate the assassination of President Kennedy. It's not our
12 responsibility to come up with a conclusion as to what happened in
13 Dallas 30 years ago. But it is our responsibility to find the records
14 and we have sufficient powers to be able to do that, as given to us by

1 the Congress.

2 We're a short term agency. We will sunset on October 1
3 of 1997. We fully expect to be done with our work by that time
4 and hopefully in the end we will have a collection of millions of
5 records at the National Archives that will be freely available to the
6 public and to researchers. And then the public, hopefully, will be able
7 to understand and make up their own minds about what happened,
8 the assassination.

9 A couple of other points. The Board has met in the past
10 to discuss and finally approve a definition of what an assassination
11 record is. It's my understanding that the final definition is published
12 today in the "Federal Register." So that process is now been
13 completed.

14 I also want to make a special note of thanks before we
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1 begin to Lyon Garrison and the Garrison family, who have donated
2 records from the personal files of Jim Garrison to the Board for
3 inclusion in the public collection of the JFK assassination records. So
4 I'd like to just publicly acknowledge that donation and thank the
5 Garrison family for their willingness to make Mr. Garrison's records
6 part of the national collection related to the assassination of President
7 Kennedy.

8 I want to extend a special welcome to all of you here
9 today and especially our witnesses. As I said, we're on the search of
10 records and that's the focus of the testimony today, where records
11 might be, leads that we might be able to follow. This is an issue of
12 trust for the American public, an issue of trust in their government,
13 and we hope that through our work we can restore some of the trust
14 that perhaps has been lost over the past 30 years with the veil of

1 *secrecy that has shrouded some of the records of this very tragic*
2 *event.*

3 *I'd like to call our first witness to the stand this morning*
4 *and extend a special welcome. Congresswoman Lindy Boggs is here*
5 *to testify before us this morning, the wife of Hale Boggs, who, of*
6 *course, was a member of the Warren Commission in 1964, and we're*
7 *especially honored that she has agreed to testify today. Mrs. Boggs*

8 *MS. BOGGS: Okay. Mr. Chairman and members of the*
9 *Committee, welcome to New Orleans and a special welcome to Anna*
10 *Nelson, who we were very sorry to lose from New Orleans and from*
11 *her service to our city and state and Tulane University. We're very*
12 *happy to have her back for awhile.*

13 *And welcome to this grand ole building where you have*
14 *assembled in a splendid effort to uphold the finest traditions of our*

1 Constitutional heritage.

2 In this era of cynicism about government, your mission is
3 of critical importance. Devoted to the archival history of our nation
4 and to those institutions that preserve and distribute it, I served for
5 several years on the National Historical Publications and Records
6 Commission at the National Archives, as a member from the U.S.
7 House of Representatives, and I currently serve as a member of the
8 National Archives Foundation Board. I think I'm the Vice President,
9 but I'm not quite sure.

10 I salute your dedication to your task and am pleased to
11 cooperate with you and I have assured Mr. Samoluk from your
12 Commission that he has my consent to examine the papers of my
13 husband, Hale Boggs, who, of course, was a member of the Warren
14 Commission, at the Tulane University Library.

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1 Hale's service on the Warren Commission demanded
2 untold hours of hearings and of reading of transcripts, and also of
3 heartbreaking experiences concerning the assassination of his good
4 friend, Jack Kennedy, and the removal of him as an inspiring young
5 leader of our nation.

6 When the metal-bound loads of testimony would arrive on
7 our doorstep at home every night, I wished fervently that I could read
8 and digest it and put it into outline form, as I sometimes did with
9 some of the other voluminous testimony from less sensitive hearings.
10 But, of course, I was precluded by security standards from doing so.
11 Consequently, Hale read far into the night on many occasions and his
12 attitude was indicative of the devoted service rendered by all of the
13 members of the Warren Commission.

14 And following Hale's death, Chief Justice Warren often
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1 repeated to me that Hale's language that -- and I
2 paraphrase -- according to the evidence submitted to this
3 Commission, Lee Oswald has assassinated the President, and that this
4 language resulted in the unanimous signing of the report by the
5 commissioners.

6 My feeling has always been that if new evidence was
7 discovered and new hearings conducted as a result, that Hale would
8 applaud those efforts. Consequently, when Congressman Lou Stokes,
9 a Democrat of Ohio, who chaired the Special Committee to examine
10 new findings and to review the existing testimony, I spoke out in favor
11 of the extension of his committee on the floor of the House during the
12 general debate.

13 Prior to my arrival on the floor, my colleague,
14 Congressman Dave Treen of New Orleans, and I attended a luncheon

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1 with young scholars specially selected from the New Orleans area for
2 this trip to Washington. And when Dave asked for a show of hands
3 among the thoughtful young Americans about any doubts concerning
4 the Kennedy assassination and about the necessity to extend the wake
5 of Mr. Stokes' committee, at least two-thirds of the students
6 vigorously thrust their hands up.

7 So, Mr. Chairman and the members of this committee, I
8 strongly thrust up my hand and my encouragement to this
9 Commission, and I wish you well in your continued quest for truth
10 and justice. Thank you.

11 CHAIRMAN TUNHEIM: Thank you, Mrs. Boggs. If you
12 wouldn't mind, if members of the Board have any questions for you.

13 MS. BOGGS: I would be delighted, Mr. Chairman.

14 CHAIRMAN TUNHEIM: Any questions?
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1 MS. NELSON: I don't know that I have a question so
2 much as I have a comment. And that is that I'm not surprised that
3 you supported the archival record and also the fact that there might
4 be new information.

5 Is there a sense -- did your husband have a sense that the
6 Warren Commission was happening so fast that, in fact, other
7 information would come out? Do you think that was that sense
8 during the Warren Commission?

9 MS. BOGGS: I think that when they read all the
10 testimony that came to them each night that they felt a great deal of
11 information had come their way. However, there were obvious
12 feelings of wanting to know more about certain areas of the
13 investigation, wanting to have filled in some of the unanswered
14 questions, and of course, that was why it was so necessary for Hale to

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1 be able to say that according to the testimony submitted to the
2 Commission, that Oswald was the assassin.

3 MS. NELSON: It's interested the public a great deal as to
4 how members of the Warren Commission were chosen. There have
5 been various members of the public who have questioned that. Do
6 you remember how Congressman Boggs was?

7 MS. BOGGS: Well, Hale was one of the first people who
8 suggested to President Johnson that there should be a commission.

9 MS. NELSON: I see.

10 MS. BOGGS: And Hale was devoted to President Kennedy,
11 and there was some talk following the assassination that Hale had
12 warned the President not to go to Dallas, and the connotation was
13 that it would be physically dangerous for him to do so.

14 That was not Hale's message to the President because just

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1 a few weeks prior to that the President was coming to New Orleans
2 to dedicate the new wharf and the President said to Hale that he had
3 had some warnings that he should not come to New Orleans. Hale
4 had answered when the President of the United States can't go to a
5 city of the United States and be protected, we've come to a very
6 difficult time in our nation's history, and encouraged him to come.

7 But Hale's warning the President about going to Dallas
8 was that there was great infighting among the members of the
9 Democratic party and the Democratic stars in the state and he didn't
10 want the President to become involved in a factional disagreement.

11 And so that I'm happy to have another opportunity to lay
12 that rumor to rest.

13 MS. NELSON: Thank you very, very much.

14 MS. BOGGS: I thank you.

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1 MR. HALL: Mrs. Boggs, knowing what our job is, is there
2 any place in particular where you might send us to look for
3 documents?

4 MS. BOGGS: I hope that you have examined all the
5 documents from the Louis Stokes' Committee and I'm certain that
6 you have been in touch with Congressman Stokes. He is an
7 extraordinarily reliable member of Congress and a searcher always for
8 the truth. And he would be a source of tremendous help to you.

9 Also, I think that what you're doing in reaching out to
10 people who are in the public sector, just people who are perhaps have
11 information, have documents, have recorded perhaps conversations
12 and so on, that you're doing the correct thing. Of course, you are
13 going to have to judge whether these were valid expressions or not.
14 But the expressions should be there for the public to see, whether you

1 consider them valid or not, and I am very pleased that you are
2 involved in that quest.

3 CHAIRMAN TUNHEIM: Thank you very much, Mrs.
4 Boggs. We really appreciate your testimony this morning.

5 MS. BOGGS: Thank you very much.

6 [Applause.]

7 CHAIRMAN TUNHEIM: Our next witness this morning is
8 the Honorable Harry F. Connick, Sr., the District Attorney of New
9 Orleans. His office possesses records from the investigation into the
10 assassination of President Kennedy and the prosecution of Mr. Clay
11 Shaw, which was conducted by former District Attorney James
12 Garrison in the late 1960s. Good morning, Mr. Connick and thank
13 you.

14 MR. CONNICK: Good morning. Thank you very much.

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1 I want to compliment you after some prolonged thought and
2 deliberation about the propriety of what to do with these records
3 that we have. And I compliment you for attempting to do what I
4 think is a necessary undertaking. Your folks came down to our office
5 and we made available to them the viewing of what records that we
6 have in our office that were left.

7 At my understanding from talking to people who had
8 some familiarity with this investigation and prosecution, that there
9 was a substantial amount of material at one time and that what we
10 have left now when we took office in 1974, in April of 1974, we, in
11 essence, had one file cabinet with five drawers of material in it.

12 Then in 1990, we turned some of those materials over to the public
13 library and I think they're going to make that available to you.

14 But we think that what you are doing is important and
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1 we think that what we can hopefully add to what you're doing will
2 clarify some of the clouded areas of the past and make some sense out
3 of what happened.

4 CHAIRMAN TUNHEIM: Thank you. Questions?

5 MR. HALL: Mr. Connick, do you have any idea whether
6 the records that were held at your office have remained the same
7 since the donation that was made to the New Orleans public library.

8 MR. CONNICK: Did they remain the same?

9 MR. HALL: Yes. Have there been any additions,
10 deletions of, to those materials?

11 MR. CONNICK: No, the materials that I have in my
12 office and have had for 21-1/2 years have been I think under fairly
13 close control and we really haven't had to give access except on
14 maybe one occasion, shortly after we took office. But most of that is

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1 intact. A lot of it, though, is missing and was taken before we took
2 office. This is my understanding and where that is, I don't know.

3 And I might also answer one of the questions that you
4 posed to Congresswoman Lindy Boggs. There are a lot of folks that
5 were connected with that investigation and prosecution and were in
6 that office, you know, from that time of the trial until we took office
7 in '74. I think that a lot of that material is probably in their
8 custody.

9 I think those files were rifled and I think they took from
10 those files things that would be of great interest to the American
11 public and to the world as a matter of fact, because of what
12 happened in that case and the tragedy of the whole Shaw
13 prosecution. But what we have has been fairly well untouched for
14 21-1/2 years until very recently.

1 MR. HALL: Thank you.

2 CHAIRMAN TUNHEIM: Mr. Connick, are there lists
3 available of prior employees of the Office that we might be able to
4 follow up on --

5 MR. CONNICK: Yes.

6 CHAIRMAN TUNHEIM: And see?

7 MR. CONNICK: I think anyone down here in New
8 Orleans who followed that prosecution can give you that information,
9 too. But we have some of that information, if not all of it, and can
10 let you have it.

11 For instance, I was talking to someone who was very close
12 to the investigation at that time. I was told that there was an
13 index, there was a record kept, an archive as a matter of fact, of
14 everything that came into that office connected with that

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1 investigation and prosecution, and all those things are gone. But
2 we'll be happy to work with you and your folks to make information
3 and possible leads available to them so you perhaps can recover some
4 of that.

5 MR. JOYCE: Mr. Connick, in addition to the Clay Shaw
6 prosecution by Mr. Garrison, have you become aware of other
7 information that might be related to the assassination of President
8 Kennedy that would be local in its orientation and that we might
9 want to pursue?

10 MR. CONNICK: Not really, not really. I was in the
11 United States Attorney's Office at that time of the Clay Shaw trial
12 and was removed from any direct contact with anything that
13 happened in that building. But I don't know of anything.

14 I know I spoke to our Clerk of Court this morning. There
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1 was some question about this Zapruder film because it was not in my
2 office when we went there. And I was asking him if he had turned
3 over to you information that the Clerk's Office had in connection with
4 the prosecution of Mr. Shaw. He informed me that he had made
5 available to you these things, but did not know whether that
6 particular film was in that packet or not.

7 MR. JOYCE: I see. Thank you.

8 MR. HALL: Do you know if a public servant under
9 Louisiana law removed materials relating to this investigation whether
10 that would be a violation of Louisiana law?

11 MR. CONNICK: Our criminal code calls that theft.

12 MR. HALL: It's pretty simple.

13 MR. CONNICK: It's pretty clear that you have no right
14 to take something that belongs to the state. If a public servant

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1 removes documents, as they obviously did in Mr. Garrison's office,
2 then that would constitute a violation of our law on theft.

3 MR. HALL: Would you say that over the past quarter of
4 a century, maybe over the past 30 years, the level of record keeping
5 in the District Attorney's Office can best be described as diligent and
6 systematic?

7 MR. CONNICK: Well, when we went into office, it was a
8 pretty sorry state of affairs. We immediately took an inventory of
9 everything that we were inheriting from Mr. Garrison and we found
10 that it was not a very well managed office and that things were run
11 in a very slipshod manner.

12 And we set about to correct that by bringing in a
13 computer system and by accounting for every record that we were
14 responsible for, every police report, where that police report or where

1 that case went, whether it was accepted or refused or referred to
2 another law enforcement body. But it was -- it took us a while to
3 compile that. It was in bad shape. Thank you very much.

4 CHAIRMAN TUNHEIM: Thank you, Mr. Connick. You've
5 been extraordinarily helpful and generous with your time and staff
6 time and we appreciate that. Thank you.

7 Next, we'd like to hear from Mr. Steve Tilley, who is the
8 person in charge of the JFK Collection at the National Archives. Mr.
9 Tilley works closely with us. We're an independent agency. He
10 works for the National Archives, but he's the person who is in charge
11 of the collection and he periodically provides updates to the Board on
12 additions that have been made to the collection and he will give us an
13 update today. Welcome, Steve.

14 MR. TILLEY: Thank you, Mr. Chairman. It's a pleasure
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1 to appear before the Board again.

2 On the Kennedy Act, the John F. Kennedy Act, mandated
3 seven specific responsibilities to the National Archives, but for our
4 purposes today I'll discuss three that I think are probably the most
5 important as far as the public is concerned.

6 First, within 45 days of the statute being signed, the
7 Archives was required to prepare to make available standard
8 identification forms for use by all government offices in describing
9 assassination records. Further, the Archives was required to ensure
10 the creation of a database for these identification forms to serve as an
11 electronic finding aid to the collection.

12 And of course, as the Board knows and as anybody who
13 has researched with us knows, this, in fact, has been accomplished
14 and the database is up and running at this time. It currently

1 contains about 120,000 forms, records we say or forms. It's
2 important to point out that the database does not contain the actual
3 documents themselves. It is not a scanned type situation where the
4 actual text are in the database. This is a database of the record
5 identification forms that have been created by the agencies as they
6 reviewed their records.

7 At this time, the database can still only be searched by
8 members of the National Archives staff, but we are continuing to
9 work on getting this thing available via the Internet, which is a
10 development I know the research community is awaiting.

11 Our second responsibility was to establish the President
12 John F. Kennedy Assassination Records Collection. On December 28,
13 1992, we established the collection based on an announcement
14 published in the "Federal Register" on December 21. And this

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1 announcement also solicited open assassination records from all
2 Federal agencies.

3 Now since the Archives already had custody of most of the
4 open records, this is primarily just a technical event designating the
5 following records as part of the collection: It was the records of the
6 Warren Commission; the records of the Secret Service; part of the
7 records of the Department of Justice, the Criminal Division case file,
8 which we already had custody of; records of the Central Intelligence
9 Agency, the CIA having already transferred the first portion of Lee
10 Harvey Oswald's 201 personality file in September of 1992; and
11 personal papers and donated records from our presidential libraries.

12 Our third major requirement was, along with other
13 government agencies, was to identify, review and make available to
14 the public all assassination records that were closed that could be
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1 disclosed within a 300-day review period. All records reviewed in
2 this 300-day review period were required to be entered into the
3 database and have a record identification form attached.

4 At the end of the 300-day review period, which was
5 August 23, 1993, the Archives made available the newly released
6 records, which included the remainder of the CIA's 201 file, along
7 with other records which we've deemed the "segregated collection";
8 records from several components of the Department of Justice,
9 however, none from the Federal Bureau of Investigation at that time;
10 the records pertaining to the President Kennedy assassination from
11 the House Select Committee on Assassinations; and records from our
12 presidential libraries.

13 Now the first FBI records were transferred in December of
14 1993, beginning with the records on the investigation of Jack Ruby.

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1 Since then, we have also acquired records on the -- their file on Lee
2 Oswald and also their file on the assassination itself. The FBI has also
3 transferred files on related individuals, such as Marina Oswald, David
4 Ferrie and Clay Shaw and on related subjects, such as its liaison files
5 with the House Select Committee on Assassination and the Church
6 Committee. And also files on certain individuals related to organized
7 crime, such as Sam Giancana. Other files are also under review at
8 the FBI.

9 In September of '94, the CIA made an additional transfer
10 of approximately 30,000 pages of material that is part of the
11 segregated collection, and these records relate primarily to the CIA's
12 work with Cuban exile groups in the early 1960s.

13 At this time, though, I should point out that only a
14 portion of the 201 file is available on the database, can be searched
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1 through the database. We're still waiting for the transfer of disks,
2 data disks from the CIA for the remainder of their records.

3 Now we also have the records of the Church Committee
4 and the initial transfer took place in January of 1994. We currently
5 have approximately 40,000 pages of this material. There are
6 additional records under review at the committee. Once again, we
7 cannot search these in the database at this time. The committee
8 hasn't turned over their disks yet.

9 There are also three boxes from the records of the Pike
10 Committee that have been transferred. It's important for the
11 research community to remember that those two committees looked
12 at a number of different subjects dealing with the activities of the
13 CIA, primarily domestic activities outside their charter, and potential
14 involvement with the assassination of President Kennedy was only one

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1 aspect of their charge and we have other records related to that
2 particular aspect of their work.

3 We have State Department records. We have received
4 approximately 17,000 pages of State Department records. We also
5 have records of the Naval Criminal Investigative Service, which
6 includes records of the Office of Naval Intelligence.

7 Records from presidential libraries. We have a number of
8 records from five of our libraries. The three that had the most
9 materials, of course, are the Johnson Library, the Kennedy Library
10 and the Ford Library. Materials from the Johnson Library include
11 transcripts and tape recordings of conversations of President Johnson
12 that are related to the assassination.

13 All conversations of December and November of '63 have
14 been released in the interest of having total disclosure so there would
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1 be no idea that perhaps certain conversations in that most important
2 period right after the assassination were being withheld. From
3 January to '64 on then, assassination related conversations have been
4 released.

5 All tape recordings that have been identified by the staff
6 of the library have been released with -- there are a few which have
7 some minor deletions. Not every conversation has a transcript and
8 the Archives does not make transcripts of records and the transcripts
9 that do exist were made by the staff of the White House or persons
10 working for President Johnson on a private basis at the time he was
11 working on his memoirs, "The Vantage Point."

12 The Kennedy Library has released desk diaries, telephone
13 messages, and telephone logs of Attorney General Robert F. Kennedy
14 for the years 1961 to 1964. There are some gaps in these records,

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1 however, and they've also released copies of the Secret Service gate
2 post logs for the White House.

3 Now just in the past month, the Kennedy Library has also
4 released papers from the -- documents from the papers of Theodore
5 White, that deal with the so-called "Camelot Papers" and based on an
6 interview he did with Mrs. Kennedy on November 29, 1963. They
7 have just recently been released and have been added to the
8 collection.

9 Now in November of 1994, the CIA sent a team of
10 reviewers to the Ford Library to review records of the Rockefeller
11 Commission, which are in the custody of the Ford Library and that
12 review has resulted in the release of approximately a third of those
13 records. We are still awaiting copies of those records to be sent by
14 the staff of the Ford Library. The remainder of that file is still under
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1 review by the CIA.

2 At this time -- well, let me just say one other thing in
3 reference to court materials.

4 There are some Federal court records at our record center
5 in Fort Worth that do apply to Clay Shaw and to Jim Garrison. My
6 understanding is that Mr. Shaw eventually had to get a restraining
7 order through the Federal courts in New Orleans to basically keep Jim
8 Garrison away from him and we have found out that there are files
9 down there and we are getting copies of those and we'll be adding
10 them to the collection as soon as possible. Of course, they'll be open.
11 Shouldn't be any problem with any withholdings there.

12 CHAIRMAN TUNHEIM: Are those records, Steve, in Fort
13 Worth did you say?

14 MR. TILLEY: Yes.

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1 CHAIRMAN TUNHEIM: And they're not held under any
2 seal of court at this time?

3 MR. TILLEY: I'm sorry.

4 CHAIRMAN TUNHEIM: They're not held under any seal,
5 any court seal at this time?

6 MR. TILLEY: No, they're just part of the holdings of the
7 U.S. District Court record group down there and we've had people
8 down there go through the finding aids and identify these case files
9 that apply to this. So they are going to be copying those and then
10 sending them to us.

11 Around this time the collection is approximately doubled
12 since the time we opened it August of 1993, over, well over a million
13 pages of documents so far. We are awaiting additional records to be
14 transferred from other agencies and, of course, records that will come

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1 to us through the activities of the Review Board.

2 I'll be glad to answer any questions the Board may have,
3 sir.

4 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley. Are
5 there questions?

6 MS. NELSON: You keep mentioning gaps. Can you tell
7 us a little bit more because, of course, gaps are what we as a board
8 have to deal with, those things that are not open? Can you tell us a
9 little bit more about the gaps, for example, gaps in some of the
10 collections from the Kennedy Library?

11 MR. TILLEY: Sure. The particular instance that I
12 mentioned is that the desk diaries for Robert Kennedy, the desk
13 diaries, which are basically a calendar of his daily events with his
14 meetings and et cetera that on there, the diary for 1963 is missing,

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1 and the Library staff indicates that it was never in the possession of
2 the library. It was never turned over to the library by the Kennedy
3 family. So that's one example where there is a gap.

4 There are also gaps in some of the telephone logs for that
5 period. I believe we're missing both '62 and '63 on the telephone
6 logs. So that's an example of a gap that does exist.

7 MS. NELSON: Are there similar gaps in the Johnson
8 Library?

9 MR. TILLEY: Not really, no. I don't think there's
10 anything like that. We have a complete listing of all of the tape
11 recordings that are in the Johnson Library and the library staff has
12 been listening to all the tape recordings since the law was passed and
13 has identified what they say are all the assassination related tape
14 recordings.

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1 Now they have recently informed us that a couple of more
2 have been identified that will eventually come to us. But there is an
3 ongoing review and I really don't think we can say there's any gaps
4 there. They seem to have a good control of what they have.

5 MS. NELSON: The documents that are turned over by
6 the government agencies have deletions? That's the gaps?

7 MR. TILLEY: Well, yes. I mean many of the records
8 that have been transferred by agencies do have deletions in them. In
9 its initial transfer in '93, the CIA estimated that approximately 10
10 percent of their records were released in full, 10 percent denied in
11 full and 80 percent released with deletions. My experience in looking
12 at the records and in dealing with them over the past couple of years,
13 I would say that's probably a fairly accurate guess.

14 There's no doubt that the FBI records also contain many,

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1 many deletions of information within them. So when I say gaps, I'm
2 talking about things which should be there and aren't. As far as
3 deletions, just many, many documents in the collection do have
4 deletions that have been made by the reviewing agencies.

5 CHAIRMAN TUNHEIM: Mr. Joyce?

6 MR. JOYCE: Mr. Tilley, you refer to a number of
7 instances in which the agencies have not provided the disks necessary
8 to provide information for the database for the collection. Can you
9 elaborate on the reasons why that might be the case and what effects
10 that's had on access to the collection by researchers?

11 CHAIRMAN TUNHEIM: Well, I think in certain instances
12 it's probably because they're doing a lot of quality control checking on
13 the disks. They're trying to make them as accurate as possible.
14 They're going back and putting in more -- when they have records

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1 come back that have been on coordination with another agency,
2 they're holding it so they can try to put that information into it so
3 it'll be as final as possible before they transfer it to us.

4 I think in several instances, particularly with the FBI, it's
5 also a question that have so many people working and they're just
6 continuing to review documents and they continue to add documents
7 to the disks. But I won't say that it hasn't had an effect on our
8 ability to service the collection, however. Certainly, we have not
9 been able to do as good a job in providing access to particularly the
10 records of the CIA without having these data disks available to us.

11 What we have done is we have tried to create some more
12 traditional archival finding aids, which we call folder title list, where
13 we list the title of every folder that's in a box and provide a paper
14 listing to the researchers, so they can at least get some idea of what is

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1 in that particular box or what's in that folder. But it's obviously not
2 as detailed nor nearly as complete as a document level finding aid,
3 which the database is.

4 I mean the database lists every document that's in the
5 collection. So it's obviously had some effect on our ability to help the
6 researchers.

7 MR. JOYCE: Thank you. Further questions?

8 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley. I'm
9 constantly struck by the immense volume of the records that are
10 accumulating at the National Archives and we're going to be
11 providing a few more for you.

12 MR. TILLEY: I'm sure you are, sir.

13 CHAIRMAN TUNHEIM: Thank you.

14 MR. MARWELL: I have one question.

1 CHAIRMAN TUNHEIM: *Go ahead, David.*

2 MR. MARWELL: *We've learned today that members of*
3 *the public have donated records to the collection. Can you just tell*
4 *us what will happen to those records, the records that Mr. Connick*
5 *spoke about and the Garrison family records?*

6 MR. TILLEY: *Sure. The Archives has a small gift*
7 *collection that we have maintained from before where folks have*
8 *wanted to donate records to the Federal Government. And we have*
9 *procedures where the donation will be received by our Projects*
10 *Division, we call it, our Archival Projects Division and someone from*
11 *our staff will probably examine the records at some time and do what*
12 *we call an appraisal on it.*

13 *The appraisal generally would be done to make sure that,*
14 *in fact, the records are worthy of retention by the National Archives*

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1 as history of the Federal Government. Obviously, I think in this
2 instance that that will be a perfunctory event because obviously these
3 records are worthy of retention as part of the collection. But there
4 is a bit of a paper process we have to go through.

5 But we will have it -- we will have the records appraised,
6 have a formal document signed, which says they are worthy of
7 retention in the National Archives, and then once the record is
8 transferred to us, then we have a certain period of time in order to
9 process them.

10 Our projects people will then go through the records. If
11 they are not well-arranged, we'll try to arrange them in some sort of
12 form. If they are properly arranged, we will then accept them as
13 they are. We'll identify them in some manner with some sort of a
14 finding aid.

1 Then what we will have to do, I think there's no doubt,
2 that we will have then to do record identification forms on each
3 document so that they will be part of the database. Now that will
4 be a time consuming process obviously. I would think that we will
5 try to make some accommodation with the research community.
6 We won't sit back and spend six months or a year doing that process,
7 which for a large collection of records could very well take that long
8 because it is a very time consuming process doing this data entry.
9 However, we'll probably try to do it in stages and have other records
10 available with some of a sort less creative finding aid, if you will, for
11 research.

12 But that will be the process. We will bring them in, do
13 some archival processing on them and then as soon as possible, make
14 them available.

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1 Then, let me just say one more thing, I think it will be
2 also -- the Board should know that James L. Rankin, Jr., the son of
3 J. Lee Rankin, the General Counsel of the Warren Commission, has
4 contacted us, has written to us and has indicated that he wishes to
5 donate his father's papers to be stored with the records of the Warren
6 Commission, approximately seven boxes. I'm not sure how much
7 volume we're talking about.

8 Our people from our Records Center, Records Branch, out
9 in Laguna and Miguel in California -- I'm sorry -- San Bruno in
10 California, will be in contact with Mr. Rankin in the near future to
11 start the process of having those records made part of the JFK
12 Collection. We're looking forward to adding those to the collection.

13 CHAIRMAN TUNHEIM: It's an important addition to the
14 collection.

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1 MR. TILLEY: Yes, I think it is.

2 CHAIRMAN TUNHEIM: Thank you, Mr. Tilley.

3 MR. TILLEY: Thank you, sir.

4 CHAIRMAN TUNHEIM: Our next witness this morning is

5 Cynthia Ann Wegmann. Ms. Wegmann is the daughter of the late

6 Edward Wegmann, a member of the legal team that defended Clay

7 Shaw at the 1969 assassination conspiracy trial. Good morning, Ms.

8 Wegmann.

9 MS. WEGMANN: Yes. I am Cynthia Wegmann,

10 daughter of Edward F. Wegmann, who was Clay Shaw's civil attorney

11 for some 20 years before this tragic event occurred. And at that

12 time I was 16, a senior at the Academy of Sacred Heart here in New

13 Orleans and totally outraged. I spent the next two years in New

14 Orleans at Daddy's side and at Mr. Shaw's side trying to assist and at

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1 the same time being totally wide-eyed at the facts and the allegations
2 and utter insanity of it.

3 The records that we are making available to the
4 Assassination Board are the records that were maintained for,
5 prepared for trial by my father, his brother, Billy, Irving Dymond,
6 who was the criminal attorney in charge of the defense team, and Sal
7 Panzeca. These are the investigation files and the statements taken
8 and whatever we could grasp at in order to attempt to defend this
9 mass tangle of a web that was conceived and then pursued.

10 What is amazing to me now, some 30 years later -- I
11 guess it's not that -- 25 years later, is that despite the fact that
12 after a 40-day trial, a 55-minute deliberation by 12 jurors and a
13 resounding acquittal, that Clay Shaw's name remains besmirched,
14 that he can be portrayed as a buffoon in films, that the true nature

1 of the man has been hidden and destroyed.

2 I believe that anyone who takes a look at these records
3 will realize how amorphous, how little evidence, if any, there was, and
4 it's for this reason that my mother and I and my brothers would like
5 to make this record available to the public.

6 The unfortunate thing in my view is that the records do
7 not tell the story of the man, Clay Shaw, whose true courage has
8 been -- his reputation has been ruined -- that, you know, I met
9 him as a 16-year-old and found him to be a gentleman in every
10 sense of the word, a man of dignity, an enormous presence and only
11 learned later of his contributions to the city; of the fact that he had
12 envisioned the World Trade Mart.

13 He had started it, he had a great deal to do to encourage
14 trade with the Port of New Orleans, both in South America, France,

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1 Belgium. He received awards from those countries -- that when he
2 was in the Army he received the Croix de Guerre from France, the
3 Legion of Merit and the Bronze Star from the United States, that he
4 made the first restoration of our French Market.

5 He restored singlehandedly on his limited resources some
6 nine buildings in the Quarter, which remain restored today. He was
7 a playwright. He spoke several languages -- Spanish, French, English
8 and something else. I don't remember what -- and that I would
9 hope that anyone who sees what these records reveal would know
10 that he was a victim, someone chosen to be the patsy, somebody who
11 could make an otherwise fictional investigation gain publicity.

12 Had Clay not died in 1974, some seven years after his
13 arrest and five years after his acquittal, I believe that he would have
14 been vindicated by the civil suit that was brought on his behalf. But

1 because of the quirk in Louisiana inheritance laws at that time, this
2 was considered a personal action and he died without any heirs, any
3 descendants or ascendants. His mother died just months before he
4 did.

5 So I would hope that once the public sees that what there
6 was or what little there was, that then they would allow him to
7 remain at rest. So, thank you.

8 CHAIRMAN TUNHEIM: Thank you, Ms. Wegmann. If we
9 could ask you a few questions if you wouldn't mind.

10 MS. WEGMANN: Sure.

11 MR. JOYCE: Ms. Wegmann, in addition to the records
12 that you've very generously agreed to make available to the Board,
13 would there be other materials that you might guide us to look after
14 to see if there might be supplements to what you've given us?

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1 MS. WEGMANN: Mr. Joyce, I'm not certain. When my
2 father died in '89, I was left with the contents of his office, which
3 included these records. The contents moved to various places.
4 Clay's records moved to my attic. I believe that there is one more
5 file box somewhere in the depths of my attic space that contain
6 perhaps the records of the civil suit.

7 I know that Daddy was the lead counsel on the injunction
8 suit and I believe that in the boxes that I gave Mr. Samoluk yesterday
9 are the contents of that injunction suit that was held before
10 Christenberry.

11 What else may be there may simply be the contents of the
12 civil damage action and perhaps Clay's will file, which, if it is his will
13 file, I believe would be privileged and since there's nobody to ask if we
14 could make it available, I don't believe that we can. I believe that

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1 that remains, but for the public matters, public record matters, very
2 confidential. But there's nothing -- if I find it, I will make it all
3 available to you.

4 I don't believe that either Mr. Dymond or Mr. Panzeca or
5 my Uncle Billy have any records because they have referred people to
6 me. But certainly I would believe that Mr. Dymond and Billy
7 Wegmann and Sal Panzeca should be contacted to see if they have
8 anything in addition to what we retained in our office.

9 MR. JOYCE: Thank you.

10 CHAIRMAN TUNHEIM: Dr. Hall?

11 MR. HALL: District Attorney Connick told us that he
12 thought his predecessor in that office presided over at least some
13 thievery that some records were taken that properly belong in the
14 public record. Often the case is that the people who know best

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1 what's taken are the people who didn't take them but wish they could
2 find them.

3 I'm curious whether you would have any suggestions for us
4 about individuals that we might turn our attention who might have
5 private records -- public records now held privately that relate to the
6 actions of District Attorney Garrison.

7 MS. WEGMANN: I don't but for the copies that were
8 turned over to us as the -- us -- them, I was a baby -- at the
9 defense team. When Mr. Gervich left, he made a copy of Garrison's
10 investigation file up to that point. But it was a Xerox copy and it
11 only goes through the date of his departure, which was sometime in
12 June of 1967. And since Garrison's investigation only started in
13 February, then that's the only copy that we have.

14 MR. HALL: Well, that's, I think, a particularly important

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1 point here because one of the ways at getting at the issue of some of
2 these supposedly missing documents is, in fact, the copies that would
3 have been available to --

4 MS. WEGMANN: Well, those are included in the records
5 that I turned over to you -- Mr. Samoluk, yesterday.

6 MR. HALL: So it would be interesting to know the
7 veracity of the essential criminal discovery process and the extent to
8 which it really was shared with the defense. But that's very helpful.
9 I appreciate it very much.

10 MS. NELSON: You mentioned that Clay Shaw died
11 without heirs. Do you know if he had papers? Do you know what
12 happened to his papers or possessions?

13 MS. WEGMANN: Clay left his worldly goods, since his
14 mother had died, I believe to Jeff Bidison. But I believe -- I don't

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1 know if Mr. Bidison is any longer alive. Edith Stern was a very good
2 friend of Clay's and a staunch supporter, but Mrs. Stern is also dead,
3 deceased. And I really don't know.

4 I was married in '73 and after that we wrote the briefs,
5 my father and I, to try to sustain the civil action after his death.

6 But what happened to his papers then, I don't know. I became an
7 admiralty attorney and didn't go on to save the world from evil, just
8 save a few boats.

9 MR. HALL: You really went for the world of the arcane
10 then.

11 MS. WEGMANN: Right. I did.

12 MS. NELSON: But the reason I asked is that very often
13 boxes of records survive in a curious way as they are moved about
14 and, you know, you just never know what happened.

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1 MS. WEGMANN: Rosemary James I believe also stayed
2 very close to Mr. Shaw until his death, Mrs. Stern, Father Sheridan is
3 now dead. He was a counselor and a supporter for Clay during the
4 trial, and I, unfortunately, just don't know.

5 MS. NELSON: That's all right.

6 CHAIRMAN TUNHEIM: Well, thank you very much, Mrs.
7 Wegmann. I think the American public will be forever grateful for
8 your donation of these records, to try to set the record straight.

9 MS. WEGMANN: Thank you.

10 CHAIRMAN TUNHEIM: Thank you. Our next witness
11 this morning is Mr. Stephen Tyler, who is the producer and director
12 of a 1992 documentary entitled, "He Must Have Something: The
13 Real Story of Jim Garrison's Investigation of the Assassination of JFK"
14 Thank you, Mr. Tyler, for joining us today.

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1 MR. TYLER: Thank you, Mr. Chairman, members of the
2 Board. Welcome to my home town.

3 As you've stated, in 1992 I produced a 90-minute
4 television documentary on Jim Garrison's investigation into the
5 assassination of President Kennedy, entitled, "He Must Have
6 Something." This film was funded by a grant from the Louisiana
7 Endowment for the Humanities, the state affiliate of the National
8 Endowment for the Humanities.

9 My goal in producing this program was to present an oral
10 history of the case. I was interested in the impressions of people who
11 had had some involvement in the trial or had at least observed it
12 closely. In keeping with the humanities based theme of this project, I
13 was particularly interested in how the Shaw case illuminated what it
14 was and is to be a New Orleanian.

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1 The sometimes carnival atmosphere of the trial, with its
2 rogues gallery of witnesses and colorful attorneys for both sides,
3 typified a view of the city that has since become as cliched as it is
4 regrettably accurate. Furthermore the notion that New Orleans is
5 really just an overgrown small town were everybody knows one
6 another, more like two degrees of separation rather than the putative
7 six, was never more dramatically apparent than in the trial of the
8 State of Louisiana vs. Clay L. Shaw.

9 The Shaw case encompassed all the elements which make
10 us natives view the city with such an intense mixture of love and hate,
11 a place whose undeniable charm masks a political legacy and
12 tolerance of corruption -- social, political, economic -- the likes of
13 which are rarely seen north of, say, Guadalajara.

14 It was this sense I was trying to convey in "He Must Have
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1 *Something." It was never meant to be an investigative journalism*
2 *piece. I was never so much interested in Mr. Shaw's guilt or*
3 *innocence as much as I was the reasons New Orleanians held an*
4 *opinion one way or the other.*

5 *Still, I began work on that program thoroughly convinced*
6 *that the jury in the Shaw trial had reached the proper verdict, a*
7 *belief shared by the vast majority of New Orleanians to this day. I*
8 *firmly held to this belief throughout production and post-production*
9 *and well into several screenings of the program, including a featured*
10 *presentation at the Fourth Annual New Orleans Film and Video*
11 *Festival and, yes, even after the release of Oliver Stone's motion*
12 *picture, "JFK."*

13 *Stone's disputable depiction of Jim Garrison as a*
14 *Capra-esque "one man against the system epic hero" outraged me at*

1 the time with its depictions of Clay Shaw as a sinister, menacing fop
2 taunting the noble Garrison with an air of imperious smugness, a
3 characterization that contradicted everything even Garrison himself
4 told me about Shaw. In fact, in my 1990 interview with him,
5 Garrison spoke admirably of Shaw's dignity in the face of the
6 catastrophic effects Garrison's investigation had on the defendant.

7 But for all its faults, the film "JFK" ultimately led to a
8 new road on my personal assassination journey just as I had reached
9 the end of another. This voyage had begun in 1967 when as a
10 12-year-old New Orleanian, Shaw's arrest and trial two years later
11 was the first public event I followed on television and in newspapers
12 with any level of sophistication or even understanding.

13 The fact that Oliver Stone with his access to all the
14 available research on the assassination would feel so strongly about

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1 Shaw's guilt planted the first seeds of disillusionment and doubt about
2 everything I thought I knew about this peculiarly New Orleans story.

3 But the event that did the most to chip away at my assumptions
4 about Jim Garrison's legacy, was my attendance in October 1992 at
5 the Second Annual Assassination Symposium on John F. Kennedy in
6 Dallas.

7 The assassination research community, a loosely defined
8 network of citizen researchers dedicated to uncovering the truth
9 about this hideous crime, is characterized by nothing as much as its
10 factionalism, and certainly there are factions which accept the verdict
11 delivered by the Shaw jury in 1969.

12 But this conference in Dallas in 1992, as soon as I was
13 identified as the producer of "He Must Have Something," I found
14 myself besieged by the alliance which vehemently proclaims Shaw's
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1 guilt to this day. I was approached time and time again as "the guy
2 who thinks Clay Shaw is innocent" by people who hadn't even seen my
3 program and I quickly found myself barraged by their claims of
4 evidence inculpatng Shaw.

5 I suddenly felt like the child confronted with the
6 suggestion that Santa Claus does not exist, that I was being ridiculed
7 for believing that a fat man really could squeeze through a chimney
8 with a bag of toys over his shoulder. I did not sleep well that first
9 night, and as I futilely sought slumber, I tried to reassure myself that
10 this is the pain of growth, that real knowledge comes from having
11 one's accepted notions challenged by others. It was at this point that
12 I decided to learn more not only about Clay Shaw, this Tangipahoa
13 Parish boy, who by all accounts loved my hometown every bit as
14 much as its most ardent native, but about President Kennedy's

1 *assassination in general.*

2 *I regret I never had the opportunity to meet Clay Shaw.*

3 *I truly do not know if the man was anything other than the*
4 *distinguished retired businessman and French Quarter preservationist*
5 *most New Orleanians remember him to have been.*

6 *I do believe, however, to answer the rhetorical question*
7 *suggested by the title of my film, that Jim Garrison had something.*

8 *Many of his theories have since been confirmed by evidence not*
9 *available to him, in many cases denied him by representatives of*
10 *Federal and state governments at the time of the Shaw trial. I also*
11 *have come to believe there is reason to question whether Mr. Shaw*
12 *might have been less than forthright in some of his trial testimony.*

13 *Documents that have since been declassified suggest the*
14 *defendant was less than truthful in his denial of any involvement with*

1 the Central Intelligence Agency. Whether this involvement was
2 necessarily an indication of any sinister intent is a question that can
3 only be conclusively answered by full and complete release of any
4 relevant, still classified documents.

5 My interest still lies in the peculiarly New Orleans aspects
6 of the Kennedy assassination, although my focus has shifted from the
7 purely humanistic, the why, to the investigative, the who, what,
8 where and how. To that end, I would like to submit to this august
9 body that the following documents, all of which have particular
10 relevance to the New Orleans aspect of the assassination, be located,
11 identified, declassified and made available to the American public for
12 its perusal via permanent storage in the National Archives:

13 All the research files compiled by District Attorney Jim
14 Garrison and his staff, including those still in the possession of the

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1 current Orleans Parish District Attorney's Office; and any and all files
2 Mr. Garrison had in his possession during his tenure as appeals court
3 judge, including those which might have been entrusted by Judge
4 Garrison to his appeals court staff for safekeeping; all classified
5 documents regarding Clay L. Shaw, including, but not limited to, the
6 Domestic Contact Reports made by Mr. Shaw to the Central
7 Intelligence Agency in the '40s and '50s; all files regarding Mr. Shaw's
8 involvement with a CIA project code named QKENCHANT, for which
9 Mr. Shaw had been assigned a covert security approval in 1962; the
10 United States Army Intelligence files and any other classified files on
11 European trade organizations known alternately as Permandex
12 and/or Central Mondiale Commerciality, on whose boards Mr. Shaw
13 served; the Inspector General's report on the Bay of Pigs, completely
14 un-redacted; the Church Committee's file on CIA media assets

1 completely un-redacted; all files pertaining to INCA, the Information
2 Council of the Americas, including, but not limited to those in the
3 Alton Ochsner Collection; all research compiled by Messrs. Wegmann
4 and Irving Dymond in preparation for the defense of Mr. Shaw,
5 including any records pertaining to Mr. Shaw's original counsel, Guy
6 Johnson -- and obviously Mrs. Wegmann has already referred to this
7 earlier today; and, finally, all notes and materials compiled by Messrs.
8 L.J. Delsea and Robert Buras during their work for the House Select
9 Committee on Assassinations in the late '70s.

10 For my part, I am offering to the National Archives not
11 only a copy of my completed 90-minute film, "He Must Have
12 Something," but outtakes from the 30-some on camera interviews
13 from which the final program was culled, some 25 hours of materials,
14 approximately one-third of which I have right here.

1 The more I learn about this case, the more I am appalled
2 by the shameless bias of the mainstream news media against any
3 account of the assassination other than the one promulgated by the
4 Warren Commission. Even if one accepts the widely held notion that
5 mainstream media is inherently liberal and would automatically
6 question any version of the official story, it seems ironic that
7 whenever reports are filed by "Newsweek," "Time," "Esquire," "The
8 Washington Post," they trot out all the Warren Report apologists who
9 heap scorn upon conspiracy theorists, regardless of their credibility.

10 The fact is that every mass opinion poll taken over the
11 years on the subject indicates an overwhelming skepticism about the
12 Warren Report. One month before publishing George Lardner's
13 censorious essay on Oliver Stone's "JFK," the "Washington Post"
14 conducted a survey that showed 59 percent of the American public
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1 believed in some sort of conspiracy and that only 19 percent agreed
2 with the Warren Commission's findings.

3 As far as film and television, my field of endeavor, the
4 overwhelming majority of programs produced by the commercial
5 networks and PBS over the years have, for the most part, ultimately
6 embraced the findings of the Warren Commission. Perhaps the
7 traditional media's attitude towards the assassination for the past
8 three decades can best be epitomized by a recent program entitled,
9 "Who Killed JFK: The Final Chapter."

10 This 1993 program, produced by CBS News and aired by
11 them that November on the occasion of the 30th anniversary of the
12 assassination, was co-written by Dan Rather and staffers from
13 "Newsweek" and the "The Washington Post" and hosted by Rather and
14 concluded with the host averring on camera, and I quote, "Despite all

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1 the attacks, the Warren Commission's main conclusions have so far
2 passed the test of time. There is no proof and very little, if any,
3 credible evidence of any conspiracy. The facts, including much hard
4 physical evidence, do indicate one man was the assassin, Lee Harvey
5 Oswald. Any contrary conclusions are speculation based less on fact
6 than imagination, often by people who divine things the ear cannot
7 hear and the eye cannot see," end quote.

8 So with one fell swoop, the heir to Walter Cronkite's
9 throne, the senior spokesman for the network that gave us Edward R.
10 Murrow, on the occasion of that network's definitive investigative
11 conclusion on the 30th anniversary of President Kennedy's death,
12 dismisses 30 years of dogged, relentless research by serious scholars as
13 the ravings of a collective schizophrenic.

14 Dan Rather's claim is simply, profoundly untrue. We, the
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1 people, deserve more, and if those 59 percent of us who believe in
2 some form of a conspiracy and 81 percent of us who just disagree
3 with the Warren Commission's findings in spite of what the nation's
4 leading media want us to believe, don't constitute an underserved
5 constituency, then I don't know what does.

6 [Applause.]

7 MR. TYLER: The President of the United States was
8 assassinated over 30 years ago and, notwithstanding the Warren
9 Commission's conviction of Lee Harvey Oswald, we still don't know all
10 of those who were responsible. There can be no greater goal than
11 uncovering the truth. I sincerely believe "that serious inquiry into the
12 assassination mystery illuminates and enlivens something in us all." to
13 quote James DiEugenio, author of a compelling 1992 study of the
14 Garrison investigation, entitled "Destiny Betrayed."

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1 The American public believes the truth has been hidden
2 from them for over three decades. If there is truly nothing to hide,
3 then there is no better reason for any and all classified documents to
4 be herewith declassified. Only then can the people's trust be
5 restored. Only then can the healing begin. Thank you.

6 [Applause.]

7 CHAIRMAN TUNHEIM: Thank you, Mr. Tyler. We may
8 have a few questions for you, if you don't mind.

9 MR. TYLER: Certainly.

10 MS. NELSON: I think the most valuable thing that you
11 probably have are the oral interviews that are the outtakes. It's very
12 difficult to find things like that 30 years after the fact, 20 years after
13 the fact. Who were some of the people that you did interview?
14 Just New Orleanians or people who were associates of --

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1 MR. TYLER: No. I mean people outside of New Orleans
2 would have been people who had some connection with the case, for
3 example, Mark Lane, the author; James Phelan, a journalist who
4 covered the trial for the "The Saturday Evening Post," at the time;
5 people like that, former Governor John McKeithen.

6 MS. NELSON: Were they people who knew Shaw?
7 Anyone who knew Oswald?

8 MR. TYLER: Certainly, certainly. I mean again that's
9 the thing about New Orleans, that everybody knows everyone else.
10 You know New Orleans is always sort of held it as a badge of honor
11 that Oswald was born here. They don't like what he did necessarily
12 or allegedly did, but they're proud of the fact that he's from here.

13 I think unfortunately though the mystery becomes so
14 labyrinthian because you never know -- people's memory is selective.

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1 You never know, in today's lexicon, what different people's agendas
2 are. You know, the fact of the matter is just because I have all these
3 outtakes, it begs the question that everybody that talked to me was
4 being completely forthright. I would like to think that my faith in
5 humanity is such that they are, but I've grown a little more
6 disillusioned over the years.

7 CHAIRMAN TUNHEIM: Bill.

8 MR. JOYCE: Mr. Tyler, you said that there were theories
9 that Jim Garrison had about the activity of Clay Shaw and that there
10 was information that could not have been available to him that now
11 was available. I was wondering if any of that information that you
12 referred to may still be in private hands and is not accessible for
13 researchers or the public more generally to be aware of and, if so, if
14 you can direct us to where some of that might be.

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1 MR. TYLER: From what I understand, you're already on
2 the right track. Judge Garrison's files over the years had evidently
3 become spread out in a variety of different areas. Some of them
4 were even still at Judge Garrison's home. Some were also, as District
5 Attorney Connick was saying, in the current District Attorney's Office.

6 Some were evidently also transferred to the Court of
7 Appeals Office. I would hope that you might talk to some of the
8 people on the Appellate Court staff during Judge Garrison's tenure
9 regarding any of those documents, some of which I'm relatively
10 certain had been entrusted to that staff for their safekeeping and
11 since Judge Garrison's death I don't know what the status of those
12 documents is.

13 MR. MARWELL: Do you base your claim that some of
14 the records were given to staff for safekeeping on some evidence that

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1 you have or is it --

2 MR. TYLER: Yes. I mean what's been told by somebody.

3 I've not been able to corroborate that necessarily, but I would suggest
4 that it bears further investigation. Any of the people who worked in
5 Judge Garrison's office at the time might be able to clear that up one
6 way or the other.

7 MR. HALL: Are there any key persons, Mr. Tyler -- and
8 I ask you this question in the context as someone who comes to us as
9 an authority on the character and state of the culture of this city.
10 Are there any individuals connected with the Garrison investigation
11 that we ought to inquire about specifically with regard to records?

12 MR. TYLER: Well see, being an alleged or putative expert
13 on the culture of New Orleans is a blessing as well as a curse. We're
14 very parochial here, and I don't necessarily mean that as a pejorative

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1 term. Much of the information that I have acquired in the
2 succeeding years since this assassination film that I produced has come
3 from people outside of New Orleans who look at this case, who look at
4 this city, with a more objective eye.

5 Everyone I've ever spoken to, for example, who knew Mr.
6 Shaw echoes the same impressions that Ms. Wegmann did and I have
7 no doubt whatsoever that those are accurate impressions. The
8 question that needs to be answered is, are there other aspects of Mr.
9 Shaw's political or professional life that may have led Mr. Garrison on
10 his path, perhaps not as accurately or as directly as it needed to be,
11 but to bear further scrutiny?

12 None of that would necessarily have to impugn Mr. Shaw's
13 reputation. But there are questions that remain unanswered about
14 affiliations with government agencies, intelligence agencies and so

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1 forth.

2 MR. HALL: A fair amount of what you've written
3 elsewhere or presented elsewhere that I've seen suggests that Clay
4 Shaw's homosexuality figured to some significant degree in the
5 working out of Garrison's relationship in going after him. Am I
6 correct in that judgment?

7 MR. TYLER: Well, I'm very hesitant to make anything
8 resembling a definitive conclusion about that. I mean I have my own
9 opinions about a sort of psychoanalytic cultural approach to that, if
10 you will. But for what it's worth, my personal belief is, to illustrate
11 by example, is that I believe that notwithstanding his testimony that
12 Mr. Shaw knew David Ferrie and I've always assumed over the years
13 that Mr. Shaw testified under oath that he did not know Mr. Ferrie
14 because of the fear of potential embarrassment that that might bring

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1 him, considering the fact that evidently Mr. Ferrie was a rather
2 notorious homosexual in certain circles in New Orleans at the time.

3 I have since come to suspect that Mr. Shaw's reticence
4 about being forthright about his relationship with Mr. Ferrie also
5 might have had political connections, namely a mutual involvement
6 with the Central Intelligence Agency. Now whether that involvement
7 was purely benign, whether it was benign in the sense that it was
8 motivated by a sense of patriotism, however misguided, I don't know.

9 But whether that connection had any sort of sinister
10 intent or sinister result, I don't know that either. But I think that
11 there are documents that sort of chart Mr. Shaw's involvement with
12 that agency, which will help us clear up this question once and for all.

13 As I indicated, you know, for example, this program called
14 QKENCHANT, one of the cryptonyms that the CIA is fond of, there

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1 are documents that have thankfully been released which clearly
2 indicate in black and white that Mr. Shaw had a covert security
3 approval number with that program. Now that's smoke. Whether
4 there is fire there as well, we need to conclusively determine. So Mr.
5 Shaw's legacy can, you know, be accurately portrayed and considered.

6 CHAIRMAN TUNHEIM: Mr. Tyler, to the extent that
7 David Ferrie, just referred to, was investigated by Mr. Garrison, are
8 there records we should be pursuing relative to David Ferrie in your
9 point of view?

10 MR. TYLER: The short answer is yes, absolutely. I
11 personally believe that David Ferrie is the key to unlocking once and
12 for all the mystery of the assassination and questions about whether
13 there was a conspiracy of any sort.

14 Mr. Ferrie has left quite an interesting trail behind him.

1 As far as being able to point you in specific directions, I don't know.
2 I would be interested in knowing more about any kind of work Mr.
3 Ferrie might have been doing in terms of medical research,
4 particularly as it might have been endorsed or sanctioned in some
5 way by the Ochsner Medical Institutions. That's just a personal
6 question that I have. I don't mean to suggest, not making any kind
7 of accusation, but I would like to know more about that.

8 Mr. Ferrie was an interesting man indeed and any and all
9 documents or records pertaining to Mr. Ferrie -- for example, his
10 autopsy reports are still in the hands of the current New Orleans
11 Parish coroner. And some have suggested, Mr. Garrison included,
12 that those reports indicate Mr. Ferrie's demise as being something
13 that might have had a sinister connection.

14 MS. NELSON: If I could just ask briefly, we've
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1 concentrated on the record trail of all the people involved in the
2 Garrison trial. I think we are assuming that Lee Harvey Oswald
3 came and went without much of a trail, except what is known,
4 handing out leaflets.

5 Do you have any impressions of the climate in New
6 Orleans at the time that he was a young man handing out flyers on
7 the streets of New Orleans?

8 MR. TYLER: Well, for example, what I can tell you about
9 that is --

10 MS. NELSON: And where we might go for people who
11 had some sort of records of that?

12 MR. TYLER: I think people need to remember, and
13 certainly Professor Kurtz is much more better qualified to comment
14 on this than I am, but in the late '50s and early '60s around the time
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1 of Castro's rise to power, New Orleans was obviously a hotbed of
2 anti-Castro activity. Personally, anecdotally, I have had people tell
3 me that there are many occasions that they would be at social
4 functions where anti-Castro Cuban exiles would be vociferously
5 complaining about, you know, that S.O.B. Castro. What can we do to
6 get rid of him? Why isn't Kennedy doing more? And Clay Shaw
7 was at these parties at time to time.

8 Again, you take a case like that, maybe it's just completely
9 innocent. We don't know. We don't know.

10 MS. NELSON: There is no indication --

11 MR. TYLER: I was attempting to answer your question
12 about the atmosphere at the time. What you have to remember
13 about the atmosphere at the time was that there was fervent
14 anti-Castro sentiment in this city and Oswald's trail in and out of

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1 that has been documented --

2 MS. NELSON: Oh, yes.

3 MR. TYLER: With varying degrees of accuracy and I
4 think conclusiveness.

5 MS. NELSON: What about the attitude toward President
6 Kennedy?

7 MR. TYLER: Well, I mean I think New Orleans being one
8 of the most Catholic cities in the world, certainly they felt a
9 particular affinity for President Kennedy for that reason alone.
10 Beyond that, I think those people who might have had a political
11 agenda or leaning of any kind, whether it's anti-Castro Cuban activity
12 or whatever, you know I think their feelings about Kennedy would
13 flow in that direction.

14 MS. NELSON: But, in fact, you don't know of any other

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1 sources of records or documents that have not been revealed about
2 Oswald and the anti-Castro groups?

3 MR. TYLER: As I mentioned in my earlier statement,
4 there very well might be some information in the files of the
5 organization INCA, Information Council of the Americas. Also, I
6 think the personal files that were in the office of the late Guy
7 Banister, which evidently have never been accounted for, very well
8 might have information regarding what you're talking about. Best of
9 my knowledge, those files have never been located nor has their
10 location, wherever it is, been confirmed. I presume they might have
11 been destroyed, but we don't know.

12 CHAIRMAN TUNHEIM: Mr. Tyler, one of the issues facing
13 the Board as we go through this process is what to devote primary
14 amount of our resources to. Given the fact that the assassination of

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1 President Kennedy occurred during an age when television had come
2 into American living rooms, there is a great amount of material, we
3 believe, that is in the possession of television networks and local
4 television stations, the kind of outtakes of the sort that you are
5 donating to our collection, the public's collection today.

6 How great a priority would you advise us to set on seeking
7 outtakes, copies of videotapes, that might be held by the media?

8 MR. TYLER: I frankly would be a little dubious about any
9 probative value that that might have. I think that certainly the
10 State Archives in Baton Rouge already have much footage from WWL,
11 the CBS affiliate from the time. The New Orleans Public
12 Library -- Mr. Everard could talk more conclusively about
13 that -- has a little bit of footage from the ABC affiliate.

14 I think most of what you're going to find there is the sort

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1 of images that we've seen, you know, many, many times that are sort
2 of like rocks at the bottom of a stream where the waters float over
3 them for so long that all the rough edges are gone.

4 I would recommend that more of your efforts be devoted
5 towards trying to find those actual files and documents that I, you
6 know, enumerated earlier.

7 CHAIRMAN TUNHEIM: Thank you very much, Mr. Tyler.

8 I know we appreciate your donation and the public will, your
9 sharing of your work. Thank you very much.

10 MR. TYLER: My pleasure.

11 CHAIRMAN TUNHEIM: Our next witness this morning is
12 Dr. Michael L. Kurtz, Professor of History at Southeastern Louisiana
13 and author of a 1982 book on the assassination of President Kennedy
14 that's entitled, "Crime of the Century." Dr. Kurtz, welcome and

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1 thank you for joining us.

2 DR. KURTZ: Thank you, Mr. Chairman. By way of
3 introduction, let me give the Board a very brief background on my
4 qualifications for testifying before the Board today.

5 I'm one of the very few academicians who has researched
6 and written about the assassination of President Kennedy. In
7 addition to my book, "Crime of the Century," published by the
8 University of Tennessee Press, I have published two scholarly articles
9 on the assassination in the journals "The Historian" and "Louisiana
10 History." I presented papers on the assassination at meetings of such
11 professional organizations as Phi Alpha Theta, the Southern Historical
12 Association and the Louisiana Historical Association.

13 Now I've given lectures and appeared on panels at places
14 as diverse as Tulane University, Georgia Southern University, Harris
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1 County Community College in Texas, and so forth.

2 My purpose in appearing before the Board today is to
3 provide you with suggestions about the acquisition of records as
4 defined by the Act itself. So I will turn to that topic immediately.

5 First, one passage in a recent book about President
6 Kennedy's foreign policy relationships with Soviet Premier Nikita
7 Khrushchev, "The Crisis Years," by Michael Beschloss, struck me as
8 very odd, and I'd like to quote the passage from page 682 of that
9 book.

10 "Richard Helms, who at the time was Deputy Director of
11 Plans for the CIA" -- this is in early 1964 I might add, the
12 context -- "found Johnson distracted well in 1964 by his worry that
13 Kennedy had been assassinated by conspiracy. As Helms recalled, the
14 Agency was" -- and here Beschloss is quoting Richard Helms -- "'very

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1 helpful to Johnson on this" and met the new president's request for
2 an independent CIA study. Motion pictures of the Dallas motorcade
3 and autopsy photographs were sent to the agency."

4 In his footnotes, or I should say endnotes, Mr. Beschloss
5 cites a personal interview with Richard Helms as the source of this
6 statement. I urge the Board to pursue this matter, if, in fact, the
7 CIA did conduct its own investigation of the assassination
8 simultaneously with that of the Warren Commission, all records
9 pertaining to that investigation should, of course, be included in the
10 JFK Records Collection in the National Archives.

11 As far as I know, nothing pertaining to that special CIA
12 investigation that Helms mentioned to Beschloss has ever been made
13 public. Certainly nothing in the existing assassination documentation
14 refers to the CIA's having received access to autopsy photographs. I
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1 recommend that the Board exercise its legal authority under the Act
2 and, if necessary, subpoena Mr. Helms and interview Mr. Beschloss
3 about this subject and require the CIA to release unedited any and all
4 of its records concerning this 1964 investigation.

5 Secondly, I urge the Board to conduct a survey of the
6 documentary record if, indeed, any exists to ascertain precisely when
7 and how the Kennedy family came into legal possession of the autopsy
8 photographs and X-rays and other related materials. I myself have
9 received run-arounds and evasions from the National Archives, the
10 Secret Service and the Kennedy Library about this matter. The
11 family's legal control over these materials has been upheld in Federal
12 court, but at no time has any documentation ever been produced to
13 determine the origins of the family's legal control.

14 I know of no case anywhere in the United States where

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1 the family of a deceased has legal control over the autopsy records of
2 that individual. For example, the Kennedy family does not have legal
3 control over the autopsy records of Senator Robert Kennedy. The
4 State of California quite properly has control over those records.
5 How did the Kennedy family come to have legal possession of those
6 records is a fundamental question for which some trail of evidence
7 under the broad definition of record should exist.

8 And I urge the Board to, in addition to interviewing
9 Burke Marshall, who, of course, is the Kennedy family's legal
10 representative on this particular matter, the deed to the National
11 Archives in 1966, and conduct a systematic review of all records of
12 the Secret Service, especially that agency's Protective Research Service
13 or Division, which assumed original custody of the materials the night
14 of the autopsy. Additionally, the Board should review all records of
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1 the Bethesda Naval Hospital about this matter.

2 Furthermore, along the same general lines, I urge the
3 Board to conduct an intensive investigation into records dealing with
4 the certain actions taken by the Secret Service in 1963. I have
5 communicated with the Secret Service, the Kennedy Library, National
6 Archives about this matter and all of them say no such
7 documentation or records exist. Surely some records exist.

8 Why did the Secret Service remove President Kennedy's
9 body from Dallas and transport it to Washington? What Federal
10 statute gives the Secret Service jurisdiction over a presidential corpse?

11 As far as I know, there is none in existence. Why were three Secret
12 Service agents present at the autopsy at Bethesda Naval Hospital? I
13 don't know. No documentation has ever been produced to document
14 that.

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1 Why did Roy Kellerman take possession of the autopsy
2 photographs, the unprocessed negatives and the X-rays at the time of
3 the autopsy? What legal authority did Kellerman have to possess
4 these materials and then turn them over to Robert I. Bouck, the head
5 of the Protective Research Service of the Secret Service, when at that
6 time Lee Harvey Oswald was still alive and these autopsy records were
7 properly legal documents that should have been under the jurisdiction
8 of Dallas District Attorney Henry Wade, not the Secret Service of the
9 United States?

10 Why did Secret Service Agent James Fox make a private
11 set of autopsy photographs for himself? What legal possession did he
12 have over those autopsy photographs and what legal authority did Fox
13 have to sell these so-called Couch set of photographs to David Lifton
14 in 1988 and authorize Lifton to reproduce them?

1 Why did Robert Bouck turn over the autopsy materials to
2 Robert Kennedy in 1965, that is through the Evelyn Lincoln and
3 Angela Novello chain that the House Committee tried to track down?

4 But what legal authority did Robert Bouck have? What legal
5 authority did Robert Kennedy have over Robert Bouck? As far as I
6 know, there was none. Robert Bouck answered to the head of the
7 Secret Service, who answered to the President of the United States,
8 not to a senator from Massachusetts.

9 These are records that I think the Board should certainly
10 try to investigate and not simply accept the word of an agency of the
11 United States that no such records exist. Surely some trail of
12 evidence exists about these questions.

13 As Steve Tyler was talking -- and, by golly, I wish I had
14 gone before him instead of after him -- he did such a good job of his

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1 presentation. I disagree in the sense that I think that the Board
2 should attempt to obtain all outtakes of all television documentaries
3 produced about the Kennedy assassination from the time it occurred
4 until the present.

5 For example, in 1967 CBS did a four-hour long special
6 hosted by Walter Cronkite. We know for a fact that hundreds of
7 hours of film was made, four hours aired minus the commercials. I'd
8 like to see the Board obtain these original records, the outtakes of
9 these documentaries, because I think that they could contain very
10 valuable information.

11 For example, CBS conducted a firing test of the
12 Mannlicher-Carcano and showed only a brief flash on the screen.
13 The complete outtakes could certainly provide some additional
14 information about that ballistics evidence.

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1 And numerous other pieces of evidence should also be obtained from
2 these, the outtakes of these documentaries.

3 Now in another matter, although conspiracy theories
4 about the Kennedy assassination abound, many of them ludicrous and
5 ridiculous, one that remains a plausible one, supported by a
6 substantial amount of evidence, is the so-called Cuban connection to
7 the assassination. Lyndon Johnson's well often-quoted statement to
8 two sources, Howard K. Smith and Joseph Califano, that "Kennedy
9 was trying to get Castro but Castro got him first." The possibility of
10 Cuban government complicity in the assassination certainly cannot be
11 ruled out.

12 I implore the Board to demand the immediate release of
13 all records of the CIA, FBI, Defense Department, National Security
14 Agency, State Department and any other agency of the United States

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1 Government under its jurisdiction under the Act pertaining to
2 U.S.-Cuban relations during the period 1959 to 1963, especially any
3 and all records concerning the assassination plots against the life of
4 Fidel Castro.

5 In addition, I would like -- although Mr. Tilley mentioned
6 that the Lyndon Johnson Library has been very cooperative in this
7 matter, it's quite clear from what he did not say that the John F.
8 Kennedy Library has not been cooperative at all, that the Board
9 should request, even though the Act does not give the Board this
10 authority since this falls under the private deed exemption to the
11 Act -- I believe I'm correct in saying that -- that the Board should at
12 least publicly implore the John F. Kennedy Library to allow its staff
13 members to listen to all White House tapes made during the Kennedy
14 Administration and especially conversations between John Kennedy

1 and Robert Kennedy and any other individuals concerned with
2 U.S.-Cuban relations during that period.

3 The same, by the way, could be true -- I'm not aware of
4 the existence of such -- of any tapes from the Eisenhower presidency
5 since these activities, of course, originated in 1960 under
6 Eisenhower's Administration.

7 One record, one potential record comes from a rather
8 surprising source, H.R. Haldeman. In his memoirs, "The Ends of
9 Power," Haldeman actually refers to the Kennedy assassination as the
10 underlying topic of the infamous smoking gun Watergate tape of June
11 23, 1972, in which Haldeman and Nixon discuss the payment of
12 money to certain Cuban associates of E. Howard Hunt, which was the
13 primary subject of that conversation, although not the specific reason
14 that Nixon got himself into very deep trouble and resigned a few days

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1 later, money that originally came from some of Nixon's campaign
2 contributors.

3 I recommend that the Board research Mr. Haldeman's
4 papers, as well as those of the Nixon White House tapes to determine
5 the source of Haldeman's rather surprising reference to the Kennedy
6 assassination within the context of that smoking gun conversation.

7 As Mr. Tyler briefly mentioned the name of Guy Banister,
8 certainly Guy Banister remains an enigmatic figure in this case for the
9 relationship, if any, between Oswald and Banister during the spring
10 and summer of 1963. As I have in my book and I'll repeat it here
11 today, I myself saw Banister and Oswald together in New Orleans in
12 the summer of 1963.

13 On the first occasion, Banister was debating President
14 Kennedy's civil rights policies with a group of college students,

1 including myself. Oswald was in the company of Banister. At the
2 time -- this is the late spring of 1963 -- I was a senior at what at
3 that time was the Louisiana State University in New Orleans,
4 although today it's called the University of New Orleans.

5 Banister was not discussing anti-communism, for which
6 he is most widely known, but rather racial integration, and Banister
7 was certainly a rabid segregationist to say the least, virulently critical
8 of President Kennedy's civil rights policies.

9 Now the possible racist connections of Lee Harvey Oswald
10 to Guy Banister lead to another recommendation of the Board to
11 peruse the FBI files on such topics as Leander H.J. Perez, Sr., the
12 Citizens Council of Greater New Orleans and a title that, of course,
13 only the FBI under J. Edgar Hoover could have developed,
14 "Communist Infiltration of the NAACP." There is an actual FBI file

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1 with that title. References to Guy Banister may be found also in
2 various papers from the DeLesseps Morrison Collection from Tulane
3 University and from the New Orleans Public Library.

4 And speaking of Tulane University, I'd like also the Board
5 to investigate whether any of the papers of Leon Hubert, who was a
6 law professor at Tulane School of Law, are at the Tulane Library
7 because Mr. Hubert was a junior counsel for the Warren Commission
8 and that is a possible source of material. Congresswoman Boggs'
9 testimony earlier made me think of that.

10 My time has expired. With no time limit, I could easily
11 provide the Board with innumerable other potential sources of
12 information concerning the availability of records pertaining to the
13 assassination.

14 In conclusion, I would like to state for the record that the
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1 more than three decade long history of obfuscation and suppression of
2 records about the assassination of President Kennedy needs to be
3 ended as expeditiously as possible. In that light, I urge this Board to
4 exercise its authority under the Act, to release all records pertaining
5 to the assassination without exception, and to instruct the National
6 Archives to make them available for immediate public inspection.

7 Thank you.

8 CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz.
9 Appreciate your testimony today and your advice to us. And
10 certainly additional advice that you have that you weren't able to
11 pass along today, we'd certainly appreciate it in writing because we
12 will follow up on your suggestions.

13 DR. KURTZ: Yes, for example, Mr. Samoluk of your staff
14 has contacted me about reproducing the preliminary hearing

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1 transcripts of the Clay Shaw trial, which we have at our library at
2 Southeastern Louisiana University. We're trying to figure out the
3 logistics of doing that right now.

4 They don't lend themselves to Xeroxing, probably an
5 optical scanner, but be assured that we will provide the Board with
6 copies of all of those transcripts of those Clay Shaw preliminary
7 hearings and a few other pieces of materials that our library has and
8 I, myself, have in personal possession. We'll certainly share copies
9 with the Board.

10 CHAIRMAN TUNHEIM: Excellent. Would you mind if
11 we ask you a few questions, the members of the Board?

12 DR. KURTZ: Not at all.

13 MR. HALL: Mr. Kurtz, Dr. Kurtz, Professor Kurtz --

14 DR. KURTZ: Doesn't matter. Same person.

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1 MR. HALL: Whatever works, right. You concentrated a
2 good deal on Cuba and potential connection of Cuba to the
3 assassination of the President. I wonder have you thought through
4 or addressed the question in the relationship of Mexico to Cuba and
5 where Mexico stood in the light of the New Orleans and Louisiana
6 economy and political community in 1963?

7 DR. KURTZ: You're talking about the Mexican
8 Government now in your question. Not much to be quite honest
9 with you. At the time, I don't recall that Mexico itself had any
10 major relationship with the United States other than what was
11 common knowledge. I did not think of Mexico as a source of any
12 kind of perhaps intelligence activities, although Mexico City, of course,
13 was a beehive of different kinds of intelligence activities and Oswald's
14 famous trip there in September of 1963 has generated a lot of

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1 controversy.

2 But I don't really see a great deal of connection there,
3 directly or indirectly, except that Mexico was a conduit to which the
4 U.S. could communicate with the Cuban government of course.

5 CHAIRMAN TUNHEIM: Any questions?

6 MS. NELSON: Are you, Professor Kurtz, are you aware of
7 the recent release from the FBI of records -- an interview with
8 someone who-- or a memo I believe it is -- with someone who saw
9 Castro reenact the assassination, the assumption behind that being
10 that he didn't have anything to do with it? Are you aware of that?

11 DR. KURTZ: Yes. Yes, I am. I'm also aware of Castro's
12 denials of having participated in the assassination of President
13 Kennedy and also of the fact that I think a fairly strong majority of
14 the community of Kennedy assassination scholars who agree with me

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1 that there was a conspiracy in the assassination; do not agree that
2 Castro was the mastermind behind it.

3 But I do, nevertheless, I do not take Castro's denials with
4 a grain of salt -- I mean I take them with a grain of salt and I
5 certainly do not take Castro's experiments with the rifle to see
6 whether or not one man could fire the shots any more than I do
7 CBS's experiments with a rifle --

8 MS. NELSON: So, basically, you think there are more
9 references out there?

10 DR. KURTZ: Oh, yes. I think there's a great deal more
11 that we can learn that even members of the Church Committee did
12 not have access to concerning all of this business. I think there's a
13 great deal more.

14 I mentioned, for example, the National Security Agency as

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1 a potential source of information. I don't know that there are
2 records but, nevertheless, I think it's an avenue of investigation the
3 Board should pursue.

4 CHAIRMAN TUNHEIM: Dr. Kurtz, are you aware of any
5 records that the government of Cuba or in private hands on the
6 island of Cuba that might be relevant to all of this that we should be
7 seeking? Are you aware of anything there?

8 DR. KURTZ: I wouldn't be surprised that there are. But
9 I am not aware of any at all, Mr. Tunheim, and frankly, I would
10 think that the Board would waste its time communicating with
11 Premier Castro about this matter. He's not going to cooperate any
12 more fully than he did I think with the House Select Committee on
13 Assassinations.

14 CHAIRMAN TUNHEIM: Could you just follow up on a
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1 point that you made in your testimony, Dr. Kurtz, about the Kennedy
2 family's control of the autopsy materials. I'm just curious about why
3 that is significant to you, I mean as part of this entire picture.
4 Maybe you can explain that a little more to me.

5 DR. KURTZ: It's significant, Mr. Tunheim, because the
6 Kennedy family has persistently refused to make these records
7 available to serious, honest researchers and scholars. Not only
8 historians and academicians, but also many people highly qualified in
9 the areas of forensic pathology, such as Dr. John Nichols and Dr.
10 Milton Helpern, were specifically turned down by the Kennedy family
11 in their request to inspect the autopsy materials under the deed of
12 gift in the National Archives.

13 I realize, of course, that today we have -- the copies have
14 been so widely reproduced and so forth, but as you yourself have

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1 heard in testimony in the previous meeting from Dr. Aguilar, I believe,
2 there are so many questions that still remain about the whole broad
3 subject of the medical evidence in this case. I think that this is
4 something that needs to be pursued as thoroughly as possible and any
5 and all records pertaining to this needs to be made public.

6 CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz. I just
7 want to add that I found your--the introduction that you wrote to
8 your book, "Crime of the Century," to be particularly good at putting
9 together a lot of the different theories that are out there. I found
10 that very useful and I just wanted you to know that.

11 DR. KURTZ: Thank you.

12 CHAIRMAN TUNHEIM: Thank you for your testimony
13 today and your advice to us.

14 Our next witness this morning is Wayne Everard. Mr.

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1 *Everard is the archivist for the City of New Orleans Archives. He*
2 *oversees the records at the New Orleans Public Library that are from*
3 *the investigation into the assassination of President Kennedy*
4 *conducted by the District Attorney's Office. Welcome, Mr. Everard.*

5 *MR. EVERARD: Good morning. The city archives, I should*
6 *say first of all, is the official archives for the City of New Orleans. It*
7 *happens to be administered by the New Orleans Public Library. But*
8 *we are a separately ordained creature.*

9 *We've been in the JFK assassination business I guess for*
10 *about 20 years now, and I should say right off that our records have*
11 *always been open to the public with a few procedural limitations, and*
12 *have been used by a number of researchers over the years.*

13 *In 1974, we received a series of New Orleans Police*
14 *Department arrest books and included in that was the volume that*

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1 contained the record of Oswald's arrest on August 9, 1963 in New
2 Orleans. Later NOPD accessions have included offense reports, such
3 as the one for Jack Martin's complaint on November 22, '63 against
4 Guy Banister and also the report of Ferrie's initial --David Ferrie's
5 initial arrest on November 25, 1963.

6 Also in the Police Department records is a series of police
7 crime scene photographs, including images made of Ferrie's
8 apartment following his death in 1967.

9 We have also records from the New Orleans Parish
10 Coroner's Office, including several documents involving the Ferrie
11 autopsy report, although the original autopsy file, which included
12 views of Ferrie's body before and after the autopsy and additional
13 photographs of the apartment, were requested to be returned back to
14 the Coroner's Office in 1988, and that file is still over there.

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1 Even the library's records itself include a file on the
2 assassination, beginning with the following day after the assassination
3 where FBI agents went to the library to ask about Oswald's reading
4 proclivity, since it turned out that he was a patron of the library, of
5 our Napoleon Branch.

6 Since then this book has turned up. They were cleaning
7 out the branch last year I guess to turn it into a children's library.
8 This is actually a copy of Taylor Caldwell's, "The Arm in the
9 Darkness," and it has a little card in the back that has written in,
10 "Due on September 9, 1963, Checked out by Lee Harvey Oswald."
11 Now whether this is real or somebody just added that little note later
12 on, who knows. But it's one of our few Oswald artifacts that we
13 have in the collection.

14 But our biggest and most significant assassination related

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1 record series actually didn't come to the library until 1990, and
2 you've already heard a little bit about it this morning. I'll give you
3 sort of a blow-by-blow description of how we got them and also some
4 description of what is in this collection.

5 Early in 1990, the city librarian received a call from the
6 File Room supervisor for the District Attorney's Office. They were
7 interested in purging their case files from the 1950s and 1960s.
8 Apparently, the Office was looking for ways to save money. They
9 were storing these records in a private records warehouse and I'm
10 sure the charges were pretty fierce.

11 The File Room supervisor realized that these were
12 historically significant records and didn't just want to just destroy
13 them and he probably had been talking with the Clerk of Criminal
14 Court who had, just a year before that, deposited some of their older

1 records with the Archives. So he was talking to us to see if we were
2 interested in accepting the district attorney's records as well.

3 I went and made an on site inspection of the records and
4 found out that there were a few boxes, three boxes I think actually,
5 marked JFK Assassination, and any doubts that we had about
6 whether we wanted to accept the entire donation were dispelled by
7 the opportunity to collect some of these things.

8 On February 13, 1990, we did transfer the district
9 attorney's records from their warehouse to the Central Library. And
10 after some preliminary arrangement and description, I drafted a
11 donation agreement which the Executive Assistant District Attorney
12 signed on March 1, 1990, turning the files over to the City Archives
13 collection.

14 There were only these few boxes with JFK markings. We
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1 actually hoped that as we were transferring the records other things
2 would turn up, but nothing additional did turn up.

3 I should stop at this point and say that these were files
4 that, as far as I can tell, are totally different from the files that the
5 District Attorney's Office still has, which are locked up in a separate
6 room over there and these things were in boxes off in a warehouse ten
7 miles away from the District Attorney's Office. So there were
8 probably some differences in the records, and I'll talk about that a
9 little bit more.

10 As we...after we got these records and I looked at them
11 more carefully, it turned out, indeed, they did include original
12 materials from the Garrison investigation and for several reasons we
13 decided very early on that we would microfilm the collection before
14 we did anything in the way of making them available to the public.

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1 I arranged the records and did some archival description
2 on them and I'll read you briefly, a little bit more in detail, on a
3 description of the records. Again, the original records were in three
4 boxes, probably somewhere in the neighborhood of two cubic feet
5 because of the way they were stored. They include materials
6 apparently collected by Garrison and his staff during the
7 investigation, also included are photocopies of portions of the court
8 record in the case of Louisiana vs. Clay Shaw and other cases related
9 to the investigation, correspondence files and one file of miscellaneous
10 material.

11 The correspondence sub-series includes general
12 correspondence of the District Attorney's Office during the period.
13 The period is 1966 to 1973, as well as letters dealing specifically
14 with the assassination investigation. Many of the letters that are

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1 relevant to the assassination are in the nature of fan mail, people are
2 writing letters encouraging Garrison to continue the investigation,
3 asking him to come speak to their groups and that sort of thing.

4 There are also letters to and from reporters and other
5 representatives of the news media and letters from people from
6 around the country who are offering their own assassination theories
7 and commenting on Garrison's. Those are two of the major groups
8 in the correspondence category.

9 There were a few letters dealing with complaints lodged
10 with the State Bar Association against Garrison by attorneys who are
11 representing witnesses in the Shaw case. There's one letter from
12 Garrison to Marina Oswald Porter, telegram from Lee Oswald's
13 mother, a letter from Garrison to F. Irving Dymond, who was Shaw's
14 criminal attorney, concerning details of the case. So there's some

1 interesting, interesting substantive material in there.

2 Also there's a memo from Garrison to one of his assistants
3 concerning the David Ferrie autopsy, which you have talked about and
4 heard a little bit about earlier from Mr. Tyler. I'll just read a very
5 brief portion of that. Garrison to his assistant, dated December 11,
6 1967.

7 "I think we should make a thorough investigation of the
8 possibility that Ferrie committed suicide by means of Proloid. This is
9 particularly justified by an earlier statement of his -- I believe it was
10 made to Perry Russo -- to the effect that he knew how to commit
11 suicide and leave no traces.

12 "I would appreciate it if you" -- referring to his
13 assistant -- "would handle this operation. Dr. Begnetto has
14 promised to provide us with a statement saying that Ferrie had high

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1 blood pressure and should not be using Proloid. I believe that Lou
2 Ivan" -- another of his assistants -- "has had some initial
3 investigation done in this area. I think we should prepare, if possible,
4 a complete case for the Proloid possibility, supported by statements
5 from pathologists and other qualified doctors. I am sure that if we
6 are able to develop this factually, Dr. Chetta will reconsider the initial
7 conclusion that death was due to natural causes."

8 Garrison goes into this a little bit in his book, "On the
9 Trail of the Assassin." Apparently no blood samples were saved so
10 that didn't proceed beyond this memo or beyond the investigation
11 that this memo led to.

12 Among the letters -- and again I'll just mention two of
13 them as giving us some sort of a flavor of what is in this collection.
14 It's a letter of August 16, 1967, from Melvin Belli to Jim Garrison.

1 Belli was a prominent attorney who represented Jack Ruby after he
2 was tried for the murder of Oswald.

3 "Dear Jim, I see the bastards are still after us, but if they
4 weren't, then we wouldn't know who our friends were." And he goes
5 on to say, "How are things going with you? I hope sometimes to get
6 down your way and say hello, and whenever you get out this way,
7 publicly or privately, be sure and let me know beforehand. If you're
8 just John Jones, you shall remain such and I'll stash you away in the
9 damndest penthouse you've ever seen this side of the Cape of Good
10 Hope."

11 The second letter is dated August 27, 1967. From...it's a
12 copy of Garrison's letter to Lord Bertram Russell, who Garrison
13 acknowledges in his book had been an early supporter of his
14 investigation, one paragraph, Garrison identifies in the beginning of

1 the letter a coalition of anti-Castro Latins and the Minute Men
2 organization as the President's killers and then Garrison goes on to
3 say, and I quote:

4 "Above the operative level, insulated and removed to the
5 point of being very nearly invisible, appeared to have been individuals
6 whose political orientation can only be described as Neo-Nazi. We
7 regard the defendant, Clay Shaw, as being a member of this group.
8 These individuals appear to have rather unusual international
9 connections and it is not unlikely that they might have had earlier
10 relations with the Gehlen Intelligence apparatus instituted in
11 Germany.

12 "Elements of the Gehlen apparatus appear to have been
13 digested by our own CIA during the course of the Cold War
14 apparently because of their possible value in fighting communism.

1 Even as I have described this neo-Nazi aspect, I am sure that it
2 sounds somewhat fanciful. Because of the unbelievability of this part
3 of the picture, I have found it necessary to refrain from mentioning it.

4 It is bad enough that the press describes the more obvious parts of
5 the conspiracy as unbelievable without my supplying them with new
6 fuel.

7 "Nevertheless, the essentially Fascist origin of the
8 assassination is inescapable, more about which I will be happy to tell
9 you when I have a little more time.

10 Again, this is three excerpts from probably 1,000 or so
11 pages in the collection. They give some flavor for what is included in
12 there.

13 We did, after I completed this inventory, precede with our
14 plans to microfilm the collection. We've produced 316 millimeter

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1 rolls of film and I gave Tom Samoluk a set of those films this
2 morning, so you will have those for the collection.

3 We didn't really announce availability of these records
4 again until we had finished filming them for security reasons. We
5 didn't really seek any publicity for the records. We made
6 announcements to the local state and regional archival newsletters,
7 and until "Times-Picayune" article last week about this hearing, I
8 don't think that the local press had ever carried any stories about our
9 collection of Garrison materials.

10 But they have been used. We've had several researchers
11 request them in house and the records, the microfilms, are out in
12 public accessible areas. We really don't have any statistics on how
13 many people have used them. We did, when we did the films, is
14 make two sets of films so that one would always be available for

1 interlibrary loan, and we have had several interlibrary loan requests
2 since they've been available.

3 We did enter a catalog record for the material into the
4 OCLC database and we also just this year added a copy of the
5 inventory to our worldwide web site on the Internet. So we are
6 trying to let the world know that we have these and we're willing to
7 let everybody who wants to, use them.

8 At the 1993 Annual Meeting of the Society of American
9 Archivists, which was here in New Orleans, I participated in a session
10 on the assassination records. I discussed our holdings and how they
11 were used, pretty much as I've done here this morning.

12 But two of the other presenters on the panel were from
13 the National Archives and their description of the whole Assassination
14 Records Collection Act and how they were implementing it and

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1 everything was very interesting to me and sort of inspired me after
2 the session was over to go back and write letters to the New Orleans
3 Police Department and to District Attorney Connick asking them to
4 once again look and see if it were additional records and to consider
5 making them available in the spirit of the Federal legislation.

6 The Police Department responded that they had no
7 additional materials and I have no idea what they looked at in order
8 to come to that conclusion. But that was their answer. The district
9 attorney, however, did assign one of his chief assistants to work with
10 me on the matter. On October 14, 1993 I met with him at the
11 District Attorney's Office, where he did show me the collection, which
12 again was in a separate room, locked room away from all the rest of
13 the records. It seemed to me at the time that it was more than one
14 file cabinet, but I didn't really have a lot of time to look at the
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1 records and just very brief impressions is all that I came away with.

2 We discussed the possibility of those records being added
3 to the donation that we had already received from the District
4 Attorney's Office, but nothing further came from that discussion.

5 Last month I got, did get, a letter from the District
6 Attorney advising me that they were planning to donate additional
7 materials to the library. Immediately thereafter I learned of this
8 Board's interest in New Orleans records and have since learned that
9 the District Attorney will now be turning the records over to the
10 National Archives, rather than to us, although in discussions with Tom
11 Samoluk this morning, it sounds like we can work out some kind of a
12 deal where we can get copies of those records to be kept with our
13 records at the Public Library. We would very much like to have local
14 accessibility to those records continue.

1 I look forward to working with you all and the National
2 Archives in the future and on this never ending story.

3 CHAIRMAN TUNHEIM: Thank you, Mr. Everard. Are
4 there questions, members of the Board?

5 MR. JOYCE: Mr. Everard, one of the ways that
6 repositories are able to supplement their holdings is when their
7 librarians and archivists encounter researchers who come to use the
8 collection.

9 I'm wondering in the case of your collection, if you've
10 encountered any researchers who have been able to provide you with
11 additional information about the records already in your custody and
12 the possibility that there may be other records out there somewhere
13 that might be relevant? Do you have any information like that or
14 any guidance that might be of use to us?

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1 MR. EVERARD: No, I really don't. We have had people
2 use the records, but they have very much tended to close mouthed
3 about what they were finding and what value they found in the
4 records and really haven't gotten into those kinds of discussions and
5 possibly because we have microfilmed them and we don't have the
6 usual kinds of contacts between researcher and archivist that would
7 be necessary in the case of original records. We don't get the full
8 sense of how and who are using the records.

9 But, no, I haven't really had those kinds of discussions
10 with researchers. People have asked questions about the existence of
11 other records, and I've tried to answer those to the best of my ability,
12 but no leads from outside like that.

13 MR. JOYCE: Thank you.

14 CHAIRMAN TUNHEIM: Go ahead, Dr. Hall.

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1 MR. HALL: If I may, I'd like to say a word of praise on
2 behalf of the New Orleans City Archives and New Orleans Public
3 Library. I've had the pleasure of doing research in your library and
4 in the archives and it's really substantive materials, really one of the
5 best facilities in the entire south.

6 MR. EVERARD: Thank you.

7 MR. HALL: But having said that now, I'm actually trying
8 to figure out how the New Orleans City Archives works. And I'm
9 particularly interested in the way in which the materials came to you
10 in 1990. This is a call initiated apparently out of the Room
11 Supervisor of New Orleans District Attorney's Office concerning their
12 interest in purging their files.

13 Now how do you do business here in New Orleans?

14 [Laughter.]

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1 MR. HALL: How do you go about --

2 MR. EVERARD: Good question.

3 MR. HALL: Is there a process for systematic review, a
4 kind of diligent oversight of records that are --

5 MR. EVERARD: We, again, we --

6 MR. HALL: To be brought to the Archives?

7 MR. EVERARD: We are the municipal archives. Our
8 mandate is to collect records of the City of New Orleans and we have
9 a -- maybe it's not all that strange, although it seems strange to me,
10 a governmental arrangement here where although the City of New
11 Orleans and Parish of Orleans are coterminous, there are offices
12 within the parish level which are not part of the municipal
13 government. Therefore, we have no mandate or legal authority to
14 collect records from the District Attorney's Office, records from courts

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1 and records from the coroner, which are all parish, or by extension,
2 state agencies.

3 There has been I'd say over the years a failure on the part
4 of those parish/state agencies to provide their own archival
5 mechanisms. Also efforts by the state archives to collect those have
6 met with resistance on the local level.

7 MR. HALL: I think this was a particularly important and
8 worthy note because we could, I think, readily become confused here
9 about the process of finding records in Louisiana.

10 [Laughter.]

11 MR. EVERARD: Right. A lot of the things that
12 happened early on were before my time, but I can give you a little bit
13 of knowledge about how some of these things work. For example,
14 the criminal--the civil court records in New Orleans were in the

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1 custody of the Civil District Court, which is one of these parish/state
2 agencies. In the early '70s, my understanding is that they were just
3 going to throw away all of their old records because they didn't have
4 any way to take care of them any more.

5 Members of the local history community found out about
6 this and approached the head of the archives, Collum Hammer, my
7 boss, about a possibility of taking these records, and he did that. He
8 agreed and signed a deposit agreement with the judges and we have
9 all the civil court records for New Orleans in our collection, although
10 they are not technically part of the City Archives collection.

11 Similar kinds of arrangements were made with the
12 coroner over the years and we have large expanses of files at the
13 Coroner's Office.

14 In the late '80s, we made a similar arrangement with
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1 Criminal Court to take their early records, from 1831 to 1931, and
2 immediately thereafter -- and this was what lead me to think that
3 maybe the reason the District Attorney's people approached us is
4 because they had been discussing with the Clerk of Court, who is right
5 across the street from them, about how to take care of records they
6 no longer felt a need to maintain themselves. Out of that discussion,
7 came the approach to the city librarian and ultimately the records
8 coming to us.

9 The records that we did take on donation at the time,
10 probably something in the neighborhood of 165 cubic feet, case files
11 from approximately 1955 to 1960, already the capital cases and
12 other first class cases had been removed. So these are the less
13 important cases. But included in that were these three boxes that
14 were marked JFK.

1 As you know, they were not trying to keep these from me.

2 The file clerk alerted me to the fact that these records were included
3 and we probably would have taken them anyway, but this certainly
4 made an easier decision for us to go ahead and do this.

5 MR. HALL: Can I just, one other question to go along
6 with this. As a matter of course in Louisiana, where are grand jury
7 materials archived?

8 MR. EVERARD: My understanding is with the District
9 Attorney's Office. But this is, I have no direct knowledge of that.

10 MR. HALL: Well, let me then, if I could, spin the question
11 around the other way. Do you have any grand jury materials in the
12 City Archives?

13 MR. EVERARD: There are some very old 19th century
14 records that came to us with the Criminal Court accession that we

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1 made in 1989 and there are things like maybe witness books and
2 such. I don't think there are any actual, you know, testimony case
3 files or anything like that. We do have reports that the grand jury
4 made of their inspections of the criminal justice system. But those
5 were published reports which I'm sure were widely distributed.

6 We do -- there are -- and this maybe will give you a
7 little bit more indication of some of the confused state of records over
8 at the courthouse. In one of our accessions of records from the
9 Coroner's Office, there were maybe five or six boxes of records from
10 the District Attorney's Office that came in, probably because they
11 were sharing temporary storage space over in the courthouse. And
12 there were maybe two or three grand jury reports included in that
13 file, which I have -- will not release because it is my understanding
14 that grand jury testimony is confidential and not public record.

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1 MR. HALL: Right. It is an interesting situation though
2 when the District Attorney comes and testifies and says that at least
3 when he came into office the records that would be especially
4 pertinent to us were in a state of disarray and some confusion, that
5 there may have, in fact, been public materials that were put into
6 private hands. I think he used the word "thievery" to describe that
7 activity.

8 And then to realize as well that the legal authority by
9 which those records are maintained in Louisiana seems to be at least
10 confused as to where they are ultimately to be located, and that we
11 could, in fact, be in the position where a fair amount of materials,
12 some of which turned out to be pertinent to understanding the
13 assassination, were potentially going to be destroyed save for the good
14 judgment of some of the staff in your office.

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1 MR. EVERARD: I think you might want to, if you haven't
2 already talked to the State Archives, just talk to them about these
3 matters of jurisdiction and also about the possibility that they may
4 have some records that would be --

5 MR. HALL: And, well, that's clearly the direction that I'm
6 headed in. I think that's something worth being explored because the
7 criminal records or court records, as I understand it, in Louisiana are
8 in an anomalous archival position.

9 MR. EVERARD: You'll also recall -- and I don't have an
10 exact cite here -- but somewhere in Garrison's book he refers to the
11 fact that when he went back to do research in his records he
12 discovered that they had been stolen.

13 CHAIRMAN TUNHEIM: Thank you very much.

14 MS. NELSON: We might defend Louisiana a little bit by
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1 saying that's true of other states, too.

2 MR. EVERARD: Thank you.

3 CHAIRMAN TUNHEIM: Any other questions for Mr.

4 Everard?

5 [No audible response.]

6 CHAIRMAN TUNHEIM: Thank you, Mr. Everard. We
7 appreciate your testimony today and look forward to working with
8 you. Thank you.

9 We have one additional witness today before we complete
10 this morning's public hearing. Mr. Elton William Killam, who is a
11 relative of a deceased individual whose name has come up in
12 connection with the assassination, and Mr. Killam would like to
13 present to us some of the research that he's done on that person.

14 Good morning.

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1 MR. KILLAM: Yes. Thank you, Mr. Chairman. I
2 appreciate the opportunity to address this Board.

3 Just to give you a little background on myself, I've been a
4 criminal defense lawyer for 21 years specializing in homicide cases.
5 So I am a little bit familiar with the investigation of criminal cases
6 and the rules of evidence and what hearsay may be and I know some
7 of the things I may tell you this morning would not necessarily be
8 admissible in court as hearsay, but it's still research.

9 Back when Henry Thomas Killam died in Pensacola,
10 Florida, I was just 15-years-old. Prior to his death, my household
11 had received a number of calls after the Kennedy assassination seeking
12 Henry Thomas Killam. I'm a distant cousin of Mr. Killam. He was
13 one of the first suspicious deaths in the wake of the Kennedy
14 assassination. At the time of Hank Killam's death, he had lived

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1 previously in Dallas and was married for a long, to a long time
2 employee of Jack Ruby, Wanda Joyce Davis Killam.

3 Hank was a large, imposing individual, approximately 6'
4 4", 250 pounds. I have information that he worked as either a
5 bouncer, a bartender or a hanger out of sorts at Ruby's Carousel Club.

6 Other researchers and family friends have uncovered the following
7 about Killam's relationship to the JFK assassination:

8 Immediately after the assassination, Killam was questioned
9 by the FBI in Dallas. Prior to living in Dallas, Killam was on
10 probation in Pensacola, where he acted as an informant for the
11 Sheriff's Department and the County Solicitor's Office. But Dallas
12 FBI requested that the County Solicitor's Office in Pensacola pick up
13 Killam after the assassination of John F. Kennedy.

14 While in Dallas, Killam painted houses with a John Carter,

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1 who was a Beckly Street occupant and possibly helped Oswald find a
2 place to stay at the request of Ruby. It's been reported that Killam
3 also resided at the Beckly Street address and also shared a bathroom
4 with Oswald.

5 Within approximately one week after the assassination,
6 Killam returned to Pensacola a very frightened man and spoke to
7 various people about the circumstances surrounding the assassination.
8 He claimed he had special knowledge and carried around a large
9 wallet filled with newspaper articles pertaining to the assassination.
10 Killam had stated that he had been in meetings in New Orleans and
11 in Dallas where the assassination had been discussed.

12 Killam was also a frequent visitor to New Orleans and
13 liked to go to the Show Bar and, as the committee may know, that's
14 where Jada was employed, and I understand that she rode around in
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1 a red Chevrolet Impala convertible that was parked in the garage of
2 Jack Ruby.

3 Killam was picked up for violation of probation in
4 Pensacola in 1963, in December of '63. He was in jail for
5 approximately two weeks, but was checked out of jail daily and
6 allowed to spend his days in a local bar. Killam told the owner of
7 the bar that he had special knowledge of the assassination and that he
8 had been involved in the transportation of a woman associated with
9 Ruby.

10 While in Pensacola, the FBI interviewed and polygraphed
11 him and they generated memorandums about these interviews, and
12 I've had FBI agents in Pensacola tell me they generated
13 memorandums, which I have not been able to obtain from the
14 National Archives.

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1 Killam left Pensacola for Tampa in order to escape the
2 harassment of the FBI. He was interviewed in Tampa, which
3 produced a statement that's in the Warren Commission Report, which
4 does not coincide with what he told anybody in Pensacola. I have
5 tried to talk to the FBI agents in Tampa that interviewed him down
6 there. They have refused to talk about their interviews with Mr.
7 Killam.

8 Killam was forced to come back to his mother's house in
9 Pensacola. He stated to the County Solicitor's Investigator in
10 Pensacola, who I personally interviewed two weeks prior to his death,
11 that there were little dark people following him around, who he
12 described as either Mexicans or Cubans, and that they were out to kill
13 him.

14 There was also a man dressed as a priest who was
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1 following him around Pensacola at that period of time, and I know
2 that Frank Sturgis was known to carry around a priest outfit. Of
3 course, David Ferrie paraded around as a priest and also his former
4 roommate, Raymond Broshears. And I feel like there's a good
5 possibility that one of the three of them was in Pensacola during that
6 period of time shadowing Mr. Killam.

7 On the day this priest was sighted, this was independently
8 verified by the minister for Mr. Killam who was present at his house
9 and witnessed the person across the street watching the house. I
10 talked to Mr. Killam's probation officer who personally took two FBI
11 agents over to Mr. Killam's house because he had talked to Mr. Killam
12 and had been advised of the information regarding special knowledge
13 concerning the assassination. He told the probation officer that the
14 only person that he would reveal the full story of what he knew about

1 the assassination to would be Lyndon Johnson.

2 After the interview with the FBI, they advised the
3 probation officer that Mr. Killam needed psychiatric help. That
4 psychiatric help was never forthcoming because the next morning
5 Killam was dead. His death occurred on March 17, 1964 in the
6 early morning as a result of a single slash that was three inches deep
7 into his jugular vein. Officially the death was ruled as a suicide or an
8 accident, that he had apparently jumped or fell through a plate glass
9 window. There were no other cuts on his body.

10 In 1967, his brother Earl tried to have his body exhumed.

11 This was in the wake of the Garrison investigation. That was
12 denied by local authorities citing no association between the
13 assassination and the death of Mr. Killam.

14 I've independently received CIA documents and other
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1 material not provided to the JFK archives pertaining to Killam. I
2 feel that other FBI documents do exist and that this is because of the
3 number of encounters that I have verified that Mr. Killam did have
4 with the FBI.

5 I realize that this one little individual is maybe not
6 important in the grand scheme of things, but it does present to this
7 Board the problems that one person has in trying to obtain
8 information from the Archives, which they may be denied this
9 information by the FBI and for that reason I'm not able to put
10 together a total view of what happened.

11 I've listened to the other witnesses testify. I can tell you
12 about some of the things that I'm concerned about on a broader scale
13 that might be available to this committee to request. I understand
14 that the CBS footage of what happened in Dallas on 11/22 has never

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1 been released by the network, that it may show a Studebaker that
2 Oswald allegedly escaped the book depository in.

3 I was watching a show not too long ago where they were
4 discussing Haldeman's diary. In Haldeman's diary, there was a
5 section classified that dealt with a conversation that Richard Nixon
6 had with LBJ regarding getting the Democrats off his back over
7 Watergate that was classified as being something to do with national
8 security. I feel like it had something to do with this 18-minute gap
9 that's been discussed.

10 You've talked about stuff missing from Mr. Garrison's file.
11 I believe there's evidence that there were a number of people in the
12 Garrison investigation, investigators that were CIA "moles" that carted
13 off large amounts of information. I know of one individual, a William
14 Boxley, who went back to Texas. I know that his widow gave the
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1 information that Mr. Boxley left behind to a researcher over there, a
2 J. Gary Shaw, who has all of Mr. Boxley's information.

3 I think that Mr. Boxley's part in Garrison's investigation
4 dealt with the players in the Carousel Lounge and I think that's where
5 you're going to find a major void in what actually occurred in Dallas.

6 The other thing that I can suggest to you is that there is
7 no statute of limitations on the crime of first degree murder. The
8 State of Texas still has jurisdiction. They've just recently buried
9 Governor John Connally with bullet fragments. You might consider
10 digging him up and doing some ballistic work on those fragments.

11 I find it hard to believe that Fidel Castro could orchestrate
12 events at Bethesda Naval Hospital and the book depository in Dallas
13 and disagree with Professor Kurtz on that. I think that Mr. Castro
14 would be valuable, especially right now since he has Robert Vesco and

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1 Donald Nixon in custody and certainly they have a lot of information
2 concerning that 18-minute gap.

3 I appreciate the time that the committee has given me to
4 address you.

5 CHAIRMAN TUNHEIM: Thank you, Mr. Killam. Any
6 questions?

7 MR. JOYCE: Mr. Killam, I think you said that the
8 published interview by the FBI with your relative in Tampa did not
9 coincide -- I think was the language you used -- with information in
10 Pensacola that he had given the FBI. I'm wondering, first, how do
11 you know that and, second, whether there might be documentation
12 that supports that, that could be made available to the Board or that
13 you can direct us to?

14 MR. KILLAM: I have interviewed three of the four wives
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1 allegedly married to Mr. Killam. Upon his return from Dallas, he
2 told one of them specifically that he knew Lee Harvey Oswald and
3 also knew Jack Ruby, that he had special knowledge concerning the
4 assassination. I've also interviewed a niece of Mr. Killam, who talked
5 to him several days before his death. She related to me that he told
6 her that he knew Lee Harvey Oswald and also knew Jack Ruby. I've
7 also interviewed several other people who verified the same
8 information.

9 There's also some information that's published by Penn
10 Jones. Penn Jones' research would be very valuable in this regard.
11 He published an article where he described the fact that Mr. Killam
12 lived in the rooming house with Oswald on Beckly Avenue and was
13 seen in the company of Oswald before the assassination.

14 Certainly, this doesn't coincide with Commission Exhibit
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1 1451, which states that Killam had no knowledge of Lee Harvey
2 Oswald and just had a very brief encounter with Mr. Ruby at the club
3 over the fact that his wife was a cigarette girl there and she, you
4 know, knew nothing about him other than that he had some dogs
5 and she had fed him some pizza and they had gotten mad about that
6 incident and that was the extent of the Commission exhibits interview
7 with Mr. Killam and, of course, the FBI agents who interviewed him
8 are still alive and well in Tampa and they won't talk about it. Of
9 course, they're under some oath, I understand, not to discuss things
10 that went on.

11 CHAIRMAN TUNHEIM: Thank you very much, Mr.
12 Killam. We appreciate your testimony this morning or this
13 afternoon, I guess.

14 This brings us to the close of our public hearing today in
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1 New Orleans. I should mention -- I neglected to earlier -- that our
2 colleague Dr. Henry Graff was unable to be with us today, could not
3 join us.

4 The testimony that we've received this morning I think
5 has been very helpful and very interesting, given us some excellent
6 leads, and more importantly, given us some significant groups of
7 records for inclusion in the JFK Collection at the National Archives,
8 which, after all is the ultimate goal of our Board.

9 I want to also emphasize something that I think is
10 important and I try to emphasize to people and that is the
11 independence of this Board. We're five private citizens who are not
12 full-time employees of the Federal Government. We are an
13 independent agency. We are not beholden to any other agency of
14 the Federal Government so that we can make our decisions about

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1 these records in a totally independent fashion.

2 And I think it's important always to emphasize that
3 Congress was very expressedly concerned about making sure this
4 Board was viewed as independent so it could make its own decisions
5 without influence from other branches of the Federal Government.

6 We appreciate very much the donations that have been
7 made to the collection by the individuals who have testified here this
8 morning and other individuals in the New Orleans area and certainly
9 any information that comes up subsequent to this hearing that would
10 be important for the Board to know about, we encourage you to
11 contact us. Our address is on materials that is at the back desk
12 there. We do have an office in Washington and we would appreciate
13 any help the public can give us.

14 We are going to adjourn this public hearing portion of our
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1 meeting. We're going to resume our meeting with simply a meeting
2 of the Board at 2:00 p.m., either in this room or the room right
3 behind the partition. This is a meeting that's been noticed in the
4 Federal Register. On our agenda for the meeting, if you care to
5 attend, is some housekeeping matters about scheduling our next
6 meeting of the Board, a report on some regulations that we are
7 currently in the process of publishing, dealing with the Sunshine Act,
8 the Freedom of Information Act, and the Privacy Act, and then a
9 discussion and a vote on the type of procedures the Board is going to
10 follow for review of Federal Government records that have been
11 postponed by the agencies that possess them.

12 So that will be on our agenda beginning at 2:00 and
13 anyone is welcome to attend that part of our meeting today. If
14 there's no other business to come before the Board, at this time I will

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1 *adjourn the meeting and we'll be back at 2:00 p.m.*

2 *Thank you very much.*

3 *[Whereupon, at 12:40 p.m., the public hearing was*
4 *concluded.]*

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