

(281) Attachment D: Executive Session Testimony of Arlen Specter and Dean Norman Redlich

SUBCOMMITTEE HEARING

TUESDAY, NOVEMBER 8, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE ASSASSINATION
OF JOHN F. KENNEDY OF THE SELECT
COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The subcommittee met at 10:25 a.m., pursuant to notice, in room 2237, Rayburn House Office Building, Hon. Richardson Preyer (chairman of the subcommittee) presiding.

Present: Representatives Preyer, Stokes, Fauntroy, Devine, McKinney, and Sawyer.

Staff members present: G. Robert Blakey, Marion Wills, Vivian McPherson, Dorothy Kuhn, Jacqueline Hess, Kenneth Klein, Elizabeth Berning, Gary Cornwell, James Wolf, Jeffrey Facter, Jan Schlichtman, Michael Goldsmith, Mitchell Mars, Robert Morrison, Larry Stickler, Clarence Day, and William Cross.

Mr. PREYER. The committee will come to order. The Chair recognizes Elizabeth Berning, the clerk of the committee, who will read for the record those members who are officially designated to be on the subcommittee today pursuant to committee rule 12.3.

Ms. BERNING. Mr. Chairman, besides yourself and Mr. Sawyer, Mr. McKinney is substituting for Mr. Thone. Mr. Fauntroy is substituting for Mrs. Burke, and Mr. Devine will be substituting for Mr. Dodd.

Mr. PREYER. Thank you. I would like to entertain a motion at this time that today's hearing and 1 subsequent day of hearing be held in executive session, since on the basis of information obtained by the committee the committee believes the evidence or testimony may tend to defame or degrade people and consequently section 2(K)(5) of rule 11 of the rules of the House and committee rule 3.3(5), require such hearings be in executive session.

Is there a motion to that effect?

Mr. SAWYER. I so move.

Mr. PREYER. You have heard the motion. The clerk will call the role.

Ms. BERNING. Mr. Stokes.

[No response.]

Ms. BERNING. Mr. Devine.

[No response.]

Ms. BERNING. Mr. Preyer.

Mr. PREYER. Aye.

Ms. BERNING. Mr. McKinney.

Mr. McKINNEY. Aye.

Ms. BERNING. Mr. Fauntroy.

Mr. FAUNTROY. Aye.

Ms. BERNING. Mr. Thone.

[No response.]

Ms. BERNING. Mrs. Burke.

[No response.]

Ms. BERNING. Mr. Sawyer.

Mr. SAWYER. Aye.

Ms. BERNING. Mr. Dodd.

[No response.]

Ms. BERNING. Mr. Ford.

[No response.]

Ms. BERNING. Mr. Fithian.

[No response.]

Ms. BERNING. Mr. Edgar.

[No response.]

Ms. BERNING. There are four ayes.

Mr. PREYER. The motion is carried and at this time the committee will go into executive session.

Mr. SPECTER. It is a pleasure to have you with us.

Mr. SPECTER. Nice to be here, Mr. Chairman.

Mr. PREYER. Off the record.

[Discussion off the record.]

Mr. PREYER. On the record.

Under our procedures, Mr. Specter, I will ask that you stand and be sworn.

Do you solemnly swear that the testimony you will give the subcommittee in this matter will be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. SPECTER. I do.

Mr. PREYER. Will the clerk give Mr. Specter a copy of our rules?

Let the record show that Mr. Specter has received a copy of the rules of the committee.

House Resolution 222 mandates the committee "to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy including determining whether the existing laws of the United States concerning the protection of the President and the investigating jurisdiction and capability of Agencies and Departments are adequate in their provisions and enforcement, and whether there was full disclosure of evidence and information among agencies and departments of the U.S. Government and whether any evidence or information not in the possession of an Agency or Department would have been of assistance in investigating the assassination and why such information was not provided or checked by that Agency or Department and to make recommendations to the House if the select committee deems it appropriate for the amendment of existing legislation or the enactment of new legislation."

The Chair will recognize Mr. Klein at this time.

STATEMENT OF ARLEN SPECTER

Mr. SPECTER. Mr. Chairman, before the questioning begins, may I note for the committee that in scheduling my appearance today I have a conflict to be in Reading and was very hopeful of being out by 11 or at least by 11:30. I realize that the time is not something that can be determined with absolute precision but I did want to call your attention to a problem.

My appearance was scheduled last week on rather short notice and I do want to cooperate and be available when the committee wanted me so I am here today but I wanted to note that circumstance. I am advised by counsel that I will have an opportunity to review my testimony for purposes of correcting some inaccuracy in transcription and that I am not limited in any way from commenting on what I say here today. I just want to be sure.

I have not had an opportunity to read the committee rules which are rather voluminous which I have received.

Mr. PREYER. The Chair can assure you, Mr. Specter, that there won't be any problem in that connection. You will be free to comment in any way you choose.

Mr. SPECTER. Thank you, sir.

Mr. PREYER. We appreciate your problem. We will certainly do the best we can to accommodate you.

Mr. SPECTER. Thank you.

Mr. PREYER. Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman.

Mr. Specter, what was your position prior to taking a position with the Warren Commission?

Mr. SPECTER. I was assistant district attorney in Philadelphia, Pa.

Mr. KLEIN. How many years of investigative and prosecutorial experience did you have before working with the Warren Commission?

Mr. SPECTER. I was assistant district attorney from October 1959 until January of 1964 when I became assistant counsel to the Commission. I served in the U.S. Air Force Office of Special Investigations from 1951-53. I practiced law in Philadelphia from the fall of 1956 until October of 1959 which might have some bearing on your question about investigative experience.

Mr. KLEIN. Prior to being hired by the Warren Commission what was said to you about the goals of the Warren Commission and about what your function would be as staff counsel?

Mr. SPECTER. The goals of the Warren Commission, as I understood them, were to find out the facts and the truth relating to the assassination of President Kennedy. I was to function as one of the lawyers on that job.

Mr. KLEIN. After serving as staff counsel on the Warren Commission in your opinion what were the real objectives of the Warren Commission investigation?

Mr. SPECTER. To find the truth about all the facts relating to the assassination of President Kennedy?

Mr. KLEIN. I would like to suggest some other possible objectives and you can comment on them. Was it an objective of the Warren Commission to allay public fears?

Mr. SPECTER. No, sir. At least not to the extent that they conflicted with the facts.

Mr. KLEIN. Was it an objective of the Warren Commission to try to prevent an international crisis?

Mr. SPECTER. No, sir.

Mr. KLEIN. Was it an objective of the Warren Commission to allow a smooth transition in national leadership?

Mr. SPECTER. No, sir. We were not unmindful of international concern about the facts relating to the assassination of President Kennedy but none of the considerations which you have just mentioned was in any way a consideration which would influence the activities of the Commission or my activities as assistant counsel for the Commission.

Mr. KLEIN. Are you saying that these factors could have been present but that they would not have caused you to deviate from what you saw as your primary objective, which was to find out what happened?

Mr. SPECTER. That is correct, they would not cause us to deviate. When Chief Justice Warren addressed the staff in an early session, as I recall, though this goes back a long way, the Chief Justice commented about great international concern about the facts of the assassination. So that was a matter in our minds but we did not tailor our findings to accommodate any interest other than the truth.

Mr. KLEIN. To the extent that they were consistent with finding the truth, then they might have been part of the objectives of the Warren Commission?

Mr. SPECTER. I don't really think that they were part of the objectives of the Warren Commission. I believe that the Commission received its mandate from the President to find the facts on the assassination and that was it, pure and simple.

Mr. KLEIN. In your opinion were the operating procedures and organizational structure of the Warren Commission conducive to achieving the objectives of the Warren Commission as you have stated those objectives?

Mr. SPECTER. Yes; I think they were within the context that the Commission came together without having any prior organizational structure and not having any independent investigative staff.

There was a concern for promptness in our determination but subject to the general circumstances of the Commission's organization I would say that the procedures were conducive to finding the truth.

Mr. KLEIN. And also the organizational structure, was that conducive to finding the truth? By that I am not talking about the way it was divided up in different categories but the categories themselves?

Mr. SPECTER. Yes; I think the categories were adequate to finding the truth. If by organization structure you include the personnel available, I think that everyone would have much preferred to have had a totally independent investigative arm to carry out the investigative functions of the Commission but I believe the Commission concluded early on, and I was not privy to any such position from my position as assistant counsel, that it would be impractical to organize an entire investigative staff from the start so that use was made of existing Federal investigative facilities.

Mr. KLEIN. In the beginning of your last answer did you say there was some agreement that if it would have been practical they should have had their own investigators?

Mr. SPECTER. No; there was no agreement that I know about. The most that I can say on that subject would be that speaking from my own perspective that when the lawyers would discuss the procedures from time to time, and that is why I include this comment within the scope of your question on procedures, there would be an observation from time to time how nice it would be if we had a totally independent staff. The consequence of that kind of observation or wish was that none was to be provided and the necessities to move forward with promptness led the Commission to conclude and this is only my inference, that it was going to function within existing Federal investigative agencies.

Mr. KLEIN. You had no input into that particular decision?

Mr. SPECTER. I did not.

Mr. KLEIN. Looking at the type and mix of the personnel, were they conducive to achieving the objectives?

Mr. SPECTER. Yes; I think the Commission recruited qualified people to carry on the job with respect to those who were designated as assistant counsel.

Mr. KLEIN. Is it true that some of the senior counsel, because of their busy schedules and their prior commitments, were not able to fully participate in the investigation?

Mr. SPECTER. I would prefer not to ascribe reasons but simply to say some of the senior counsel did not participate as extensively as some of the junior counsel.

Mr. KLEIN. Did that in any way affect achieving the objectives?

Mr. SPECTER. I don't think that it did although it would have been helpful if my senior counsel, Francis Adams, had had an opportunity to participate more extensively. I respond with respect to Mr. Adams because that is the area I worked on and that is what I can comment about relatively and most directly.

Mr. KLEIN. In your opinion did the Warren Commission have any initial factual assumptions regarding the following areas: First, the identity of the assassin?

Mr. SPECTER. I think we did not have any initial assumptions. We read the newspapers like anyone else did before any of us became associated with the Commission but our job was to find the assassin. So we did not have any prejudgment on that question.

Mr. KLEIN. As to the existence of a conspiracy?

Mr. SPECTER. We had no prejudgment on that question.

Mr. KLEIN. As to the reliability, trustworthiness, and competency of the investigative agencies which assisted the Commission?

Mr. SPECTER. We were concerned about some of the agencies from the point of view that their own activities were the subject of investigation. So that was always a matter of concern.

With respect to their capabilities, speaking for myself I had had experience with the FBI and had found them to be able investigative personnel in my prior contacts. I had never had prior experience with the Secret Service as I recollect it but I had no reason to doubt their competency, except the President was assassinated.

Mr. KLEIN. At the initial phases of the investigation you said you were aware of the agency's possible involvement. What are you referring to?

Mr. SPECTER. The Secret Service had the responsibility to protect the President and they did not protect the President. So their procedures were obviously a subject of investigation. The FBI had certain responsibilities in the field of Presidential protection so that their activities were subject to scrutiny by the Commission.

Mr. KLEIN. With regard to any initial factual assumptions that the Warren Commission might have had, were there any regarding possible repercussions from the various conclusions that might have been reached?

Mr. SPECTER. No, sir. That is speaking of any knowledge that I had about the situation.

Mr. KLEIN. In your opinion what effect, if any, did the organization and procedures have on the end result?

Mr. SPECTER. I think that the organizations and procedures were reasonably calculated to produce reasonably accurate results, given the scope of the investigation, the general time frame that the Commission had established. I might say at the outset that in response to that question that my view is that the Commission's conclusions have withstood the test of time to this point. I believe the single bullet conclusion is sound, I believe Oswald was the assassin.

With respect to an issue as to whether there was a conspiracy, the most that the Commission could do was to survey all the evidence and based on the absence of any evidence showing a conspiracy to conclude that there was no evidence of a conspiracy. It is obviously impossible to prove a negative the same way that a positive is proved. I have been concerned about some of the disclosures with respect to the allegation about the FBI destroying a note from Oswald. I have been concerned about the issue of CIA involvement in assassination plots against Castro, and I have said publicly in the past, and I repeat today that I think those specific leads ought to be inquired into.

I was hopeful that the Senate committee that was in this field 2 years ago would have done that. I would be hopeful that this committee would do that. I did not have a direct role in the areas relating to the investigation on conspiracy but I have no reason to believe that there was a conspiracy. My own personal observation is that had there been a conspiracy that it would most probably have come to light prior to today given the institutions of our American democracy and the wide-ranging investigations which have been made in this field.

I think as long as there is any indication that official agencies of the Government like the FBI destroyed evidence or that the CIA was involved, at least allegedly involved in the assassination plot against Castro, had any effect on the assassination of President Kennedy, I think those are matters that ought to be inquired into, but my own personal thought is that it will not result in the change in the findings of the Commission. To come back to your question, my view is that the Commission did a good job and that the Commission's work has withstood the test of time and a great deal of scrutiny and an enormous number of questions and a prodigious number of debates.

I think the questioning is all very healthy in a democratic society and I don't think it is likely to put an end to any questions today, tomorrow, or in the future, considering the fact that the Lincoln assassination is still under investigation, and I have responded to questions

over the years since the first questions were raised with Mr. Epstein's book and thereafter, and I am glad to respond to the questions and I think the Commission's work was good work.

Mr. KLEIN. Did you experience any restrictions on your investigation or on the writeup of your investigation due to the organization and work procedures that were used by the Warren Commission?

Mr. SPECTER. While I do not think it was the organizational procedures themselves which imposed any restrictions on my work, the Commission made decisions as to what would be done which was not always in accordance with my own personal view as to what should be done, for example, the review of the X-rays and photographs of the assassination of President Kennedy. I thought that they should have been observed by the Commission and by me among others perhaps having responsibility for that area and I said so at the time.

I did not recollect the memorandum which you have made available to me today where I pressed to have that done. I have said that publicly before. There were some other areas where if I had been making the final decision for the Commission I would have pursued investigative matters somewhat differently.

Mr. KLEIN. What are the areas?

Mr. SPECTER. Well, the concerns that I had, I would have questioned President Johnson and Mrs. Johnson before the Commission and I prepared a long list of questions to that effect. You have made them available to me. I have not seen them since I worked with the Commission. I would have questioned Mrs. Kennedy much more extensively than the abbreviated questioning which took place of Mrs. Kennedy. Those items I would have done differently. I do not think they would have affected the conclusions of the Commission at all but I think in the interests of a full record and comprehensive examination of key witnesses at the scene that such inquiries would have been preferable to the abbreviated questioning of Mrs. Kennedy or the statements submitted by President Johnson and Mrs. Johnson.

Mr. KLEIN. In the case of the questions that were not submitted, why in your opinion weren't they submitted? Why weren't they asked?

Mr. SPECTER. As to Mrs. Kennedy, I believe that Attorney General Robert Kennedy was very protective of her evidence because of the fact that the questioning was held, as I recollect it, in her apartment and only the Chief Justice was present with Mr. Rankin and it was very brief.

With respect to why President Johnson wasn't questioned, I suppose it is because he was the President and didn't want to be questioned.

Mr. KLEIN. Were you ever told why he wasn't questioned?

Mr. SPECTER. No. I thought he should have been questioned and I submitted a long list of questions and I recommended that he be questioned. Since I was assistant counsel and he was the President I thought that was enough.

Mr. KLEIN. You never got anything back explaining why the decision was made not to question him?

Mr. SPECTER. I don't believe so.

Mr. KLEIN. What procedures existed, if any, to allow staff members to keep abreast of work being done by other staff members?

Mr. SPECTER. As I recollect it, some of the written reports were circulated so that we could read the interim reports and the final reports of the members of the staff. There was a very formal atmosphere on the staff so that there was constant contact among all the lawyers both during the working day and those of us who were around the evenings, we would customarily have dinner together, the virtual sole topic of conversation was what each of us was doing. So there was a very extensive exchange albeit principally informal among members of the staff as to what each was doing.

Mr. KLEIN. What procedure existed to assure that staff members would receive all information relative to the areas they worked with respect both to internal documents or information from sources outside the Commission?

Mr. SPECTER. As I recollect it, the information was funneled to the individuals in the various areas through Mr. Rankin who served as the conduit in many directions, from the outside to the Commission, from the outside to the lawyers, from the lawyers to the Commission, from the Commission to the lawyers, so that when information would come in which would bear, for example, on area one, which was my area, I would customarily receive it from Mr. Rankin, perhaps through Mr. Eisenberg who was his executive assistant, and perhaps Mr. Wilkins who did a great deal of the liaison work.

Mr. KLEIN. Was this procedure successful in your opinion? Do you feel that you received all the information that should have gotten to you?

Mr. SPECTER. I have no reason to think that it was unsuccessful in any respect.

Mr. KLEIN. As a Warren Commission staff counsel what was your particular area of responsibility?

Mr. SPECTER. My area was area one which involved the activities of the President from the time he left the White House until he returned after his death to the White House, with a principal focus on examination of the medical evidence, the trajectory of the shots as they related to medical evidence. I would say that is a brief description of the area of responsibility for area one.

Mr. KLEIN. Were there any changes in your duties as the investigation proceeded?

Mr. SPECTER. I was asked to take on certain other responsibilities such as the questioning of witnesses, Oswald's capability as a marksman, I was asked to be the Commission representative at the polygraph examination of Jack Ruby as a result of my having been present at part of his testimony in Dallas. Without reviewing the voluminous record in detail I think that comprehends generally what my assignments were.

Mr. KLEIN. What was the relationship of the staff counsel with the Commission?

Mr. SPECTER. Cordial, somewhat limited.

Mr. KLEIN. Was there any exchange of ideas, free exchange of ideas between staff counsel and the Commission?

Mr. SPECTER. Yes. The Commissioners would come to headquarters from time to time. When they would there were occasional conversations, initiated principally by the Commissioners but in some in-

stances by staff counsel. There were exchanges before and after sessions. There were exchanges on trips. I made a trip with Chief Justice Warren from Washington to Dallas and back to Washington where there were quite a number of exchanges.

President Ford, then Congressman Ford, was present on that trip. I recollect exchanges with him on that particular occasion. In terms of the setting which would enable you to talk there were exchanges.

Mr. KLEIN. In your opinion were the Commissioners well informed about the facts of this case?

Mr. SPECTER. I think generally, yes.

Mr. KLEIN. Will you tell us approximately how long you worked for the Warren Commission?

Mr. SPECTER. I recollect that I started sometime in early January 1964 and I worked through to early June when I submitted my report and I worked principally a 5-day week, occasionally less if I had some other responsibilities. I had some carryover cases as assistant district attorney. Then I helped out intermittently on the areas I identified, Oswald's capability as a marksman, taking some testimony and going to Dallas with the Ruby polygraph as I recollect in July 1964. I am sure there are records which list every day because we were paid on a daily basis.

Mr. KLEIN. From January to July did you consider this a full-time job?

Mr. SPECTER. Yes; subject to doing some other things but I considered it my principal occupation, my principal responsibility.

Mr. KLEIN. In your areas of investigation which you have told us about, were you able to reasonably explore and resolve all the viable questions?

Mr. SPECTER. I think that I was, and we were subject to the limitations that I have already articulated for you about the X-rays and photographs and perhaps the testimony from President and Mrs. Johnson and fuller testimony from Mrs. Kennedy.

Mr. KLEIN. Did you have enough time to investigate the areas you were responsible for?

Mr. SPECTER. I think that we did. The attitude with respect to time perhaps should be viewed in November of 1977 as being somewhat different from 1964 to the extent that the Commission was interested in a prompt conclusion of its work. It did not seek to sacrifice completeness for promptness, but it was very cognizant of the desirability of promptness. When the Commission started its job, there was no conclusion date picked.

My recollection is that it was discussed in terms of perhaps as little as 3 months, perhaps as much as 6 months. As we moved along in the investigation, there were comments or attitudes that we should be moving along, we should get the investigation concluded, so that the scope of what we sought to do and the time in which we sought to do it had as its backdrop an obvious attitude by the Commission that it wanted to conclude the investigation at the earliest possible date.

Mr. KLEIN. From whom in particular did these comments come, about moving along and getting the investigation done?

Mr. SPECTER. It is not possible some 13 years later to identify specific comments but that was an attitude from the Chief Justice Warren who

was a fine administrator and an extraordinary person that I think did a superb job on the Commission. I do not mean to suggest that his interest in expediting the investigation in any way reflected an attitude on his part to have shortcuts, but we worked to get with it and we worked hard to get it done.

Mr. KLEIN. Did you feel that you were able to do everything that you wanted to do in the areas that you were investigating?

Mr. SPECTER. Yes; subject to the limitations that I have already described to you. There was a fair amount of independence exercised by some of us on the staff that exhibited itself in perhaps small ways. In questioning some of the witnesses in my area, I would ask questions which I recognized would be unlikely to draw very specific answers but which I thought were important for the record, questions such as:

To the best of your ability to recollect, what was the lapse of time within the first shot and second shot; to the best of your recollection, what was the elapse of time between the second shot and third shot? To the best of your ability to recollect, what was the distance traveled from the first shot to the second shot?

These questions, and I have not reviewed the transcript before coming here today because the parameters you and I discussed was to be on procedure and not on substance and there is not time to review the substantive work in the course of a few days between the time you asked me to appear here and the time I am here, but I make references to those portions of the questioning, as I recollect it, and there was an overriding feeling that many of those questions could not produce sufficiently specific answers to warrant the questions.

There was an attitude on my part, and I think on the part of other lawyers, we were going to ask the questions for the record.

If some of the Commissioners thought we went too slow, so be it. I recall the Chief Justice starting the questioning of Mrs. Connally after I questioned Governor Connally, saying that the questioning would be brief. I proceeded with the questioning in a way I thought was adequate, but I was mindful of the fact that the Chief Justice who would have conducted the questioning differently if he had been the questioner.

Mr. KLEIN. Were any political pressures applied to prevent you from thoroughly considering all the issues in your area of responsibility?

Mr. SPECTER. No.

Mr. KLEIN. In your opinion, did you have adequate support with respect to research and with respect to investigators in your area?

Mr. SPECTER. I think we did although I must say that as I watched CBS's seek major analysis of our work and they talked about various scientific devices that can be applied to the film, I watched those TV shows with great and personal attention to see if they had found some procedures and techniques that were not present in 1964 or perhaps some procedure and techniques that were present in 1964 that I didn't know about or when we discussed the triangulation of photographs which you and I talked about in my office during a brief interview the week before last, I wondered if there were some techniques that might have been applied that we didn't apply. But within the scope of what my knowledge was at the time and what techniques were called to my attention, I believe that we had adequate backup facilities.

Mr. KLEIN. Were you told that you could have free rein as far as techniques performed in your area of responsibility?

Mr. SPECTER. I don't believe anybody ever said, "You have free rein." But when a suggestion would be made it was always dealt with as if we had free rein to make whatever suggestion we chose. In the context of specific requests some tugs were pulled. There was some reluctance to having onsite tests in Dallas in late May 1964. A number of us on the staff were very insistent upon that. It was not too big a battle. We got the tests.

Mr. KLEIN. How did you come to the conclusion that a single bullet hit both President Kennedy and Governor Connally?

Mr. SPECTER. Is that a procedural question or substantive question?

Mr. KLEIN. You don't have to go into specific facts but tell us how you came to that conclusion.

Mr. SPECTER. That conclusion was reached because of the evidence which showed that the bullet entered the back of the President's neck and did not strike any solid subject in the President's body and exited from the front of his throat, creasing his tie where a tear was found in his tie, and from the lineup of the President's body and the position of Governor Connally and the position of the limousine, that a bullet exiting from the President's throat with the velocity calculated would be ballistic evidence showing that the bullet found on the stretcher, believed to be Connally's, and the large fragments in the front seat of the limousine conclusively having come from the weapon identified as being Oswald's, which gave us our basis for calculating velocity, that such a bullet would have had to have struck either someone else in the car or the car itself, and the evidence showed that the car itself was not struck, and Governor Connally was seated immediately in front of President Kennedy, which led to the inference that the bullet most probably struck Governor Connally.

The wounds on Governor Connally were consistent with the bullet which had a slight yaw on it, and the tests performed on the anesthetized goats were consistent with a bullet losing substantial velocity in tumbling through Governor Connally's chest and consistent with passing through Governor Connally's wrist backward and then, velocity almost spent, lodging in Governor Connally's left thigh. So the facts that we found were all consistent with the single bullet conclusion.

But the most persuasive evidence was the alinement of the President, the trajectory of the bullet and the necessity for the bullet to have hit either someone or someone in the car in the absence of having struck the car.

Mr. KLEIN. As you sit here today do you believe that President Kennedy and Governor Connally were hit by one bullet?

Mr. SPECTER. Yes, sir.

Mr. KLEIN. What experts were consulted in determining this?

Mr. SPECTER. Mr. Klein, that is definitely substantive.

Mr. KLEIN. I am not asking for names. I am asking what types of experts were consulted?

Mr. SPECTER. Well, we consulted, we took testimony from doctors in Parkland Hospital who worked on the President and Governor and autopsy surgeons and from Colonel Finck who was an expert although

not, as I recollect it, I am not sure as I say this, whether he was at the autopsy or not, I believe he was but I am not sure, and from some experts at Edgewood Arsenal.

I don't recall others but I have not reviewed the report with a view to being able to recite the experts who were consulted.

Mr. KLEIN. Do you recall Commission exhibit 399 which has been called the "pristine bullet"?

Mr. SPECTER. Yes; I do.

Mr. KLEIN. Are you fully satisfied that exhibit 399 is the bullet that went through the President and the Governor?

Mr. SPECTER. Yes; I am, the President's neck and the Governor.

Mr. KLEIN. In your opinion if Commission exhibit 399 had been discovered on the President's stretcher and not on Governor Connally's stretcher would the single bullet theory, have any validity?

Mr. SPECTER. Mr. Klein, you are going far beyond procedure, far beyond what we talked about before.

Mr. KLEIN. I don't see this as calling for a particular——

Mr. SPECTER. It requires some recollection and some thought. You asked if the bullet was found on the President's stretcher? The thoughts that are running through my mind at the moment are what proximity Governor Connally had to the President's stretcher so that the bullet which ended up in his thigh, whether or not that could have been moved or ended up on the President's stretcher or what the personnel at Parkland might have done with the bullet as it came from the Governor's body or from his clothing, that is a question that would require a good bit more thought than I would care to give it on the spur of the moment.

That was not a question that you and I discussed.

Mr. KLEIN. That is right. That particular question we did not discuss.

Mr. SPECTER. I believe the evidence is very persuasive that the bullet did not come from President Kennedy's stretcher. I say that only from recollection because I believe that all of the linens were taken from President Kennedy's stretcher after he died and the controversy as to which stretcher it came from, I think it in no way came from the President's stretcher as I recollect the evidence. It is a long time ago and it was involved.

Mr. KLEIN. In your opinion if the single bullet theory was not valid could there still have been only one shooter.

Mr. SPECTER. Yes.

Mr. KLEIN. Do you agree that the alleged murder weapon, the Mannlicher-Carcano rifle, has not been fired twice in less than 2.3 seconds?

Mr. SPECTER. My recollection is that the investigation showed that the shots he fired were within 2.3 seconds so that three shots would be fired in 4.6 seconds.

Mr. KLEIN. Do you think there was enough time from your viewing of the film and other evidence you saw, enough time so that the Governor and the President could have been hit by two bullets and that Oswald would have had enough time to fire his rifle in that space of time?

Mr. SPECTER. Yes; it is entirely possible that President Kennedy was struck in the neck by a bullet which was fired before President

Kennedy went behind the tree and that Governor Connally was struck by a bullet while the President and the Governor were behind a sign, so that the single bullet conclusion in my judgment is not all dispensable to the single assassin theory. I don't think that is the way it happened.

I don't think the single bullet theory, that is to say I do not think that they were struck by separate bullets with respect to the President's neck wounds and the wounds on Governor Connally but I think they could have been struck by separate bullets, all fired by Oswald.

Mr. KLEIN. Do you recall that Mr. Darrell C. Tomlinson was the man who found the bullet, exhibit 399 in Parkland Hospital?

Mr. SPECTER. Yes.

Mr. KLEIN. Do you recall at what point in the development of the bullet theory you first spoke to Mr. Tomlinson?

Mr. SPECTER. You mentioned his testimony yesterday, so I read the testimony on the train. The first and only time I talked with Mr. Tomlinson is when I took the deposition. I talked to him briefly before I took the deposition and when I took the deposition.

Mr. KLEIN. Do you recall at what point in time, in relation to when the one bullet theory was formulated, you decided that one bullet hit the President and the Governor?

Mr. SPECTER. That is another question which you didn't discuss with me before and that is a question which requires a fair amount of reconstruction.

Mr. KLEIN. I did mention this question to you yesterday.

Mr. SPECTER. You mentioned to me you were going to ask me about Tomlinson and when I first talked to him but not about when the single bullet theory was formulated.

The answer to the last question that you have asked as to when the single bullet theory evolved required a very careful reconstruction of the time sequence, principally starting with the interviews with Commander Humes and his testimony and the evidence which evolved, the Gregory testimony and the Gregory Humes report. That is not a question that can be answered on the spur of the moment. That will require a very careful reconstruction of the time sequence where that evidence was uncovered.

Mr. KLEIN. Were you the Warren Commission's staff member most directly concerned with the autopsy findings?

Mr. SPECTER. I think so. I think others doubtless read the reports and were conversant with it but I say that I believe I was, based on the fact that I took the testimony of Boswell and Humes.

Mr. KLEIN. You testified that you spoke to the autopsy doctors?

Mr. SPECTER. Yes, sir, before I took their testimony.

Mr. KLEIN. Did you speak to any other forensic pathology experts?

Mr. SPECTER. On this case?

Mr. KLEIN. On this case.

Mr. SPECTER. Prior to the time I did my work on the Warren Commission?

Mr. KLEIN. Yes; in relation to this.

Mr. SPECTER. There have been a lot of discussions about this case over the course of the past 13 years. But to deal with the question as

to whether I talked to any other forensic pathologist prior to coming to the conclusions in writing my section of the draft report, I believe that I did not.

Mr. KLEIN. You also testified that you did not have an opportunity to review the photographs and the X-rays pertaining to the President's wounds?

Mr. SPECTER. I certainly have.

Mr. KLEIN. Could you explain the reasons given to you as to why you could not view those X-rays and photographs?

Mr. SPECTER. I do not know here again that anybody ever said what the reasons were. I do know that I wanted to see them and there is a memorandum, which I just looked at this morning, which I am very delighted to see in the files, about my pressing to see it.

Reconstructing the reasons as best I can at this point, I believe it was, and I have said this publicly before, an attitude on the part of the Kennedy family that it might be possible that the photographs and X-rays would get into the public domain and the photographs would defile the memory and image of President Kennedy as a vibrant young leader and it would be ghoulish to show him in the picture with half his head blown off. That was the reason why I was not permitted to see them, as a speculation or a feel for the situation.

Mr. KLEIN. Mr. Chairman, I would ask that these documents be marked as committee exhibits.

Mr. PREYER. Did you want the one dated April 30th marked exhibit 1—

Mr. SPECTER. Are those the papers you gave me today?

Mr. PREYER. Without objection the two exhibits will be marked as exhibits 11 and 12 and entered into the record at this point.

[The following exhibits 11 and 12 were received in evidence.]

JFK EXHIBIT No. 11

[Memorandum]

APRIL 30, 1964.

To: Mr. J. Lee Rankin.

From: Arlen Specter.

Subject: Autopsy photographs and X-rays of President John F. Kennedy.

In my opinion it is indispensable that we obtain the photographs and X-rays of President Kennedy's autopsy for the following reasons:

1. *The Commission should determine with certainty whether the shots came from the rear.*—Someone from the Commission should review the films to corroborate the autopsy surgeons' testimony that the holes on the President's back and head had the characteristics of points of entry. None of the doctors at Parkland Hospital in Dallas observed the hole in the President's back or the small hole in the lower portion of his head. With all of the outstanding controversy about the direction of the shots, there must be independent viewings of the films to verify testimony which has come only from Government doctors.

2. *The Commission should determine with certainty whether the shots came from above.*—It is essential for the Commission to know precisely the location of the bullet wound on the President's back so that the angle may be calculated. The artist's drawing prepared at Bethesda (Commission exhibit No. 385) shows a slight angle of declination. It is hard, if not impossible, to explain such a slight angle of decline unless the President was farther down Elm Street than we have heretofore believed. Before coming to any conclusion on this, the angles will have to be calculated at the scene; and for this, the exact point of entry should be known.

3. *The Commission should determine with certainty that there are no major variations between the films and the artist's drawings.*—Commission exhibits Nos.

385, 386 and 388 were made from the recollections of the autopsy surgeons as told to the artist. Some day someone may compare the films with the artist's drawings and find a significant error which might substantially affect the essential testimony and the Commission's conclusions. In any event, the Commission should not rely on hazy recollections, especially in view of the statement in the autopsy report (Commission exhibit No. 387) that:

"The complexity of these fractures and the fragments thus produced tax satisfactory verbal description and are better appreciated in photographs and roentgenograms which are prepared."

When Inspector Kelly talked to Attorney General Kennedy, he most probably did not fully understand all the reasons for viewing the films. According to Inspector Kelly, the Attorney General did not categorically decline to make them available, but only wanted to be satisfied that they were really necessary. I suggest that the Commission transmit to the Attorney General its reasons for wanting the films and the assurance that they will be viewed only by the absolute minimum number of people from the Commission for the sole purpose of corroborating (or correcting) the artist's drawings, with the films not to become a part of the Commission's records.

JFK EXHIBIT No. 12

[Memorandum]

MAY 12, 1964.

To: Mr. J. Lee Rankin.

From: Arlan Specter.

Subject: Examination of autopsy photographs and X-rays of President Kennedy.

When the autopsy photographs and X-rays are examined, we should be certain to determine the following:

1. The photographs and X-rays confirm the precise location of the entrance wound in the back of the head depicted in Commission exhibits 386 and 388.

2. The photographs and X-rays confirm the precise location of the wound of entrance on the upper back of the President as depicted in Commission exhibits 385 and 386.

3. The photographs and X-rays confirm the precise area of the President's skull which was disrupted by the bullet when it exited as depicted in Commission exhibit 388.

4. The characteristics of the wounds on the President's back and on the back of his head should be examined closely in the photographs and X-rays to determine for certain whether they are characteristic of entrance wounds under the criteria advanced by Doctors Finck, Humes, Boswell, Gregory, Shaw, Perry and Carrioco.

5. The films and X-rays should be viewed in conjunction with Commission exhibit 389 (a photograph of the frame of the Zapruder film immediately before the frame showing the head wound) and Commission exhibit 390 (the frame of the Zapruder film showing the head wound) to determine for certain whether the angle of declination is accurately depicted in Commission exhibit 388.

I suggest that we have a court reporter present so that we may examine Dr. Humes after the X-rays and photographs are reviewed to put on the record:

1. Any changes in his testimony or theories required by a review of the X-rays and films, and

2. Corroboration of the portions or all of his prior testimony which may be confirmed by viewing the photographs and X-rays.

Mr. KLEIN. Mr. Specter, you have before you a copy of the memorandum dated April 30, 1964, to Mr. Rankin from Arlen Specter and the memorandum dated May 12, 1964, to Mr. Rankin from Arlen Specter.

Mr. SPECTER. I have two such memoranda you gave me shortly before I testified today.

Mr. KLEIN. Have you had an opportunity to read those memoranda?

Mr. SPECTER. Yes; I did.

Mr. KLEIN. Do you recall writing them?

Mr. SPECTER. Very vaguely. I have no doubt that I did write them. But in direct response to your question do I remember writing these memoranda, very vaguely.

Mr. KLEIN. Is it fair to say that the memorandum of April 30 expresses your opinion that in order for the Commission to determine with certainty that the shots came from the rear, that the shots came from above, and that there are no variations between the films and the artist's drawings that it would be necessary to obtain the autopsy X-rays and photographs?

Mr. SPECTER. As you phrase the question permit me to read the memorandum please. Your question was necessary, indispensable?

Mr. KLEIN. To the Commission in order to determine with certainty.

Mr. SPECTER. The thought running through my mind, why I wanted to read it, is whether it was indispensable or only desirable. Let me pause a moment and reread it.

I believe that it was necessary for the Commission to determine with certainty the direction of the shots, which is what is said here on No. 1, that "The Commission should determine with certainty whether the shots came from the rear" and No. 2, "The Commission should determine with certainty whether the shots came from above," and also 3, "The Commission should determine with certainty there are no major variations between the films and the artist's drawings."

I believe that it was highly desirable for the X-rays and photographs to be viewed to corroborate the testimony of the autopsy surgeons. I was overruled on the request that I made to see them in drafting my own portion of the report.

My own feel for the situation at this moment, with what has been publicly disclosed, that there have been independent viewings of the photos and X-rays, is that they do corroborate the testimony of the autopsy surgeons. I did not doubt the veracity of the autopsy surgeons when they testified because I believe they were truthful men. I also felt that they would not be motivated to lie because they didn't know whether the photos and X-rays were going to be viewed by the Commission.

Humes and Boswell did not have any reason to expect that the Commission would not view it. So I think it is something that should have been done.

I do not think that the X-rays and films were indispensable for the Commission to reach the conclusion because it had a final judgment to make on what evidence it would hear.

Mr. KLEIN. Do you now disagree with part of this memorandum—

Mr. SPECTER. No, sir, I don't disagree with any part of the memo.

Mr. KLEIN. "—in my opinion it is indispensable that we obtain the photographs and X-rays of President Kennedy's autopsy for the following reasons:" You say now it wasn't indispensable?

Mr. SPECTER. Well, I think from my own personal point of view that the investigation should not have been closed and the conclusion should not have been reached and I did not want to come to final conclusions without seeing the X-rays and photographs. So from my point of view, indispensable is not too strong a word. As I reread this memo from 13-plus years ago, I was pushing the Commission to let me see the photos and X-rays. But I cannot say that the Commission was

derelict in its duty in coming to a conclusion as to what it wanted to see other than my own thoughts on the subject.

Mr. KLEIN. In your opinion as the staff member most directly concerned with the autopsy findings were you able to adequately investigate this aspect of the case without seeing those X-rays and photographs and having them evaluated by an independent forensic pathology expert?

Mr. SPECTER. I can only repeat what I have already said to you on that subject. I considered it something that I wanted to do. Having been overruled on an opportunity to look at the photos and X-rays, I then functioned with the evidence which I had.

Mr. KLEIN. I understand that, I understand you went along, the decision was made and you accepted that, but in your opinion could you adequately investigate that area without having the X-rays and photographs evaluated?

Mr. SPECTER. I think there was sufficient factual basis for me as an investigator to reach a conclusion on the evidence which I had which is what I did. I then came back to analyze some of the credibility of Boswell, Humes, and Finck, and I believe that they were honest and I concluded that their testimony was a sufficient factual basis for the conclusions I wrote in my recommendation.

Mr. KLEIN. Is it fair to say that when you evaluated their credibility, you considered whether they were telling the truth as opposed to whether they could have made a technical error which you would not be able to know, not having seen any of the autopsy photographs?

Mr. SPECTER. I based it on their honesty and also on their ability to observe and upon the records which they had an opportunity to make. All those factors in my judgment justified my conclusion that their recounting of the facts was correct.

Mr. KLEIN. Are you aware that the doctors themselves had not seen the X-rays and photographs at the time they spoke to you?

Mr. SPECTER. I believe that is in the record. I believe that they testified to that effect, but I do not know that because I have not reviewed it.

Mr. KLEIN. Were you aware that the FBI report issued on December 9, 1963, and the supplementary FBI report issued on January 13, 1964, both stated that the first bullet that hit the President did not exit from his body?

Mr. SPECTER. You and I discussed that when we met the week before last, and I do believe that the FBI report so stated but I have no firm recollection of that at this time.

Mr. KLEIN. Do you have any recollection as to whether you were able to resolve this discrepancy, considering that the FBI reports came out after the doctor's autopsy report had been written? Do you have any recollection of that?

Mr. SPECTER. My recollection is that we investigated it and the conclusion we came to was that the FBI report was written based upon the comments made in the course of the autopsy before the autopsy surgeons knew there had been a bullet hole in front of the President's neck, so their early speculation was that the bullet penetrated the back of President Kennedy's neck, and they speculated, we believe, that the bullet was forced out under pressure by external heart massage. When

they proceeded with the autopsy examination and found the path through the President's neck and talked to Dr. Perry, saw the bullet hole in the throat, that conditional speculation was rejected, but it found its way in the FBI report.

But that is largely reconstruction, largely speculation, on my part, I say that to this committee in an effort to shed what light I can on a possible explanation of it.

Mr. KLEIN. Do you recall whether you were satisfied with the explanation?

Mr. SPECTER. Yes; I was satisfied that the bullet which entered the back of the President's neck went all the way through and exited in front of his neck. It was not forced out by external heart massage.

Mr. KLEIN. As you sit here today, do you think it would be useful to form a panel composed of the top forensic pathologists in this country and to allow them to review the medical report and write a report telling of their findings?

Mr. SPECTER. Yes; I think this would be useful. There is enough public question about the whole subject so that considering all the other matters which were inquired into, that that would come very high on the list of priorities. I would certainly not only have no objection but would welcome that kind of review.

Mr. KLEIN. What predispositions, if any, did you have toward the intelligence agencies—I refer to the FBI, CIA, and the Secret Service—prior to working for the Warren Commission?

Mr. SPECTER. As I testified earlier, my experience with the FBI had been that they were competent investigators. I had had no prior contact with the Secret Service that I can recollect, or the CIA. So I really had no predisposition. I had an open mind.

Mr. KLEIN. As to the FBI with whom you did have some prior contacts, did your opinion of them change during the course of the investigation?

Mr. SPECTER. I thought that the people who worked with the Commission from the FBI were very able people. They sent us, I suspected, their very best. I suspected the ones we saw on the Commission were not typical of the FBI, they were really good. I am talking about the men on the investigation.

Mr. KLEIN. As to them your opinion didn't change?

Mr. SPECTER. I just stated the specifics. I thought they were good before they started. I thought they sent the very best in the course of the investigation. I thought they had some very good men. I did not deal with any of the note destroyers or allegations of that. I worked with the technicians.

Mr. KLEIN. Will you describe the attitude of the Warren Commission toward each of the intelligence agencies; that is, how did the Warren Commission view them and how in your opinion did these agencies view the Warren Commission?

Mr. SPECTER. I have really no idea how the agencies viewed the Warren Commission. I can tell you that I thought the Secret Service men were a good group and were trying to be helpful, the ones I questioned. I have already testified about the FBI people, and my contacts with the investigative agencies were limited to having technical assistance in those areas and questioning the Secret Service people at the scene.

I did not get involved in areas of foreign travel, foreign contacts, or CIA at all.

Mr. KLEIN. Looking at the individual agencies you might have worked with, was there any kind of feeling for how higher-ups of these agencies viewed the Warren Commission?

Mr. SPECTER. I really have no basis to testify about how those agencies viewed the Warren Commission except from the contacts I had with the specific agencies, and they were courteous and very cooperative on matters where I dealt with them.

Mr. KLEIN. Was there a general attitude that the Warren Commission had toward the intelligence agencies?

Mr. SPECTER. I really have no basis to testify on that.

Mr. KLEIN. No remarks, no memos, you might have seen that would reflect whether there was some kind of attitude "We can trust these people," "We can't trust these people," or anything like that?

Mr. SPECTER. I really was not privy to any such materials during the course of my work for the Warren Commission. The one thought which comes to my mind is on Jack Ruby's polygraph examination. My suggestion was to have an independent agency do the polygraph. It ended up with the FBI, a very able fellow. Most of the time we figured the polygraph was never going to be taken. There were objections from Ruby's lawyers. That is the only item that comes to my mind as to the Commission's response to the other Federal agencies.

Mr. KLEIN. Do you know if the intelligence agencies intentionally withheld any information from the Warren Commission?

Mr. SPECTER. Nothing which came to my attention on anything that would be evidence that any material was withheld. I have read the newspapers but have no evidence that came to my attention that information was withheld.

Mr. KLEIN. Were you aware that FBI agent Hosty's name was not initially given to the Warren Commission in the list of notebook entries, Oswald's notebook entries?

Mr. SPECTER. I have a vague recollection about that but I had no responsibility for that area and did not become involved in it.

Mr. KLEIN. You have no direct knowledge as a member of the Commission of any intentional withholding of information from the Warren Commission?

Mr. SPECTER. I have no direct knowledge and came into contact with no evidence of any withholding of information by any Federal Agency from the Warren Commission that I can recollect.

Mr. KLEIN. The only knowledge that you did have is from the newspapers? Is that what you're saying?

Mr. SPECTER. That is all.

Mr. KLEIN. To your knowledge, did any of these intelligence agencies ever intentionally delay providing the Warren Commission with any information?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. To your knowledge, did any intelligence agency ever intentionally provide the Warren Commission with false or misleading information?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. Do you recall what the procedures were to obtain information from the intelligence agencies?

Mr. SPECTER. As I recollect it, a request would be made by assistant counsel and it would be funneled through Mr. Rankin. He would make the request, he would get the information back and disseminate it to assistant counsel.

Mr. KLEIN. Are you aware of any problems that were experienced in obtaining information from intelligence agencies?

Mr. SPECTER. I do not recollect having any problem, myself. I would only have the haziest thought in mind that some of the other lawyers may have made requests which Mr. Rankin or others may have raised some questions about but I could not specify any such instance and could really only testify about my own activities. I recollect no instances where I asked for anything that I did not get from any intelligence agencies. I again point out that the area I worked on did not turn information from Federal agencies.

Mr. KLEIN. Did you testify to the fact that you read about CIA training troops in Cuba and that wasn't given to the Warren Commission?

Mr. SPECTER. I did not testify about reading about CIA training in Cuba. I testified there were press reports that CIA may have been involved in an attempt to assassinate Castro.

Mr. KLEIN. Excuse me. You testified that you read press reports that the CIA may have been involved in attempts to assassinate Fidel Castro. Have you ever read or heard that the CIA had been training troops to invade Cuba?

Mr. SPECTER. I don't recall whether I have ever heard about that. It might have in the newspapers at some time. Certainly I have no recollection of having heard about that prior to the time the Warren Commission work was concluded.

Mr. KLEIN. Do you have any knowledge or have you ever heard information to the effect that an FBI agent in Dallas destroyed a note given to the FBI by Lee Harvey Oswald a short time before the assassination?

Mr. SPECTER. Only what I read in the newspapers many months ago.

Mr. KLEIN. If that were true, in your opinion would knowledge of this information have affected the Warren Commission investigation in a significant way?

Mr. SPECTER. I think that the Warren Commission would have wanted to have known all about that. To that extent it would have been significant.

Mr. KLEIN. Would it have affected the investigation in terms of assignments, in terms of actual investigation that was done?

Mr. SPECTER. Speaking for myself, if I had known that an agent for the FBI had destroyed a note of Oswald's I would have wanted to know every aspect of that destruction, who did it, who authorized it, and those people would very definitely be suspect in my mind and I would not give them any responsibility for any investigation that I was part of. How far it went in the FBI I do not know. I give my personal view. What the Commission would have done I can only specu-

late about. I wouldn't do business with anybody who was a party to an incident of that kind.

Mr. KLEIN. Certain avenues might have been opened if this information had been turned over?

Mr. SPECTER. I can't answer that question more fully than I have.

Mr. KLEIN. Regarding the assertion that the CIA was involved in the attempt to assassinate Castro, if that information had been given to the Warren Commission would that have affected the investigation.

Mr. SPECTER. I started off volunteering as I did early on that the question about the assassination attempt on Castro and the FBI destruction of the note are two questions which concerned me enormously as a citizen and events which the Commission should have known about and questions which I hope this committee will get to the bottom of.

Mr. KLEIN. What I am asking is not only looking at it from the point of view of the reliability of the agencies for not giving that information but looking at it from the point of view of the course of the investigation, would that have been affected? Do you have any opinion as to whether the course of the investigation would have been affected had this information been known?

Mr. SPECTER. I think that if there had been information known to the Commission about a possible assassination effort on Castro by the CIA, that the Commission would have looked into it. It would have followed those facts to see if there was any connection with the Kennedy assassination.

I say that. That is an obvious sort of conclusion. Neither of those two matters bears on the scope of the investigation which I was responsible for.

Mr. KLEIN. Do you have any opinion as to what motivated the intelligence agencies to withhold information from the Warren Commission.

Mr. SPECTER. Only the rankest speculation, a private citizen's speculation.

Mr. KLEIN. In your opinion did the fact that prior to the formation of the Warren Commission the FBI had already issued a final report in which they concluded that Lee Harvey Oswald was the lone assassin affect the investigation in any way?

Mr. SPECTER. Mr. Klein, you are going far from procedure which is what I came here to testify about. Let me try to deal with the question. I think that the Commission set out to make an independent determination as to who the assassin was. I cannot say that the identification of the news media of Oswald as the assassin, the identification by the FBI, did not have some imprint, however moderate, on my own thinking. I do know that the FBI report said that the first bullet hit the President's neck, the second bullet hit the Governor, the third bullet the President's back. I find the facts to the contrary.

Mr. KLEIN. In your opinion were the FBI agents you worked with, open to the proposition that the FBI report could have been wrong when it concluded that Oswald was the lone assassin?

Mr. SPECTER. I do not recall discussing the FBI report or having any interest in what the FBI had to say.

Mr. KLEIN. In the investigation that they were performing for you, did you ever have the feeling that in their minds the question was already resolved?

Mr. SPECTER. I do not recollect being concerned with what was in their minds. I was focusing on what I thought the facts showed. I do recall asking some of their people questions relating to the probabilities of the one bullet theory and some of their agents agreed with them. So to the extent the FBI agents disagree with the early FBI report.

Mr. PREYER. I might ask one or two procedural questions Mr. Specter, for my own understanding. As I understand it, the organization was set up so that there were senior counsel. Were there four senior counsel?

Mr. SPECTER. There were six senior counsel, counting Mr. Rankin as one of the senior counsel.

Mr. PREYER. Each one had a junior counsel working with him?

Mr. SPECTER. Yes, sir.

Mr. PREYER. You were junior counsel to Mr. Adams?

Mr. SPECTER. Yes, sir.

Mr. PREYER. Mr. Adams is a very distinguished lawyer and obviously was a very busy one. Is it really fair to say you ended up as the senior counsel in your area?

Mr. SPECTER. Yes, sir. It is more accurate to say I ended up as the only counsel in my area.

Mr. PREYER. Did Mr. Adams come to do anything?

Mr. SPECTER. Yes. Mr. Adams was with the Commission on a number of occasions. We did consult on some of the work of the Commission, but it was necessary for him to become inactive at a fairly early stage, but he did some things.

Mr. PREYER. He was present at interviewing some of the witnesses, hearing testimony?

Mr. SPECTER. I do not recollect his being present, interviewing witnesses. That was something we didn't do a great deal of. The record will show, I believe, he was present when the autopsy surgeons were questioned, but I have not reviewed the record.

Mr. PREYER. He was in on the early stages but was not able to do much after the first months, say?

Mr. SPECTER. I would say that he worked beyond the first month but precisely when he discontinued his activities I am not sure. I think that would be reflected on the Commission payroll because he was paid on a per diem basis. I would be sure he would not have put in for per diem if he was not active.

Mr. PREYER. On the question of testimony of witnesses I understand that the Commission and the staff, more accurately I should say the staff, took direct testimony of 94 witnesses and interviewed some 300 witnesses or 400. When you took the direct testimony of witnesses, were Commission members ever present or was this all done by the staff?

Mr. SPECTER. There were two procedures. One was when the testimony was before the Commission itself in which event at least one Commission member would have had to be present. There was a second procedure which we denominated for depositions where there was no Commissioner present, where verbatim testimony under oath was taken. There were other procedures, for example, where we took affidavits.

There were a number of ways to acquire the evidence.

Mr. PREYER. On the question of having enough time, I believe Mr. Rankin in May instructed the lawyers to complete their summary of the case by June 1. I believe you are the only one who had your work completed by that time?

Mr. SPECTER. I think that is right.

Mr. PREYER. Thank you. I want to say I think the memos in the file reflect very credibly on you and very favorably on your diligence and efforts to produce a complete investigation.

Mr. SPECTER. Thank you.

Mr. PREYER. Mr. Stokes.

Mr. STOKES. I have no questions, Mr. Chairman, at this time.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. No questions, Mr. Chairman.

Mr. PREYER. Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. Specter, in response to questions from counsel as to what the objectives of the Commission were as you recall, you gave rather categorical answers on your view that the objective was not to allay public fears, was not to prevent an international crisis, and was not to allow a smooth transition in national leadership. You then stated that there was concern for promptness in your determination. What reasons were given for the promptness in your determination and by whom?

Mr. SPECTER. It is hard to specify the people or Commissioners who were pushing for a prompt conclusion, but that was an unmistakable aspect of the atmosphere of the Commission's work. As I noted a few moments ago, Mr. Rankin set a date of June 1 for completion of our draft reports. I do not recollect at this time that there had been an earlier date or not. As I testified earlier, it was originally thought that the investigation might terminate in as little as 3 months.

The Chief Justice was a very strong force on the Commission and was interested in receiving periodic reports or documents showing the progress of the Commission work. So that all of us knew that it was a goal to work with the staff but at the same time to do a thorough job. No one ever said sacrifice thoroughness for speed.

Mr. FAUNTROY. But promptness for promptness' sake, not for any other objective or reason that you recall?

Mr. SPECTER. When I say promptness, I mean that the Commission had been given a job by the President, it was an important job, but the most important aspect of our job was to find the truth and do a thorough investigation. If there had been any fact which had been uncovered which would have been inconsistent or which had promoted an international incident, I can tell you categorically I would not have stood by to subvert any fact, and I don't think anybody else on the Commission would have. The Chief Justice was a man of tremendous stature and tremendous presence in the work of this Commission, as were Senator Russell, Senator Cooper and Congressman Ford, Congressman Boggs, Mr. McCloy, Mr. Dulles. But the Chief Justice was an overriding strong force and had a presence and a stature of tremendous integrity.

That was what we were doing. The Chief Justice told a story, which has been in the press. When the entire staff came together he told how

President Johnson had finally persuaded him to take on the chairmanship of the Commission and how he had first been approached by two of the other members of the Justice Department and turned the matter down. The President said to the Chief Justice—and I presume you gentlemen have had access to this, as I recollect it, and it has been a long time ago—he said to Chief Justice Warren, “Would you put on your country’s uniform in time of national emergency if your Commander in Chief asked you to do so?”

The Chief Justice said, “I would.” President Johnson said, “Well, your Commander in Chief is asking you to do so.” The Chief Justice said, “OK; I will do it.”

He had been unwilling to do it earlier for Judge Roberts in the Pearl Harbor matter, but when President Johnson told him that way, he said he would do it.

Chief Justice Warren had an international reputation. There were lots of rumors that we were all concerned about whether Oswald had anything to do with the Fair Play for Cuba Committee and whether Oswald’s travels in Russia had anything to do with it. But the people who were there, from the youngest lawyer all the way up to the Chief Justice were dedicated to finding the truth. I can speak about that unequivocally so far as I am concerned.

I have that view of everybody who worked on the Commission.

Mr. FAUNTROY. I share your respect for Chief Justice Warren, although I still don’t get a feel for the desire for promptness in your determination. You don’t recall any reasons for that?

Mr. SPECTER. The best I can tell you is that they were periodic comments in the media about when is the Commission going to finish its work? Everybody had things they wanted to return to. We were a temporary agency. Mr. Russell wanted to get on with the Civil Rights Act of 1964 which was very much current. Everybody had other things they wanted to do. We had a Presidential mandate to finish the report. When they gave me deadlines I really did not question too much about it. I went to work to meet the deadline.

Mr. FAUNTROY. I was very much impressed with the memos which you sent to your chief counsel and found the indispensable nature of the determination that you felt the Commission should make very reasonable. I would like for you to review with us again what reasons were given to you as a responsible person for this area of the investigation for not having access to the X-rays and the pictures? Are there any reasons beyond those which I heard you give in respect to the sensitivity of the family?

Mr. SPECTER. That was the only reason which was ever alluded to for not seeing X-rays and photographs.

Mr. FAUNTROY. The fear that you would not protect, you as the person responsible for determination with respect to the validity of the—

Mr. SPECTER. I would not say so much me personally. I don’t think anybody thought I was going to take them to the Washington Post. But there was a feeling that if they got into the hands of the Commission staff members that there would be a material risk that they would get into the public domain. I do not understand to this day what role Burke Marshall has on the photographs and X-rays or what the status of them is at the present time.

I was discussing with Mr. Klein, and I perhaps should not digress since I am so anxious to go, what the status was with respect to your seeing them, or your pathologist. It seems to me, and I have the greatest respect for the Kennedy family, but the Kennedy family always have had too much authority over X-rays and pictures as they relate to tangible pieces of evidence in this case. I feel strongly about that to this minute as I did back in 1964.

Mr. FAUNTROY. Finally, Mr. Chairman, I do not want to prolong this, but you also experienced some frustrations apparently with respect to your desire to question both Mrs. Kennedy and President Johnson and while you indicated you have some very specific questions you felt would have assisted you in the conduct of the investigation, your failure to be able to ask those questions did not in your judgment substantially affect the conclusions which you reached?

Mr. SPECTER. I think the conclusions would have been the same, but Mrs. Kennedy was the closest person to the victim, President Kennedy. I thought she should have been questioned. My view is that no witness is above the reach of the law to provide evidence. Every man's testimony is available to the court or to a proceeding here or in a court room or in any sort of judicial or congressional determination.

I don't think Mrs. Kennedy was above that one iota, nor President Johnson. I don't think President Johnson had anything to do with the assassination of President Kennedy but I do not think that would have been an inappropriate question to ask him notwithstanding the fact that he was the President.

I looked those over on the train this morning, whether he knew of any conversation or any event that in any way bore on the assassination of President Kennedy, I think those questions should all have been asked.

Mr. FAUNTROY. I take it you do have your notes of the questions that you would have asked had you had the opportunity?

Mr. SPECTER. As a result of Mr. Klein's efforts, I have been furnished copies of them. I did not retain any files of them when I left the Commission staff. I always wondered what happened to the questions I suggested asking President Johnson. I was glad to get a copy of them 10 days ago.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. PREYER. Mr. McKinney.

Mr. MCKINNEY. When we were arguing on the floor of the House as to whether or not this committee should be reestablished, Mrs. Boggs probably made the only speech that carried the day when she said that Hale, in particular, and Jerry Ford and a few others had a great deal of difficulty in drafting the final language of the Commission report to state that from the evidence they all had been shown or that had been put before them it was their conclusion. She alluded to the fact that Hale had a great many doubts as to the adequacy of the information that they were receiving.

Was it a pervasive sort of feeling on your part that you felt it was too fast and not thorough enough?

Mr. SPECTER. No, sir, I did not think it was too fast or there was not enough thoroughness. I thought that we functioned under a mandate of promptness but we had an opportunity to do a reasonably

thorough job. I don't think Mrs. Boggs participated as much in the work of the Commission as some of the other Commissioners did but that is all a matter of record because the record notes with precision when each one came. I never heard any suggestion that Mrs. Boggs was in any way questioning any of the materials that were being furnished to the committee.

Mr. McKINNEY. I don't think it was questioning the materials as much as it was the adequacy of the information, the amount of information, the things they didn't know. One thing that disturbed me is that, right after the assassination the Attorney General wrote to the President and suggested very strongly that everything be done to make sure that the conspiracy theory be ruled out and that Lee Harvey Oswald was the only assassin. He also wrote on December 1963 to the Warren Commission recommending that they immediately issue a press release stating what the FBI conclusion of the case was, which was that there was no international conspiracy and that Oswald was a loner.

How much of a handicap was that? Here you have the Attorney General of the United States turning around and telling a Commission, which is supposed to investigate a murder, this is who did it and they didn't do it? Did that disturb you as an investigator?

Mr. SPECTER. I never knew the Attorney General did that. You are saying that Attorney General Kennedy in 1963 in December told the Warren Commission to issue some tentative finding?

Mr. McKINNEY. On December 9, 1963 he wrote each member of the Warren Commission recommending that the Commission issue a press release stating the FBI report clearly showed there was no international conspiracy and Oswald was a loner. That did not get down to your level?

Mr. SPECTER. I was not on the Commission at that time. I did not join them until January. I think it was inappropriate for the Attorney General to do that, if I might state a citizen's opinion. I am happy to note that the Commission didn't do it.

Mr. McKINNEY. I just wondered again how much of a pervasive force it was.

Mr. SPECTER. I don't know that anybody would have paid any attention to his having said that. The things that bothered me were his protection of his sister-in-law and whatever hand he had in keeping X-rays and photos from us. What he had to say or what he wanted to push to do, I never heard of any involvement that Robert Kennedy had on trying to influence the Commission.

Mr. McKINNEY. You are back with Katzenbach?

Mr. SPECTER. Kennedy was Attorney General. He was Deputy Attorney General.

Mr. McKINNEY. Would you assume that the Deputy Attorney General would write a letter to some of the most powerful men in the Nation without the Attorney General knowing that?

Mr. SPECTER. Knowing Mr. Katzenbach, I wouldn't doubt it.

Mr. McKINNEY. Thank you very much.

Mr. SPECTER. I don't think they would be influenced much by what Mr. Katzenbach would say.

Mr. McKINNEY. I have to go back. I was younger then and was easily impressed. Chief Justice Warren is one of my folk heroes. He was a

very powerful individual. I find it very difficult to think that the Deputy Attorney General would write a letter of that type to a Presidential Commission. In fact, I find it very difficult that the Attorney General would write one without even the President knowing it. Because what you are doing is writing to the Chief Justice of the United States of America, the most powerful Senators and most powerful Representatives and a Commission set up to find the facts and you have the top legal entity in the United States of America writing a letter saying this is what the conclusion is and this is who did it and this is who didn't do it.

Mr. SPECTER. I had not known it was done. My own speculation would be that the Chief Justice would have been offended by it.

Mr. McKINNEY. If I were President, I would have fired the Attorney General within the next 10 minutes.

Mr. PREYER. Mr. Sawyer.

Mr. SAWYER. I have one question. When you were asked a question about your judgment or thinking as to why these investigative agencies may have withheld information from the Warren Commission you said you only had the wildest type of private citizen's speculation. I would like the advantage of what your speculation is as a private citizen, if you have one.

Mr. SPECTER. I think the FBI in destroying the Oswald note, if it did so—I only know it is an allegation—would have been offensive, and had it come to light would have raised a question as to whether had they acted on it they could have prevented the assassination. I have a grave concern as a private citizen about what goes on with the CIA and what happens with plea bargaining with Mr. Helms and what is going on in the CIA.

I have grave questions about the President of the United States engaging in plea bargaining with Mr. Park. I have grave concerns as a private citizen about those subjects and I think that considering the interest of national security that our public welfare would be promoted by having some hard answers to those questions.

Mr. SAWYER. Thank you. That is all I have, Mr. Chairman.

Mr. PREYER. Thank you. Do you have any further questions?

Mr. KLEIN. Yes, Mr. Chairman. I have one more important area to go into and then I will conclude.

Mr. Specter, to your knowledge did the Chief Justice and any of the Commissioners or any of the Warren Commission staff members have any knowledge prior to the release of the Warren report that the CIA had anything to do with attempts to assassinate Fidel Castro?

Mr. SPECTER. I have no knowledge of anyone's knowledge about that.

Mr. KLEIN. To your knowledge did the Chief Justice, any of the Commissioners, or any of the Warren staff members receive information of any nature prior to the release of the Warren Commission pertaining to the CIA involvement in attempts to assassinate Fidel Castro.

Mr. SPECTER. Not to my knowledge but I am having a hard time distinguishing the last question from the former question.

Mr. KLEIN. Simply if there were any documents that you have any knowledge of that might have pertained in some way to CIA involvement in an attempt to assassinate Castro. Do you know of any?

Mr. SPECTER. I don't know of any documents relating to what the CIA may have done with respect to Fidel Castro. Nor do I have any knowledge, myself, of anything about that or that anybody on the Commission knew anything about it. I again hasten to add that my area was far removed in terms of what I had direct contact with.

Mr. KLEIN. Again in that same area, to be specific, prior to the issuance of the Warren report were you ever present with the Chief Justice or any of the Commissioners or any of the Warren Commission staff when the subject of an intent to assassinate Fidel Castro was discussed?

Mr. SPECTER. No.

Mr. KLEIN. To your knowledge did the Chief Justice, any of the Commissioners or any of the Warren Commission staff members receive information of any nature prior to the release of the Warren report pertaining to attempts to assassinate Fidel Castro?

Mr. SPECTER. Not to my knowledge.

Mr. KLEIN. Did you ever receive any indications from Chief Justice Warren, any of the Commissioners, any of the Warren Commission staff counsel or anyone else that there were areas of intelligence agency activities which the Warren Commission should avoid investigating?

Mr. SPECTER. Nothing of that sort were ever called to my attention.

Mr. KLEIN. I asked you whether you had ever received such indications. To your knowledge did anyone else connected with the Warren Commission investigation ever receive any indications from the Chief Justice, a Commissioner, a staff member or anyone else, that they were to avoid areas of intelligence activity?

Mr. SPECTER. No one ever told me to avoid any such areas of intelligence activities and I have no knowledge of anyone telling anyone else to avoid any such area.

Mr. KLEIN. At the time the Warren report was released were you satisfied with the thoroughness of the investigation?

Mr. SPECTER. Subject to the limitations that I have testified about, yes.

Mr. KLEIN. Subject to the limitation?

Mr. SPECTER. Subject to the limitations I have testified about.

Mr. KLEIN. Are you satisfied, as you sit here today, with the thoroughness of the investigation?

Mr. SPECTER. Subject to my testimony today, yes.

Mr. KLEIN. As you sit here today do you think it was successful?

Mr. SPECTER. Yes.

Mr. KLEIN. Other than what you have told us is there anything else you think should have been done differently?

Mr. SPECTER. Not that I can think of. Focusing on the fact I first talked to you a week ago Thursday, I got a call from you last week to come here today to talk about procedure. You called yesterday, you were going to ask me two specific questions, so that my review of this matter is limited to a great many other activities in the intervening several days.

Mr. KLEIN. Is it correct that I also told you that we would speak about the same things we spoke about during our 2-hour interview in your office; is that correct?

Mr. SPECTER. Yes. I think the scope of your questions has been substantially broader. A lot of it has gone into the question of substance

but I am glad to cooperate to the extent that I can, again saying that my ability to respond is limited. We had some very bulky records which I had access to and familiarity with a long time ago.

Mr. KLEIN. Did you then or do you now disagree with any of the major conclusions reached by the Warren Commission?

Mr. SPECTER. No.

Mr. KLEIN. Will you describe what pressures, if any, existed to complete the investigation before the election? Was that specifically ever mentioned, the election?

Mr. SPECTER. I think that there may have been some talk about it in the newspapers or some question about whether the deadlines were going to be extended beyond November but nobody ever said to me "We have to get this done before the election." I had my report in early June and the election was not a matter of concern to me. Nobody made it a matter to me, not that particular election.

Mr. KLEIN. Were there any pressures not to criticize the FBI or the Secret Service?

Mr. SPECTER. No, sir.

Mr. KLEIN. As you sit here today—

Mr. SPECTER. Not that I think about.

Mr. KLEIN. As you sit here today, do you think there is a need to reinvestigate the assassination of the President?

Mr. SPECTER. I think on the specific areas that I have discussed it would be useful. I have no objection to a total reinvestigation of the assassination because I think it is a healthy thing in a democracy to investigate whenever there is any public concern. I think that it is unlikely that a reinvestigation would be fruitful except on the specific leads. I want to emphasize I have no objection to having all the working over, including all of my work.

Mr. KLEIN. In your opinion why is the Warren Commission subject to so much criticism?

Mr. SPECTER. Because it is the most fascinating subject in town, this town, any town. Because the question of the murder of a President, with all the power of the Presidency, is a question that is of overwhelming interest. The Lincoln assassination survives until today, as I said earlier.

The aura of intrigue, what goes on behind closed doors, even like this executive session, is of interest to people everywhere. So I think it is a natural thing. And it is fascinating to have been a part of it. Aside from the volume of letters I get all the way from high school students to media inquiries and the burden of refreshing my recollection, I think it is fun, it is interesting to have been part of it.

Mr. KLEIN. Other than what you have testified to, is there anything else you can think of that the Select Committee on Assassinations can contribute to this matter?

Mr. SPECTER. No. I would hope that the committee will go into two areas that are of concern to me and beyond that the committee doesn't need my views or suggestions as to what it should do. I would have only one other thing which wasn't asked of me that is tangentially relevant and that is that it may be that while I did not see the photographs and X-rays, others did. I was concerned about the question after the Commission concluded and once wrote to the Chief Justice about that subject.

Precisely when I couldn't tell you. I think he responded to me. We had some meetings about it afterward. I think he may have seen the X-rays. I did not. Nor would it have changed any testimony I have given about my interest in seeing the photos and X-rays.

Your questions have been phrased in terms of what I did and what I knew and what I saw and that is really all I can comment about.

Mr. KLEIN. Thank you very much. I have no further questions, Mr. Chairman.

Mr. DEVINE. Mr. Chairman, I would like to ask a question if I may.

Mr. PREYER. Mr. Devine.

Mr. DEVINE. As an attorney you know that opinion evidence is admissible from an expert. I think you are fully qualified as an expert, having been so deeply involved in the Warren Commission investigation. For the purpose of the record I would ask you your opinion, if you have an opinion, No. 1, whether or not there may have been a conspiracy in the Kennedy assassination and, No. 2, whether in your opinion Lee Harvey Oswald was a sole operator?

Mr. SPECTER. In my opinion and judgment Lee Harvey Oswald was the sole assassin, the sole person to pull the trigger. I think the evidence is conclusive on his having pulled the trigger. I think the single bullet conclusion is correct. In my opinion I do not think that there was a conspiracy. I think that certain materials were withheld from the Warren Commission that we talked about here today.

My own best estimate of it is that they would not have been relevant to the issue of conspiracy and I think that had there been a conspiracy, given the milieu of life in America, that it would have come to light before this time. So my opinion is that there was no conspiracy.

Mr. DEVINE. Thank you very much.

Mr. PREYER. Thank you. Mr. Specter, under our rules, rule 3.6 of the committee, the witness is offered a chance to explain or amplify his testimony at this stage for 5 minutes. You have in effect been given that several times. If there is anything further you would like to say you are given that opportunity.

Mr. SPECTER. I only would like an opportunity to read the 1 hour 40 minutes of testimony which I have given uninterrupted, as the record will show, to be sure it is transcribed accurately and that I have no second thought about what I have said, responding as best I could to the questions.

Mr. PREYER. Yes. We will be happy to grant you that privilege or right. If there are areas in which you may not have anticipated being questioned and you would like to amplify on it more, of course we would welcome any further testimony or written statements.

Mr. SPECTER. Thank you.

Mr. PREYER. Thank you very much. The committee will recess until 2 o'clock today.

[Whereupon, at 12:20 p.m. the meeting was recessed, to convene at 2 p.m. the same day.]

AFTERNOON SESSION

Staff members present: G. Robert Blakey, G. Cornwell, M. Wills, E. Berning, K. Klein, J. Hess, J. Facter, J. Schlichtmann, L. Wizelman, S. Brady, L. Matthews, W. Cross, R. Morrison, and D Miller.