

of the 1950's, that it could be handled in a responsible way within the political process. That is what I always felt it to mean. I still feel it was intended to mean that.

Mr. FAUNTROY. Mr. Griffin, pursuant to our rules, at the conclusion of the questioning, we offer the witness 5 minutes to explain or amplify his testimony. That offer is made to you at this time.

Judge GRIFFIN. I would like to decline the offer. I would like to have the privilege to reflect on what has happened here and perhaps send you something in writing in lieu of any kind of oral statement to you.

Mr. FAUNTROY. I would be very happy to accede to that request.

Judge GRIFFIN. I again want to compliment the committee for conducting this investigation. I have read your rules. I feel that if these rules are adhered to, that this will be a responsible investigation. Conceivably you could be in the same situation that we were in and you will have to wrestle with the same problems. I wish you good luck if you do.

Mr. DODD. We might find ourselves on that side of the table 10 years from now.

Mr. FAUNTROY. Thank you for that wish and for that compliment.

The committee will recess until 2 o'clock.

[Whereupon, at 12:55 p.m., the subcommittee recessed, to reconvene at 2 p.m.]

#### AFTERNOON SESSION

[The subcommittee reconvened at 2:40 p.m., Hon. Walter E. Fauntroy presiding.]

Professional staff members present: Chief Counsel G. Robert Blakey, E. Berning, M. Wills, R. Genzman, M. Mars, D. Hardway, L. Wizelman, J. Hess, K. Klein, W. Cross, J. Wolf, and A. Purdy.

Mr. FAUNTROY. The committee will come to order.

Pursuant to our meeting of this morning, the executive session will continue.

At this time I will swear our witness.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILLENS. I do.

#### TESTIMONY OF HOWARD P. WILLENS

Mr. FAUNTROY. Will the witness state his name and address for the record, please?

Mr. WILLENS. Howard P. Willens, W-i-l-l-e-n-s, 4242 Mathewson Drive NW., Washington, D.C. 20011.

Mr. FAUNTROY. Thank you. We are very pleased to have you before the committee. I do understand that you have the committee rules provided you, and you had them prior to your appearance today.

Mr. WILLENS. Yes, I have, Congressman.

Mr. FAUNTROY. The Chair would like to state for the record and for the witness that House Resolution 222 mandates the committee "to conduct a full and complete investigation and study the circumstances surrounding the assassination of John F. Kennedy, including determining whether the existing laws of the United States concerning protection of the President and the investigatory 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 collected 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 questioning of the witness may now proceed.

Mr. BLAKEY. Thank you, Mr. Chairman.

Mr. WILLENS, I would like to thank you on behalf of myself and the staff for taking time from your very busy practice to come and share with the committee your thoughts and observations about the work of the Warren Commission, and also to thank you for taking time on October 31 to sit and talk with me in your office for several hours about these issues.

Please be assured that the committee appreciates your giving up your time, which is obviously not chargeable to a client except perhaps the public interest.

Mr. Chairman, I thought it might be appropriate at this time to put some biographical data of the witness in the record.

I wonder, Mr. Willens, if I could read some of it and you could indicate whether it substantially is accurate. You were born in 1931; you received a bachelor of arts degree from the University of Michigan, an LL. B. from the Yale Law School in 1956.

After a short tour in the Army, you became associated with Kirkland, Ellis, Hodson, Chaffetz & Masters in Washington, D.C., until 1961, when you went with the Criminal Division of the U.S. Department of Justice as second assistant to the Assistant Attorney General.

Following your service with the Warren Commission, you have served as Executive Director of the President's Commission on Crime in Washington, D.C., and I understand that you are now a member of the firm of Wilmer, Cutler & Pickering, Washington, D.C. Is that substantially correct?

Mr. WILLENS. Yes, Mr. Blakey.

Mr. BLAKEY. Mr. Willens, I wonder if you would indicate to the committee how you came to be associated with the Warren Commission?

Mr. WILLENS. On December 17, 1963, the Deputy Attorney General of the United States, Mr. Katzenbach, inquired of the Assistant Attorney General in charge of the Criminal Division, Herbert J. Miller, Jr., whether I would be available to assist the Chief Justice and Mr. Rankin with respect to their Commission responsibility.

Mr. Miller reported that request to me and, after some discussion, we reached the only conclusion that seemed appropriate under the circumstances, which is that I would be available to assist in any way that the Chief Justice and Mr. Rankin desired.

Accordingly, I called Mr. Rankin and had an appointment with him on December 17 and, following that, a short meeting with the Chief Justice.

After those conversations, it was decided that I would assist the Commission as liaison with the Department of Justice and in doing

the other work that was necessary to begin the Commission's work; and on approximately December 20, 1963, I began to work, on a full-time basis, to assist Mr. Rankin with the work of the Warren Commission. I remained in that capacity until late September 1964, when the report was completed.

Mr. BLAKEY. Mr. Willens, what were you told by those who asked you to come with the Commission what the goals of the Commission would be?

Mr. WILLENS. It was made very clear to me, in personal conversations with both Mr. Rankin and the Chief Justice, that they saw the Commission's responsibility as being solely to obtain all the facts that were relevant to the assassination of President Kennedy and to report those facts fully to the President and to the people of the United States.

Mr. BLAKEY. Did you have any discussions with Mr. Katzenbach over what the Commission ought to do?

Mr. WILLENS. I talked with Mr. Katzenbach at the outset of this assignment and I had occasional conversations with him during the course of my duties with the Warren Commission. Mr. Katzenbach gave me no instructions except to perform to the best of my ability and to help the Commission to do the best possible job that it could.

There were, at the time the Commission was formed, as you know from the record, some differing views as to how to handle the report of the FBI investigation that had been produced in early December and was going to be transmitted to the Commission. This was one of the many issues that developed in December 1963; I was aware that Mr. Katzenbach had views as to whether the Warren Commission should or should not issue a press release summarizing the conclusions reached by the Federal Bureau of Investigation with respect to the assassination.

This is an issue which had been discussed within the Department of Justice to my knowledge before I went with the Warren Commission and was an issue that was addressed in the early days by the Commission itself.

Mr. BLAKEY. What did Mr. Katzenbach want done?

Mr. WILLENS. I believe it was the view of Mr. Katzenbach at the time that it would be in the public interest to make some sort of public statement summarizing the conclusions of the Federal Bureau of Investigation. It is hard to recapture 14 years later the sense of bewilderment and trauma that prevailed at the time, but there was a very substantial feeling held by very responsible people that there was an important public interest that could be served by making public at the earliest possible date some of the conclusions that had resulted from the investigation conducted to that point by the FBI.

The Commission, as you know from the public record, reached a contrary conclusion and decided that its mission and the public interest did not warrant a premature press release with respect to the conclusions of the FBI.

The Commission decided that it should conduct its own investigation, that it should review the underlying materials and that it should not make any public statement regarding its findings until it was satisfied as to what the facts did disclose.

Mr. BLAKEY. Mr. Willens, let me shift our discussion somewhat from your assignment and the goals of the Commission to the organization of the Commission itself. To your knowledge, was the organizational chart of the Commission ever prepared by the Commission?

Mr. WILLENS. I do not recall any organizational chart being prepared of the kind you have made available to me.

Mr. BLAKEY. Mr. Chairman, I wonder if it would be possible to have the clerk mark as JFK exhibit No. 66 an organizational chart prepared by the staff.

Mr. FAUNTROY. Without objection.

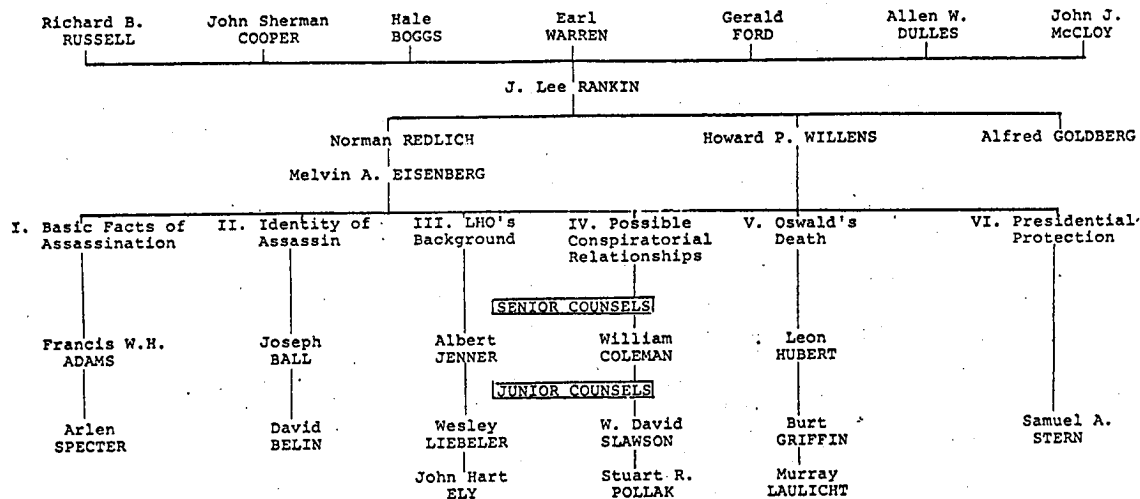
Mr. BLAKEY. I wonder if the clerk could show JFK exhibit No. 66 to the witness.

Mr. Chairman, I wonder if we can incorporate that chart into the record at this point in order that I may ask the witness some questions about it.

Mr. FAUNTROY. Without objection, is so ordered.

[The document referred to, marked JFK exhibit No. 66 and received for the record, follows:]

## JFK EXHIBIT No. 66

THE WARREN COMMISSIONOTHERS

Walter E. Craig - Consultant from ABA  
 Arthur K. Marmor - Historian from Air Force  
 Richard M. Musk - Lawyer  
 John J. O'Brien - IRS  
 Edward A. Conroy - IRS  
 Overholser (?) - Consultant on the lives of Ruby and Oswald  
 Charles Rhyne - Official observer in monitoring the Warren investigation & advising on the individual rights of various witnesses  
 Alfreda Scobey - Lawyer  
 Charles N. Shaffer, Jr. - Lawyer, hired by Willens to assist with clerical & administrative duties (from Justice Dept)  
 Lloyd L. Weinreb - Lawyer  
 Phillip Barson - CPA

LIAISONS

Jim Davis - assigned from State Dept. to consult with WC about approaching USSR  
 Ted Sorensen - White House  
 Armlisky - Defense Department  
 James J. Malley - FBI  
 Thomas Kelley - Secret Service  
 R. G. Rocca - CIA  
 Abram Chayes - State Department  
 Ramsey Clark - Justice Department

Mr. BLAKEY. Mr. Willens, I have in the past shown you a copy of this chart. I wonder if now you would look at it and indicate whether, in your judgment, it accurately reflects the organization of the Warren Commission.

Mr. WILLENS. There are several errors on this chart, none of which perhaps amounts to matters of substance. If it would be of assistance, I will point out some of those errors.

Mr. BLAKEY. It will be of help.

Mr. WILLENS. First I think it is incorrect to have Messrs. Ely, Lau-light, and Pollak listed as junior counsel. They were employed by the Commission for limited periods of time and did have specialized assignments, some of which fell into the areas indicated.

Nonetheless, the title of "junior counsel" was reserved to those on the line above their names and they should properly be included under the category of "Others" assisting the Commission.

Second, the description of Arthur K. Marmor as a historian from the Air Force is incorrect. Mr. Marmor, as the report makes clear, was on loan from the State Department. It was Mr. Goldberg who was a historian from the Air Force and that characterization should be properly assigned to him.

The third name on this list, as on others, is misspelled. It must be Mosk. There are references in the materials to Overholser which would make clear what his anticipated function was to be. He was at that time associated with St. Elizabeths Hospital.

Mr. Shaffer, who was a former associate of mine, would probably take issue with the characterization of his duties as clerical and administrative.

Mr. BLAKEY. Where would you place him in the general organization chart?

Mr. WILLENS. Mr. Shaffer belongs where you put him; as a matter of fact, he did assist me with a wide variety of investigative and supervisory responsibilities.

Mr. Barson, who is described as a CPA, is from the IRS and was an agent from the Philadelphia office of the Internal Revenue Service who was made available to us on a loan basis in order to conduct the project of a reconciliation of Oswald's expenditures and income.

Under the column entitled "Liaisons," this is the first occasion I have ever heard of a Mr. Davis, but that is not to say that he didn't do the job that is mentioned here. The liaison with the State Department was the Legal Adviser's Office, as indicated further on the list.

The name of Yrmlisky is most certainly a misspelling and is probably incorrect. It may be a reference to Mr. Yrmlisky. Our principal liaison with the Department of Defense was Mr. Nederlander.

With respect to the CIA, I think it is more accurate to describe Richard Helms as the liaison with the Warren Commission. Mr. Rocca and Mr. Karamessines served as his deputies and assistants in that capacity.

With respect to the Justice Department, I believe the record will show that Mr. Katzenbach designated Herbert J. Miller, Jr., to serve as liaison with the Commission and there is correspondence to that effect.

Apart from those comments, Mr. Blakey, I think that the chart is essentially correct.

I should point out that technically Mr. Redlich, Mr. Goldberg, and myself did not exercise any line responsibility over other members of the staff. We were each serving as an assistant to Mr. Rankin and fulfilled those missions that Mr. Rankin assigned us. From an organizational chart standpoint, therefore, the three of us should be indicated as coming out sideways from Mr. Rankin so as to make clear that we did not have and do not claim to have had a supervisory responsibility over other members of the staff.

Mr. BLAKEY. The basic division of the work of the Warren Commission in the five substantive areas, and subsequently a sixth, I take it, was as a result of a memorandum that you wrote. Is that correct?

Mr. WILLENS. One of the assignments I undertook in my first few weeks with the Commission was to make a recommendation to Mr. Rankin as to how the work of the Commission might be organized. I did write a memorandum in either late December or early January that proposed an organization very close to that reflected on this chart. That was reviewed by Mr. Rankin and presented subsequently to the Commission and did serve, with some amendment, as the organization through which the Commission staff performed its duties.

Mr. BLAKEY. I wonder if you could share with us at this time your rationale in dividing the basic work of the Commission into five areas as designated on this chart.

Mr. WILLENS. I keep thinking of six areas, as is reflected on the chart. I believe the rationale is readily stated. In order to begin and undertake a project of this dimension, there has to be some arbitrary allocation of responsibilities. There is no way to do it that eliminates overlap or possible confusion but this was an effort to try to organize the work in such a way that assignments would be reasonably clear, overlaps could be readily identified and coordination would be accomplished among the various members of the staff.

It did seem to me and others who reviewed this chart that the various areas here did lend themselves to separate treatment, at least at the outset, when our principal task was to marshal the investigative materials that were made available to the Commission, try to identify those areas that needed additional investigation and to outline those questions that had to be addressed by the staff and the members of the Commission.

Area No. 1 with respect to the basic facts of the assassination seemed to carve out an analytical and descriptive area that related to the trip to Texas, the planning for that trip, the security precautions involved on that trip, the facts of the assassination in Dallas, and the subsequent treatment of the President at the hospital.

With respect to the identity of the assassin, it seemed that one of the principal undertakings of the Commission, of course, was to identify the assassin or assassins and to examine all the evidence that bore on that issue. It did seem to be an acceptable issue that would require separate staff attention.

Area No. 3 was to deal with Lee Harvey Oswald's background. There has been some question raised as to how the Commission could assign staff members to investigate Lee Harvey Oswald's background at a time when it had not yet decided who the assassin or assassins were and whether Lee Harvey Oswald was one of the assassins.

I find that a fairly naive criticism of the work. We were not operating on a blank tablet. We did have in front of us not only a summary report of the FBI but very extensive evidence, including physical evidence, indicating that Lee Harvey Oswald was, at the very least, a prime suspect in the matter. We did feel that some initial investigation into his background and into possible relationships of interest and relevance to the Commission's work was warranted.

The fourth area, as reflected on this chart, deals with the possible conspiracy. This was, of course, the second principal question that the Commission had to wrestle with, just as your committee may have to wrestle with it.

Originally this area was defined more precisely as involving the foreign affiliations or possible involvement of foreign countries in the assassination. It was that area that Mr. Coleman and Mr. Slawson were primarily responsible for.

As we proceeded into the investigation toward the writing of the report, we included in this area those findings that related to the possibility of domestic conspiracy involving Oswald, domestic conspiracy involving Ruby, as well as the possibility involving foreign conspiracy.

Area No. 5 was to deal with the detention and death of Lee Harvey Oswald. That again seemed, at the outset, to be, on the whole, a separate area that warranted immediate and thorough attention by staff members with that as a prime responsibility.

We did feel, in terms of the sixth area, of course, that the Presidential protection area was perhaps one of the Commission's most important undertakings because it was perhaps the only area where the Commission could make some contribution to the future so as to prevent future assassinations.

As the chart indicated, Mr. Stern was assigned to that area. It was contemplated that Mr. Rankin himself would serve the function of senior counsel in that area.

Mr. BLAKEY. I wonder if you could comment, Mr. Willens, on the process of communication between these areas as they were broken up. How did it facilitate the sharing of information and ideas?

Mr. WILLENS. I mentioned that one of my responsibilities in the early weeks was to assist in organizing the work of the Commission. Another responsibility was to assist Mr. Rankin in the staffing of the Commission. A third responsibility bears directly on your question, Mr. Blakey. It was my responsibility to review the materials that had been received from the investigative agencies, particularly the FBI and the CIA, and to request all further information that would be relevant to the Commission's inquiry from those two agencies plus a dozen or more other Federal agencies that might have some information of relevance to the investigation.

One way of dealing with the separate areas within which the lawyers were dealing was to make certain that all the materials that came in the office were reviewed in one central place and that any materials that bore even remotely or potentially on an area within the Commission's work were sent to that area.

It was frequently the case that materials in our possession were sent to three or four areas so that each of the groups of lawyers could look at the same material from that group's own perspective and decide



whether it had any relevance in the part of the investigation for which those lawyers were responsible.

I continued that function throughout the Commission and always erred on the side of multiple duplication so as to make certain that the members of the staff in a particular area did get the papers which I thought they needed.

Another way of coordinating among the staff was by the circulation of summary memoranda, which happened on a regular basis throughout the Commission's work. One of the early work products that was requested of the members of the staff was a summary memorandum that attempted to assess the investigative materials in their area, to identify investigative leads that should be pursued, to identify any policy or other issues that should be addressed by Mr. Rankin or the Commission and to make proposals for the taking of testimony by the Commission or staff.

As those memoranda were produced in February and subsequently, they were circulated and available to the members of the staff so that the investigation could, in each area, take advantage of what the other lawyers had discovered and were proposing to do.

A third way of coordinating among the staff was perhaps more informal and related primarily to the ease with which the members of the staff could get together to discuss a problem in which more than one area had a particular interest. There was rarely a day that went by that we did not have lawyers from more than one area sitting down with respect to an investigative request, a list of proposed witnesses, or a proposed line of questioning, to decide what should be pursued in order to further the area's interest that each lawyer or lawyer group might have.

This was subsequently formalized, of course, when we did have witnesses appearing before the Commission when the members of the staff would be canvassed for their suggestions as to what questions should be addressed to the particular witness.

So those are several of the ways we developed to try to coordinate our work and to make as certain as we could that nothing of importance be swept between the cracks.

Mr. BLAKEY. What was the relationship between the junior and senior staffs?

Mr. WILLENS. The relationship was one of professional collegiality. The designations of senior and junior may seem overly formal and hierarchial. In most areas there quickly developed a close personal relationship between the senior counsel and junior counsel and they worked together as a team. That was obviously more successful in some areas than in others as you would anticipate.

Mr. BLAKEY. What was the relationship between the staff and the Commission?

Mr. WILLENS. By this time you have probably heard a fair amount on that subject and I am sure you have had your own personal experience here on this committee that can serve as a benchmark.

No staff ever feels that the commission or committee for which it works is as knowledgeable as the staff. At the same time members of the Commission staff I think were sufficiently sophisticated and experienced to realize that the members of the Commission had multiple

responsibilities and were men of considerable experience in public life and could bring to the work of the Commission a perspective that some of the members of the staff might not share.

The principal liaison between the Commission and the staff was through Mr. Rankin. Mr. Rankin was the General Counsel of the staff and was the person to whom the Commission looked with respect to the work of the staff. He was the principal staff member who attended all the sessions of the Commission although there were other members of the staff who did participate in the taking of the testimony before the Commission on a fairly regular basis.

Apart from those occasional meetings with the Chief Justice most of the staff's dealings with the members of the Commission occurred on a sporadic and limited basis. There were several members of the Commission, for example, Mr. McCloy and Mr. Dulles, who took a very active interest in the work of the Commission and frequently did have the opportunity to meet with individual members of the staff to discuss a particular problem or area in which the Commission member was interested. Otherwise the interaction was primarily through Mr. Rankin and by the flow of paper between the staff and the Commission.

The flow of paper is best demonstrated by the records that I am sure you have reviewed and I think will demonstrate the effort of the staff to keep the Commission fully informed of the progress of the investigation as it was being handled by the staff.

Mr. BLAKEY. Did Chief Justice Warren come around the office and discuss the investigation with the staff?

Mr. WILLENS. That happened on occasion, yes. The Chief Justice, though, was carrying an enormous burden with respect to full participation in the work of the Court at the same time that he was serving as Chairman of the Commission. Some members of the staff, including myself, did have occasional meetings with the Chief Justice and he did participate in some meetings with other agencies that were of particular interest to him and of importance to the Commission. I do not want to mislead you and suggest that he was constantly available for consultation by the staff because he certainly was not. He did deal on a very regular basis though, to my knowledge, with Mr. Rankin and Mr. Rankin was very conscientious in making certain that members of the staff knew precisely what the Chief Justice did want to have done.

Mr. BLAKEY. You have indicated that Mr. Dulles was around the staff offices on some occasions?

Mr. WILLENS. Yes.

Mr. BLAKEY. Would you share with us what he indicated he thought the Commission ought to do in those conversations?

Mr. WILLENS. I don't remember any general conversations with Mr. Dulles that are responsive to that question. Mr. Dulles did have a particular interest in the possibility of a foreign involvement in the matter and was available for consultation with me or with other members of the staff who had some responsibility for pursuing the allegations and materials on that issue. As the record will reflect he did participate in some of the meetings and the Central Intelligence Agency in connection with that Agency's assistance to the Commission.

Mr. BLAKEY. Did he have any particular area of foreign involvement in which he showed particular interest?

Mr. WILLENS. No.

Mr. BLAKEY. Did he ever express any concern about possible Soviet involvement?

Mr. WILLENS. The question of Soviet involvement was, of course, one that was squarely before the Warren Commission. Certainly the fact that the assassin of President Kennedy was someone who had expatriated or tried to expatriate himself in the Soviet Union and spent several years there could only be a matter of the greatest suspicion and require the Commission's best attention. It is an area that is very difficult to investigate. Mr. Dulles and the other members of the Commission were very sensitive at the outset of the Commission's work to Oswald's Soviet residence and his marriage to a citizen of the Soviet Union and they were very interested in all facets of the investigation bearing on this and exploring it as fully as possible.

Mr. BLAKEY. Did he ever express any concern about possible Cuban involvement?

Mr. WILLENS. There also was a similar interest in exploring that, particularly with the Mexico trip coming so shortly before the assassination. There were from the beginning of the Commission's investigation allegations before the Commission and staff that Oswald had been motivated in one way or another in the assassination by his dealings with respect to Cuba. Our record will indicate that several investigative leads were pursued with respect to Oswald's relationships with pro-Castro groups and anti-Castro groups and various theories were advanced as to what his motivation might have been. One of these theories was that he was prompted by the desire to retaliate against the United States for its attempted invasion of Castro's Cuba in 1961.

Mr. BLAKEY. Let me shift the focus of our concern, Mr. Willens, from the organization of the Warren Commission to the question of staff selection, itself. Did you participate in the selection of the other members of the staff?

Mr. WILLENS. I participated in the selection of several members of the staff to the extent that Mr. Rankin asked me to canvass the available applicants, to develop other applications for positions with the Commission and to make him a series of recommendations on the subject. I did do that during late December or early January.

Mr. BLAKEY. What criteria were employed in the selection of staff members?

Mr. WILLENS. It is particularly with respect to the senior staff that I have fairly limited knowledge. Some of the members of the senior staff were selected before I became associated with the Commission. I know that there was an interest to have among the senior staff men of considerable legal experience, some record of public service and demonstrated independence of judgment. The Commission was interested in having as senior counsel men who, although they might not be able to work on a full-time basis, nevertheless would bring to the work of the Commission a seniority, a wisdom and a demonstrated experience that would help to advise the Commission with respect to its mission and provide support in gaining public respect for the product of the Warren Commission.

I think that in many respects the senior members of the staff have been unfairly criticized over the years for not devoting themselves

full time to the work of the Commission. If I could just make two points on that issue I will make the following:

First, several of the senior counsel did work very hard, specifically Messrs. Ball, Jenner, and Hubert. I know you have some work records with respect to those. I want to state with respect to those three men that they did at various times during the work of the Commission work every bit as hard as the younger members of the staff.

Second, and perhaps more importantly is the fact that none of the senior counsel had been asked in my view to work on a full-time basis with the Commission. Each of them did have many responsibilities and I think in those cases with which I am familiar they made that fact known to Mr. Rankin and the Chief Justice. So it is I think somewhat unfair in retrospect to state that they should be faulted for doing only what they were asked to do, namely make available as much time as they could to the work of the Commission. That may have been a mistake but it is not a mistake that I think can be fairly assigned to the senior lawyers themselves.

Mr. BLAKEY. What criteria were used in the selection of the junior counsel?

Mr. WILLENS. In respect to the junior counsel we were concerned with some diversity of experience in practice and in the criminal field in particular. We were interested in lawyers of some considerable intellectual attainment as could be measured by their academic achievements and by their early years in practice. We were also interested in some diversity of views and some geographical representation.

It seems clear from the hindsight of 14 years that we erred seriously in not having several women among the staff.

I think with those criteria in mind that we did find a group of lawyers who had the characteristics that I emphasized, independence of mind, some considerable experience, including some with extensive trial experience, diversity of views, and some modicum of geographical diversity.

Mr. BLAKEY. What accounts for the heavy predominance of Yale backgrounds? As a teacher at Cornell, I am compelled by my academic associations to ask that question.

Mr. DODD. As a Congressman from Connecticut, I may object to the question.

Mr. WILLENS. I am glad to find some support from members of the committee before I invoke any privileges on that point. They always told us when I was at law school that Yale produced more law professors than any other single law school. In this case several of the people to whom I turned for recommendations and to see whether they would be themselves available for work with the Commission were people I knew through the Yale Law School affiliation. I did turn in some instances to people who graduated from Harvard. At least in one case I recall he reciprocated by recommending someone from the Yale Law School.

I do concede that there is here a predominance of lawyers from Yale and Harvard in the hope that that won't be held against the Commission.

Mr. BLAKEY. At least not by those on the committee associated with Yale.

You raised, Mr. Willens, the question of the time devoted to the work of the Commission by the staff. I think it might be appropriate at this time to ask the Chairman if he will have the clerk mark as JFK exhibit No. 67 a chart prepared by the staff based on the pay record of the Commission. Mr. Chairman, would you ask the clerk to mark that as JFK exhibit No. 67?

Mr. FAUNTROY. Without objection, that may be done.

Mr. BLAKEY. I will ask that the clerk also show the chart to the witness.

Mr. Chairman. I wonder if it would not be appropriate at this time to incorporate the chart in the record in order that I may ask the witness some questions with reference to the chart?

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, JFK exhibit No. 67 and received for the record, follows:]

## JFK EXHIBIT No. 67

## DAYS WORKED BY WARREN COMMISSION STAFF -- 1964

Pay Period Ending	2-1	2-15	2-29	3-14	3-28	4-11	4-25	5-9	5-23	6-6	6-20	7-4	7-18	8-1	8-15	8-29	9-12	9-26	Total Days
STAFF																			
ADAMS Sr. Counsel Area I	3	3/ 1 hr		2	2	1/ 4 hrs	1			2		2							164 days 5 hrs
BALL Sr. Counsel Area II	10	5	8	5	9	9	5	5	5	14	9	5			1	1			91
BELIN Jr. Counsel Area II	12	10	10	9	9	9	11	12	7	9	6/ 4 hrs	6	6/ 4 hrs	1				8	125
COLEMAN Sr. Counsel Area IV		3	3	5	2	8	3	1	5	5	7	6	2	3	2	3	3	3	64
EISENBERG	11	12	14	14	14	11	14	14	14+	9	7	4	4	3	2	1	14	5	167
GRIFFIN Jr. Counsel Area V	7	13	12	12/ 4 hrs	13	14	11	13	11	14	14	14	14	14	10/ 4 hrs	13/ 4 hrs	14	11	225/ 4 hrs
HUBERT Sr. Counsel Area V	11/ 4 hrs	12	9/ 4 hrs	9/ 4 hrs	12	9/ 4 hrs	9	9	8/ 5 hrs	7		2	9	1	3	3			115/ 5 hrs
JENNER Sr. Counsel Area III	4	10	9	11	12	14	13	11	12	14	12	11	13	14	8	13/ 4 hrs	14	7/ 4 hrs	203
LIEBELER		13	14	13	11	14	14	12	12	12/4	14	14	14	11/4	12/4	13	14	11	219/4
RANKIN	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	308
REDLICH	14	9	11	10	9	7	9	8	9	12	10	12	12	11	11	11	14	7	186
SLAWSON Jr. Counsel Area IV	12	12	10	11	12	12	11	12	12	12	12	12	11	12	12	12	13	11	211
SPECTER Jr. Counsel Area I	12	6	9	9	9	8	8	8	12	12	10	5	9	10	8	4	4	2/ 5 hrs	145/ 5 hrs

Mr. BLAKEY. I wonder, Mr. Willens, if you will indicate whether that chart in at least general outline reflects your own memory of the relative balance of work by the various lawyers who were on it on a per diem basis? I would not expect you, after some 13 years, to remember the number of days.

Mr. WILLENS. I find it difficult to relate these figures to my recollection of the performance of individual lawyers in terms of the amount of time they spent. It has been my experience, in private practice at least, that lawyers differ widely in their assessment of how much time they spend on matters and how valuable their time is. I think in the very roughest terms this gives a fair picture of the days spent during the period by members of the staff. I think that with reference to my earlier comment you should note that several of the senior counsel felt that their primary responsibility was to work in the investigative stages of the Commission's work. In their view the particular contribution they could make would be in the review of investigative materials, the decisionmaking process with respect to additional lines of investigation, the taking of testimony, either before the Commission or by deposition, and the presentation of the results of their investigative work in a first draft report to be reviewed within the Commission staff.

With that view in mind I think you will understand why some of the senior counsel put in substantially more time in the period from February through June 30 than in the following months of July, August, and September, when the principal work being done within the Commission staff was to write the report and to conduct those additional investigations that seemed to be required and were prompted by the ongoing process of depositions and testimony before the Commission.

Mr. BLAKEY. Mr. Chairman, I think it might be appropriate to note for the record at this point the chart covers the pay periods from February 1 through September 26, that it indicates a range of days devoted to Commission work from 308 by Mr. Rankin to 16 by Mr. Adams. It indicates that the average time devoted to the Commission was approximately 159 days and that of the senior counsel, only Mr. Jenner exceeded that average.

I think we ought also to note, in fairness to Mr. Willens, himself, that the chart omits him and no one should construe that as an indication that he did not work for the Commission.

I am correct, am I not, Mr. Willens, in indicating that your salary during this time was paid by the Department of Justice and it is probably true that you put in at least as much time as Mr. Rankin on the work of the Commission?

Mr. WILLENS. It is true that I was on the payroll of the Department of Justice at the time. During this period, from December 20, 1963, to about September 22, 1964, I worked almost exclusively on the work of the Warren Commission. There were a few weeks when I had to spend the majority of my time at the Department of Justice because the other deputy to the Assistant Attorney General was on military leave. With that principal exception and some occasional trips back to the Department, mine was nearly a full-time job. It may be that I would have worked on this measure somewhat less than Mr. Rankin but it was in my view a full-time job.

**Mr. BLAKEY.** You have indicated, Mr. Willens, that the original understanding among the senior counsel was that they would devote their time to the Commission approximately 3 to 6 months during the investigatory stage. Do you think their absence during the period of time during which the evidence was ultimately evaluated and reduced to the Commission report was an absence that was missed?

**Mr. WILLENS.** Let me declare I don't know what was the original understanding that each of the lawyers had with Mr. Rankin or the Chief Justice. It is my impression that they probably thought the duty would not be more than 6 months but they undoubtedly said they would give as much time as they could to the undertaking.

With respect to the emphasis on the investigative stage, it is my recollection that most of the senior counsel felt that was the area where they could make the most substantial contribution.

During the rewriting process, however, we did go back to the senior counsel with the revised drafts that related to the portions of the investigation with which they had the most familiarity. We did request their continuing comments on drafts of the report where they had interrogated the witness, or in which we knew they had a particular interest. That did precipitate, as you would expect, during the months of August and September some considerable debate among all the members of the staff and presumably within the Commission as to how best to deal with the investigative materials and what kind of support existed for the various findings that were being tentatively proposed for the Commission's consideration.

I think, Mr. Blakey, they were available to be called upon in the latter stages of the Commission's work and the fact they were not there on a full-time basis did not serve to handicap the Commission's completion of its work.

**Mr. BLAKEY.** Mr. Chairman, I would like to turn at this time to raise with the witness some questions about pressures under which they obviously labored.

**Mr. WILLENS.** you indicated that the general goals, as stated to you by those who were ultimately responsible for the Warren Commission, was to find the truth. I wonder if you will indicate for the record whether there were also any additional political pressures on the Commission, and I don't use the word political in a pejorative sense. For example, were you told or was the impression conveyed to you that one role that the Commission might play would be to allay public fears or to make possible a smooth transition of national leadership or to allay international concerns or even indeed to so conduct the investigation that it might not have about it the character of a witch hunt? I suppose the answer would be either some of the above, none of the above, or one of the above?

**Mr. WILLENS.** I understand the thrust of the question. Mr. Blakey, although I would object in a deposition to its being multiple or compound.

There undoubtedly were concerns that the Chief Justice and members of the Commission had with respect to the undertaking that the President had asked them to assume. It is hard to recapture today the sense of public turmoil that existed at the time with respect to the assassination and the concerns that were being expressed as to what



impact the assassination might have on the foreign relations of the United States. At no time did anyone tell me that the work of the Commission was to be less than complete because of some need to allay rumors or to make a transition more expeditious.

I was after all an employee of the Department of Justice.

I was personally responsible to the Deputy Attorney General and to the Attorney General of the United States. No one could seriously maintain that the Department of Justice headed by Attorney General Kennedy had any interest in this investigation other than the most thorough and honest canvassing of all the available facts.

Now having said that, it is certainly true that the Commission did not feel it had an endless period of time within which to complete its work. It was not a leisurely undertaking. We did not have a charter that permitted us or encouraged us to proceed at a leisurely pace. We were under an obligation to complete the work as quickly as we conscientiously could. There were certainly disputes within the staff and among the Commission as to how rapidly the work could be completed. As those differences developed, however, the staff repeatedly expressed its views strongly to Mr. Rankin and to the members of the Commission that the investigation could not be completed on any anticipated timetable and we repeatedly emphasized that when there was additional work to be done that additional time had to be afforded.

In every instance where the staff made clear that additional time was required the Commission acquiesced in that conclusion and agreed that the final product should be only that kind of report that was satisfactory to the members of the staff and to the members of the Commission.

MR. BLAKEY. Let me ask you some specific questions in order that the record might be clear, Mr. Willens.

Did Attorney General Kennedy ever express to you directly or indirectly any desire on his part that the investigation come out in any particular fashion?

MR. WILLENS. No.

MR. BLAKEY. Did Deputy Attorney General Katzenbach ever express to you directly or indirectly his desire that the investigation come out in any particular fashion?

MR. WILLENS. No.

MR. BLAKEY. Did the Chief Justice ever express such a desire to you?

MR. WILLENS. No.

MR. BLAKEY. Did Mr. Dulles ever express such a desire to you?

MR. WILLENS. No.

MR. BLAKEY. Did you ever learn directly or indirectly that President Johnson or any member of the White House staff desired that the investigation come out in any particular fashion?

MR. WILLENS. No.

MR. BLAKEY. You indicated that there was some concern or some thought expressed about allaying people's fears or smooth transitions or international considerations. Did the staff itself ever discuss these concerns?

MR. WILLENS. I do not recall any discussions among the staff that focused on those particular concerns. The staff, as you have gathered from your interviews and testimony, was composed of a number of

fairly articulate and forceful individuals. They were of the definite view that they had one assignment with respect to the Commission and that was to conduct a full investigation and report those findings that could be supported by the facts. There were obviously in the investigation of foreign possibilities discussions about the impact that a particular mode of investigation might have on a foreign government if it were discovered.

There was considerable attention given to the communications that were to be addressed to foreign governments. But I think that is to be expected and doesn't relate to any limitation on the staff that flowed from a concern about adverse impact on foreign relations.

Mr. BLAKEY. More particularly, was there ever any pressure put on the Commission to your knowledge or the Commission staff to have the Commission's conclusions agree with those that had already been reached by the Federal Bureau of Investigation?

Mr. WILLENS. No; there was no pressure emanating from the Commission or any other source on the staff to encourage the staff to reach conclusions that were identical or comparable to those of the FBI.

Mr. BLAKEY. Was there any pressure on the Commission or staff from outside the Commission or outside the staff to have the Commission reach a result consistent with that already reached by the Federal Bureau of Investigation?

Mr. WILLENS. I am not aware of any.

Mr. BLAKEY. We have already discussed in the record the letter of Attorney General Katzenbach sent on December 9, 1963, to the Warren Commission asking the Commission to issue a press release stating that the FBI report clearly show that there was no international conspiracy and that Oswald was a loner. How would you construe that letter?

Mr. WILLENS. I do not have the letter in front of me.

Mr. BLAKEY. I am talking about the general impact of that letter. Would it be fair to characterize that as pressure on the Commission or the Commission staff by releasing the FBI report at that early point in time, at least implicitly indicating agreement with its conclusions?

Mr. WILLENS. First of all, there was no Commission staff at the time that the letter was written. As I indicated earlier, the Commission concluded not to publish any press statement affirming the findings of the FBI. The Commission was of the view that it had a separate responsibility under the President's order to conduct its own investigation and make its own findings. Many of the members of the Commission were skeptical regarding the FBI investigation and wanted to review the raw materials and conduct additional investigation before they reached any conclusions that could be publicly stated with any degree of confidence by the members of the Commission themselves.

The Commission did include, as you know, four Members of Congress and they were particularly sensitive to the public concern that was precipitated by the investigation and by the assassination of President Kennedy and they undoubtedly were under pressure from their constituents to make the findings public. But in each case they decided that the work of the Commission required more extensive work and consideration than the FBI had been able to give the matter in

what after all had been a very limited period within which the Bureau could investigate the assassination.

What I have said is not to fault the Bureau for their initial product although the Commission report does take exception to some major issues. The FBI report was prepared under enormous strain and was done so at the direction of the President, in my view in order to make certain that some of the facts with respect to this could be developed rapidly so that the President and the other leaders of the Government could decide what actions were appropriate.

Mr. BLAKEY. Mr. Willens, you have, as have some of the other witnesses appearing before the committee, mentioned the general problem of time and perhaps time as a pressure. Let me at this point review with you some of the key dates in the time between November and September, from the assassination to the release of the report. After I have done that I would like to ask you some general questions on that.

The President was, of course, assassinated on the 22d of November, 1963. President Johnson created a Commission on November 29. The Commission's first meeting occurred on December 5. On December 9, the FBI submitted its four-volume summary report, just 17 days after the assassination. On December 16, Mr. Rankin was sworn in as General Counsel. On December 20, the FBI report from which the summary report was composed began arriving at the Commission offices. On January 10, the Commission's organization was completed. On January 13, the supplementary report was received by the Warren Commission. On January 20, the first staff meeting occurred.

February 3 marks the beginning of the hearings conducted by the Commission, March 14 the date of the Ruby trial. In March the beginning of field investigation by the Commission. The month of April is a month in which approximately half of the depositions were taken. In May Mr. Rankin informed the Commission staff members that they should have their investigation completed by June 1. On June 1 only Mr. Specter had finished his draft. On June 17 the Warren Commission announced that its hearings were completed.

On June 27, the Commission announced that its report would not be released until after the Republican National Convention on July 13. In July most of the senior lawyers left. Primarily Mr. Liebel, Mr. Griffin, and Mr. Slawson remained. In August the report was written in part but the deadlines were extended to September and of course on September 4 the first galley proofs arrived. On September 24, the report was submitted to the President. On September 28, it was released.

A summary of these dates would indicate that the actual FBI investigation, at least initially, extended from November 22 to December 9, a period of 17 days. There were approximately 5 months between the organization of the Commission and the completion of some drafts, approximately 2 to 4 months were spent in writing and rewriting the Commission's report and approximately 3½ months were spent by the Commission engaging in field investigations.

In retrospect do you believe that that time schedule as generally outlined was adequate to do the work?

Mr. WILLENS. I think the time was sufficient to do the work of the Warren Commission. I cannot deny that the work could have gone on for another month or two or six. The question of how much time was one that had to be reassessed from month to month as we pursued the investigation and looked at those remaining lines of investigation that could be explored. There inevitably are going to be loose ends of one kind or another that are going to be left undone at the end of any major criminal investigation. I think that the way you have described the timing, based on the records of the Commission, is substantially accurate.

The only question I would raise for your consideration is whether it is accurate to describe the FBI investigation as limited to the early portion, to the 17-day period you are talking about, and whether you have fairly taken into consideration the fact that as soon as the Commission staff began work in mid-January or thereabouts there began to result a series of investigative requests to the FBI, CIA, and other investigative agencies which built on the investigation already conducted and was a very important component of the overall investigation.

I would also point out that the investigative work did continue through July and August and in some respects into September. You will find in the records of the Commission a substantial volume of important investigative requests that were sent to the FBI and other agencies during those months as it became clear from the testimony of witnesses or from other investigative reports that some leads should be further explored before any Commission findings were arrived at.

Those may be only caveats, Mr. Blakey, and are not directly responsive to your question but I do think it is important to recognize that essentially the Commission had from mid-January to mid-September to do its work and it is certainly true that during that 8-month period most of the investigation was done during the first 5 months of that period and most of the writing was done during the last 3 months of that period.

Obviously there was some writing and assembly of investigative materials during the early months. One of the principal assignments given the lawyers was to absorb what they had assigned to them in their area and to propose a factual narrative or analysis that would inform the members of the Commission what was known and what was unknown. There was a constant stream of summary memorandums that were produced by the staff and then the taking of depositions was a very major and important part of the Commission's factfinding and it was concentrated, as you say, in the months from mid-March through May or thereabouts, with some significant number of depositions taken I believe in June and July.

Nonetheless the record is clear as to what time was available and the record is awfully clear what was done. It is up to you to assess whether what was done was fairly and efficiently done in light of the time available.

Mr. BLAKEY. Mr. Chairman, that concludes my questions in the area of Mr. Willens' assignment, the organization of the Warren Commission, the selection of the staff, the staff's general performance,

and possible pressures under which it operated. I have some additional questions in the area of procedures, the methods of investigation, relationship of the agency, and the writing of the report. But it might be appropriate now for the committee to ask questions at least in those first areas, if it so desires.

Mr. FAUNTROY. Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Willens, I have become very impressed with the fact that the members of the Commission staff and otherwise were working in a relatively short time frame. I don't think I was fully aware of the fact that this really took only a few months from the very beginning until the last drafts were done, a little less than a year for the entire job. I guess I was under the impression it was a longer period of time. I don't know why. Chief Justice Warren started the investigation at the first meeting, and I could quote him but I will just paraphrase his remarks, mentioned specifically that he perceived his job as Chairman of the Commission and the job of the Commission as one to evaluate evidence rather than conduct an investigation. Now it may just be semantic here but I thought it was rather significant at the outset that he seemed to make the distinction that the Commission was not to serve as an investigative body but really as an evaluator of accumulated evidence.

I wonder if you might comment on that in terms of, one, did we see a sort of evolutionary process that the Commission went through from that being the original idea and then as the work developed it became more an investigative agency, not an agency but an investigative body, rather, or did it in fact maintain its original framework of an evaluator of evidence?

Mr. WILLENS. I think that is an interesting question, Congressman Dodd.

I think that there was no question that many members of the Commission and certainly all of the staff knew that there was a very substantial amount of investigative work to be done, that this was indeed an investigative Commission, with a Presidential charter that had a most important set of crimes to investigate and report. There was at the same time some reticence among some members of the Commission because of the fact that the Commission was an unusual kind of fact-finding agency and was not a court with the responsibility for finding facts through the adversary processes. I think there certainly was some concern as to what kind of factfinding agency the Commission should be. I believe though that any reservation on that score was set aside as soon as it became clear to the members of the Commission as to the scope of the investigation that was necessary in order to resolve the many unanswered questions that were raised by the investigative materials that were turned over to the Commission.

I think the members of the Commission and the staff also became increasingly aware as the public rumor mill began to operate, of the sensitivity of their mission and the need to deal with these various rumors and allegations in the public domain, and that in order to do so effectively it was necessary to check out those various allegations to see whether they had any factual foundation or whether they lacked any factual foundation.

If there was any reservation, in short, to begin with, I think it was cured in the early months of the Commission's work and that the Commission members and staff alike recognized that they were inevitably conducting a mammoth investigation, using the Federal agencies and using their independent staff in order to find out all the facts that were relevant to the assassination of President Kennedy and the murder of Mr. Oswald.

Mr. DODD. Within the 4 days after the assassination, and I don't recall your response to Mr. Blakey's question with regard to your awareness of the Katzenbach memo regarding the directive so to speak of the Commission, that is, to lay to rest the growing concern, both nationally and internationally, with the ramifications of the assassination, and to establish that once and for all that Lee Harvey Oswald was acting alone, you maintained your employee-employer relationship with the Justice Department throughout the entire investigation, is that correct?

Mr. WILLENS. Yes.

Mr. DODD. Your salary and everything came from the Justice Department? You never were paid at all by the Commission itself as a salaried employee of the Commission?

Mr. WILLENS. That is correct.

Mr. DODD. Were you consciously aware at all, either as a result of a direct or indirect communication from Mr. Katzenbach, that he had this feeling or was that a misstatement of his thinking with regard to the Commission's duties at the outset?

Mr. WILLENS. Before I became officially associated with the Commission I was aware of the fact of an FBI report and the issue whether or not some public statement should be made on the subject. As I recall there were some who felt that the entire FBI report should be made public. There were others who thought it should not be but that some form of summary should be made public.

There was a third group who felt nothing should be made public until the Commission had been created and had undertaken its job. I sympathize with those who felt at the time that some public statement would have been a useful gesture if it could have allayed public concern and unrest. I think that was a well-motivated, understandable desire. If the national interest could have been furthered in such a way, I am sure most people considering the issue would have come out that way. In fact, they did not because they concluded no simple public statement could really resolve the uncertainties until all the facts had been developed, and everyone accepted the fact that the FBI could not possibly be asked to develop all the facts regarding the assassination within a week or even 3 weeks or a month.

Mr. DODD. I am not clear as to when you were assigned the liaison responsibilities. Do you recall the date of that?

Mr. WILLENS. I did go over to the Commission on December 17, 1963. In the period between the assassination and December 17 I have some knowledge, very limited, regarding the FBI investigation and the issues that were being discussed within the executive branch regarding the appointment of the Commission and the making of a public statement with respect to the assassination.

Mr. DODD. The reason I ask that, I don't have any reason to believe you necessarily were aware of this or not, maybe you were, on Novem-

ber 21, 1963, and again on December 2, 1963, Mr. McCone—that was when Lyndon Johnson was President—discussed with him various questions surrounding Cuba. He met again on the second with Mr. Bundy. Mr. McCone met with both L.B.J. and Bundy and discussed Cuba again. In light of the fact that we now know that prior to 1963 the Central Intelligence Agency, with certain members of organized crime along with the apparent knowledge of the President, were involved in an effort to assassinate or to do away with Mr. Castro, in some way bring about a change in that government down there, do you think it possible that the Attorney General, then Attorney General Robert Kennedy, being knowledgeable, assuming he was knowledgeable of those particular circumstances, would be somewhat reluctant to have the kind of full-blown investigation that could possibly surface certain pieces of evidence at that time that would have shed a poor light on his brother's administration and that therefore there might very well have been a degree of reluctance to have the kind of full-blown investigation that was contemplated and sought after by some?

His brother in fact was dead. Nothing that the Commission could do would bring him back. There was a lot of personal hurt there, and why open up Pandora's box, particularly when you are dealing with someone who is parading around as having connections with a Free Cuba or Fair Play for Cuba Committee or a lot of the issues that would surface as a result of that kind of full-blown investigation when there were some rather strong ties to Cuba?

Mr. WILLENS. I do not believe that is possible. I know from my conversations with the Attorney General and the Deputy Attorney General that no effort was ever made to influence me with respect to the scope or the thoroughness of the investigation. I was told nothing about what to do but to do my best work to assist the Commission in completing its investigative assignment and reporting its findings in a coherent and persuasive report.

Mr. DONN. You mentioned before that there were no political pressures in response to Mr. Blakey's question, to terminate the Commission's work. Yet a note I have someplace indicates that at a meeting that you had with the Chief Justice in June of 1964, at the time you informed him it was going to take a little longer than originally had been expected, the Chief Justice apparently lost his temper a little bit or became annoyed. I guess—I don't know what the proper description is of that meeting, but he became quite upset with the fact that you were not going to get the work done as planned. The Chief Justice had earlier stated:

Other than obviously wanting to get the job done, which is obviously something we are all interested in, I certainly would like to see this job done, but my primary concern is that it be done right.

I am curious as to whether or not the Chief Justice expressed at that time or prior to or thereafter, that while he would like to see it done he wanted the kind of thorough and complete job that should be done, given the significance of the event. I am concerned why there seemed to be this tremendous concern with the time element when you consider it was an assassination of a President.

Mr. WILLENS. I understand that question, Congressman. I think that one explanation that I have for this and in retrospect is that none of us,

including the Commission or staff, had any real comprehension at the beginning of the Commission's assignment as to exactly how long it would take.

Mr. DODD. Although the Chief Justice did set June 1 as the date from the very first meeting?

Mr. WILLENS. I think that is probably right. Yet I am sure he would concede it was an absolutely arbitrary date. It did not bear any necessary relationship to the scope of the mission or the number of people on board or the obstinacy of the investigative agencies whatever that might develop during the course of those 5 months that he thought it would take. I must say I probably thought at the outset when I went over to the Commission that although I did not know how long it would take I probably thought it would take 6 months. I knew it would take some time to get organized. I knew it would take some time to conduct investigations. I knew it would take substantial time to write a report.

I think in my own mind I underestimated the time it took to do all of those things. I think what came home to the Chief Justice and to other members of the Commission beginning in late May and June was that the job really was more complicated and more controversial than any of us had assumed. I think the Chief Justice was very discouraged by that report to him in June of 1963 that the deadlines he had hoped could be met were not any longer realistic ones because of the need to conduct additional investigation and because of the difficulty in putting together draft sections of the report that were coherent and defensible and ready to be reviewed by the members of the Commission.

To some extent the Chief Justice undoubtedly felt like every chairman does of a commission or committee, that is, he felt that he was a prisoner of the staff or limited by the staff's willingness or ability to complete a particular assignment on the schedule that the Chairman had set. Staffs uniformly tried to do that. Then, when they were unable to do that, their obligation was to come forward and say why they were unable to meet the timetable and propose a different timetable.

I want to be certain that you do understand that as the deadline was constantly put off there were of course events during that year of a political nature that would undoubtedly be in the minds of the media and other persons who were concerned about when our report would come out. There were certainly times when it was discussed whether the report should come out after or before the Republican Convention. There was certainly concern about whether the report would come out in advance of the 1964 election.

Mr. DODD. I have heard everyone say that. I have tried to imagine. I am certain that at the time the President must have been extremely anxious as the investigation was proceeding that he be kept abreast of what was turning up. Having a somewhat passing familiarity with Johnson he never let anything happen that he did not keep apprised of it at all times. He must have been terribly noseey about what the Commission was coming up with. I say that with all due respect to the President of the United States. He had that reputation. Assuming nothing startling was coming up, the original FBI report seemed to be holding true as far as the investigation, why was it so important that it be done before a political convention or fall election if there was nothing startling in the report other than what we already assumed was true anyway?



Mr. WILLENS. In part the concern was a media concern. There were numerous conversations with media representatives who were apprehensive about being scooped by the report being published at a time when they or their facilities were being allocated to covering some other major political event. That obviously was not a decisive concern but it was something that was brought to the attention of the Commission and various other officials as the Commission's report seemed to be working toward its conclusion. The concern about the election may be difficult to understand now. At the time there were ugly rumors and apprehensions regarding the work of the Commission and the nature of the conspiracy that may have occurred to have caused the assassination of President Kennedy.

It was feared, perhaps without justification, that the report might become a campaign issue if it had not been published in advance of the election.

Mr. DODD. If that was the issue why not wait until after the campaign?

Mr. WILLENS. That is right. The other concern was that if it were postponed until after the election it would be assumed it had been repressed so as to avoid disclosures that might affect the candidacy of the President. Now having said all that, it was clear to me in September as we were in the final stages of this, that if the staff had concluded that the report should not be published it could have been free to recommend that to the Commission, and the history of the relations with the staff of the Commission is that the staff certainly did make its views known to Mr. Rankin and through him to the Commission.

That was not done because although there were differences among the staff with respect to specific outstanding matters I think it was the consensus of the staff that the work had been completed and we were prepared to produce the report.

Mr. DODD. I wondered if there was any serious debate between the staff people over the timeliness of the report, given some of the outstanding questions that lingered in some peoples minds anyway on the Commission?

Mr. WILLENS. I think the record will reflect a certain increase in the pace of memo writing as August and September approached and it was a very constructive and positive process because those memoranda detailing problems with the chapters and with the nature of the investigation forced everyone on the staff and the members of the Commission to pause in their deliberations and decide whether or not in fact the investigation was sufficiently completed to justify making findings and including them in a proposed report.

I have no quarrel in abstract or with the benefit of hindsight with the concerns that were expressed by members of the staff regarding the adequacy of the investigation or the sufficiency of the draft sections of the report. It was not a majority view at all that the publication of the report should be deferred because of these outstanding matters. In every case the outstanding matter was resolved before the report was finally completed and published.

Mr. DODD. I have overextended my time. Let me just ask one other question here. Again reviewing the synopsis of the various meetings that the Commission had, at one of the first meetings, if not the first

formal meeting, you had been on board 3 or 4 days about this time, around December 20, the Chief Justice began a meeting by emphasizing that rumors should be quenched or squelched. He was talking about rumors. I am curious if you can recall what the rumors were? Is there something other than rumors about what the committee was doing or not doing? Was that really what it was about?

Mr. WILLENS. I think the reference there was intended to refer to the various allegations in the foreign press and in some segments of the domestic press regarding foreign or domestic conspiracy, either of a left-wing nature, right-wing nature, any variety you could identify. I think it is to those rumors that the Chief Justice was referring in a way that suggested that these were matters of great public moment that had to be investigated by the Commission and resolved hopefully as speedily as possible.

Mr. DODD. I would think though, and again I will editorialize a bit and ask you to comment on it, if I were a young attorney and sitting there at a meeting with the Chief Justice of the United States who is sitting here, and he then announces that we want to squelch any of these rumors that are going around about conspiracies involving other people, I wouldn't necessarily want to suggest that we ought to go seeking out conspiracies, but certainly there was some evidence there that deserved looking into beyond a homicide investigation, particularly when you are talking about the assassination of a President of the United States. I wonder if you, although still a young man, 14 years ago even a young man, can state what was the reaction of a group of young attorneys who were looking at the Chief Justice who said he wants to squelch these rumors.

Was there not a tendency to express the desire you wanted to examine thoroughly some things you might find important to proceed on? What was the reaction of a group of young people in a room like that with the Chief Justice saying something like that?

Mr. WILLENS. First of all none of the members of the staff including me were at that meeting. That is not to evade your question because that statement has been made publicly on more than one occasion. The staff was not influenced by any desire of a single member of the Commission to squelch rumors at the cost of conducting a full and honest investigation. As young as we were, we were given a very substantial public responsibility and no person, member of the Commission or not, was going to stand in the way of any of us completing our responsibility. That was certainly the way I felt about it and I had a particularly personal sense of involvement in this investigation. It was also the view that was shared by my colleagues. You have now seen sufficient of them to know that they are a talented, aggressive, and independent group of lawyers. Fourteen years ago they were, shall we say, perhaps less wise and even more aggressive and articulate and ambitious than they are today when they have all been mellowed by the years. They were drawn from private life.

They had no motivation in this except to do the best job possible. They knew, as this committee investigation demonstrates, that their work was going to be scrutinized in detail for decades to come. With all due respect to the Chief Justice, if we differed with him regarding the attitude to be taken with respect to the investigation we pursued our

own views of what to be done and it was in that vein that the stuff did its work.

Mr. DODD. Thank you. Thank you, Mr. Chairman. I appologize for taking so much time.

Mr. FAUNTROY. It is quite all right. I am anxious to get into the other matters. We do want to proceed to that. I just have one related question.

Mr. WILLENS. is it your testimony that at no time prior to December 17, 1963, or subsequent to the initial call to you, were you aware of a sentiment which had been expressed to Walter Jenkins as early as 2 days after the assassination, a sentiment that had been conveyed by Mr. Katzenbach to Mr. Bill Moyers 4 days after the assassination, that there was a need to convince the public that Oswald was the real assassin and that he acted alone? At no time were you aware of that feeling on the part of Mr. Katzenbach?

Mr. WILLENS. No; that is not my testimony, Congressman. I was aware that there was such a feeling held by some people in the department including Mr. Katzenbach. I was aware that how to deal with the matter and whether to appoint a Commission and whether to make a public statement were issues that were being much debated within the executive branch. I was not a party to any of the meetings in which any of these issues were discussed. I was, however, one of the few people who was aware of the issues being discussed and the fact of the FBI investigation and of the probability that a Commission would be appointed.

Mr. FAUNTROY. That sentiment was not expressed to you in the conversations subsequent to the 17th and prior to your going on board?

Mr. WILLENS. I think that once a decision had been made to handle the public's need via a Presidential Commission, that the attitude changed significantly as to the pressure or urgency of quelling public rumors or convincing the public that Lee Harvey Oswald was a sole assassin. It may be that after the FBI report was produced and examined by responsible authorities that they concluded that no quick public statement could serve the needs of the country in ascertaining the facts and eliminating uncertainty which was not warranted by those facts.

So once a decision was made I believe to appoint a Presidential Commission I think there was a concession by most of the people involved that public elaboration of this should be deferred until the Commission completed its work.

Mr. FAUNTROY. Counsel, will you proceed now?

Mr. BLAKEY. Mr. Willens, let me direct your attention to the general issue of procedures and methods of investigation conducted by the Commission. As I am sure you are aware, the simple question in any investigation is not so much what you do as what you don't do. In this context I would ask that the Chairman direct the clerk to mark as JFK exhibit No. 68 a memorandum of February 27, 1964, from Mr. Hubert to Mr. Rankin. And ask that it be shown to the witness.

Mr. FAUNTROY. The clerk is so directed.

Mr. BLAKEY. Are you familiar with that memorandum, Mr. Willens?

Mr. WILLENS. Yes; a copy of this memorandum was made available to me in advance of the hearing.

Mr. BLAKEY. Mr. Chairman, I would ask that the memorandum be incorporated in the record at this point so that I may ask Mr. Willens some questions based on it.

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked JFK exhibit No. 68 and received for the record, follows:]

JFK EXHIBIT No. 68

[Memorandum]

FEBRUARY 27, 1964.

To: Mr. J. Lee Rankin, General Counsel.

From: Leon D. Hubert, Jr.

1. I have given some thought as you know (see my memos of February 19 relative to particular problems) to what policy should be developed as to future investigations by the Commission; but this memo concerns broader aspects of the same problem. I wish to pass them on to you not for the record, but so that this memo may be used as a point of departure for discussion. Let me say further, that if this general problem has already been considered by the Commission, please simply disregard this memo.

2. As I see the whole picture to date, these has been an intensive investigation starting November 22 but diminishing in intensity as time has passed. I think this diminution has occurred because the normal and usual techniques have been nearly exhausted. This investigation has produced a great mass of material which has proved useful for deductive and inductive reasoning.

3. However, the fact is that so far, the Ruby materials on hand are not sufficient either to exclude the possibility of a conspiracy or to warrant a conclusion that there was none.

4. In regard to the investigation to date, as what I choose to call the "first effort," I now pose the following problems:

a. Is there to be a "second effort," aside from the taking of testimony by the Commission? I think there should be.

b. If so, then a decision should be made as to the degree of intensity of that effort, and a policy arrived at, at least in the nature of establishing a set of norms, as to how far it should go. I realize that to some extent each aspect of the "Second effort" will be sui generis; but norms would help.

5. I suggest that in arriving at the norms consideration should be given to whether most of the people of this country (say 75 percent) living and yet to be born, will accept a cessation of investigation at any given point (discussed below), and also whether other investigators of this or another generation will accept cessation at the same point. I believe they will, if it is demonstrated that continuation of investigation was not justified because the possible result was too remote and tenuous to warrant the expenditure of the required time and funds. I have in mind as an example one of the matters I have submitted to you to wit: Suppose 500,000 people left the country after November 22; they are remotely suspect because presumably a culprit would want to get out of the United States. Now, if we were reasonably certain of finding the President's assassin or a conspirator, the notion and particular critics would readily accept the work, time and money involved in sifting through this vast material; and moreover would be critical of the fact that the work was not done; and this irrespective of the cost. However, if the chances of finding anything of value were extremely remote, I think there would be acceptance of cessation of this particular line of investigation effort.

6. I suggest that the problem of deciding when to stop in any area or simple episode depends upon the rules of diminishing returns; but where lies the line of demarcation creates a real problem. I suggest that each advisor in his own area can make his judgment and pass it to you for acceptance, rejection or modification. But then you must pass it to the Commission because the problems are so grave that only they should make the decisions; and as indicated above, a set of norms would be helpful, since most decisions for cessation will fall into one of three or four norms and could be disposed of by stating that cessation was decided upon by application of the conditions of a stated norm. Other cessations, not falling within a norm, would have to be dealt with specifically.

Mr. BLAKEY. Mr. Willens, the memorandum of Mr. Hubert to Mr. Rankin generally raises the question of character of the investigation and the general issue of when not to conduct investigations. I note that it generally describes the picture of the investigation as indicating it was rather intensive in the period of time immediately following November 22. I am referring to paragraph 2. But that it diminished in intensity as time passed. Mr. Hubert ascribed that diminishing intensity primarily to the exhaustion of the normal and usual techniques of investigation.

He then commented in paragraph 3 that the Ruby materials on hand were not sufficient either to exclude the possibility of a conspiracy or to warrant a conclusion that there was none. He raised then the general issue in paragraphs 5 and 6 about the question really of diminishing returns. How much expenditure of time and effort should the Commission make in pursuing allegations of one kind or another.

I will ask you in the context of that memorandum whether you were aware in February of discussions like this about how far you should go and what the general position of Mr. Rankin and the Commission was in response to memoranda of this character?

Mr. WILLENS. Yes; I can respond to that question in a general way. It was of concern to all the members of the staff to have some sense of what kind of investigative effort was contemplated by the Commission. There was an uncertainty, as reflected in Mr. Hubert's memorandum, as to exactly what kind of investigation the staff was authorized to request. In other areas there was no uncertainty and the lawyers there produced investigative requests as quickly as they had mastered the materials and came forward with some coherent requests to address to the FBI and the CIA or one of the other agencies.

This memorandum has to be looked at particularly in the context of its date. It was shortly after the date of this memorandum, which is February 27, 1964, that the Commission authorized an extensive program of depositions by the staff. The significance of that fact is sometimes overlooked. It was the fact of depositions by the staff and the permission to conduct investigation following up on deposition testimony that constituted essentially the second effort that is described here by Mr. Hubert. I don't think it is fair to say that the investigation had diminished at the time that Mr. Hubert wrote this memorandum.

The initial assignment of the staff though, as I said earlier, once they arrived on duty, was to master the materials in their area and to propose a second effort of investigation consisting of specific requests of investigative agencies, consisting of identifying those witnesses which should be called before the Commission or deposed by members of the staff and identifying any further issues in their area that they thought required the attention of the Commission. As of late February 1964 these memoranda were coming in from members of the staff and being reviewed by Mr. Rankin, Professor Redlich and myself, and decisions at that point were being made about an overall program of investigation which was responsive to the staff analyses that could be presented for approval to the Commission.

The records of the Commission will reflect that in early March the Commission did receive a memorandum over Mr. Rankin's signature outlining a proposed course of investigation which was adopted without reservation by the members of the Commission.

Mr. BLAKEY. In light of your answer, Mr. Willens, I wonder, Mr. Chairman, if the clerk could be requested to mark as JFK Exhibit No. 69 a memo of March 25, 1964, of Mr. Willens to Mr. Rankin, responding I think in part to the general subject raised by Messrs. Hubert and Griffin.

Mr. FAUNTROY. The clerk is so instructed.

Mr. BLAKEY. I wonder if the clerk could also be instructed to show the memorandum now marked JFK Exhibit No. 69 to the witness.

Mr. FAUNTROY. The clerk is so instructed.

Mr. BLAKEY. Are you familiar with this memorandum, Mr. Willens?

Mr. WILLENS. Yes, I am.

Mr. BLAKEY. I wonder, Mr. Chairman, if you would direct that that be incorporated in the record in order that I might ask some questions of the witness based on this document?

Mr. FAUNTROY. Without objection, it is so ordered.

[The document referred to, marked as JFK Exhibit No. 69 and received for the record, follows:]

#### JFK EXHIBIT No. 69

##### [Memorandum]

MARCH 25, 1964.

For Mr. J. Lee Rankin, General Counsel.

From: Howard J. Willens.

The attached is one of the specific investigative requests proposed by Messrs. Hubert and Griffin which requires, in my view, further consideration. I am opposed to sending out this request, without further documentation, for the following reasons:

1. I think that we should develop this type of information only if we have some specific allegation regarding travel or contacts by an identified person at a particular time and place which appears possibly relevant to our inquiry. If sufficient information has not been developed in the course of the extensive investigation already conducted to meet this requirement, then I think the probabilities of the additional inquiry yielding information of value are too slight to justify the extensive inquiry proposed. As Messrs. Hubert and Griffin have recognized in their several prior memoranda, this is a problem of balancing considerations. One consideration which looms increasingly large in my opinion is the tentative target date for the completion of this investigation. This is not to state that any meaningful allegation should not be investigated because of time factors. I do feel, however, that the attached does not appear to be based on a meaningful allegation and therefore our limited time and effort should not be expended by projects, such as this, which do not promise to yield very much.

2. If Messrs. Hubert and Griffin were to demonstrate that the materials currently in their possession raise an allegation meeting the above criteria, then I think the way to check the allegation out is to ask the FBI to review the relevant files in the Department of State. Only after this is done should we request original documents from State, in my opinion, unless there is some special reason why the original document is necessary.

Mr. BLAKEY. As I read JFK exhibit No. 69, Mr. Willens, the general issue being raised is not so much the technique of investigation, for example, depositions, as we saw reflected in a previous memorandum, but rather the nature of allegations that should be pursued. I am not so much concerned with the specific allegation reflected on the memoranda that were attached to this memorandum but rather the general issue of what kinds of allegations should be followed up. I take it by reading paragraph 1 that what you were suggesting to Mr. Rankin was that on the whole allegations that were not in some way supported, to be

called meaningful allegations, should probably not be followed out and I will quote now the second to the last sentence in paragraph 1.

One consideration which looms increasingly large in my opinion is the tentative target date for the completion of this investigation. This is not to state that any meaningful allegation should not be investigated because of time factors. I do feel, however, that the attached does not appear to be based on a meaningful allegation and, therefore, our limited time and effort should not be expended by projects such as this, which do not promise to yield very much.

I wonder if you could comment on this, Mr. Willens? Did the Commission accept this recommendation that there should be some distinction between meaningful and nonmeaningful allegations and if so what criteria were employed in determining the difference between meaningful allegations and I take it unmeaningful allegations?

Mr. WILLENS. I do not know whether this issue was ever presented to the Commission in the terms that the memorandum defines the question. I believe my memorandum, JFK exhibit No. 69, is in essential agreement with Mr. Hubert's memorandum of February 27, JFK exhibit No. 68, to the extent that it indicates that there is a balancing process which must be undergone in deciding which investigative request to send out to the agencies and which allegations should be pursued.

Mr. Hubert was one of the members of the staff who did address this issue in general terms. I do not remember the specific investigative request that JFK exhibit No. 69 was addressed to but I do believe, and continue to believe, that there are limitations on investigative resources available either to the Warren Commission or presently to this committee and that judgment has to be exercised as to how best to use those investigative resources. My effort in this memorandum was to suggest that any allegation should be checked out if you could tie an allegation to a particular person or a particular time and place. My concern at the time was with overly general and vague investigative requests that would deny us access to investigative resources for other more specific lines of investigation and would promise to produce very little of value.

On any specific investigative request I am sure there could have been conflicting views. My general reaction is that I approved almost all investigative requests coming from the staff without any question whatsoever. My recollection is, however, that there were numerous occasions when I raised the question with a staff member as to the utility of the particular request, the particular objective that he had in mind, and the extent to which there might be other ways of obtaining the necessary information.

Usually we were able to resolve those differences of view without any difficulty. If we were not able to do so they were presented to Mr. Rankin for his final decision as to whether the investigative request would or would not go out. I think it is fair to say that the records will reflect many more investigative requests coming from Messrs. Hubert and Griffin which prompted debate than there had been from other areas and that prompts. I am sure, some of the rhetoric in this memo and other memoranda that you have undoubtedly seen or will see suggesting that we ought to sit down and try to work this out.

Mr. BLAKEY. Mr. Chairman, I wonder if we could have the clerk directed to show the witness what has already been marked and admitted into the record, JFK exhibit No. 65.

Mr. FAUNTROY. The clerk is so directed.

Mr. BLAKEY. It is a memorandum of February 24, 1964, from Messrs. Hubert and Griffin to Mr. Willens. Do you recall this memorandum, Mr. Willens?

Mr. WILLENS. I did not recall it until a copy was recently made available to me. I am now familiar with it.

Mr. BLAKEY. We have had testimony in the record that as a result of this memorandum some of the suggestions for developing telephone numbers and phone call records were followed and that others were not. Generally the broader scope of the request, for example, as represented in paragraph No. 9 that there be a general freezing of phone call records was not implemented and that an effort was not made to ascertain all of the reasonably available phone and phone call records to some of the parties identified in the record. I wonder if you could share with the committee, if you recall, your reasons or Mr. Rankin's reasons for not pursuing the telephone call records suggested here by Mr. Hubert and Mr. Griffin?

Mr. WILLENS. I do not have any specific recollection or discussions regarding this memorandum. My recollection does coincide, however, with the testimony that you have summarized. My recollection is that the broad-based request here was not implemented by a letter to the FBI but that throughout the remaining months of the investigation some of the specific inquiries suggested here with respect to telephone calls and telephone records were made and reports produced regarding those requests. I think that the reason the broader requests were not taken is anticipated very neatly by Mr. Hubert's and Mr. Griffin's second paragraph which I quote, "Some of the suggestions made impose burdens on private parties which are not justified by the possible results to be obtained. If so, they should be rejected and the reason for such rejection recorded in order to assure future critics that such efforts were carefully considered."

I believe that the broad requests were not accepted by Mr. Rankin or by me for this very concern. I do not know whether the records show any written statement of our reasons as Mr. Hubert and Mr. Griffin suggest would be appropriate. I agree with that suggestion and I think my custom was to make notes with regard to the disposition of some of the matters in dispute such as this one but I do not have a recollection of so doing in this precise case. I am confident that I would not have made a decision of this kind without consulting with Mr. Rankin and discussing the matter fully with him. It was also his practice that if I made my recommendation to him that was contrary to the views expressed by other members of the staff that he would typically have them in to discuss the matter with them so that he could make a final disposition of the matter, having heard all points of view.

That was his practice. I do not know whether it was followed in this precise case but I suspect that it would have been.

Mr. BLAKEY. Mr. Willens, there are obviously only a limited number of ways in which conspiracy allegations can be pursued. There was not available to the Commission sophisticated electronic surveillance techniques that would deal with the formation of the conspiracy. It is doubtful that physical records would be in existence or that the



Commission had access to search warrant authority to seize them. Basically all you could do was to engage in field interrogation and depositions. I wonder why you would have foregone the opportunity to examine long distance call records in pursuit of the conspiracy allegation? Had you done so and you had developed a pattern of preassassination communications between some of the individuals identified subsequently by Messrs. Griffin and Hubert, who were associated with Mr. Ruby and perhaps even with Mr. Oswald, it might have been possible to pursue these associations and precipitate Commission interrogation based on those calls?

Would it be a fair characterization that by failing to do this you lost, and probably permanently, the ability to pursue, however, tenuous, some of the associations?

Mr. WILLENS. I would not accept that characterization. If your investigation discovers that it did have those consequences then I think that is an important conclusion for you to report. The Commission did have the subpoena power, it could have subpoenaed records if it had elected to do so. It had close liaison with the Texas law enforcement officials and undoubtedly they had some authority to pursue these matters if they wanted to or if we suggested to them that might be useful.

There was a very extensive investigation into the Ruby area involving his relationships with many of the people identified in this memorandum. I think it is shortsighted to look at this memorandum alone without looking at all the subsequent investigative requests in the Ruby area and make a judgment on the basis of that kind of inquiry as to whether the Ruby investigation was adequate. In that connection, I think you should look at the exchange of memoranda, which you have not supplied me, of June 1, 1964, whereby I requested Mr. Hubert and Mr. Griffin to inform me of any outstanding investigative requests for any additional investigations they wanted to have made in order to satisfy themselves of the adequacy of the Ruby investigation.

They responded in a memorandum of the same date reporting they were satisfied with the adequacy of the investigation and there would be presented to me within the next few days all the investigative requests that would be required in order to assist them in the preparation of their report. Those memoranda do reflect a clear and on the record communication between us with respect to the adequacy of the investigation and the proper disposition of their investigative requests.

In subsequent months they did submit additional investigative requests and those were almost without exception honored.

Mr. BLAKEY. Mr. Chairman, I think it might be appropriate that the staff be directed at this point to obtain those memoranda and that the Clerk be directed to incorporate them in the record at this point.

[For copies of these memoranda, see IV JFK Hearings at 559-60.]

Mr. FAUNTROY. The staff is so directed.

If Counsel will yield, I would like to raise one question with Counsel. Do we have documentation dealing with the rejection and the reasons for rejection of the specific requests noted in document exhibit No. 65?

Mr. BLAKEY. Not to my knowledge. I will make an effort to see to it as our investigation continues, that if that document is developed that it be made available to the committee.

Mr. FAUNTROY. Without objection.

Mr. DODD. Along that same line of questioning, we saw the May 24 memo I think from Mr. Griffin to Mr. Hubert as well in which they outlined a rather detailed request for certain information. I am curious, you are looking at 7 or 8 days later, the June 1 memo that you are talking about that I have not seen yet, there must have been something that ensued between May 24 and June 1. It is a rather detailed, long memo requesting a bit of leeway in terms of investigating further allegations surrounding Jack Ruby. I would be curious as to what transpired between May 24 and June 1. Do you recall at all? Are you familiar with the May 24 memo?

Mr. BLAKEY. May 14.

Mr. WILLENS. I think I have seen that memorandum although it is not one of those in front of me at the moment. Yes, it was about that time, Congressman Dodd, that we were trying to make certain that we were completing the investigative stage of the matter and proceeding to the preparation of the report. It so happens, with all due respect to my colleagues, that the lawyers in this particular area were somewhat slower in producing an acceptable draft section of the report than was true of their associates in other areas.

That prompted some concern and discussion by Mr. Rankin and me and Professor Redlich with them. It became clear that a lot of these investigative requests were, shall we say, detracting from their effort to understand, assimilate and analyze what, in fact, was already available to the Commission. So, the memorandum from me to them of June 1, 1964, was designed to make certain on the record that we had before us all investigative requests that they thought at that time were necessary to provide them with the necessary material on the basis of which they could write their assigned portions of the report.

Now there were differences of view from time to time between me and all members of the staff. There were many differences of view among the members of the staff and I often was in a position of trying to moderate those disputes and accommodate the different interests of the members of the staff. It was my responsibility to help the Commission complete its investigation and complete the writing of the report and to do so consistently with the standards that I set for the staff.

So there were many discussions with Mr. Hubert and Mr. Griffin individually and together and many of them were participated in by Mr. Shaffer or by Mr. Redlich or by Mr. Rankin. I believe when it was all said and done they did a superior job in pressing with the investigation and producing their sections of the final report.

On or about June 1, however, there was a point at which we were trying to assess where we were in light of the fact—coincidentally June 1 was the anticipated publication date of the report based on earlier hopes—and we were trying to assess where we were in terms of our investigation, how long it would take to complete the report, so that Mr. Rankin would have some informed basis on which to advise the members of the Commission as to the progress of the Commission's work. I believe it is that process that precipitated the memorandum

of June 1 and it had a very healthy effect because it did elicit from Mr. Hubert and Mr. Griffin a barrage of limited, sound investigative requests that went out without dispute.

Mr. FAUNTROY. Mr. Willens, this memorandum of May 14 is a source of great concern to us, dealing with the adequacy of the Ruby investigation. You are saying to us that the memorandum of June 1 will satisfy us, as it did you, that the concerns raised here and not responded to in terms of investigative direction, were adequately dealt with?

Mr. WILLENS. That is right, Congressman. By May 14 we had received a series of memoranda outlining proposed investigative requests in the Ruby area. Many of them were the subject of some differences of view although in almost each instance some investigation did go forward in response to the request from Mr. Hubert and Mr. Griffin. Having received the May 14 memorandum, and I believe by that time a preliminary draft prepared by Mr. Hubert and Mr. Griffin with respect to their assigned portion of the report, we were concerned as to the extent to which the investigation was completed in their area and the extent to which their report could be reviewed and submitted to the members of the Commission.

It was at that time that I felt it would be useful to confront the problem straight out and to elicit from them all investigative requests which in their judgment were necessary to insure that the investigation was an adequate one. There is a responsive memorandum to the effect that if their investigative requests were sent forward they would consider the investigation to be a sufficient one.

Mr. FAUNTROY. Counsel.

Mr. BLAKEY. Public Law 8-202 which came from Joint Resolution 137 of the 88th Congress, signed by the President on September 13, 1963, in subparagraph (B) authorized the Commission to issue subpoenas and in subparagraph (E) provided immunity for those who testified before the Commission if they claimed the privilege and were compelled to testify. The staff has been unable to find any indication that any witness testifying before the Commission felt it necessary to claim the privilege of self incrimination and consequently be granted immunity. Should we draw from that the inference that it was the policy decision made not to call any witness before the Commission whose testimony could only be secured on grant of immunity?

Mr. WILLENS. No, I don't think you can draw that conclusion. I have a recollection of one or two witnesses who advised the Commission or the staff that they might invoke their constitutional privilege under the fifth amendment. I do not recall their names or whether in fact they were subsequently deposed and elected not to claim the privilege. I have a recollection that one of the people I am thinking of was associated with one of the rightwing groups but I am not sure that is the case. I am sure the record will reflect what happened.

I agree with your recollection that no witness did in fact invoke the fifth as I recall and there were no instances where immunity was granted. There were on at least one or two occasions discussions of that possibility within the staff, I believe. I do not recall any discussion of a general policy not to utilize the authority available to the Commission under the statute.

Mr. BLAKEY. Mr. Chairman, I have a number of questions in the area of the general relationship between the Commission and the agencies, both the FBI and the CIA, and also having to do with the writing of the final report. In view of the late hour and the indulgence of the witness now to what amounts to almost 3 hours of questioning, I wonder if it might not be appropriate to adjourn now and ask him to return at a later point in time when perhaps all of us can be refreshed, and while we might impose on him again, nevertheless at least let him be fresh when we are doing it?

Mr. FAUNTROY. I have no objection to that.

Mr. DODD. After 3 days, I am ready.

Mr. BLAKEY. I would like at this time to extend again my appreciation to Mr. Willens for taking time from his very busy practice to share with us his thoughts and observations on the work of the Commission and say to him that I personally look forward to the opportunity to talk to him again about these very important matters.

Mr. WILLENS. I am available at your convenience, Mr. Chairman.

Mr. FAUNTROY. Thank you. With that we will adjourn this session and reconvene at the call of the Chair.

[Whereupon, at 4:50 p.m., the hearing was adjourned, subject to the call of the Chair.]