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ENTRY

PRESIDENTIAL COMMISSION
TO INVESTIGATE THE ASSASSINATION
OF PRESIDENT KENNEDY

5 December 1963
National Archives
Washington, D. C.

Reported and Transcribed by
Cakie Dyer
Reporter
Office of the United States Attorney
Washington, D. C.

PRESENT:

Chief Justice Earl Warren - Chairman

Senator Richard B. Russell

Senator John Sherman Cooper

Representative Hale Boggs

Representative Gerald R. Ford

Mr. Allen W. Dulles

Mr. John J. McCloy

Mr. Nicholas deB. Katzenbach, Deputy Attorney
General (Present from 10:00 AM to 11:22 AM,
approximately).

PLACE:

Conference Room
National Archives
Washington, D. C.

TIME:

Approximately 10:00 AM to 12:45 PM, 5 Dec 1963

CHAIRMAN: Gentlemen, this is a very sad and solemn duty that we are undertaking, and I am sure that there is not one of us but what would rather be doing almost anything else that he can think of than to be on a commission of this kind. But it is a tremendously important one. The President, I'm sure, is right in trying to make sure that the public will be given all of the facts of this sordid situation, so far as it is humanly possible to do it, and I feel honored that he would think that I, along with the rest of you, are capable of doing such a job, and I enter upon it with great feeling of both inadequacy and humility because the very thought of reviewing these details day by day is really sickening to me.

I assume that all of you, like myself, know little or nothing about what has happened except what we have read in the newspapers. I personally know nothing, so I start with a rather clean slate.

I have been doing a good deal of thinking though about the situation. I have consulted with Deputy Attorney General Katzenbach on several occasions and I tried to probe his mind as to what he thinks we can do, and I have come to some very, very tentative conclusions that I thought I might throw out here so all of you can appraise them and then make your own decision. But we have to start some place so I thought that perhaps I would give you what my tentative views are at the present time.

Now I think our job here is essentially one for the evaluation of evidence as distinguished from being one of gathering evidence, and I believe that at the outset at least we can start with the premise that we can rely upon the reports of the various agencies that have been engaged in investigating the matter, the F.B.I., the Secret Service, and others that I may not know about at the present time.

I believe that the development of the evidence in this way should not call for a staff of investigators. I don't see any

reason why we should duplicate the facilities of the F.B.I. or the Secret Service or any of the other agencies. If we should find some special need for a particular phase of it I think that would be time enough after to have the Commission consider it. But at the present time I do not feel that it would be necessary for us to have any staff of investigators.

I am of the opinion also that we should not conduct our hearings in public; that it is not necessary for us to bring witnesses before us. If it is necessary for us to get the story of witnesses we can get it through the investigative agencies first, and then if we want to talk to them we can bring them into our conference room and discuss it with them there.

Having that view, I do not believe that it is necessary for us to have the power of subpoena. I believe that the power of subpoena and holding public meetings where witnesses would be brought in would retard rather than help our investigation. And I already have some evidence of the fact that there are a good many people who would like to be witnesses at such hearings if we should have them; some who have had visions that told them exactly what happened in this situation and others who believe they know of great conspiracies, etc., ramified greatly. And if we have public meetings and have witnesses in public, I feel quite sure that some of that type of witnesses will try to force themselves upon us and if we don't use them in public they would claim that we had suppressed their evidence and taken only that which was agreeable to us.

I think that most of that can be avoided if we do it through an investigative process and in doing so rely on our governmental agencies. If we can't rely on them I couldn't think of any investigators we can get to do it anyway. So I would hope that

we could hold our meetings and take any evidence or any statements that we want in camera, and eventually make our report without any great fanfare throughout the country.

I think any report we would make would carry with it a great deal more influence done in that way than if we attempted to have any public hearings.

The President indicated to me that if this commission was set up that in all probability there would be no legislative committees having hearings. I think that would be very helpful, because one investigation should be enough. I have heard that the State of Texas had intended to have a so-called Court of Inquiry such as they had in the Billie Sol Estes case, which wasn't a very admirable performance. I have been reading about it. The Department of Justice has had some conversations with them. They have shown an inclination to cooperate with us. I have told them that if they want to make common cause with us and await their hearings and their Court of Inquiry until we have made our report, that we would be glad to cooperate with them in every way and, in deed, take them in on our counsels. They have two very fine men. They have engaged Bob Story, who I think everybody in the legal profession knows as a very outstanding man, and then a gentleman by the name of Jaworski.

MR. KATZENBACH: Leon Jaworski, from Houston, Texas.

Mr. Chief Justice, may I interrupt one moment?

CHAIRMAN: Yes.

MR. KATZENBACH: Because you didn't explain my presence here, and I am here at your request to answer any questions. I am entirely agreeable and happy to leave the room. It is not my contemplation to do any more than try to be helpful to you and I wanted to make it clear that I am perfectly happy to leave this room if so

requested. In fact, in many ways I may be more comfortable not being with you in any way at all. I would like to make that absolutely clear, that I came because the Chief Justice asked me to be here this morning, feeling I might be able to answer any questions.

CHAIRMAN: I thought you might be able to answer any questions that the members of the Commission might have before we discuss these other things.

MR. KATZENBACH: The only point with respect to the Texas Board of Inquiry, Leon Jaworski has agreed to serve. Bob Story's wife recently died, he has been out of the country, and he has not as yet agreed to serve. They contemplate asking him but he has not yet committed himself to do this because he has been out of the country because of the recent death of his wife.

CHAIRMAN: Mr. Jaworski has, I understand, tentatively agreed that perhaps they can withhold their hearings on this Board of Inquiry and in the meantime cooperate with us, and I am hoping that that can be done. To have one investigation would be a great deal more helpful I'm sure than to have these others.

MR. MC CLOY: Is this the State of Texas Board of Inquiry?

CHAIRMAN: Yes. It is a strange sort of institution.
Mr. Katzenbach, maybe you can tell us about it?

MR. KATZENBACH: It really is more like an open hearing of a Congressional type, that is, there is a power to subpoena witnesses, to compel testimony. This is done publicly and is held before any jurisdictional officer of the state. It can be called by the Attorney General, Mr. Waggoner Carr, and he called this. He called it after consultation with the White House prior to the establishment of this Commission. It is a procedure which obviously in irresponsible hands can be abused. It does not come to any

conclusions at all; merely takes evidence in a manner, and the manner depends upon the people who are conducting the investigation.

SEN. RUSSELL: You mean they can't make any findings?

MR. KATZENBACH: They make no findings.

SEN. RUSSELL: I thought that was rather like a state-wide grand jury inquiry.

MR. KATZENBACH: It would be like a grand jury except for the fact that they come to no conclusions, they merely take testimony. And the only thing that can result after it is done is that if they feel they have got enough evidence, to take that evidence before a grand jury or, of course, they can punish anyone for perjury.

REP. BOGGS: Who composes the inquiry?

MR. KATZENBACH: It is an inquiry before any jurisdictional officer.

REP. BOGGS: I know, but in this particular instance it would be before the Attorney General?

MR. KATZENBACH: No, before a judge or justice of the peace, and the Attorney General can pick his jurisdictional officer, who is really there in a neutral capacity, that is, he is there merely to maintain order and to order people to answer questions.

SEN. RUSSELL: Can he commit them?

MR. KATZENBACH: For refusing to answer?

SEN. RUSSELL: Yes.

MR. KATZENBACH: Yes.

SEN. RUSSELL: Can they be held in public?

MR. KATZENBACH: Yes, they can be held in public. In fact they are public hearings, sir. The only one that I am familiar with, and is not a precedent that Attorney General Carr would be happy with, came to light in the last political campaign and was

conducted by one of the candidates for governor. That Attorney General was Will Wilson and the subject matter was Billie Sol Estes and the television cameras were in large numbers at the hearings.

REP. BOGGS: Who determines what witnesses will be called and what rules of evidence will be followed?

MR. KATZENBACH: The person conducting the inquiry, the Attorney General or the special counsel would determine that, would ask the questions and would examine the witnesses.

REP. BOGGS: The judge or justice of the peace is then just a presiding officer?

MR. KATZENBACH: He really is just a presiding officer, Congressman.

MR. DULLES: Who initially appoints it? The Governor of the State appoints this commission?

MR. KATZENBACH: No, it is called by the Attorney General of the State.

MR. DULLES: Well, can he do it without the Governor's approval?

MR. KATZENBACH: Yes, and I assure you that the last one with respect to Billie Sol Estes was not one that had the then governor's backing. It is an Attorney General proceeding. I think it is unique in Texas, but many things are.

CHAIRMAN: As I understand it, it is not a part of the judicial process, it has no power of commitment for trial, they cannot indict. It is merely a public hearing that in the most favorable light would inform the public as to what is going on in the state, and the Attorney General, as I understand it, also can select any judge or justice of the peace of the state that he wants to conduct the investigation.

MR. KATZENBACH: That is correct, yes.

CHAIRMAN: Well, I think those are the things I wanted to say to you, and I personally would be very happy if the State of Texas would decide not to hold any such hearings until this Commission had an opportunity to survey the situation and make its appraisal, because if there should be some irresponsible witnesses come before that commission and give sensational testimony to the public, no findings that they are untrue or anything, and we would have the job of allaying the public fears that developed from that kind of testimony and I think it would be very bad indeed. So I would be hopeful that it can be worked out. So that is the reason that I told the Attorney General that as far as I was concerned if they wanted to make common cause with us and wanted to work with us in our procedure here, that we would be glad to cooperate with them and would try to see at the proper time that they got the information that was necessary for them to make a proper presentation to their public. But if they chose to go it alone and do it independently and before this Commission had an opportunity to act, that I thought we would have to deal then at arms length; they would be on their own and we would be on our own. That was only a personal view but I wanted to express it before it was too late in the day to have any effect.

Now I think those are about the only things that I have with relation to the Attorney General before he goes. The others are housekeeping things and internal organization here that he would not be concerned with. But he has promised me that he and his department and his bureau would cooperate in the spirit of the President's proclamation, and I am sure that will be done and I am sure we will keep a lot of people busy in your department, General.

MR. KATZENBACH: We have been busy and are presently busy, Mr. Chief Justice.

CHAIRMAN: Yes.

SEN. RUSSELL: May I ask something?

CHAIRMAN: Yes.

SEN. RUSSELL: General, I see occasionally in the press articles that purport to have come from the F.B.I. as to bits of evidence and things of that kind. How much of their findings does the F.B.I. propose to release to the press before we present the findings of this Commission?

MR. KATZENBACH: Well Senator, I know the story to which you are referring - -

SEN. RUSSELL: It's been in the papers.

MR. KATZENBACH: Yes. And I know that the Director and Mr. Belmont, who is the man in charge of this particular investigation, are utterly furious at the information that got into the press. I talked with both of them on this subject. They say they are confident it could not have come from the F.B.I., and I say with candor to this committee, I can't think of anybody else it could have come from, because I don't know of anybody else that knew that information and some agent somewhere along the line, it seems to me, may very well have done it; or a clever reporter, as you are familiar, can put together a, b, and c, so it did not have to come from one source.

MR. DULLES: What reporter was that?

REP. BOGGS. Sterling Green.

MR. KATZENBACH: Yes. He is an AP reporter. He is a good reporter, he has covered the bureau a long time. And all I can say is that as far as the Department of Justice is concerned and as far as the Director is concerned, that story generated enough heat within the Federal Bureau of Investigation that I doubt that another such story will appear because it is a real peril I think in even

being seen in the presence of a newsman.

SEN. RUSSELL: I didn't read the story but I noticed in two or three different papers the headline, F.B.I. Report Shows so and so.

MR. KATZENBACH: They didn't source it to the F.B.I., they wrote it, it is believed that the F.B.I. Report will - -

MR. MC CLOY: It is probable - -

MR. KATZENBACH: Yes, it is probable that. Which you recognize from your many years in Washington, Senator, no responsible reporter is likely to feature, certainly not this fellow, unless he knows that he had a pretty good source. It was a great embarrassment to us because other reporters say, how do we play the story? Is it right or wrong? And we just couldn't give them any guidance. I tell you frankly I didn't know whether that story was right or wrong on its own, its facts. My guess was that it was correct. But I did not have the information at that point to have made that story, nor did anybody else to my knowledge outside of the bureau itself. However it occurred, I repeat that I think it is unlikely that anybody in the bureau is even going to look in the same direction as a newsman after that story.

SEN. RUSSELL: There will be ample speculation and enough rumors without any of them being attributed to the F.B.I.

MR. KATZENBACH: Without any help from anybody; yes.

SEN. COOPER: May I ask a question to that point?

CHAIRMAN: Yes.

SEN. COOPER: It is reported in the newspapers that this report will be completed, at least completed to a certain point, this week.

MR. KATZENBACH: Yes.

SEN. COOPER: And that it would be made public. Now what

about those statements? Is it complete?

MR. KATZENBACH: The report is not complete, although I believe substantially so. It is not complete for the reason that new leads keep coming up. I may give you one example why it is not complete. The interrogation of Mrs. Oswald has gone on for some time and is not as yet complete. There is great reluctance for the responsible officials in the bureau from the Director on down to say it will be complete by a certain date. And I think all of you gentlemen can understand why, because they really want to pretty much exhaust their leads. Now they have done a fantastic amount of work, a great many agents on this following up a great many things in an effort to prove negatives as well, and it is a very difficult proposition to prove that something couldn't have happened. But we have felt from the outset there, and I was confident that this Commission would feel the same way when it was appointed, that one of the unhappy and difficult jobs is to try to dispel rumors, no matter how wild, to show that they couldn't in fact be true. And that is a very difficult thing to attempt to do but that is what they are attempting to do, and it is probable, in my judgment, when you have all their things there will be still other things that this Commission will wish to have investigated and run down, and the bureau will do this to the utmost of its ability. They are very reluctant to state even tentatively conclusions, and frankly even to me at this point, because something can happen to make them wrong.

Now in line with your question, Senator Cooper, it seems to me that with the appointment of this Commission that probably it would be the desire of this Commission that the report be turned over to it and not made available to the public. The Chief Justice and I discussed this briefly. I am quite sure that would be the

F.B.I.'s preference in this. There is the problem. I think that it might be desirable perhaps to put out a very short statement at that point to dispel rumors that the report was very different from, for example, the leak that Senator Russell has spoken of. In other words, I would not like the fact that it is not made public and turned over to the Commission to imply that it was because they had discovered a conspiracy of the right, left, center or otherwise in this respect. So I think perhaps it would be desirable for a brief statement to be made public at that time to allay that kind of rumor. But that is something that perhaps can wait the completion of the report, that decision, but my own judgment would be that you gentlemen would want to study and examine that report and the underlying documents; you would not wish these to be made public. Now that obviously is your decision and I don't intend to influence that or any other decisions that you have in any way.

MR. DULLES: May I ask one question about the report?

CHAIRMAN: Yes.

MR. DULLES: In working with the F.B.I., which I have done for a great many years and have the greatest admiration for their work, their reports generally are in the form not of reaching conclusions but of stating here are the facts that we have found. Now those facts sometimes would lead to certain conclusions. I mean if they say we have found no evidence of whatever it might be, that in a sense is a conclusion, but it is a statement of a fact too. I don't know how this report will be delivered. Will it be along the lines of a series of reports rather than conclusions in law?

MR. KATZENBACH: It will have no conclusions in it. It is going to be a statement of the facts; a statement of this fact based upon this fact. For example, he stated he was a member of the Fair Play for Cuba Committee to this person and that person. We have not

been able to locate, or his name does not appear upon the rolls of the Fair Play For Cuba Committee. That sort of thing.

MR. DULLES: I see.

MR. KATZENBACH: A series of factual statements based on their investigation, and will disclose what they have done. As I say, there may be many other things that you wish investigated. The bureau will investigate those things that you wish in the absence of your wishing to investigate them independently.

MR. DULLES: Could I ask one other question, Mr. Chief Justice?

CHAIRMAN: Yes, indeed.

MR. DULLES: I think the members of this committee are going to be importuned by people by telephone, letters, etc., with all kinds of leads. It may be that a common procedure, Mr. Chairman would be useful whereby we could pass these all along to the F.B.I. I don't know any way else to do it. I have already had several of those and I think it likely that all of us are going to be importuned. I don't know what the procedure would be but if a common procedure could be worked out it would be useful.

CHAIRMAN: Yes. There is no doubt that we can work that out.

SEN. RUSSELL: While you are on that, the common procedure, how about the relations of the Commission with the press?

REP. BOGGS: You're so right.

SEN. RUSSELL: We'll all be asked every time we turn around questions as to what we have done, what we propose to do. I think we should adopt some rule that would protect the work of the Commission as well as that of the individual members.

CHAIRMAN: I believe you're right.

SEN. RUSSELL: I mean in dealing with the press.

CHAIRMAN: Yes.

REP. BOGGS: Senator, I would like to suggest in that connection that the Chief Justice, or whoever it might be, at the conclusion of each one of our meetings should issue about a paragraph statement and that ought to be it.

SEN. RUSSELL: That is perfectly agreeable to me. Of course, we are wide open to the press. The Chief Justice can be somewhat protected but we can't be moving around the Capitol without being besieged and importuned, and we have to give them some answer. I would be very happy if we could adopt that as a principle, that any information whatever should be issued by the Commission and would come from either the Chief Justice or whoever he selects as Secretary of the Commission.

MR. KATZENBACH: I was going to suggest in view of the Chief Justice's position, which is obviously a difficult one in terms of that most difficult branch of the government from the viewpoint of the press, that perhaps you wished to borrow on these occasions or have on these occasions one of the White House press people. Or perhaps that is unwise. But a press person so that the person or select spokesman here -- I don't think you wish to appear on television on this all the time, Mr. Chief Justice.

CHAIRMAN: I never have and I don't propose to do it here.

MR. KATZENBACH: I think to have somebody, or one of you gentlemen, but to save your press inquiries, if you had a person to whom all inquiries can be referred. I think that is what both of you gentlemen had in mind, and my own feeling was that perhaps in handling the press you wanted somebody with experience.

REP. BOGGS: This person, whoever he may be -- and this takes nothing away from anyone connected with the White House --

would actually have to sit in here to know what was going on and it would seem to be that someone connected with the Commission would have to do it. And I would think that as we are going along that we just shouldn't expose ourselves to saying what happened on this particular day.

REP. FORD: May I add to what you said, Hale? I agree that we have got to have somebody who is going to help us handle the press. I would think it would be wiser not to have somebody from the White House. The more we disassociate ourselves, as I understand our mission, from the White House the better it is for all of us, and I should think the President would want it that way himself.

REP. BOGGS: Yes.

REP. FORD: Would it be possible, Mr. Katzenbach, to have somebody from the press staff of the F.B.I.? First, I'm sure they are cleared for whatever would be available.

MR. KATZENBACH: Yes.

REP. FORD: They are extremely knowledgeable in how to handle these kinds of press matters. To me this is a better way to do it than to have somebody from the White House.

MR. KATZENBACH: I think your point is good and I would be happy to get one any place you find a press person unless you want to get one of your own, which raises some problems. Or it may be that some of you gentlemen have had enough experience with the press. I just see this mob that is going to occur.

REP. BOGGS: This is what is going to happen. When this meeting is over the mob is going to beseege the Chief Justice and he is going to be on television because they are going to be there televising him, and somebody will have to say something after this meeting is over. For whatever it is worth, I know at the White

House breakfasts we adopted a plan when I first started going -- I think it had been done under both Republican and Democratic Administrations -- that one person would make a statement and that would be it. Now this is going to be a real difficult problem and we had just better try to work it out.

CHAIRMAN: If I might make a suggestion, I think there is so very little that ought to come from our meetings - -

REP. BOGGS: Exactly.

CHAIRMAN: - - that it wouldn't be difficult for us at the conclusion of our meetings to say, now what is there for the public? We can draft it right here.

REP. BOGGS: Exactly, sir.

CHAIRMAN: Yes; tell them what it is and get it over with and get out and that will be the finish of it as far as I am concerned, because I am going to try to treat this as much in a judicial way as I possibly can, and that in the first place is not to talk.

REP. FORD: The only problem, Mr. Chairman, is I don't think it is wise for us to spend time at the end of each meeting deciding what we are going to say to the press. If we could have somebody here who could take notes and have something rough-drafted it would save us time and it would be ready for use, and I think you are the one that ought to speak for us.

SEN. RUSSELL: That is going to cause a great deal of confusion, Mr. Ford. The Chief Justice won't go on television, and I can readily appreciate why he would not wish to, but we can't operate here in a complete vacuum. The people won't stand for it. You're going to have to have some statement of some kind. You can make it very general. The F.B.I. report today, of course we can't go into that. Today, say we laid down some of the ground rules,

discussed some of the possible difficulties that would arise in the course of our inquiry. But you have to have something.

REP. BOGGS: No question about it.

SEN. RUSSELL: You have to have something.

MR. MC CLOY: If I am clear on this, Mr. Chief Justice, it seems to me we have an analogy. We have international conferences where matters of great interest are being discussed and usually at the end of the day you put out a communique and you call the man in and say here it is. You can't keep off television. You don't need to speak on television because when you leave this place they will televise you.

CHAIRMAN: That's all right; you can't help that.

MR. MC CLOY: But you hand out the statement and there is all there is to it, and this is done every day in international affairs and I think this is the way to do it.

REP. BOGGS: Absolutely.

MR. MC CLOY: And I think we have to take time every day to do that.

REP. BOGGS: It has got to be.

CHAIRMAN: I think it would be dangerous to what we are trying to do if I were to be subjected when we leave this place to having them put those microphones in front of me and ask me questions and have to answer them.

MR. FORD: No, no.

REP. BOGGS: No, no.

SEN. COOPER: I would like to agree on this point. I believe this Commission has got to decide at the close of this who is going to do it and what we are going to say. I think the idea suggested by Mr. McCloy is the best one. I do have one other question about this press business. You can tell them you have no

comment to make but they keep questioning you. I think the only way we can protect ourselves is to say the decision was made by the Commission that the only statement that would be made would be made after each meeting in the form of a statement. What do you think? Otherwise you know, Dick, as we all know, they pressure you and some of them try to put words in your mouth. Most of them who have talked to me have been very good, they appreciate the importance of this work, but some of them do not.

SEN. RUSSELL: Not all of them will, but you have to protect them against this other ten per cent.

SEN. COOPER: Yes. If we are not able to say that the Commission has agreed that a certain procedure will be followed then we haven't got any protection. They will hound us to death. What do you think, Dick?

SEN. RUSSELL: Oh, yes.

REP. FORD: What about this practical problem? Hale is from Louisiana, you're from Kentucky, Dick's from Georgia, I'm from Michigan. I can handle the AP, UP, the network people, but our local television, radio, newspaper people, they want a personal story. And they say, well can you just talk to us for a minute? I mean it's a little different than the major AP, UP and other groups. If we are going to have a rule that nobody goes on, that's fine, but are we going to have a statement that the Chief Justice will read or will it just be distributed as he goes out? Are we to stay off all television, etc.? I think we ought to make a decision in that regard because you know how these local people are, more so really as far as the four of us are individually concerned than the major networks.

SEN. RUSSELL: Of course you just can't say no comment to every question that is asked but I think most of us can protect

the integrity of the proceedings here, and say it with gravity or seriousness or something like that.

REP. FORD: If we could have copies of what the Chief Justice releases and then read it ourselves, if that is what they want on a local basis, that is fine with me.

SEN. RUSSELL: It's a tough one. I have been through them. I have been at the White House when we had these very intimate conferences, and Mr. Dulles used to be there, where the Press Secretary of the White House would prepare something and it would be submitted to all those present before we adjourned. The only thing there that would shake me completely about this and Congress was the fact that some of the members would leak stories they shouldn't out to their friends. And I have been shocked time and again in the Armed Services Committee and some of our hearings on very sensitive matters, some of our investigations, such as the MacArthur inquiry, which some fellows gave out. But I'm not afraid of anybody in this group, but I'm sure all of you gentlemen who have been in Congress know there have been occasions when things have been leaked which should not have been from White House conferences and executive sessions.

REP. BOGGS: Yes, sir.

MR. DULLES: I want to testify to the fact that Congressmen can keep secrets if they really understand. I never had a bad secret leak.

SEN. RUSSELL: If you keep it to a small enough group they can, but I have been utterly amazed at least from what I have seen in the Congress.

REP. BOGGS: Right here this morning when we leave here and go back to our respective places of abode each one of us is going to be besieged by the reporters, fellows that know us

personally. So today we have to have a statement as I see it, Mr. Chairman. You have to give it out, and all we can say is, well, the Chief Justice gave out a statement and that is it, period.

REP. FORD: If we had it on that basis.

SEN. COOPER: I think the confidence of the country and the press itself on this will depend greatly on whether we are all talking about this or not.

SEN. RUSSELL: They don't want to go into details but they want to have something. They will go sniping at you if you don't.

MR. MC CLOY: We will be subjected to all the pressure they will be able to bring to bear, but I think this line is the one we should take and we should adhere to it as close as we can.

MR. KATZENBACH: May I say this in terms of the press problem, that it would be desirable for me to leave you when you have finished this so the press cannot comment on the fact that I sat through the hearing. It seemed appropriate for me to be here at the outset but I want to get out so you gentlemen may have some time.

MR. DULLES: I think we have one or two questions before you go.

SEN. RUSSELL: Yes, I have one. Mr. Dulles referred to this examination of F.B.I. files. He has done it very often, I have done it two or three times, and as he states, there are no conclusions there whatever. That might be well enough, but the thing that worried me on one occasion particularly, there was nothing in there that would make the evaluation of the credibility of witnesses who told conflicting stories. How is the F.B.I. going to help us with that? Is it going to give us the background of the

witnesses?

MR. KATZENBACH: Well on that score we will do whatever we can to help you on that; that is, to the extent they have conflicting stories on this we will do everything we can to give you a basis for evaluating that, including the background of the person if that is what is helpful. But often in this kind of incident the conflicting stories can be where everybody is telling the truth, at least can be resolved through mis-recollection and through re-checking the facts. That is one of the things that is presently going on. You have people that say they saw a certain person here at a certain time, and that may be quite an honest statement. This sort of thing has occurred. You then can establish by a great deal more evidence that the person was in another city at that time and obviously it is a case of mistaken identity. You are bound to have some of those. But my answer, Senator, is that whatever you think will be helpful we will give it to you.

SEN. RUSSELL: Do you go into the man's background? In other words, say he has a police record. Would that be in it?

MR. KATZENBACH: The answer is that it might or might not depending upon the relevance of it, importance of the testimony. If this is a question of people who a great deal depends on what they are saying as to whether or not that would be checked, they have talked to literally hundreds of people and I don't assume they go into each instance as to whether that person has a police record. But that is easy information to get any time that it would appear to be relevant and it will be done.

SEN. RUSSELL: My thought is, I might be asking you to go back and look into that.

MR. KATZENBACH: Right. I think in an event of that kind you will want to ask further questions about it and we will

get you the information.

SEN. RUSSELL: Now I assume the F.B.I. has intentionally inquired into all aspects of this tragedy, including the man who killed Oswald?

MR. KATZENBACH: Yes.

SEN. RUSSELL: Since that is related to the matter under investigation I suppose you are going into it also?

MR. KATZENBACH: Yes, that is correct.

SEN. RUSSELL: Are you doing that in conjunction with the State police authorities or doing that on your own?

MR. KATZENBACH: This is being done largely on our own in connection with that investigation, for the reason that the facts or bases that we used for that investigation was Section 241 of the Criminal Code, which talks about conspiracy to deprive one of his civil rights; and indeed if there was a conspiracy with respect to the shooting of Oswald it would come within that statute, and because of the phone calls there was enough suggestion of a conspiracy to do so. Since that could potentially involve the Dallas Police that investigation is being conducted independently by our bureau and will be done so until they are satisfied that there was or was not any hanky-panky on the part of the police. The important fact, Senator, most of the evidence with respect to the assassination of the President was in fact handled by the bureau.

MR. DULLES: Mr. Chief Justice, shouldn't we be extremely careful in any dealings with the Ruby matter? I mean it is under trial now and I was wondering what guidance you could give us as a Commission?

SEN. RUSSELL: I intended to ask that myself.

MR. DULLES: The trial is put over to February 7th.

MR. DULLES: Yet the Executive Order, I believe -- I haven't a copy of it -- under which we are acting includes the Ruby case to some extent.

CHAIRMAN: Oh, yes, indeed.

MR. MC CLOY: To some extent! It is right in there.

REP. FORD: On that point, could we have a copy of that Executive Order? I have not received one.

MR. DULLES: I've not either. It was quoted in the paper; not fully.

MR. KATZENBACH: Yes, I think it was fully. It was quite short, austere. We would be happy to have the order sent to you.

CHAIRMAN: Will you do that?

MR. KATZENBACH: Yes.

MR. MC CLOY: I think we are getting on some quite sensitive business and while we have Mr. Katzenbach here -- because some things I think we ought to discuss with him here and with him not being here -- I have a feeling that we ought to try to get as much as we can from him before he leaves. I have a considerable number of comments I would like to make on your suggestions, Mr. Chief Justice, but I don't think they are probably in order here.

CHAIRMAN: Oh, no. I thought I would just let that out generally and we could discuss them later.

MR. MC CLOY: This is a major situation we've got with the pending of a murder trial.

SEN. RUSSELL: Yes.

MR. KATZENBACH: Don't count on that being tried in February, gentlemen.

MR. KATZENBACH: No.

MR. DULLES: It might be later still?

MR. KATZENBACH: Yes. That recess was asked by the State's Attorney, this one, and it is customary in almost every state, including Texas, to give defense counsel at least one free ride. He may not want it, but I say don't count on it.

CHAIRMAN: Well I have given considerable thought to that and I have felt that it will be very unwise and probably unfair for us to make any report that involved Ruby before he was tried. And I thought this, that there are two alternatives; one was to not make our report until he had been tried and, secondly, if there was a portion of that which applied to Ruby we could sequester it until such time as he had been tried and then release that to the public later if there was necessity for us to do the other beforehand.

Now I was thinking of this. If this thing goes over from February, let's say, to March or April, and then they take a few weeks to try him, maybe he can get a disagreement and then they may put it over three or four months more.

MR. DULLES: A series of appeals possibly?

CHAIRMAN: Yes. But leaving the appeals aside, it might carry us over for upwards of a year before we could do anything. So I thought of the possible alternative of sequestering perhaps a portion of it that applied to Ruby, to be released only when he has had his trial.

MR. MC CLOY: On paper that sounds plenty good, Mr. Chief Justice, but one of the great issues is whether or not there is any relation between Ruby and Oswald.

CHAIRMAN: Yes. It was only an alternative.

SEN. RUSSELL: If you say Oswald was it -- maybe we

shouldn't get into that.

REP. BOGGS: If there was ever a public crime that was witnessed by more people than that in the history of mankind - -

MR. KATZENBACH: May I express one thought on that?

CHAIRMAN: Yes.

MR. KATZENBACH: It is possible that all of the evidence with respect to that is examined by this group, that depending on what it is, that that could have no effect upon the trial. It is entirely possible, if you look at particularly what I'm talking about, the appeal stage, but what the trial of that is likely to be, and here I'm sticking my neck out by making a prediction. To prove the killing is a rather simple matter, over a hundred million people saw it, and that is the prosecution's case in essence with respect to Ruby. The defense, it would appear if one can judge from newspaper accounts, is going to be insanity defense, so you are not likely to get much in the way of facts out of that trial with respect to this Commission. If that is true and if those are the only issues raised at the trial, it may depend on the facts and how you evaluate them. It may be that you will not have the longer period here if you don't go into anything with respect to the issues raised at that trial.

REP. FORD: How in Texas do they determine insanity?

MR. KATZENBACH: They have a temporary insanity rule.

REP. FORD: Is it a jury decision?

MR. KATZENBACH: Yes, jury decision. To be candid about it, I suppose there is a real possibility that that defense will prevail. Whether it will or not it certainly is a possibility that he will be found not guilty by reason of insanity. That is one of the verdicts that might come out. That of course would solve to some extent your problem.

SEN. RUSSELL: I don't agree with you. Of course, there is no reason for me saying I don't agree, but if I was Ruby's counsel I would tell him to postpone this -- not to postpone the case, I would be crying for a trial all right, I would be demanding one; the quicker he is tried, the sense of shock, knowing the American people, the better chance he has.

SEN. COOPER: Exactly.

MR. KATZENBACH: If he is relying on insanity. If he also wants to state anything about public compassion then he has to make the motion for delay, if he wants to preserve that.

CHAIRMAN: Well, General, I think before you leave I would like to have it understood, if it is the wish of the Commission, that these reports of the various agencies should be given to us before they are given to anyone else and that we have an opportunity to appraise them before any publicity is given to them. If we do not have that our work, our burden is going to be much greater and it will raise great confusion in the minds of the people of the country. Do the rest of you agree to that?

(Members nodded).

MR. DULLES: That would apply to the Texas report too?

CHAIRMAN: Oh, yes, I think so. Now the General will tell you, he and I have had several discussions about this Texas matter because there has been some insistence on their part that they both wanted to have our full cooperation and at the same time they wanted to have this public hearing through the Court of Inquiry before our hearings, before our work is done. And I told them that I thought we had no right to say to Texas that it could not do that if it wanted to do it. I think they have a right to do it, but I do not think they have a right to insist that the Federal agencies assist them with their evidence in order to make that the big show that it is destined to be, and that if they wanted to

cooperate with us and wanted to come here and abide our final result before they have their public hearings, that I personally would be willing to cooperate with them in every way, shape or form. But if they decided to go it alone, if they decide to do it independently and without regard to the effect that it has on the work of this Commission, then I thought they ought to go it alone and not have the benefit of our agencies' reports and cooperation.

SEN. RUSSELL: I may be in error but I rather got the impression that the President probably suggested they have their inquiry down there. Do you know about that, Mr. Katzenbach?

MR. KATZENBACH: That is correct, Senator, the suggestion did come from the White House. It came before the appointment of this Commission.

SEN. RUSSELL: That's right, and that being the case if he were to let them know that he now thought it would be best to have one inquiry, that this group should do its work before they go into theirs, don't you think that would be persuasive with them?

MR. KATZENBACH: Yes, I do, Senator. I do have great confidence that this is in responsible hands and that they will cooperate with any wishes that the Commission indicates. This is not to say -- I think the Chief Justice does not disagree with me on this point -- that they don't have a problem in Texas, having said that they were going to have a Court of Inquiry.

CHAIRMAN: Yes, that's right.

MR. KATZENBACH: I think that what they would wish to do is address a letter to the Commission through the Chief Justice stating that the Court of Inquiry there, that it was the desire of everyone to cooperate, explaining their position, and I think that if a letter were written back to them suggesting -- not anything more than a suggestion -- that the public hearings might be held

in abeyance while this was examined here by this Commission that they would be amenable to that suggestion. It wouldn't have to be put in a way that would interfere in the Federal-State relationship. One has to remember that in this case -- I know the Chief Justice has been conscious of this, the overwhelming interest of the Federal Government in the assassination of the President of the United States -- that they too feel they have an interest to be brought out at an appropriate time, because the Governor of the State of Texas was also attempted to be assassinated, and because it occurred in Texas and because candidly within this room I think there is a feeling there that the image thus throughout Texas is that justice is not all that they would wish it to be and would want some opportunity to refurbish that image and at an appropriate time. I am persuaded that these gentlemen are completely responsible gentlemen and they would be amenable to any suggestion that this Commission makes. I know the President's view with respect to the importance of this Commission and I am sure that he will support the Commission in everything that it wishes to maintain its status and completeness of its investigation.

SEN. RUSSELL: Mr. Chairman, there is one more question, please - -

MR. DULLES: Could I ask one question?

CHAIRMAN: The Senator was going to ask one.

SEN. RUSSELL: Excuse me just a second, Mr. Dulles. It seems to me that the main objective we should have right now is to prevent these two hearings colliding. They ought to rush theirs through to a conclusion and submit what they have to us, else they should wait until this Commission has had its inquiry.

REP. BOGGS: Or not have its own.

SEN. RUSSELL: Well they will almost have to have it now, they have announced it.

MR. KATZENBACH: He is on the spot, but as far as having it I think, in an easy stages approach, if at this moment it were said by him that in their desire to cooperate with this Commission they will postpone their inquiry until this Commission has had an opportunity to do things, from the point of view of this position, that this will postpone it, he will then be into the Ruby trial, and postpone it on that basis and perhaps by a stage to stage basis he could arrive at that conclusion. I think it would be very, very tough for the Attorney General to say I am going to call off this hearing now for all time. I think that is a heck of a position for him to be in, and I don't think the Commission would want to say to him you call off yours.

SEN. RUSSELL: No, indeed. I hope you don't think I had any such thing in mind. I thought perhaps the timing of it might be arranged by negotiation and I am confident that it can be.

MR. KATZENBACH: I think they would like to write a letter to you and they would like to have an answer, and I think that properly couched that would take him off the hook for the immediate future. And then I think that reasons can be found to do it. At least we in the Executive Branch feel an obligation toward them for the reasons the Senator indicated.

MR. MC CLOY: They have the same problem we have, the murder trial. I'm not a trial lawyer and I don't know what the law of Texas is, but generally speaking you can't take discoveries or you can't have depositions in criminal cases, let alone a murder trial. So what he does if he should take testimony now, he will be violating that principle, I should think, because he would be

interfering with one of the other branches of the Texas Government. I would think this is the main reason why he has to postpone that, because he can't differentiate these things, Ruby, the Governor and the President. I have some difficulty in knowing just how we can cooperate. We can say we offered to cooperate. Just what form that cooperation takes I think has to be thought out, because he has a different approach; he has got to have public hearings. We don't have to have public hearings. How do we cooperate? I think we have got to think that through a little further.

CHAIRMAN: Oh, yes.

REP. FORD: Mr. Chairman, while the General is here I would like to clarify if possible who gets this report. I mean how widely distributed will it be?

CHAIRMAN: What report are you speaking of?

REP. FORD: The F.B.I. report.

MR. KATZENBACH: I'm sure that will be done just as you wish it to be done. I would say that that report would go to the President, it would go to the Attorney General and myself, because I think that is the appropriate channel within the Department of Justice for it to go to the President. I had thought there ought to be a senior official for every one of the potentially affected departments who would be your liaison with that particular department. I think probably Dick Helms from CIA. I don't know who it will be from the Department of State, perhaps the legal counsel over there. That would of course be their selection. And somebody from the Department of Defense and a senior official from the Treasury Department; probably Chief Rowley; myself, I think, in the Department of Justice; along with senior officials from the Federal Bureau of Investigation, probably Mr. Belmont or his first assistant, since he is conducting the investigation. I mention

these names because I suppose it will be appropriate for those officials to see the bureau report. Since the bureau's report is accomplished in part from evidence submitted by these other agencies in an ordinary bureaucratic way they ought to have an opportunity to at least know how the bureau has reported their position. Now the Secret Service will if you wish, and I suggested it to them, give you a separate report with respect to everything they did with the protection of the President up to the moment of the assassination. I think what happened after that would probably be covered in the F.B.I. report. I think you ought to have that. And there will be evaluations to be made from that. Needless to say, that report, parts of it, cannot be made public insofar as they disclose the procedures of the Secret Service in protecting the President. I say with complete sincerity, if the F.B.I. goofed, if the Secret Service goofed, if the Dallas Police goofed, if anybody made errors or mistakes, we want the Commission to make that judgment, after all of the facts, honestly. It is possible to put these facts to you. In other words, the senior officials, certainly that is their desire, that all of this be put there and that you have everything.

REP. FORD: What State officials, if any, will be given this report? None, I assume.

MR. KATZENBACH: None will be given this report. Does that sound reasonable?

REP. FORD: Yes.

MR. DULLES: The Board of Inquiry, maybe you have to give them a report?

MR. KATZENBACH: I don't believe under any circumstances we would have to give them a report. They of course turned over

turned over a good deal of evidence to the Dallas Police. The Dallas Police had turned that back. Now they know that; there is no way of closing the door already opened. They know what they had at that time, they know the results of the ballistics tests and who some of the witnesses are, etc. That was all given to them at a time when it was of course contemplated that Oswald would be charged, indicted and tried.

MR. DULLES: Mr. Chairman, I was wondering whether this Commission, to protect itself and its report, should not possibly call on certain agencies and departments for a report. I'm sure the F.B.I. and Department of Justice of course will come forward.

CHAIRMAN: I have a letter proposed along this line.

MR. DULLES: Excuse me. That includes State authorities too then?

CHAIRMAN: Oh, yes.

MR. DULLES: I think that would be helpful.

CHAIRMAN: Very. Are there any other questions of the General?

SEN. COOPER: One other question. Would the F.B.I. report comprehend all of the activities of the Dallas Police and any evidence that they may have accumulated?

MR. KATZENEACH: I believe that it will. You may wish to ask the Dallas Police what they have and seek their cooperation in this respect as well as other Texas authorities, which also means that the handling of the matter of the Court of Inquiry is a potential gain to you.

REP. BOGGS: In connection with the word that you used - goofed - by any one of these groups, Secret Service, F.B.I., Dallas Police, can we expect these reports that come to our

attention to be objective about that?

MR. KATZENBACH: I would hope so, Congressman. You are as able to make that judgment as I am. It seems to me that all of the facts -- you can inquire into them.

REP. BOGGS: We were talking about the press. There have been many insinuations in the press.

MR. KATZENBACH: I have no reason to believe this is true of the Secret Service or true of the bureau. Now there may be procedures in there that you will want to make recommendations about if you feel it can be improved. I know the service itself is certainly reviewing all that they have to see what can we do that we didn't do on any future occasion. But all of these departments are involved in one way or another. All of them had something to do at least with Oswald if not with the facts relating to the assassination, and as far as the senior officials in all departments are concerned I know they want you to have all the facts. In my own limited experience with the government, under those circumstances it seems to me very probable that you will get all the facts. It is hard to keep a secret even in the Executive Branch, Senator Russell.

CHAIRMAN: Are there any further questions of the General?

MR. DULLES: The material, Mr. Chairman, that we receive that would be within the jurisdiction of the F.B.I., should we pass that to Mr. Katzenbach?

CHAIRMAN: Don't you think that ought to be through whatever organization we have here, Allen, rather than do it through the individual? In that way we will know what is going through.

MR. DULLES: Yes, sir. A great deal of this is going to

be crackpot stuff but it will be up to us to see whether it is crackpot or not.

MR. KATZENBACH: We have a crackpot file over there, which makes it very simple sometimes.

SEN. RUSSELL: My staff is not that generous. They call it the nut file.

CHAIRMAN: Gentlemen, are there any further questions of the General? (No response). If not then, General, thank you very much.

MR. KATZENBACH: Right, sir.

CHAIRMAN: We appreciate your coming over.

MR. KATZENBACH: Will I be in touch with you later, sir, on these letters, Mr. Chief Justice?

CHAIRMAN: Yes. Thank you, General.

MR. KATZENBACH: Good luck to the Commission.

(Whereupon, at approximately 11:22 a.m., Mr. Katzenbach left the conference room).

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CHAIRMAN: I was very glad, Senator Russell, that you mentioned that matter of the reports because I have spent several days with Mr. Katzenbach now trying to assure him that it would injure the work of this Commission if those reports of the F.B.I. or anybody else would be leaked out piecemeal, and also whether they should go down and reveal to the Texas Board of Inquiry everything that they know and make it just a rehash when we get to ours. And up to eleven o'clock last night the Texas people had not yet agreed to withhold their hand until we had had an opportunity to do this and I'm very happy that over the night they were able to get them to do that. When he called me this morning and told me about it I was very happy, and I think that will make

it possible for us to do the kind of job that the President expects us to do. Otherwise I'm sure we could not do it.

MR. MC CLOY: This brings up the point that I made, Mr. Chief Justice, that when we say we agreed to cooperate do we mean we are going to give them the report or not?

CHAIRMAN: Oh, no.

MR. MC CLOY: Let's be careful when you make your commitment about cooperation because in return for our cooperation they will call off their inquiry and they may be exacting things from us that will be embarrassing for us to do. So we have to be careful about it.

CHAIRMAN: You're right, of course, but I suppose, Mr. McCloy, that if they held off until we had completed our work our report would be public and they would have it in common with everybody else.

MR. MC CLOY: That is all right.

SEN. COOPER: Mr. Chairman, on that point I think it would be better just to say that we would, if they have an inquiry, receive any information that they may develop, but on our part do not agree in any way to give them any information. I don't think we are under any duty to give them any.

MR. MC CLOY: You have to be cautious about that. That is why I blanched a little bit at the word cooperate. It sort of means we are going to have a collateral effort.

MR. CHAIRMAN: Yes, I agree, that is tremendously important. Well, gentlemen, I wonder now if we could go back to some of these things that I stated at the beginning: First as to our principal job being one of evaluation of evidence, on which we could for the present at least rely on the investigative agencies of the government without the necessity of a staff of

SEN. RUSSELL: Mr. Chairman, of course I think I am in general agreement with your statement that our principal duty is to evaluate all of these various reports and undertake to reconcile them if we can, any conflicts or differences. I should very much dislike to see us get flown to the hearing of witnesses and I don't think we should hear them in any event unless we get to a dead end street between the departments of government, then we might have to call in some of those. Of course, we wouldn't have any real authority. I don't think we have any power of subpoena. I'm sure of that.

CHAIRMAN: Yes, that is correct.

SEN. RUSSELL: And any witness you brought in you couldn't convict of perjury even if you swore him, can you? I think that was decided in my State. I don't know about that. The body before which he appeared had no legal standing. They may give us that standing. I am not completely sure that we should not at some stage get a resolution adopted so we could have that power if we needed it, but I don't want to ask for it now because we want to avoid any witnesses just as long as we possibly can.

Now the timing of this thing caused me more concern than anything else. I rather gather from what Mr. McCloy said that he is disturbed about it. This man Ruby is there. There's no question that he killed Oswald because I think Mr. Boggs said a hundred million people saw it, and I was one of them. I just don't know. It is going to be difficult for us to determine how long we should wait on any hearing, on any determination on the Ruby case. I don't see any reason why we couldn't commence our work, start the evaluation, but I have very great doubt about the wisdom or fairness of

our making a report prior to the time that Ruby is tried. I am glad this Texas inquiry has been settled. I didn't know there was any confusion about it. I assumed that President Johnson had one of his staff make a phone call to arrange the timing of that, but I'm glad that it has been settled.

Now you didn't mention anything about a staff. I don't think we ought to have any investigators but we are going to have to have somebody.

CHAIRMAN: We must have. I left that until the General left because I thought he might not want to be present when we were discussing it.

REP. BOGGS: Mr. Chairman, before we get off that point there is something that concerns me, and investigator, I know, has a meaning that is different to different people. But I'm not certain that I am competent to evaluate these raw F.B.I. reports. Now I can read them and I can come to some conclusion, but I'm not sure that I don't want some one, some person in whom I have total confidence to give me the benefit of what these things mean. I have never read but about two F.B.I. reports in my life and I would like to be so totally sure in my own mind on this thing that -- well, that's all I wanted to say.

SEN. RUSSELL: That is what I had in mind when I said we would have to have a staff. I used investigator in the sense that I don't think we should start now in any event to have anyone on our staff that we would send out to undertake to gather evidence in the field. But this question of the evaluation of evidence is an entirely different proposition. We will need somebody who is trained to assist us with that.

MR. MC CLOY: Mr. Chief Justice, I feel that this goes very deeply into our jurisdiction and our objectives. This

Commission is set up to lay the dust, dust not only in the United States but all over the world. It is amazing the number of telephone calls I have gotten from abroad.

REP. BOGGS: And for the future as well as the present.

MR. MC CLOY: Yes. Now I have the feeling that the prestige, the standing of this Commission, everybody is looking for it to come forward promptly, unfortunately, with an objective, comprehensive report which will lay all the dust, and right across our path is this incident of the pending murder trial which the Senator has referred to. I have a feeling that we have another obligation than the mere evaluation of the reports of agencies, many of which as you suggested, or some of them at least, may be interested, may be involved. There is a potential culpability here on the part of the Secret Service and even the F.B.I., and these reports, after all, human nature being what it is, may have some self-serving aspects in them. And I think that if we didn't have the right to subpoena documents, the right to subpoena witnesses if we needed them, that this Commission's general standing might be somewhat impaired. We could use them of course with great discretion and I certainly wouldn't want them to go running around examining witnesses, but I can visualize occasionally when we will want to examine witnesses.

REP. BOGGS: If I may interrupt I want to agree on that too, and I think it would be a mistake if we should suddenly get to a point in the conduct of this Commission where we had to do that and all of a sudden we appear in Congress and ask for this power. If we just ask for it in the course of events of the first meeting of this Commission I think it would be well and proper. Nobody would consider it unusual.

REP. FORD: Hale, I agree with you a hundred per cent. I think it would raise the stature of this Commission if this were something that we unanimously agreed upon from the outset. It would give us a standing more than what we have at the present time.

SEN. RUSSELL: In relation to that it occurs to me, since Mr. McCloy has mentioned it, it would decrease the use of self-serving conclusions if we had that power. Understand, I'm not looking for anyone, I'm not suspicious of anyone going out to cover up, but people will be writing about this thing. I told the President the other day, fifty years from today people will be saying he had something to do with it so he could be President.

MR. MC CLOY: I came to this conclusion before I read an article which appeared yesterday in the New York paper, and it is all on this point; says "Truth won't out." It points out that we are going to be looking at the Dallas Police reports, the F.B.I., Secret Service, and it indicates -- and that one irritated me a little bit -- that there is nobody on this Commission who has had any experience in investigation. Your District Attorney, Mr. Chief Justice, and I spent ten years on one case which you might remember, and if that wasn't a problem I don't know what was. But this is the feeling and if we renounce the desire to have this type of power I think it will detract from the prestige of the Commission. And I think the newspaper accounts said naturally they will have that power. We could use it with circumspection when we needed to, but I do think with that thinking in the background it would be better to have it.

MR. DULLES: What is the legislative precedent?

MR. MC CLOY: We have had it.

MR. DULLES: We had it in the Pearl Harbor investigation.

MR. MC CLOY: Yes, I remember it, and they had hearings.

CHAIRMAN: Oh, yes, they had extensive hearings.

SEN. RUSSELL: Yes, they had hearings.

MR. MC CLOY: I don't think Roberts ever used it, unless he had officers, and then if anybody sent in an order and if the fellow didn't want to testify, he said, "I order you to testify."

SEN. RUSSELL: They had no alternative.

MR. MC CLOY: That's right, but still I think they had it, and I don't see, Mr. Chief Justice, that there is any connection between public hearings and this. You have grand juries that have the right to subpoena and they are absolutely secret; you have your executive sessions and you can subpoena in Congress, and they are absolutely private hearings. So I don't think that one thing implies the other; I don't think there is any connection. Then I would like to say a word about a staff. I just can't conceive of our functioning with any authority, with any efficiency without a counsel, without a chief counsel.

CHAIRMAN: Oh, there's no question about it. I just haven't gotten to that phase.

MR. MC CLOY: I see. I think we ought to have a rattling good counsel who can do an awful lot of this sort of business.

MR. DULLES: The subpoena power point is one that should be acted upon pretty promptly if we decide to do it.

CHAIRMAN: Oh, yes.

REP. FORD: Why don't we take action now?

CHAIRMAN: May I say a word first?

REP. FORD: Yes. I'm sorry.

CHAIRMAN: If the rest of you want the subpoena power that is perfectly all right with me, but I was thinking this, that

if we have the subpoena power people are going to expect us to use it. Witnesses are going to have the right to come in and say, here, I've got this testimony, I want to give it before your committee. And if they are cranks, if they are nuts, we are in a bind because if we don't hear them at least they are going to go out and say we have suppressed the evidence on them and we only heard the things that we wanted to hear, etc.

REP. BOGGS: But Mr. Chief Justice, won't that happen whether we have the subpoena power or not?

CHAIRMAN: Well I think maybe it would to some extent, but if we were proceeding on the theory that this was a job of evaluation of evidence rather than of gathering of evidence it will enable us to go to the various agencies of the government and have these people who want to be witnesses investigated, have their testimony appraised by them and then submitted to us for evaluation. That was my thought. But as I say, if the rest of you think that we ought to have subpoena power it is perfectly all right with me.

MR. MC CLOY: I have weighed this very carefully in my mind and balanced it back and forth trying to figure it out. There are disadvantages on both sides.

CHAIRMAN: Yes, there are.

MR. MC CLOY: I somehow come back finally to the conviction that this is something we have to do. This Commission is going to be criticized, and this article in the paper is the beginning, no matter what we do but I think we would be more criticized if we were simply posed before the world as something that is evaluating government agencies' reports, who themselves may be culpable. And I have a feeling that it is within the dignity of this Commission that we should have this, and if we have good

counsel he can separate out the nuts from the other and say I think you ought to talk to this man or you shouldn't talk to him.

SEN. RUSSELL: Would it be possible to have a special grand jury down there that we could refer these people to that we want to hear, just send them down there and let them give their testimony to a special grand jury?

CHAIRMAN: Yes.

SEN. RUSSELL: I hope we don't have to go into the area of hearing witnesses. I am unalterably opposed to public hearings under any circumstances but I hope we don't have to get into the area of having witnesses coming before us. But I somehow feel it would be a mistake not to have the authority and power.

SEN. COOPER: Mr. Chairman, if they come to any of us we could simply say to them to write to the Commission staff, then the Commission staff could refer them to the F.B.I. and other agencies perhaps to evaluate all the testimony that has been taken anyway, which has been taken before and will be taken in the future. On this question too I agree, because I think if we don't have this power it gives the impression at the outset of limiting our ability. I think it will be very difficult for us if we say we don't want the power if people up in Congress introduce such bills to that effect.

MR. MC CLOY: If we didn't have subpoena power it seems to me the Congress can say that this Commission didn't really have much stature, didn't even have subpoena power.

CHAIRMAN: Gentlemen, would it be necessary for us to ask for subpoena power, or do you think that would go through without difficulty? Or for that matter, would it make any great difference?

SEN. RUSSELL: Mr. Chief Justice, if Mr. Ford or Mr. Boggs would introduce a resolution in the House it would pass unanimously and if it comes to the Senate it will be covered over there, and I rather think both parties expect it.

REP. BOGGS: Suppose Mr. Ford and I introduce it simultaneously?

SEN. COOPER: If we are going to have it I would ask for it. I would have the Commission say it has decided to ask for subpoena power.

REP. FORD: I think somebody ought to move so that we can take such action officially.

CHAIRMAN: All right, do I hear a motion?

MR. MC CLOY: I so move.

CHAIRMAN: Is there a second?

SEN. COOPER: Second.

CHAIRMAN: Any discussion? All in favor say "Aye." (A chorus of "Ayes"). Contrary minded? (No response).

The "Ayes" have it. Very well.

Now Gentlemen we come to the question of a staff, and I think first we must start with counsel, and I also think that we should have some lawyers who are directing their attention to particular phases of this affair. It is too large an affair for any one person to take it by the four corners and come to any conclusions on it; there are too many phases to it. I think the details of the assassination and the shooting of Oswald and putting those in complete perspective could be the work of one man without doing anything else. I think that the life of Oswald and the life of Ruby up to this present moment are worthy of the attention of someone who will do nothing but that.

I think that we ought to have perhaps psychiatrists to go into

that aspect of the lives of these two men. I would think some lawyer ought to guide them in their work because they are now developing, according to the papers, a lot of things about this boy needing psychiatric attention when he was in school, when he was thirteen or fourteen years old, and he has got an Army record there that I think has some psychiatric aspect to it and a lot of other things. And it might be that if we got the top psychiatrists in the country they might help us very greatly in determining whether this was more or less a compulsive act by a man who was emotionally disturbed or whether it would bear on whether he was part of a conspiracy or a lone wolf. And I think those things are things that in a limited period of time we would have to give to some one person to study intensively where we all couldn't do it. And there are other things that might be necessary too.

I don't think we could start with any definite size staff in mind. I think it ought to develop as we go along. And it isn't too easy to find exactly the men we want for those things, but I thought it could be done.

Now I have in mind a man for counsel of the Commission which I would like to submit to you. His name is Warren Olney and he is Director of the Administrative Office of the Federal Court System.]

MR. DULLES: What is that name, sir?

CHAIRMAN: [Olney; O-l-n-e-y.] He could take a leave of absence from his position and do this job even without any additional expense to the government, and I want to tell you why I would select this man.

MR. DULLES: Is his first name Richard?

CHAIRMAN: [Warren Olney. Not related in any way to me, however, but I have known him since he was a very young man. He]

graduated from the University of California and from the University of California Law School about 1924. He went to work in the District Attorney's Office in Slaughter County, neighboring my county, and he was there for about a year and a half and I learned of him and I asked him to come over and work for me. He came to me and he was a trial lawyer for me for about four years. His father, who was the head of one of the biggest firms in San Francisco -- it may have been the biggest at that time -- came to me one day and said, "Earl, I wish you would do me a favor." I said, "What is that?" He said, "I wish you would help me get my boy to come over and practice law with me. Unfortunately," he said, "he likes your work better than he does mine, but I would like to have you get him to do it." I said, "Well, Judge, if I can I would be glad to help." His father had been a Justice of the Supreme Court for some years in our State. And so I did; I talked to him and told him, "Your father is a great lawyer, great citizen, and he wants you, and I think you would make a mistake if you didn't do it because if anything happened and you, knowing that he wanted you with him, you would regret it the rest of your life." Well he said, "I'll go then," and I said, "Now I want you to know, if you ever want to come back to this kind of work, if I'm still in it, any time you will be quite welcome." So he went over with his father and his father died very suddenly about two years after that and I was Attorney General at the time, and that firm wanted to keep him as a senior partner but he came over to start to work for me for about three hundred dollars a month, because that was the only job I had open as Attorney General at the time. He was there the Monday after his father was buried, and so I took him and he was with me for about three years. I made him Chief of the Criminal Division of the Attorney General's Office

Then along came the war, and although he had four children nothing would suit him but duty in the Pacific with the Marine Corps. And he wanted in only one thing and that was the Naval Intelligence part of it, where they did all the preparation for the raids themselves. And he was there through the war. When he came back I was Governor of the State and we had an underworld situation developing and I found it necessary to set up a State Crime Commission, so I made him the Executive Officer of the Crime Commission. Old Admiral Stanty who just died recently was the Chairman of my Crime Commission. He was there about three years and when we adjourned the Crime Commission the University of California got him to become a full professor at the Law School. He was there for two or three years and then when the Eisenhower Administration came in they got him to come back here, leave the Law School and come back here and be the Chief of the Criminal Division of the Department of Justice. He was there for almost five years, longer than any man has ever held that job, and he was getting worn out and tired and I induced him to leave that job and to come over and build up the Office of Administration in the Federal Court System. And he has been there for about five years now and has just made a tremendous change in the office and has given it great importance it didn't have before.

He is a man who has absolutely no political ambition, never has had, and a man on whom I could bet my life for integrity and discretion and wouldn't talk about business for anything in the world. He is a fellow with real ability, and this is the line where his greatest ability is. And I just don't believe I could find anyone in the country who had comparable experience in this field for that kind of a job. I am sure anybody who knows him would vouch for him. He is in a non-political position now; no one

could attach any political significance to it. He is a man that no one that I know could not work with without any peradventure of doubt. He is close here, he knows the working of the F.B.I. and the Secret Service backwards and forwards because he was with them for five years.

SEN. RUSSELL: What is his age?

CHAIRMAN: He is just about sixty. Let's see, twenty-four to forty, next year will be forty years since he graduated from college, so he is sixty or sixty-one.

REP. BOGGS: I know him very well and think very highly of him.

SEN. RUSSELL: I think I know him. Is that Warren Olney, III?

CHAIRMAN: Yes.

SEN. RUSSELL: I knew him slightly over here in the Justice Department.

CHAIRMAN: Yes, that's the one.

REP. FORD: Mr. Chairman, I know him by name, I don't know him personally, and everything you said certainly is an excellent recommendation. I think the selection of the staff, and certainly the selection of this individual, is of maximum importance. I look upon this group just as Mr. McCloy does, with a very major responsibility, and I want it to have the finest aura or atmosphere. And when the report is written I certainly hope it can be unanimous, it can be the full judgment of all of us. I don't want the Commission to be divided. I don't want it to be your Commission or the Commission of half of us or otherwise.

Now I think the selection of the staff relates to this. If this announcement comes out that he is selected, and with your

long relationship with him, there can be some, unfairly perhaps, who would then say that the Chief Justice is dominating the Commission and it will be his report rather than the report of all of us. I'm just saying that there will be some people who will use this line, and the utilization of that line could cast some adverse reflection, despite all of his fine qualifications, to disparage what we finally come up with.

Now there are some people in this country who don't want this Commission to succeed, and I think we have got to be most careful, sir, to see that we make no error in the selection of the staff or the methods by which we proceed. And I wouldn't want our first step in this direction to cast some adverse reflection on what we might come up with at some later date.

I emphasize I know nothing adverse about Mr. Olney. I know him by name, I may have met him, but I think there is some danger in the employment of anybody who is closely connected with anyone of us.

MR. MC CLOY: Mr. Chief Justice, I feel there is another element in this thing. I feel, and I think perhaps all of us do, that the success or failure of this Commission may largely depend on the counsel, and I think it would be unwise for us not to consider a list of people. Now I don't know Mr. Olney, maybe he's the fellow, but I should think we ought to not take the first name that comes along. I think we ought to weigh the qualities of a number of people. There is no lawyer who is so distinguished that he shouldn't undertake this. Indeed, I was greatly surprised that a couple of lawyers called me up, famous figures, and said, "Jack, if you want me to do something on this, I'll do it;" the leaders of the Bar of New York. But I'm not making any case for

Entry 1: Executive Session Transcripts

December 5, 1963

Page 48

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any of them or mentioning any names, but I think we ought to take a look at a group of people and make up our minds that this is the best man rather than take the first fellow and only fellow that is suggested that we go on. [Olney] may be the one; it is very impressive what you say. But he was in the Department of Justice. However, maybe the Department of Justice, by the very reason of the fact that it has something to do with the F.B.I., may be an advantage or disadvantage, but I have a feeling that we ought to look and pick out the best damned man that we all conclude is the one for this job. It may very well be [Olney].

CHAIRMAN: That is all right with me. Who do you have in mind?

MR. MC CLOY: Well, I thought of a number of people, but I have got some names down here that would command respect the minute that we spoke of them. They would be people, of course, of my experience; I have run into a good many of them; trial lawyers.

CHAIRMAN: That is why I submitted [Olney], a person of my own experience.

MR. MC CLOY: Yes; sure. These are leaders of the bar. Let me run through a number of names. I think I won't put them in any order of their quality here. These are people that I know: [Knox Hancock(?)] here in Washington; [Ross Malone(?)] in New Mexico, who has big experience; [Bob Truetown(?)] of Atlanta. You know of many of these people probably. [Bruce Brawley(?)]; he is one of the trial lawyers of the New York Bar; and I suppose [Ed Walsh(?)] and [Dave Peck(?)] in New York. But maybe we shouldn't go to New York for one reason or another.

MR. DULLES: I notice you have [Jaworski's] name down there.

MR. MC CLOY: Yes, as one of the names to be mentioned.

MR. DULLES: I don't think it should be anybody from Texas.

MR. MC CLOY: So I won't mention any outstanding people from there. There are others I could name but I would think we ought to have a sort of grab-bag of names of men. Even somebody called me up the other day and said I think if you wanted to get Tom Dewey you could have Tom Dewey. I don't know if we would want to take Tom Dewey, he having been a Presidential nominee, but there is a man who is a tremendous investigator and a tremendous reputation and very powerful advocate. But this shows you the quality of people you can get. I believe we could get the best counsel and I believe we could staff it with some of the very finest men; law clerks are calling me from all over the country and saying, "Mr. McCloy, if you want me to come to you I will," and some of them summa cum laudes, everything else. So I think we can choose just about who we want to, and I would like to take a look myself at [Olney], get a little of his feeling and standing in his community as well as anybody else that is suggested in this thing. But I have a feeling we ought to look over the field.

REP. FORD: Is it proper to ask the American Bar Association to make recommendations?

CHAIRMAN: We could do that. That is the American Bar list pretty well right there that you have, Mr. McCloy. I don't believe we should ask the American Bar Association to do that for us.

MR. MC CLOY: I didn't get these from the American Bar Association.

CHAIRMAN: No, but those people have been very active in

Entry 1: Executive Session Transcripts

December 5, 1963

Page 50

This page has been released in full. It has been placed in Box 1 of the Records Opened as a result of the 1993 Review.

that association.

MR. MC CLOY: [Bill Marbury(?)] I've got down here. But these are people who, I'm sure, are good, solid counsel through my own experience, but there are too many here to list.

REP. BOGGS: There is one thing about it, and I guess this is from my experience as a Congressman, but I think the Chairman needs a counsel with whom he can be completely at ease. I'm not advocating or proposing Mr. [Olney] but I would think that the Chief Justice should have someone that he has total, absolute confidence in. And about choosing a name, it has been my experience that oftentimes the names fit a certain category but when you get them into this just as often as not they don't quite turn out that way.

SEN. COOPER: Since we are all giving our views I think that on this staff you have to have a lawyer who is acquainted with the processes of the government and these agencies, and it is true that Mr. [Olney] would fit in some place with that knowledge that he has. I do see another factor, that if the top counsel was one who had never been associated in any way with any of these agencies it might give it some kind of independence that we might expect from this Commission. I say that with all deference that if you could find a man like that it would be very good, and Mr. [Olney] act as his executive, the man who correlated it. That is just an idea. I know you want somebody that you feel safe with, Mr. Chief Justice.

REP. BOGGS: Maybe Mr. [Olney] could come in as Chief of Staff and then you could have Chief Counsel over and beyond that. It might well be the obvious way to handle it.

MR. MC CLOY: You remember the McCarthy Investigation. They had all kinds of people in mind and finally picked out a name,

not a very famous name, from Boston, Mr. Welch. Now he was a whacking good investigator and trial lawyer, but he was completely independent.

REP. BOGGS: Yes, and we had a good one from Tennessee. I can't think of his name right now.

SEN. RUSSELL: What was that fellow's name from Tennessee?

REP. BOGGS: Jenkins. And he was terrific, real homespun.

SEN. RUSSELL: He was homespun all right, but I thought Welch was a lawyer.

MR. MC CLOY: He was a lawyer.

MR. DULLES: I think we have got to get a concept of what this Commission is going to do. I'm not entirely clear about that yet. I don't think we will know until we see these reports. However, I think it is perfectly clear that we are going to need somebody.

MR. MC CLOY: Oh, yes.

MR. DULLES: But it is not quite clear to me exactly how we want to proceed. I wonder if we shouldn't get our reports together, get our names together, and then get some concept of our work. It is quite a different kind of job than the ordinary counsel would operate under. I mean it's a different sort of thing. I think we will be operating more on documents than people actually. I don't feel we want to delay too much because time is going by and people are expecting a good deal of this Commission. We have enough problems that are going to delay us anyway. But if we are going to get these reports within the next three or four days and get some concept of what the scope of the work is -- are we going to make recommendations at all? I'm not quite clear. Or

are we going to get into problems such as presenting legislation in regard to owning, possessing firearms, things of that kind? Is that within the function of this Commission or is it not?

CHAIRMAN: I wouldn't think so.

MR. MC CLOY: You can put anything in there.

MR. DULLES: Or is it whether the Secret Service should be tied in more closely with the Department of Justice rather than the Treasury Department?

SEN. RUSSELL: There is no limitation in the order but I seriously hope we can exercise more restraint than to get into all the areas that have been suggested.

MR. DULLES: I hope so too.

SEN. RUSSELL: This disturbs me. I feel very much like Mr. Beggs said. If the Chief Justice is going to be Chairman of this Commission then you have to assume a greater responsibility than the rest of us, because from the very nature of things you will be compelled to, and I would like to have the Chairman have whoever he would like to have. I can see however from the very fact that he was head of the Criminal Division for five years and worked there and over at the F.B.I., which would be the principal source of our information, might cause some criticism. We are not going to avoid criticism no matter what we do, there is going to be plenty of that, but I think Mr. Chief Justice should have somebody with whom he can work. I wonder if Mr. Olney would be interested in starting off as Executive Officer? You are going to need someone right away, not next week or tomorrow.

CHAIRMAN: That is true, I need somebody who knows his way around here and who is familiar with the departments, etc. We could take some of the greatest lawyers in New York City and they

could come down here, but they wouldn't be oriented by the time we were ready to make our report. I believe names are all right but, really, we have got enough names on this Commission it seems to me, and what we need is someone who can really do a job for us, not a figurehead.

SEN. RUSSELL: The reputations of all of us are at stake in this thing.

CHAIRMAN: That's right.

SEN. RUSSELL: Frankly, I don't know if I will ever feel the same to the President for putting me on this Commission. I told him I didn't want to serve, and wouldn't serve, but I couldn't figure any way out of it.

CHAIRMAN: That is right.

SEN. RUSSELL: But we have got to be exceedingly careful in getting able men because insofar as all of us are concerned, we have as much as we can do in other areas, the Chief Justice certainly, and all of us have responsibilities on the Hill. I feel like I have more than anybody else. I suppose everybody feels the same way. And Mr. McCloy and Mr. Dulles have things to do. So I hope that we can get a staff, not an Army, but a staff of exceedingly capable men that will be able to formulate a report that will stand the most exacting scrutiny of any fair-minded person. That is the best we can hope to do, because there are going to be some people that will disagree and find fault with what we do. But to get a report that would meet the scrutiny of fair people and, thank Heavens, the vast majority of us are fair. We hear a good deal more from the other but they are there. The overwhelming mass of them are fair. So I throw it out as a suggestion that if we could let Mr. Chief Justice speak to Olney about this,

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at least in the initial stages here, certainly as Executive Director of this Commission. He can do that from his position there as well as any of us can do it from our position. I am not necessarily proposing a Chief Counsel. I think he has some very fine qualifications from what you say. Then let him appoint a committee, and you chair it, and Mr. McCloy and Mr. Dulles on it, to select a Chief Counsel. Or you could have Mr. Ford or Mr. Boggs or Senator Cooper, any four or five people, and we could go through this. We do that when we have a vacancy on the staff of the Armed Services Committee; interview a dozen or more people. Someone mentioned the name of [Bob Trout]. He is an exceedingly capable young man. I never even thought of him.

REP. BOGGS: I know him very well. I think the world of him.

MR. DULLES: Could Mr. [Olney] get a leave of absence?

MR. MC CLOY: And how about money for this Commission?

REP. BOGGS: The Executive Order provides whatever is required.

MR. MC CLOY: Out of the President's Emergency Fund?

REP. BOGGS: Yes.

MR. DULLES: I think we ought to get a copy of it. I don't think the full text is here.

REP. BOGGS: It was in the Post Sunday.

REP. FORD: Mr. Chairman, it does appeal to me that we have a top man, then we have an Executive Secretary or Administrative Officer. I do agree with what Dick Russell said, that a committee be appointed. I certainly think Mr. Dulles and Mr. McCloy and yourself probably know people who fit the kind of qualifications I believe we would agree on, and could probably be most influential in obtaining this person for this job. I would hesitate this

morning to take any official action making it permanent that Mr. Olney be made the permanent Executive Secretary. I know nothing about him other than what was said here but I feel my responsibility is to take a look at the whole picture as far as he is concerned.

CHAIRMAN: I was just saying to Senator Russell that I really believe, gentlemen, since you say he has been connected with the Department, which is true, but I bet you can take that list you have there, Jack, and we will find many of them that have been connected with the Department, just as a sample. And we don't want somebody here just because he's a name and somebody who doesn't know his way around in the labyrinth of the government. We need somebody who is up-to-date and who knows this situation here and can go to work and go to work immediately, not a month or two from now but go to work now, and that is the reason I thought of this man. I doubt if you can find any place anyone who has had greater experience. Now you might disagree on his ability. I think he is a very able man. I have known him for a long time. I know there isn't a man in my acquaintance who is any more honorable or any more self-effacing than this man in the doing of a job. He has lived for causes all his life. They wanted to make him a Court of Appeals Judge when he left there and he wouldn't take it because he wanted to be able to work for causes. I suppose if he had taken a job as Court of Appeals Judge everybody would say "there's a hell of a big man." But he wouldn't do it because he took this job; he thought it was a cause to serve over there and he just dedicated himself to it.

SEN. RUSSELL: Mr. Chairman, if it is in order, I move the Chief Justice, Mr. McCloy and Mr. Dulles should constitute a

subcommittee to look into this matter, and I would like to have Mr. Ford, too, to interview Mr. Olney and others and to select a counsel for this Commission.

MR. DULLES: I think it would be better to select a name.

SEN. RUSSELL: All right, make recommendations to the Commission. Of course, I'm going to vote for whomever you select, and I hope Senator Cooper and Mr. Boggs will.

SEN. COOPER: Yes. I would leave the name out for the moment.

REP. FORD: I would rather not serve on this committee, if I might. I have some things I have just got to do in the next ten days, and this has got to be done right now.

MR. MC CLOY: Who hasn't?

REP. FORD: I know this is a poor plea.

SEN. COOPER: I think it is a good choice.

SEN. RUSSELL: I don't think it is a question of choice, I think you will have to do it.

REP. FORD: All right.

SEN. RUSSELL: I make that motion.

CHAIRMAN: Very well. Is there a second?

REP. BOGGS: I second it.

CHAIRMAN: All in favor say "Aye." (A chorus of "Ayes.")
Contrary minded? (No response). The "Ayes" have it.

Now when do you want to meet to talk this over, the committee? I'm ready any time.

MR. MC CLOY: I am going to be here today and tomorrow and then I have to go to London, and I have got to be in London Monday and Tuesday and then back.

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REP. BOGGS: Maybe you all can meet today and tomorrow and then the full Commission can meet, say, Wednesday?

REP. FORD: I'll be available today and tomorrow but I will be tied up Monday and Tuesday.

MR. MC CLOY: [Is Olney from California?]

CHAIRMAN: Yes.

MR. DULLES: Is he in California?

CHAIRMAN: No, he is right here in Washington.

MR. MC CLOY: Where is he from, San Francisco?

CHAIRMAN: Berkeley.

MR. MC CLOY: What's his first name?

CHAIRMAN: Warren. His father was head of the old firm of McCutchen, Olney, etc., biggest firm in San Francisco, I think.

MR. MC CLOY: [Eugene Bennett] do you know him?

CHAIRMAN: I know him very well, but Gene hasn't the strength or energy; he is retired; been ill for years. He just isn't up to it; very able fellow, however.

SEN. RUSSELL: Does Mr. [Olney] have any sense of public relations, Mr. Chief Justice? I was thinking that we are going to have to have someone as a foil, equally to the press and television things of that sort.

CHAIRMAN: Well he has had a lot of experience of that kind.

SEN. RUSSELL: I don't mean he has to be an extrovert.

CHAIRMAN: He is a man who has kept his relations with the Federal Court System in pretty good shape and hasn't gotten into any difficulty there, and when you are satisfying [three] hundred judges or so you have got a problem.

SEN. COOPER: I know him. I remember him.

MR. MC CLOY: Who was [Richard T. Olney?]

CHAIRMAN: He was Attorney General under McKinley, I think.

MR. DULLES: There was an Olney who was Secretary of State.

SEN. RUSSELL: There was a Secretary of State named Richard Olney. I don't know when it was. Why can't the subcommittee, if they desire, meet this afternoon and the full Commission convene on the call of the Chair?

REP. BOGGS: That is fine.

CHAIRMAN: Yes, that is all right with me.

MR. MC CLOY: I have this question. I have got a terrific schedule, it's just piled up at this time. I have to go to Brazil next week and Argentina. I have called it all off temporarily. And I have got to go to London just for a day, really, and I would just like to get some thought of when our next meeting would be so I can adjust these things, and I'm sure we would all like to do this. I would think that until we get the report there is not much we can talk about, is there, until we have a chance to read that report.

CHAIRMAN: My thought was this, that we ought to get first a counsel, and then we ought to get an office manager. We can get that through the Bureau of the Budget. I am sure they can arrange that. They have a lot of experts they can get for us. And then I thought we ought to have a file expert, because it is tremendously important, and I thought we could get them from Archives. They are able to classify and document things perhaps as well as anybody in the government and I thought possibly we might borrow from here. I think they would be glad to do that. And I think the minute we get the reports those people can go to work and get things organized for us so we won't be dealing with

just thousands and thousands of reports .

thing to us unless they were organized. And so that is the idea I thought of.

Then we have got to find some quarters to meet permanently in if we are going to have a staff, and I doubt whether we can find quarters in this building. I talked to the Chief of General Services and he said that he could take care of us in good shape in one of their buildings, so if we decide what we are going to do then I guess someone will go to work on it.

SEN. COOPER: This would be very convenient if we could keep this office here. It's near the Capitol.

CHAIRMAN: Yes. One suggestion that was made was the old RFC building up there about a block or so from the White House.

REP. BOGGS: That's an awful building.

CHAIRMAN: But they say one floor there is excellent for a thing of this kind, good conference room, good offices.

MR. MC CLOY: Jesse Jones would turn over in his grave if he heard you say that was an awful building.

REP. BOGGS: That room he had was good, no doubt about it, but that was the only thing in it.

CHAIRMAN: It was suggested to me that that might be a good place because it is close to the White House, close to hotels has a big garage in the basement equipped for cars.

SEN. RUSSELL: I think it would be all right.

MR. MC CLOY: I think we ought to have some offices so when we come down here we can work here, because the security of documents is a very important thing and you don't want to be sending them through the mail up to New York.

MR. DULLES: When you get these reports security will be very important.

CHAIRMAN: Yes. That was thought of in that way. They have some offices here but I think they are more or less cubicles for research. I haven't looked over this place to see, and I didn't know how large a staff we would have to have. But we are going to have to have quite a few clerical people, too, you know to file these things, etc. It is going to be a tremendous job of organization.

SEN. RUSSELL: Yes, and we need some keen young lawyers perhaps to winnow out the chaff.

CHAIRMAN: Yes, I think we would need to do that, young people in government.

REP. BOGGS: Certainly anyone we brought in would be checked out for security?

CHAIRMAN: Yes, I would send everyone of them to the F.B.I. for checking. That is why I hope we can get as many people, clerical people, as possible from the government so they would all be checked for clearance.

REP. FORD: Mr. Chairman, we took action to request enactment of a resolution for subpoena power. I raise the question of who is going to draft it and when will it be introduced?

CHAIRMAN: Are you going to introduce new bills? I thought someone said there were two or three there now.

REP. BOGGS: I saw in the press where Senator Keating was going to.

CHAIRMAN: I thought you folks were going to take care of that.

REP. FORD: I don't know whether we can rely on a bill proposed by any one member. This ought to be very well done.

REP. BOGGS: May I make a suggestion? As you know, Senator, they get you and me on these things all the time and we

have a very good man, Lou Desmond(?) and I thought perhaps the other subcommittee member and I could go to him and get him to put something together and call you, Senator Russell.

SEN. RUSSELL: That would be perfectly all right with me. I have the greatest confidence in him myself.

MR. MC CLOY: Do you want to include the right to grant immunity? I should think you probably wouldn't, but that will come up in every subpoena. It has come up in a number of investigations, the fellow takes the Fifth. My answer would be not to take that. Don't you agree with that? It is something that you have to think of.

REP. BOGGS: I would think the subpoena power and the power to administer oaths. What else?

CHAIRMAN: I would think that would be ample. I don't think we want to get into the immunity situation, of giving people immunity.

SEN. RUSSELL: I think we should very well let that rest for the time because I am still inclined to the hope that we won't have to exercise subpoena power, particularly on individuals. It may be necessary on some documents, but we will be hopelessly enmeshed if we ever start bringing witnesses that, for example, saw a gun pulled back from a window and asking somebody why Ruby was allowed in the jail. We never would get through.

CHAIRMAN: That's right, I agree with you thoroughly.

MR. MC CLOY: We may have to send people abroad, you know.

SEN. RUSSELL: Could be.

MR. MC CLOY: I'm thinking of Moscow and Mexico.

SEN. RUSSELL: We can go to Mr. Dulles for that.

born in New Orleans.

MR. MC CLOY: He got around, didn't he. He was in New York for a while.

REP. BOGGS: He was in New Orleans last summer passing out the Cuban stuff.

SEN. RUSSELL: I read somewhere where he had appeared on television.

REP. BOGGS: That's right; I listened to a play-back of it the day before yesterday.

SEN. RUSSELL: Was he a pretty keen chap?

REP. BOGGS: Pretty keen, but it was obvious that he was following the doctrine; this lack of formal education showed all the way through, his sense of words.

MR. DULLES: Mr. Chief Justice mentioned the psychiatric angle. I think that would be very important here. There is a whole category of books and I have been reading many of those - -

SEN. RUSSELL: I don't know how we are going to tell much about him with him dead and buried.

MR. DULLES: But a man falls into a pattern.

MR. MC CLOY: There are a lot of documents you can't get without a subpoena. Hospitals demand a subpoena.

REP. FORD: This is a very practical problem and I would like to get some guidance on it. We have a holiday season coming up, at least I have, with some family plans. Can you give us some guidance as to what the schedule might be during that period?

MR. MC CLOY: Can I go to Brazil next week?

CHAIRMAN: Well, I don't know. I know this, if I don't have a counsel that I know very well with whom I can work from the very first day, I know I won't even see my family Christmas day. I am going to have to stay here very day, because a man just doesn't

drop into Washington, no matter how good a man he is, and know his way around and be able to start right off. I have seen too many men come into government positions and it takes them months and months and months to learn their way around.

SEN. RUSSELL: Very fortunately, I don't have to meet any demands. That's one of the few benefits I get from my state of service. But it would seem to me we couldn't do a great deal right now, and personally, while we might receive reports and start studying them and analyzing them, I don't think we should make any statements with respect to this case until after this man Ruby has been tried, unless it develops that it is going to be postponed so far into the future that it couldn't conform to the President's desire of handling it as expeditiously as possible.

CHAIRMAN: Yes.

SEN. RUSSELL: I would think they would at least go ahead and have the trial out there, and I rather believe they will.

MR. MC CLOY: How voluminous is this F.B.I. report, have you any idea?

CHAIRMAN: No idea in the world, except there are thousands and thousands of individual reports available.

SEN. RUSSELL: Have you had any intimation as to what the Soviet Government turned over to us?

CHAIRMAN: Mr. Katzenbach told me there wasn't anything of that importance; said they knew everything that was in there.

MR. DULLES: It was very short.

MR. MC CLOY: We ought to get somebody, not a general counsel, but get a reader, good young lawyer, for example, and go through the report and maybe summarize it so that you could have some analysis of it. Maybe there are a lot of individual statements and you don't have to read every one of them.

CHAIRMAN: It's an organizational thing and will be a tough one.

MR. MC CLOY: We're going to have to wear our eyes out before we can sit down and talk intelligently.

CHAIRMAN: Oh, yes, but much should be done about organizing before we can start. You just can't start looking helter-skelter through them.

SEN. RUSSELL: Mr. Chief Justice, would you read again those other points you read a moment ago?

CHAIRMAN: Yes. I think we ought to get an office manager, and I thought we ought to get him from the Bureau of the Budget. They told me they will work with us and help us on this personnel work. Then the other was a file expert. Now I don't know of anybody in particular but I thought the people here at the Archives could help us. If they don't have a man they can tell us where to get one. But I have an idea they will be able to detach someone to help us, and they are crackerjacks here on that business.

SEN. RUSSELL: I would be happy to move, if a motion is necessary, that we go ahead and make arrangements as to space and these other positions.

REP. FORD: I second it.

CHAIRMAN: Very well, you have heard the motion.

REP. BOGGS: I second it.

CHAIRMAN: All in favor say "Aye." (A chorus of "Ayes.>").
Contrary minded? (No response). The "Ayes" have it.

You can't do very much until you get a head man to run this show.

REP. FORD: Mr. Chairman, I can meet any time today or tomorrow.

CHAIRMAN: I was hoping we could meet this afternoon right after lunch. Now, gentlemen, if we meet this afternoon and go over what lists you may have, then when do you want to meet to determine who we are going to take as our counsel?

SEN. RUSSELL: I think time is of the essence, Mr. Chairman. I was hoping you could get together right away. At least that is just one member's view.

REP. FORD: Pick a time this afternoon as far as I am concerned.

CHAIRMAN: You mean for the meeting or the Commission again?

REP. BOGGS: The subcommittee.

CHAIRMAN: Ch, yes, that we do right this afternoon, but when do we have the Commission back?

MR. MC CLOY: Subject to your call, I think.

REP. BOGGS: No, if we are going to meet right away I think we ought to know.

MR. MC CLOY: You don't know until we get this settled. Personally, I would like to check up on Olney myself; I would like to get the comments of the community so I can answer, "Yes, I really looked into that, he's a good man."

SEN. RUSSELL: You will have time to do that, you're on the subcommittee, and I believe everyone said they could be here tomorrow anyhow.

REP. BOGGS: I have one problem. I have to be at the House when the House meets tomorrow.

SEN. RUSSELL: You can delegate that.

MR. MC CLOY: Tomorrow, Friday at noon, I have to be at the White House.

CHAIRMAN: Could we say three o'clock tomorrow afternoon?

REP. BOGGS: I could meet at two o'clock tomorrow afternoon all right, or nine o'clock tomorrow morning. What about that?

MR. DULLES: Let's do it in the morning if we can.

SEN. RUSSELL: I could do it any time you fix because I have called off my committees.

SEN. COOPER: I can be here any time.

SEN. RUSSELL: Suppose we say then the full Commission -- Mr. Mc Cloy wants some time -- will meet tomorrow afternoon at four o'clock?

CHAIRMAN: Four o'clock is all right.

SEN. COOPER: That's all right for me.

REP. BOGGS: Senator, we're electing a Governor in my State Saturday. I know each one of us can give a good excuse.

SEN. RUSSELL: Let's solve it this way. Let the decision of the subcommittee be the decision of the full committee and we authorize the Chairman to proceed with those other matters.

REP. BOGGS: I could meet at two o'clock with greater ease.

MR. MC CLOY: Could you meet at three?

REP. BOGGS: Yes, and I could be here an hour.

MR. MC CLOY: I could be here at three for an hour.

CHAIRMAN: All right, we will meet at three o'clock tomorrow afternoon.

SEN. RUSSELL: That is the full Commission?

CHAIRMAN: Yes.

MR. DULLES: I may have to be absent at three o'clock.

SEN. COOPER: There isn't anything more important than this.

SEN. RUSSELL: It is almost inconceivable to me that the other members of this Commission would have any objection to the

one selected by the subcommittee for counsel.

REP. FORD: Allen is on the subcommittee.

MR. DULLES: Yes. If the subcommittee reaches agreement why not pass the name around and see if we can agree?

MR. MC CLOY: By telephone.

REP. BOGGS: I would like to talk about it just a little while. He is on the subcommittee so it doesn't matter whether he is here or not.

MR. MC CLOY: I have this luncheon with the President, whatever it is. They made it very clear to me it was a command performance.

REP. BOGGS: You could be here at three.

CHAIRMAN: All right, at three o'clock we will meet here.

Now, gentlemen, they opened the door a moment ago and I saw the members of the press. I presume the only thing we can say to them is that we have met and discussed the primary arrangements for organization of our work, we have heard from the Attorney General also, and that we are meeting again tomorrow at three o'clock.

REP. FORD: Do you want to announce that we took action on the subpoena matter?

SEN. RUSSELL: I don't see that that will hurt. That will give them a news story. That is what they want.

MR. MC CLOY: You are going to be asked about the F.B.I. report, Mr. Chief Justice. Do you think you can tell them that we haven't got it yet?

CHAIRMAN: Yes, I think we can.

Let's ask them to come in and get it all while we are all

together.

(Whereupon, at approximately 12:45 p.m. the members of the press entered the conference room and the Chief Justice made a statement, not recorded; after which the meeting adjourned).
