

A PERSONAL JOURNAL: WORKING FOR THE
WARREN COMMISSION (1963-64)

BY

HOWARD P. WILLENS

Assistant Counsel to the President's Commission on the Assassination of President John F.
Kennedy and author of **History Will Prove Us Right** (The Overlook Press 2013)

INTRODUCTION

I served as an assistant counsel on the staff of the President's Commission on the Assassination of President John F. Kennedy, chaired by Chief Justice Earl Warren, from December 1963 to September 1964. I was at the time a deputy to the Assistant Attorney General of the Criminal Division in the US Department of Justice. After the Commission was created and appointed J. Lee Rankin to serve as its general counsel, Deputy Attorney General Nicholas Katzenbach asked me to assist the Commission. I reported for duty on December 17, 1963.

I began this journal at the suggestion of Alfred Goldberg, a Defense Department historian who joined the Commission staff in February 1964. I reviewed my files regarding December 1963 and January 1964 and prepared the five-page entry dated January 1964. Most of the other entries were prepared shortly the events discussed, with only a few exceptions. I dictated these journal entries to my very competent secretary, Adele W. Lippard. Neither of us had the time to proofread and, if necessary, to edit the entries. As a result, there are a few errors, which I have corrected in this copy of the journal.

The last entry is dated August 21, 1964, although the Commission did not finish its work until September 22, two days before the final report was delivered to President Johnson. By the third week of August, the Commission staff was fully engaged in the drafting of the report and the preparation for printing of the transcripts of the sworn testimony and the exhibits considered by the Commission. In short, there was no time for journal entries during those last four weeks. I have donated the original journal and all my other Commission documents to the National Archives in 2015.

During the summer of 2018 Stephen Fagin, the curator of the Sixth Floor Museum in Dallas, and I discussed each entry in the journal. These conversations were filmed and the Museum plans to make those videos available on the Museum's YouTube Channel. The Museum plans to enable viewers of the videos to link to any particular journal entry and for readers of the journal to have similar convenient access to the videos. I greatly appreciate the commitment of the Sixth Floor Museum, and its director Nicola Longford, to making this journal part of its extensive collection of material related to the assassination of President Kennedy.

The journal was helpful in writing my 2013 book, **History Will Prove Us Right**. Vincent Bugliosi, the famous prosecutor and author of **Reclaiming History** after 20 years of research, was kind to say: "While the rest of us who have written about the commission were only peeking in, Howard P. Willens was there, a principal architect of the very history we could only write about. Now with his precise and very discerning pen, he has written with unimpeachable authority what actually happened, making his book a historically important one."

DIARY

January 1964

MEMORANDUM FOR MR. WILLENS' FILE

RE: Early Days of the Commission -

For several days after November 22, 1963 none of us in the Department had any role to play in the investigation of the assassination of President Kennedy. There was, as a result, a general feeling of impotence and lethargy. Not even the Criminal Division, with all of its experienced and investigating attorneys, was involved in any way in assisting the Federal Bureau of Investigation in any of the work. On one occasion on November 24, Mr. Miller was asked to go to Texas to consult with the Attorney General of Texas and to find out what was going on in the course of the Bureau investigation. Even he, however, was unable to really gain accessibility to the investigative reports developed by the FBI, which was assuming the sole jurisdiction in the matter insofar as the Department of Justice was concerned.

After the Commission was formed on November 29 there was no discussion concerning any relationship between the Department of Justice and the Commission that I was aware of. Looking for useful things to do, some of the attorneys in the Organized Crime Section under Mr. Miller began collecting some data and information from their files regarding Jack Ruby, Oswald or their associates. During the week of December 2, 1963 there was considerable interest in the Department as to when the FBI report being prepared would be ready for submission to the Attorney General and/or to the White House. There were some discussions with Mr. Miller and Mr. Katzenbach regarding the FBI progress. Each day when asked by the Deputy Attorney General when the report would be ready it was indicated that there was additional work to be done by the FBI. There was also some discussion in the Department, of which I was aware, regarding whether the report should be submitted to the Attorney General, The White House* or the Commission. I believe the first plan was to supply it directly to the White House with perhaps a copy to the Attorney General simultaneously.

* Capitalization as appears in original.

We also discussed whether or not any release should be issued to the public at the time the report was submitted to the Attorney General, or by the Attorney General to the White House. It was agreed at one point that such release should be prepared.

We finally got the report on either Wednesday, December 4 or Thursday, December 5. I remember being called to the Deputy's office and being asked to take possession of one of the few copies and review it before it went to the White House. I did at that time read the report and prepare a short two-page release regarding the findings of the report. Mr. Miller and I, in addition to the Deputy and Mr. Guthman, were the only people in the Department who I believe read the FBI report at this time. As I recall, Mr. Andrew Phelan did not read the report at this time, but did so later when he assisted me in doing some work on the matter. Sometime after the 5th of December apparently, the decision was made not to issue any press release by the Department (although the FBI gave a briefing session off-the-record to the reporters on the report) and it was decided to submit the report directly to the President's Commission. I believe the report was submitted to the Commission either on the 7th, 8th, or 9th of December, 1963.

The Commission had its first two meetings on December 5 and December 6. I know from my subsequent reading of the minutes of these meetings that the Commission discussed the appointment of a general counsel on at least one, if not both, of these sessions. As I recall, I also became aware in the Department, probably from the Deputy Attorney General, that the Commission was considering appointing Mr. Warren Olney as General Counsel of the Commission. I recall being informed that certain Commission members were sounding out various people in the City of Washington about Mr. Olney in order to make a judgment as to what kind of General Counsel he might be. I was aware sometime during the 7 or 10 days following the referral of the report to the Commission that the Deputy Attorney General had raised my name in some contact with the Chief Justice and/or Mr. Rankin when he was designated as General Counsel.

On the morning of Tuesday, December 17, 1963, Mr. Miller told me that he had received a call from Mr. Katzenbach. Mr. Katzenbach had asked Mr. Miller if I could be made available to the Commission as

liaison between the Commission and the Department. Mr. Katzenbach had apparently not promised, but had asked if I would be willing to do it. Mr. Miller and I discussed it and we agreed that I should give whatever time that was necessary to the assignment. Shortly thereafter, after getting an overdue haircut I called Mr. Rankin and made an appointment to see him later that morning at the Commission's offices. During this initial meeting Mr. Rankin discussed the unique task before the Commission and asked if I would be willing to assist. I said that I would. I explained to him my familiarity with the FBI report and some of the thinking that some of us in the Department had regarding the nature of the investigation that would have to be conducted. Mr. Rankin impressed me at the beginning as a very fine person and he certainly was very generous in his comments regarding the reports he had had about me from the Deputy Attorney General. He asked me to return in the afternoon to see the Chief Justice.

I returned at approximately 3:30 that afternoon to the offices where the Chief Justice had apparently been meeting with Dean Storey (and perhaps Attorney General Carr and Leon Jaworski) regarding the relationship between the Commission and Texas officials. At the Chief Justice's request I walked back to his offices with him and Mr. Storey. The Chief Justice and I had approximately a 30-minute discussion about the Commission. The Chief Justice explained to me how he accepted the President's request to lead this Commission and spoke about the importance of the Commission work. He especially emphasized the speculation abroad about the assassination and the desirability of putting these rumors at rest. I spoke to him briefly as I had to Mr. Rankin regarding the investigation and the need to ascertain whether there were any organized criminals and others associated in a conspiracy. During this conversation, the Chief Justice indicated that he had decided not to have any government people on the staff of the Commission since it would appear as though they were being influenced by their governmental positions. As I recall it he was asking me whether I would serve as a sort of liaison officer with the Commission. I don't recall responding to this directly, but I am sure that I indicated that I would do anything I could to help the Commission. I returned to the Commission offices and told Mr. Rankin about this conversation. At this time I believe I indicated to Mr. Rankin that I could spend one-half of the next two days at the Commission and be ready to spend full time with the Commission on Friday, December 20, 1963. Either during this session or during one of the conversations when we saw a great deal of each other Mr. Rankin asked me to begin thinking about the interview of Mrs. John F. Kennedy. As a result I prepared a memorandum on this subject, which I should have in my files. During the next three weeks my responsibilities at the Commission fell into the following categories:

1. Personnel: Mr. Rankin and I discussed the selection of Senior Consultants, two of whom, Mr. Adams and Mr. Jenner, had already been selected by the Commission. Mr. Rankin placed in my hands the primary responsibility of reviewing all the applications received for employment and developing a list of qualified candidates for the positions of Junior* Consultants. As I believe my file and the Commission files reflect, this resulted in a great deal of telephoning around the country, extensive correspondence with applicants who had applied for positions and the developing of procedures of handling applications before the Commission. The results of these efforts were incorporated in my memorandum dated January 6, 1964 to Mr. Rankin setting forth 18 candidates for positions of Junior Staff Members. At an early point I secured Mr. Rankin's promise to canvass Federal investigative agencies and seek information about Oswald and Ruby. I prepared form letters to achieve this end. Some of these letters were signed during the month of December, others which were sent out to the West Coast for signature by the Chief Justice were never signed and duplicate letters had to be prepared during the early days of January. Mr. Rankin and I also discussed establishing liaison with the various investigative agencies and took measures to implement this.

2. Sometime during this period of time the Commission received from the FBI the first volumes of the underlying investigative reports which had been requested by the Commission. I decided that it should be my responsibility to review these reports, however superficially, and make some initial effort to determine where they fell within the range of the Commission's work so that they could be duplicated and distributed for review and careful study by members of the staff.

3. During this period I worked on an initial outline of the work of the Commission. I prepared a memorandum dated December 28 to Mr. Rankin outlining my views as to the assignment of work among the Commission staff and the type of work product we should request from our staff. One of my first tentative outlines was submitted to Mr. Rankin by memorandum dated December 30, 1963. With minor modification this outline was the one subsequently submitted to the Members of the Commission and the Members of the Staff as the basis upon which the Commission would operate.

* As appears in original. Should read "Junior."

4. During this same period of time I took care of a variety of necessary matters such as setting up the procedures for handling the citizen mail, making the necessary arrangements with the clipping service, handling correspondence with various government agencies, making arrangements for the necessary secretarial personnel, securing extra copies of the basic reports, and preparing memoranda to the Members of the Commission and Members of the Staff.

DIARY

Monday, February 3, 1964

Today Marina Oswald appeared as the first witness before the Commission. Immediately after the session started it became clear that the progress of the Commission in the taking of testimony was not going to be easy. In the first place, notwithstanding all the work that had been done in preparing for the taking of the testimony, the Chief Justice arbitrarily decided that the testimony should be elicited in a completely different way from which it had been planned. Secondly, although he was the only person really prepared to assist in the interrogation, Mr. Redlich was not permitted to participate in the proceedings and the entire matter was left up to Mr. Rankin. There was considerable consternation among members of the staff as these facts became clear during the day. Everyone was wondering exactly why Mr. Redlich was not in there assisting Mr. Rankin in the interrogation. I raised this with Mr. Rankin at lunch and learned that he was simply deferring to the Chief Justice's wishes and had not made a request to the Chief Justice that a different course be followed.

I held my peace until after the day's testimony when Mr. Redlich and I went to discuss the matter with Mr. Rankin. It was our first heated exchange with Mr. Rankin. Mr. Redlich's personal status was involved so I took the lead in asserting the proposition that Mr. Redlich should be in the hearing room and that the testimony should be elicited in the way in which we had planned it. I urged very strongly to Mr. Rankin that any other course of proceeding would ensure a mediocre record. I was extremely critical of the Chief Justice and, in a way, of Mr. Rankin for not standing up more strongly to defend the course of action which he and the staff had agreed upon. In retrospect, it is surprising to me that such an important matter as the interrogation of Marina Oswald had not been discussed by Mr. Rankin with the Chief Justice more thoroughly in advance so that these problems did not develop. Whenever I stopped for breath Mr. Redlich joined in. The result was a very devastating criticism of Mr. Rankin, which I am sure he did not particularly enjoy. I do think, however, that as a result of the conversation he was prepared to take a different position on the issue the following day.

In fact, he did so and Mr. Redlich was part of the staff in the hearing room on Tuesday. I learned from Mr. Redlich that he had continued the conversation on a calmer note on Monday evening after I left and that Mr. Rankin had gradually been persuaded.

DIARY
February 24, 1964
(Monday)

I spent a good deal of today in conference with Mr. Redlich regarding the five comprehensive memoranda prepared by members of the staff. The memoranda due from Mr. Ball and Mr. Belin had not yet been submitted to Mr. Rankin.

Mr. Redlich and I agreed that the proposed course of action set forth in the memorandum of Mr. Stern should be implemented by this Commission. This whole area of security precautions was on the agenda of the Commission meeting today.

During our meeting Mr. Stern came in with a revised copy of a proposed response to Secretary Dillon's letter regarding the jurisdiction of the Commission in investigating the question of security precaution. I had been told by Mr. Rankin earlier in the day the Chief Justice was not happy with the proposed response and Mr. Stern had been requested to prepare another one. On this subject, Mr. Redlich and I had both suggested to Mr. Rankin earlier in the day that the Chief Justice on behalf of the Commission might take this question up with the President rather than have Secretary Dillon do it unilaterally. Mr. Rankin felt that the Chief Justice would probably not be willing to do this. Mr. Stern seemed to believe that Secretary Dillon was in fact sincere in his desire to have the Commission make recommendations in this area. I suggested that there were institutional reasons to the contrary and that I thought it was preferable for the Chief Justice and Secretary Dillon, if possible, to discuss this matter together with the President.

Mr. Redlich and I discussed Mr. Slawson's memorandum regarding the Mexican phase of the investigation. As a result of this discussion I asked Mr. Slawson if he would write the State Department and ask them to initiate a formal request to the Mexican government through channels for any information relevant to the work of this investigation. Mr. Redlich also expressed the view as to the desirability for a representative of the Commission to contact an official in Mexico City on this subject rather than work through the State Department or any of the representatives of the investigative agencies. I asked Mr. Slawson to consider these matters and discuss them further with me.

Also on the foreign side, Mr. Redlich suggested that we consider with the State Department whether or not there are any unofficial means of sounding out the Soviet Union as to information which they might be willing to give the Commission.

For example, Mr. Redlich indicated that it would be desirable to know whether the Russian Government applied its usual procedures in permitting Marina Oswald to depart from the country. He also suggests it would be useful if the Soviet Union might inform us as to what action was taken by the Soviet Embassy in Washington, D.C. regarding the Oswald letter of November 9, 1963.

Mr. Redlich and I agreed that the memorandum of Mr. Jenner and Mr. Liebeler was totally unsatisfactory. I expressed my view, as I had to Mr. Rankin, that these two lawyers should be given two weeks in which to fully analyze and appraise all the investigative materials and that their time should not be diverted to the taking of testimony until they demonstrated complete familiarity with the basic materials.

Mr. Redlich and I both were dissatisfied with the memorandum prepared by Mr. Specter. We went through the proposed witnesses set forth in Mr. Specter's memorandum and prepared a tentative timetable for the taking of testimony of witnesses before the Commission and the taking of testimony by members of the staff in Dallas or elsewhere in Texas. Prior to the Commission meeting we discussed this briefly with Mr. Rankin in the presence of Mr. Shaffer. We asked Mr. Rankin to put before the Commission the specific proposal that members of the staff be permitted to take oral depositions in Dallas beginning March 9, 1964. We gave some specific examples to Mr. Rankin as to the number of witnesses whose testimony might be taken before the Commission (around 30) and the number of depositions which might be taken by the staff (around 75).

Mr. Redlich and I agreed that various memoranda expressing our views on these subjects will be prepared for Mr. Rankin to send to members of the staff.

I also discussed briefly today with Mr. Goldberg the need to improve the documentation of the work of the Commission. I suggested that he discuss with Mr. Rankin this problem and that it might be considered at a future staff meeting. He suggested that diaries might be kept, which accounts for this beginning of one.

DIARY
February 25, 1964
(Tuesday)

The following are some of the more important meetings, discussions or events with which I was concerned on February 25, 1964:

(1) At 10 a.m. I met with Mr. Sterman and Miss Farrar of Archives, Dr. Goldberg, and Mr. Shaffer with regard to the Commission's files. The results of this meeting are incorporated in my memorandum for the file. I am personally not very optimistic about the utility of the file system proposed by Archives, but in view of the Chief Justice's delegation of this responsibility to Archives and my own lack of expertise, I do not feel in a very informed position to propose an alternative system. Unfortunately the annotated outlines which I thought the staff would submit on February 18, 1964, were not forthcoming and therefore I did not have an alternative system to propose to Mr. Sterman and Miss Farrar.

(2) The decision regarding the ABA representation of Lee Harvey Oswald was announced today. A memorandum to the staff incorporating this decision was distributed to everyone. My comments regarding this proposal are contained in another memorandum for my own files. Later in the day Mr. Rankin informed me that Deputy Attorney General Katzenbach had called him regarding this decision. Apparently the Deputy Attorney General was very disturbed by the decision to designate Walter Craig, who has already been confirmed as a Federal District Court judge. According to Mr. Rankin the Deputy Attorney General told him that the Department had some arrangement with Mr. Craig whereby Mr. Craig would not assume any more extracurricular responsibilities which would postpone his entry on active duty on the bench. The Deputy Attorney General expressed apparently a rather strong and negative view regarding the capabilities of Mr. Craig. He also told Mr. Rankin that he did not know that Mr. Craig was the designee. Mr. Rankin told him that I had been fully aware of this. Mr. Rankin asked me whether I had discussed this matter with Mr. Katzenbach. Under the circumstances I did not feel I could take a stand reflecting any prior discussion on this subject between myself and Mr. Katzenbach. I therefore replied in the negative.

Mr. Rankin was obviously quite disturbed by this telephone call. Ironically, one of my initial suggestions on February 11, 1964 on this proposal (when it was presented as a fait accompli) was that the Chief Justice and Mr. Rankin should have discussed this matter with knowledgeable people in the government and I had specifically suggested Deputy Attorney General Katzenbach. According to Mr. Redlich, Mr. Rankin subsequently told him that my proposal that the Chief Justice and Mr. Rankin consult with the Attorney General or Deputy Attorney General showed a lack of public relations sense and/or knowledge of the Chief Justice. In a subsequent conversation with Mr. Rankin on this subject, at which Mr. Redlich was present, Mr. Rankin made an effort to raise again the merits of the decision, but Mr. Redlich and I both refused to discuss the matter further. Mr. Redlich stated to Mr. Rankin that we had already litigated the matter fully.

(3) Mr. Redlich and I discussed briefly with Mr. Rankin the memorandum to members of the staff regarding future action by the Commission. Mr. Rankin said he wished to hold off the memorandum to Mr. Jenner and Mr. Liebeler until he returned to the office on Thursday, February 27. I told him that the memorandum to Messrs. Adams and Specter was ready for his approval and that I had already communicated* the substance of it to Mr. Specter so that he could begin work.

* As appears in original. Should read "communicated."

DIARY
February 26, 1964
(Wednesday)

1. I reviewed with Mr. Slawson and Mr. Coleman the several projects under way in area 4. The results of this conference are summarized in my memorandum to Mr. Rankin of this date.

2. At my request Mr. Shaffer has assumed the responsibility for supervising the work in area 5 by Mr. Hubert and Mr. Griffin. Mr. Shaffer advised me that he has spent considerable time today discussing the investigative requests presented to us by Mr. Hubert and Mr. Griffin. Prior to leaving Wednesday evening he told me that he believed that matters had been resolved to everyone's satisfaction.

3. Considerable time during the day was devoted to discussion with Mr. Redlich regarding the interrogation of James H. Martin, who is to appear before the Commission on Thursday, February 27, 1964. Late in the evening I discussed with Mr. Redlich the delicate question as to how far the Commission should interrogate Mr. Martin regarding his personal relationship with Marina Oswald. At Mr. Redlich's request, I contacted the FBI and secured delivery of their investigative material relating to this matter.

4. I had lunch with Jack Miller and his father at the Washington Hotel. Prior, during and after lunch I filled Jack in on the various problems currently before the Commission and asked him to inform the Deputy Attorney General. I brought him up-to-date on the plans regarding Mexico, the Marina Oswald-Jim Martin situation, developments regarding the ABA representation problem and the exchange of letters between the Commission and Secretary Dillon, which I suggested might precipitate a dispute regarding a function of this Commission in the security precautions area.

DIARY

February 27 and 28, 1964
(Thursday and Friday)

1. James Martin appeared as a witness before the Commission on Thursday, February 27, 1964. Mr. Redlich handled the interrogation which was somewhat restricted by the Chief Justice, who stated very definitely he believed that neither the character of Marina Oswald nor the business relationships between Mr. Martin and Marina Oswald were of interest to the Commission. Mr. Redlich subsequently incorporated his views on this subject in a memorandum, a copy of which is in my chronological file, with which I am in full agreement. Although I have not read the testimony, reports to me from Messrs. Rankin and Redlich indicate that Mr. Martin went out of his way to impeach the character of Marina Oswald and apparently suggested that he was somewhat of a "patsy" in the whole affair.

2. I got some initial reports from the FBI regarding the photograph of Oswald which was published in several newspapers last week and on the cover of Life. It is not clear yet what exactly the source of this picture was. Mr. Martin suggests it was a leak from the Commission, at least in part, whereas other suggestions were that Mr. Martin profited from the sale of this picture to Life.

3. A letter to Mark Lane inviting him to testify before the Commission went out on Friday, February 28.

4. Mr. Rankin is concerned about the increasing Congressional pressure being brought to bear concerning Norman Redlich and some of his affiliations. Mr. Rankin seems to be coming around to the view, expressed to me on Friday, that although we can wait until the completion of a full-field investigation, he felt that Norman should probably withdraw from the activities of the other organizations until the completion of his work with this Commission.

5. Philip Barson, an Internal Revenue Service agent from Philadelphia, reported for duty on Thursday and began work immediately on the project of reconciling Oswald's income and expenditures.

6. I had lunch with Bill Beecher at the Supreme Court and I went to the Yale Law School dinner at which Associate Justice Goldberg spoke.

7. Much time on both of these days was spent in conference with Mr. Specter and Mr. Belin with regard to their comprehensive memoranda and the taking of testimony before the Commission and by deposition. After several discussions and clearance from Mr. Rankin, I was in a position to decide which witnesses should be called before the Commission in each of these areas beginning March 5. The results of this review and these conferences is* incorporated in the memorandum from Mr. Rankin to the members of the Commission setting forth the schedule of work for the Commission for the next six or so weeks.

* As appears in original. Should read "are."

DIARY

Monday, March 2, 1964

Most of today was consumed by two staff meetings regarding the proposed schedule of testimony before the Commission and by depositions taken by the staff. The draft memorandum for the members of the Commission which I prepared was distributed to members of the staff and was discussed at the initial meeting beginning at 11:30 a.m. The discussion quickly centered on the problem whether staff members should be permitted to interview witnesses in advance of the witness giving a deposition or testifying before the Commission. This argument went on for two hours or so and for an additional two hours or so at a continuation of the meeting beginning at 4 o'clock. Mr. Shaffer was not there and therefore his eloquence could not be brought to bear on this topic. As a result of the meetings, a set of procedures is to be made up by a committee including Messrs. Liebeler, Belin and Redlich. Mr. Redlich and Mr. Eisenberg were the most forceful proponents of the proposition that staff members should not be permitted to interview witnesses without a court reporter present. Mr. Belin was strongly opposed and Mr. Liebeler urged a somewhat intermediate position. Although Mr. Rankin indicated his general feeling that there should be no such unrecorded interviews, I believe on the basis of my discussions with him subsequent to the meeting that he will defer his decision on this until he has the proposed procedures in front of him for approval. I expect that memoranda incorporating the arguments both pro and con on the problem will be developed during the next several days and that copies will be put in my chronological file which more fully set forth the respective arguments.

Mr. Rankin asked me to revise the memorandum to reflect the tentative agreements reached with the Texas authorities to the effect that no representatives of the Commission would go to Dallas during the Ruby trial nor would any Dallas policemen be called before the Commission during the trial. Mr. Rankin told me that he wished to submit the memorandum to the Chief Justice for his approval and then distribute it to members of the Commission.

DIARY

Tuesday, March 3, 1964

1. Today there was further discussion among the members of the staff concerning the subject discussed at the staff meeting on Monday. Mr. Redlich and his committee produced an initial draft of proposed procedures for the taking of testimony by the staff.

2. At 4 p.m. I met Charles Nicodemus of the Chicago Daily News at the Department of Justice. He outlined for me another potential bribery case involving government officials who had approached Mr. Snoyer. He asked for my guidance regarding procedures to be followed in this matter. I told him that I would call him the following morning.

3. The Hoffa jury went out at approximately 7:30 in the evening.

DIARY

Wednesday, March 4, 1964

1. A verdict of guilty was returned in the Hoffa case today. Hoffa and his co-defendants were found guilty on two of the three counts that went to the jury. Hoffa, Tweel and Dorfman were acquitted on the third count. I was in with Mr. Rankin and Mr. Redlich when the news was received. Mr. Shaffer interrupted the meeting, I excused myself and Mr. Shaffer and I went over to the Department of Justice. Mr. Miller was up in the Attorney General's office. On the way up we met Joe Dolan and informed him of the results. The Attorney General was out of the building at the time. The Deputy Attorney General, Mr. Guthman, Mr. Oberdorfer as well as Mr. Miller were all assembled and looking slightly pleased. Within a minute or so Mr. Miller and I went back to his office to exchange mutual congratulations.

2. Mark Lane appeared before the Commission this afternoon. I heard a portion of the testimony. He repeated almost verbatim the subject of his lectures on the subject. He renewed his request to represent Oswald before the Commission. This was denied by the Chief Justice.

DIARY

Thursday, Friday and Saturday
March 5, 6, and 7, 1964

1. Most of Thursday was spent in writing the memorandum expressing my views on the procedures of the Commission relating to interviews of witnesses by members of the staff.

2. On Friday morning Mr. Stern and I met with Mr. Rankin to discuss the next steps in the area of security precautions. The result of this meeting was a meeting in the afternoon between the three of us and Mr. Carswell, Special Assistant to Secretary Dillon, and Mr. Belin, General Counsel of the Treasury Department. The results of these meetings are summarized in my memorandum on this subject.

3. Late Friday Mr. Rankin told me that the Chief Justice had approved the draft memorandum setting forth the schedule of witnesses to be called before the Commission and whose depositions are to be taken by members of the staff.

4. On Saturday I revised the memorandum in accord with some of Mr. Redlich's suggestions and prepared it in final form for distribution to members of the Commission and members of the staff. In my view the adoption of this schedule is perhaps a more significant event in the internal operations of the Commission than is generally realized. It marks the commitment by the Commission to taking a considerable amount of testimony from witnesses with relevant information and to frame conclusions based on this testimony independent of the investigation conducted previously by the Federal Bureau of Investigation and other investigative agencies. Assuming that the Commission's record in the taking of this testimony is decent, I think that the fact that the Commission has proceeded in this way will win for its final report a much greater degree of public acceptance than would otherwise have been the case.

DIARY
March 9 and 10, 1964
(Monday and Tuesday)

1. On Monday four Secret Service agents appeared to testify before the Commission. The testimony went on until approximately 6 or 6:30 p.m. The agents were interrogated by Mr. Specter and Mr. Redlich substituted for Mr. Rankin, who was ill and remained in New York. On my part the day was concerned largely with handling the miscellaneous business of the office.

2. On Tuesday, four eyewitnesses appeared before the Commission and completed their testimony at approximately 3 p.m. I had obtained a copy of the prior day's testimony early in the morning and had planned to read it but was unable to begin this job until late in the evening.

3. I spent approximately 1-1/2 hours Tuesday morning with Mr. Thomas Buchanan, American correspondent for L'Express of Paris. Mr. Buchanan had talked the previous day with Deputy Attorney General Katzenbach and was referred to me. When invited to outline his ideas regarding the work of the Commission, Mr. Buchanan went through an extended presentation criticizing the public statements of the District Attorney in Dallas and suggested various hypotheses casting doubt regarding the identity of the assassin. In large part Mr. Buchanan's assessment is similar to that of his Paris colleague, Mr. Sauvage, who has an article scheduled to appear in Commentary on this subject. Mr. Buchanan relies heavily on the contradiction of the Dallas and Bethesda medical authorities, the alleged hole in the windshield, the reaction of the President of reaching for his throat (which he suggests is not consistent with the actual wounds), Oswald's lack of capacity as a rifleman (reports that he shot a score of 191 the last time in the Marines), the negative results of the paraffin tests, the lack of significance to be attached to the palm prints on the cartons on the sixth floor of the depository building, the suspect behavior of Patrolman Baker in not fully interrogating Oswald, etc. He questions whether there was a roll call of the Depository employees in which Oswald was discovered missing. He suggested that Oswald was followed after he left the Depository Building by law enforcement officials. He questions why the police were not at Oswald's apartment at 1 p.m., since they had his Dallas address. He states that Mrs. Paine says she gave the FBI Oswald's address. He also questions Tippit's behavior and suggests that Tippit violated his orders in several respects: (a) he states that Tippit was directed the night before not to drive alone and was always to have a partner, (b) he states

* As appears in original. Should read "of."

that Tippit was four miles from the sector he was supposed to be patrolling, and (c) he states that Tippit's car was a radio car and that it would have been natural for Tippit to call in and say that he was stopping a suspect.

I told Mr. Buchanan that I was not free to comment on our investigation, but that we appreciated his assistance. I also asked for a copy of his articles.

4. I went over to the Department of Justice at noon. I dropped in to see Walt Sheridan, who I had not seen since the Hoffa conviction, to congratulate him and John Cassidy. We chatted a moment about the future of the case and some related developments, such as the Alabama teamster who claimed that he has tapes implicating Hoffa in an assassination attempt. Walt informed me of a proposed party to be given by the Attorney General Friday or Saturday to which I was slated to be invited.

5. At lunch I discussed bail conference plans and problems with Messrs. Freed, Foley and Koffsky.

6. After lunch and a brief discussion with Jack Miller I visited with the Deputy Attorney General for a while regarding the work of the Commission. I briefed him on the report of the Nosenko interview and the schedule of witnesses set forth in the memorandum of March 6. I discussed with him briefly the stalemate between the Treasury Department and the Commission regarding the area of security precautions. Mr. Katzenbach agreed that this was a needless problem which should be resolved without too great difficulty. He suggested that I might wish to discuss it sooner or later with Mr. McCloy.

7. Shortly after I returned to the Commission offices on Tuesday, Mr. Redlich came into my office in quite a hurry and asked me to join them in the Conference Room. Apparently the testimony for the day had been completed (eyewitnesses Rowland, Euins, Jackson and Worrell) and the Chief Justice was engaging Messrs. Redlich, Ball, Belin and Specter in conversation regarding the proposed schedule of testimony and several other matters. When I entered the room the Chief Justice was expressing his opinion that more witnesses with significant testimony should be called before the Commission as quickly as possible. This was partly because the court* was currently in recess and he wanted to complete as much of the Commission's business as possible during the next week and a half. He expressed his view that the medical witnesses were among the more important witnesses to be heard. He indicated

* As appears in original. Should read "Court."

that as a corollary to this that many of the witnesses that had already been called before the Commission did not have much testimony of substance. He indicated that he wanted to get our lawyers on the road as quickly as possible to interview witnesses. In the course of stating his views on this, the Chief Justice stated that he had complete faith in all of the members of the staff and wanted them to be free to have unrecorded interviews with the witnesses. Although he did not elaborate on his views in this matter, the Chief Justice apparently had been briefed on the staff discussions on this subject by someone, possibly Mr. Rankin or Mr. Ball.

In response to the Chief Justice's views I indicated to him that we would make every effort to secure witnesses for next Friday and to change the schedule for the week of March 16 so as to meet his wishes. The various members of the staff then discussed their views as to the difficulty of the medical testimony and the time necessary to prepare for it. The Chief Justice indicated that he was primarily interested in hearing the testimony of the doctors from the Bethesda Naval Hospital who conducted the autopsy. I indicated that, if possible, we would try to have these doctors appear before the Commission during the week of March 16. Although Norman Redlich and I tried to end the meeting as soon as* possible so that members of the staff could get back to work many of the members of the staff were obviously enjoying chit-chatting with the Chief Justice and prolonged the meeting quite extensively.

Just at the point when the meeting was apparently over Mr. McCloy entered the Commission room and began asking questions regarding certain phases of the investigation. Mr. McCloy and the Chief Justice were particularly concerned about the Jack Ruby trip or trips to Cuba. I stated that this was a matter that we would bring up with the CIA on Thursday. They were critical that more had not been done already. Mr. McCloy was also interested in having a complete investigation of the Irving gun shop story, which has been requested but not yet completed by the FBI.

Mr. McCloy then raised the problem of the relationship between the Commission and the Treasury Department in the area of security precautions. He indicated to the Chief Justice and the rest of us that he had just come from a meeting with Secretary Dillon. The Chief Justice stated that so far as he knew the matter was settled and that Mr. Stern was receiving information informally from the Treasury Department. I told them that this was not the case and summarized briefly for Mr. McCloy and the Chief Justice the meeting held last Friday with representatives of the Treasury Department. I mentioned the exchange of letters which had not been entirely satisfactory, the requirements of certain procedures which the Treasury Department wished to draft, and the fact that all work in this area was being held up until these matters could be resolved to

* As appears in original. Should read "soon as."

everyone's satisfaction. The Chief Justice then took the opportunity to express his views. He stated that he would sign nothing like what he understood was being prepared. He indicted quite strongly that he saw no need for the Commission to learn any matters of detail regarding the operation procedure of the Secret Service.

Shortly after this the Chief Justice received a telephone call and left the room and Mr. McCloy addressed a question to me regarding the Commission's function in this area. I made a strong statement to Mr. McCloy expressing my personal views, which I suggested were generally those of the staff on this subject. I emphasized the amount of time that had already passed without any work being done in this area, the need to gain access to detailed information before any recommendations could be made, and the fact that the Commission is missing a great and unique opportunity to make a substantial contribution in the field of security precautions. Either in the course of this conversation or later when the Chief Justice returned to the room, I made reference to the Rowley report to the Secretary of the Treasury. I may well have overstated the extent to which this document referred to the events of the assassination, but I did indicate that Rowley had set forth detailed criticism of Secret Service operations and proposed certain recommendations for improvements in the areas of interest to the Commission. This was the first time the Chief Justice had ever heard of this report and he was obviously disconcerted that it had not been submitted to the Commission. When he returned to the room the Chief Justice and Mr. McCloy engaged in a heated discussion of the report and all the rest of us sat quietly. The two men disagreed rather sharply. Mr. McCloy expressed his view that the Commission should get access to all the relevant materials from Secret Service and then agree to consult with them regarding publishing of these prior to the final report. According to Mr. McCloy, any debate on this matter could be resolved by the President at the appropriate time. The Chief Justice responded that this would put the President on the spot and that if he decided not to release any of this material he would be accused of covering up the investigation of the assassination. The other major concern of the Chief Justice was the fear that if detailed information was made known to the members of the Commission and staff they would be primary suspects in the event of any leak which resulted in another assassination attempt. This discussion ended at approximately 5:30 or 6 p.m.

8. After the above meeting various members of the staff gathered in my office to make their suggestions regarding alterations in the schedule. Present were Messrs. Redlich, Eisenberg, Ball, Belin Stern, Liebeler and Ely. As usual there was considerable debate among the members of the staff regarding the function of the Commission and the definition of what constitutes a thorough job. Apparently during

the day's testimony the Chief Justice had indicated his readiness to receive a clean record and not pursue in very much detail the various inconsistencies. Mr. Ball agreed with the approach suggested by the Chief Justice completely and Mr. Specter thought that we would have to amend our approach to correspond with that of the Chief Justice. Mr. Redlich and Mr. Eisenberg took a strong and articulate contrary view. The long and short of the meeting was that we decided to bring up Mr. and Mrs. Declan Ford on Friday and to explore the possibility of having the medical testimony on Monday and Tuesday.

DIARY

Wednesday, March 11, 1964

1. Early Wednesday morning Mr. Redlich and I filled Mr. Rankin in regarding the meetings of the prior day. Mr. Rankin indicated to me that he was aware of a conversation Mr. McCloy had with Mr. Stern Tuesday evening. During this conversation Mr. McCloy expressed his disagreement with the way the Chief Justice was running the Commission. Primary among his criticisms was the appointment of Walter Craig, which Mr. McCloy stated was made at a time when he was not at the meeting because he had left after he was informed that there was nothing of importance remaining to be done. Mr. Rankin stated that this was not a completely correct version of the events which took place at the questioned meeting.

2. Testimony was taken today of Frazier and Randle. There was considerable debate and some consternation among some members of the staff regarding their testimony concerning the paper sack which they saw Oswald carrying on the morning of November 22. They firmly testified that the sack carried was no longer than could fit between a cupped hand and the armpit, whereas the rifle, even when broken down, is some 35 inches, which is considerably longer than could fit in this position. This confirms, in rather a significant way, the intention of the Commission to pursue a neutral and complete factfinding* mission as opposed to ratifying the FBI report or in fact leaving a public record without inconsistencies.

3. The most important meeting in which I participated Wednesday was a meeting Wednesday afternoon with Mr. Carswell, Chief Rowley, the Chief Justice, Mr. Rankin, Mr. Stern and myself. This meeting was called in response to the Chief Justice's request that he have an opportunity to discuss personally with Treasury representatives the matters discussed the prior Friday and with Mr. McCloy the previous day. It was a unique meeting in that I remained quiet from beginning to end. This proved to be a wise course of action. The Chief Justice opened the meeting with approximately a 15-minute presentation in which he stated precisely where he stood in the area of security precautions. He repeated the points that he had made on prior occasions regarding his disinterest in detail and his concern in putting the President on the spot. After he indicated

* As appears in original. Should read "fact-finding."

his position so clearly, Chief Rowley could do nothing but agree enthusiastically. Chief Rowley made many digressions into operations of his Service, most of them irrelevant to the functions of this Commission, but seemingly designed to prove to the Chief Justice the wisdom of his action. For example, Chief Rowley made reference to the efforts made by foreign governments and others to inquire into the actions of the Secret Service and his efforts to restrict these efforts. It seemed clear that Chief Rowley, even more than I might have expected, is reluctant to expose his present procedures to the scrutiny of the President's Commission. Competent as he may be, he gives the impression of being a very average law enforcement official who runs a second-rate agency and doesn't want his deficiencies to be exposed. During the course of the conversation he made reference, for example to the infiltration of the "syndicates" into counterfeiting and suggested that this was another reason why the Commission should not become informed regarding his operations. As far as I was concerned this was just baloney.

Mr. Carswell made some effort to define the issue, but only succeeded in getting Mr. McCloy and Mr. Carswell's boss, Secretary Dillon, into greater disfavor with the Chief Justice. Finally, Mr. Carswell stated that Mr. McCloy had seen Secretary Dillon at the Secretary's request, when it became clear that the Chief Justice was somewhat disturbed that this matter had been discussed in his absence by another member of the Commission and the Secretary. The Chief Justice reaffirmed his decision not to be exposed to the matters contained in the Rowley report to the Secretary which looks toward the future. Mr. Carswell made a strong statement to the effect that the procedures and issues related to Dallas and the assassination could be isolated from the procedures and issues looking to the improvements in the operations of the Secret Service. The Chief Justice bought this completely. (After the meeting, which took about one hour and fifteen minutes, I expressed my views to Mr. Carswell and discussed that this distinction probably would not hold up.) The end result of the meeting was that Mr. Stern was instructed to work with Mr. Carswell and prepare a series of questions and answers which would develop for the Commission the information it needed to know in this area. The memorandum of the conference in my chrono file dated March 13, 1964 sets forth the decision reached at the conference. So far as I am concerned it makes the Commission a public relations adjunct to the Treasury and makes it impossible for the Commission to do any significant work in this field.

When I discussed the meeting subsequently with Mr. Rankin he characteristically had somewhat* more optimistic view. He and I both think that any progress is all to the good and that the question and answer routine may serve to (1) supply the Commission with certain information of value and (2) highlight the issues more sharply so that they may be discussed further. Mr. Rankin still hasn't given up in this area and for this I am grateful. If this next step can be taken in a short period of time it is possible that the full Commission may be able to discuss this matter and come to a conclusion contrary to that of the Chief Justice.

* As appears in original. Should read "had a somewhat ..."

DIARY

Thursday, March 12, 1964

1. I participated in a meeting with representatives of CIA which began shortly after 11 o'clock and lasted approximately two hours. A memorandum of this meeting is in my chrono. file. I consider the CIA representatives to be among the more competent people in government that I have dealt with. They articulate,* they are specialists, and they seem to have a broad view of government. This may be, of course, because they do not have any special axe to grind in the Commission's investigation.

2. A considerable portion of the day was spent in programming our work in the ballistic and other fields with Mr. Rankin and Mr. Eisenberg, dealing with the FBI with regard to witnesses to be called before the Commission, and in planning the schedule of witnesses for the following week with Mr. Rankin and other members of the staff. The result of these negotiations are† set forth in the memorandum to the staff regarding next week's testimony. We are bringing the doctors in early because of the Chief Justice's desires. As a result I am not optimistic that the doctors' testimony will be as complete or persuasive as it might be. Since the Ruby trial is nearing its end, I began initiating work in Dallas for members of the staff and contacted Barefoot Sanders.

3. I went home early and got ready to go to the Attorney General's house for a 6 p.m. cocktail party and buffet supper. After getting a late start and getting lost, I reached the house at about 6:45 p.m. It was an extremely pleasant experience notwithstanding the fact that my wife had to stay at home with the children because she could not get a babysitter. There were approximately 75 to 100 people there, most of whom I knew, the few exceptions being marshals or other persons from out of Washington. There is an exceptional degree of comraderie‡ among this particular group, consisting of Walter Sheridan, the lawyers, Jack, Al McGrath and the others who had worked together over the past years in the Hoffa arena. It is a feeling that I associate with military duty and one which I always prize and want to retain. After dinner there was a short presentation where all the members of the staff who were in Chattanooga were

* As appears in original. Should read "They **are** articulate ..."

† As appears in original. Should read "is."

‡ As appears in original. Should read "camaraderie."

singled out for compliments and applause and Walter Sheridan, on behalf of the group, gave the Attorney General a leather-bound book containing the jury verdict and signatures. The Attorney General, I think, was very much a part of the evening and enjoyed it. I think this is the sort of environment in which he feels most comfortable* in these lonely days -- in the midst of a group of men who have worked so hard toward goals which he shares. In accepting the gift he spoke shortly and very sensitively of his concern that unless Hoffa had been convicted the Teamsters Union would have developed into a political and economic force whose power would have exceeded that of the federal government. In speaking of the group and thanking everybody he spoke humorously of the times when Walt would get on the phone and advise him what the next legal step should be and he always told him that he and Walt should go get themselves a couple of lawyers to advise them. During the course of his remarks the Attorney General made reference to "The President" looking down on this effort and being a part of it and it was certainly very clear to the group that he was speaking of his brother. This, plus the sight of the Attorney General by himself looking over the notebook of signatures, gave a poignant and emotional tone to the evening which it is hard to forget. Afterwards I went with some of the group over to Walter's house for fun and games.

* As appears in original. Should read "comfortable."

DIARY

Friday, March 13, 1964

1. Mr. and Mrs. Declan Ford and Peter Gregory testified today before the Commission. Mr. Rankin was in New York and the day was rather quiet.

2. I went to the Department of Justice at 2:30 p.m. to attend a meeting regarding the National Bail Conference with Mr. Geoghegan, Mr. Miller, Mr. Foley, Mr. Freed and Mr. Koffsky. Just before the meeting I stopped in to see the Deputy Attorney General to inform him the discussion* between Secret Service Agent Kelly and the Attorney General regarding the pictures taken at the autopsy. I subsequently learned that the Attorney General refused to grant permission for their release. I passed this information on to Mr. Rankin and we agreed that it should be discussed further by the Commission. I spent some additional time at the Department talking with Dan Freed, Messrs. Foley and Muskett regarding various problems. I then returned to the Commission to address myself to the stack of reports and letters.

* As appears in original. Should read "inform him of the discussion."

Monday thru Friday
March 16-20, 1964

DEAR DIARY:

On Monday, March 16, 1964, Doctors Humes, Boswell and Finck, all from Bethesda Naval Hospital, testified before the Commission. Wednesday, Michael Paine testified and Ruth Paine began her testimony, which was completed before the Commission on Thursday and Friday.

The first two days of the week were filled with discussions with various members of the staff and Mr. Rankin regarding (1) the schedule of testimony before the Commission and (2) the taking of depositions in Dallas. The results of my various conferences with members of the staff regarding testimony before the Commission is* set forth in the memorandum of March 18, 1946,[†] amending the earlier memorandum of March 6 from Mr. Rankin to members of the Commission. The results of my conferences regarding the taking of testimony in Dallas are set forth in my memorandum to Mr. Rankin of the same date. These were extremely tedious and aggravating days, as I tried to make every effort to accommodate the preferences of all the members of the staff and the needs of proceeding at an accelerated rate in order to complete the work of the Commission. This process was complicated by the fact that not all the members of the staff are available to discuss these matters on a full-time basis and because all the witnesses cannot be prepared satisfactorily without interviews on the scene in Dallas.

Late Wednesday afternoon Mr. Rankin had a brief conference with Messrs. Belin, Liebeler, Hubert, Griffin, and me regarding depositions in Dallas. Mr. Specter was in Philadelphia for the day. Mr. Rankin set forth for the members of the staff the procedures which he wanted followed in Dallas, ranging from such matters as liaison with Dean Storey to relations with the press.

Thursday and Friday I was in Dallas. My activities are summarized in the memorandum to Mr. Rankin, with various attachments, dated March 23, 1964.

* As appears in original. Should read "are."

† As appears in original. Should read "1964."

Monday, March 23, 1964

DEAR DIARY:

On Monday I returned to a desk full of reports and correspondence which had accumulated during my absence. Between numerous conferences with Mr. Rankin and telephone calls to members of the staff in Dallas it was almost impossible to diminish this stack of materials during the day.

Late in the afternoon I joined Mr. Rankin for a portion of his meeting with Mr. Malley of the FBI. Mr. Malley carried the complaints of the Director regarding two matters: (1) the alleged taking of depositions of Depository employees at the same time signed statements were being obtained by the FBI, and (2) the reluctance of the Bureau to have its experts testify on such matters as ballistics, when the Commission intended to hear the testimony of non-Governmental experts as well. At Mr. Rankin's request I responded to item one by informing Mr. Malley that depositions had not been taken, but that employees had been interviewed last Friday by members of the staff preparatory to their appearance before the Commission this week. I did indicate, however, that depositions of other employees would be taken, but that this would be done possibly sometime next week, after we had obtained from the FBI the signed statements requested in an earlier letter. Mr. Rankin explained the position of the Commission on item number two and stated that the Commission had directed him to secure additional experts to appear before the Commission. Mr. Rankin explained that the Commission is under considerable criticism for depending exclusively on the work of the FBI and that this effort is desirable both from the Commission's point of view and the Bureau's point of view. Mr. Malley stated that he would carry these views back to the Director.

I had lunch with Peter Fishbein, currently Deputy Chief in charge of the International Secretariat of the Peace Corps. Mr. Fishbein is a Harvard graduate and a former law clerk of Justice Brennan, who is interested in moving from his present job and securing a legal job in government. He and I discussed the present possibilities within the Criminal Division.

March 24, 25, and 26, 1964
(Tuesday, Wednesday & Thursday)

Dear Diary:

My principal work of these three days was concerned with facilitating the taking of testimony before the Commission and by depositions in Dallas. We had established a practice of receiving a daily report in Dallas, at my suggestion, so that we would have a record of the depositions we have taken. Progress there is very good, after an initial difficulty with reporters was overcome with the assistance of United States Attorney Sanders. In addition, there has been a minor problem with District Attorney Wade with Mr. Griffin's handling of a member of the Police Department.

Mr. Rankin indicated that he intended to deliver the letter to the Federal Bureau of Investigation asking detailed questions about their reports in person to Mr. Malley. I do not know whether this has been done. This is a letter prepared by Mr. Stern and concurred in by me which will probably cause some problems with the Bureau.

The rest of my work on these days is generally reflected in the chrono. copies of letters written on behalf of Mr. Rankin. There is increasing discussion among members of the staff regarding the nature of the final report, and Mr. Redlich will distribute to the staff another outline for comment. Hopefully, the various suggestions regarding the final report can be discussed at one or more staff meetings and resolved prior to the initial writing.

DIARY
Friday, March 27, 1964

Dear Diary:

At 2:30 today I joined Mr. Stern and Mr. Slawson for a visit at the CIA. Mr. Stern went off to discuss with Mr. Rocca of CIA certain files of that Agency from which materials had been supplied to the Commission. This was in lieu of receiving from CIA complete duplicates of these files and was in accord with the agreement reached at the meeting earlier in the month with Mr. Helms and other representatives of the Agency.

Mr. Slawson and I discussed with Mr. Helms and Mr. Whiten* the status of the Mexican investigation and the alternatives with regard to further investigation. The long and short of this conference was that neither Mr. Helms nor Mr. Whiten was of the opinion that anything of importance could be developed at this time in Mexico but that representatives of the Commission should probably make the trip to satisfy themselves as to the scope of the investigation already conducted by the Federal Bureau of Investigation and the Mexican officials. It was clear from the conversation that, although the CIA station in Mexico City would be of assistance, the primary investigative responsibility in Mexico City belongs to the FBI.

More detailed memoranda regarding these discussions are contained in my chrono file.

* As appears in original. Spelled as both "Whitin" and "Whiten" in this entry.

DIARY
Monday & Tuesday
March 30 & 31, 1964

Most of my time on these days was spent in facilitating the depositions in Dallas, moving the papers across my desk, and miscellaneous matters.

On Monday Evening* I had a short discussion with Mr. Rankin about the Final Report in which I suggested to him my concern in that we were underestimating our capabilities to produce a complete and documented report. I suggested to Mr. Rankin my strong conviction that we should publish as much material as possible simultaneous with the Final Report. I also indicated that I thought the manpower we currently have available should be employed in preparing comprehensive memoranda on such matters as Oswald's life, etc. as an appendix or supplement to our Final Report. Mr. Rankin responded to these suggestions very favorably. We agreed that these matters should be discussed further at a staff meeting.

On Tuesday morning Mr. Rankin informed me that the Chief Justice was coming over in the afternoon and had been asking for an outline of the Final R^Eport.† I indicated to Mr. Rankin that we were not prepared to supply the Chief Justice with a draft outline, but he said we would have to in any event. At that point Mr. Redlich came in and joined the conference. After discussion of the prior memoranda and my suggestions, Mr. Redlich and I went off to produce, if possible, a draft outline of the Final Report upon which we could agree. We worked for three or four hours on this project and completed the draft dated March 31, 1964.

A considerable portion of my time these days is involved in daily discussions with members of the staff concerning their projects and "loose ends". I am trying as hard as I can to anticipate the pressure of time during the next few months and to insure‡ that all investigative steps have been taken in order to facilitate the submission of our Final Report. By and large we are on schedule. The greatest gap is in the area of security precautions where important policy decisions still remain to be made.

* As appears in original. "Evening" should not be capitalized.

† As appears in original. Typographical error.

‡ As appears in original. Should read "ensure."

DIARY
Tuesday, April 14 thru
Friday, April 17, 1964

I returned from Mexico City Monday night and came to the office Tuesday. On Tuesday morning Mr. Slawson and I reported to Mr. Rankin regarding the Mexican trip. In the middle of this report the Chief Justice joined us and we repeated the substance of our report for his benefit. A more detailed summary of my activities in Mexico City during the period from April 8--April 13 will be found in the memorandum on this subject in my file. In short, we told Mr. Rankin and the Chief Justice that the trip was very satisfactory in that it (1) clarified certain facts which had not been accurately relayed to the Commission regarding certain of Oswald's activities in Mexico City; (2) enabled the Commission to request from the Mexican government a report of its investigative work on this matter and (3) permitted sufficient contacts for frank and detailed discussions with American representatives abroad so that the Commission is in a better position to make an informed judgment on this matter than it otherwise would have been.

On Wednesday, the after results of the Mexican trip began to affect me. The bulk of the day was given to preparation of an agenda for a Commission meeting scheduled for the following day.

I stayed home Thursday and returned to work on Friday, the day when Mr. Rankin was in New York with Mr. Liebelier taking depositions in* behalf of the Commission of certain officers and members of the Communist Party, Socialist Workers' Party and the Fair Play for Cuba Committee.

At this point in the Commission's work the principal problem is one of maintaining momentum so that all the investigative work can be completed and work can begin on the Final Report. Most of the members of the staff have completed their depositions, with few exceptions and they are beginning work on the editing of the transcripts.

* As appears in original. Should read "on behalf ..."

DIARY
Week of April 20

On Tuesday, April 21, I had lunch with Don Oberdorfer at his request to discuss an article he is writing on Hoffa.

On Wednesday, April 22, I had lunch with Mr. Miller and Bill Hundley and was filled in on developments in the organized crime field. Subsequently I went per arrangements to discuss the National Bail Conference with Dan Freed. At this time I took the opportunity to visit with Deputy Attorney General Katzenbach and fill him in on some of the current work of the Commission. I raised with him the question before the Commission as to the extent of the material to be published and also certain problems regarding Ruby. He indicated he was being kept informed by Mr. McCloy as to what was going on in the Commission, and also that he believed that the Commission should publish as much as possible.

On April 23, Mr. Slawson and I went to visit Mr. Crimmins in the State Department regarding the possibility of a request to Cuba through neutral channels re Oswald's Mexican trip. A memorandum regarding this meeting should be prepared by Mr. Slawson and in my chronological file. Subsequently I went to the Department to prepare and attend a meeting with the Solicitor General regarding a petition for certiorari in the Sixth Circuit Kelly case and the Seventh Circuit Bell Telephone case, which I argued. After considerable discussion the Solicitor General indicated that he did not wish to petition for certiorari. Mr. Miller and I decided the matter was not sufficiently important to take up with the Attorney General.

Most of the week at the Commission has been involved with the normal work of the Commission as we complete the investigative work and turn our attention to the transcripts and Final Report. I have spent considerable time with all the members of the staff trying to urge that the transcripts be completed as quickly as possible. Progress memoranda from all the members of the staff, with the possible exception of Messrs. Ball and Belin, have been submitted to Mr. Rankin. This week Mr. Rankin attended two conferences with GSA and GPO people regarding the printing of the Commission report. As he related these meetings to me they were very favorable and gave me reason to believe that the report can be published by GPO within the time allotted. So far as he indicated to me it was the decision

of the Commission to proceed along these lines. However, he has indicated that the sentiment of the Commission was to publish as much material as possible. I expressed to Mr. Rankin my thoughts on Wednesday this was progress of an important sort and that we could afford to deal with any minor problems at this point if we could proceed along these lines in publishing all this material.

On Friday, April 24, beginning at approximately 11:30 a.m. we held a 2-hour long staff meeting. In my chronological file I have a copy of the brief summary of the meeting prepared by Mr. Mosk. The meeting was an impassioned one as usual, but everyone remained in good humor. Mr. Rankin reported to the staff generally all the tentative arrangements made with GPO and it was agreed that preparation of the transcript of the testimony before the Commission should be given precedence so that it can be supplied to the printer in the very near future.

There was considerable debate as to the extent of the transcripts, documents and exhibits which could be published with the Final Report. I expressed my views as to the effect that any effort to publish all of the data would only delay publication of the Final Report. Mr. Rankin, apparently expressed* the concerns of the Commission, opined that we should not cite materials in the Final Report which are not simultaneously published. I took issue with this and stated my views that the public did not expect this, and would be overwhelmingly satisfied by publication of the transcripts and exhibits, so long as the Commission indicated that additional material would be published and that a skeleton staff would be assigned to this project. During the meeting and subsequently, in conversations with Mr. Redlich and me, Mr. Rankin still seemed to feel that there should be no reference in the Final Report to materials which are not published simultaneously. I argued with him considerably about this and believe that I may have persuaded him that such references are entirely appropriate. However, we have agreed to distributing a memorandum to the staff asking that any materials currently not in the transcript or exhibits upon which the member intends to rely heavily should be identified and made part of the Commission record so that it can be published. Mr. Redlich is working on this memorandum.

There was also considerable anguish expressed at the staff meeting regarding the poor status of our index. After discussion with Mr. Rankin I am going to try to make some additional effort along these lines.

* As appears in original. Should read "expressing."

Friday afternoon Mr. Rankin and I met with Dr. Goldberg and Mr. Arthur K. Marmor, Chief, Documentary Branch, Publishing Services Division, State Department, to discuss what assistance Mr. Marmor may be able to supply the Commission in the way of source checking. I have subsequently discussed this matter again with Dr. Goldberg and Mr. Redlich. We agreed that we should have persons other than staff members assigned the responsibility of source checking.

DIARY

Monday - Wednesday
April 27 - 29, 1964

On Monday,* April 27, 1964 I made several calls relating to our filing system, the results of which are incorporated in a memorandum subsequently prepared to Mr. Rankin reporting my progress in trying to bring our files up-to-date.

On Monday afternoon Mr. Stern and I went to the Federal Bureau of Investigation for an appointment with Assistant Director Tavel. The purpose of the meeting was to discuss informally the filing system currently maintained by the Bureau prior to making any recommendations regarding liaison between investigative agencies. We had addressed a very general letter to the Bureau regarding this meeting and it was clear from the Bureau personnel in attendance that they were quite quizzical and apprehensive about our purposes. In addition to Mr. Tavel and Mr. Malley, there were present two additional Bureau supervisors, including one for records and one from Domestic Intelligence and also Mr. Belmont, the Assistant to the Director. Mr. Stern outlined some of the specific questions we had, such as procedures for conducting name checks, extent to which evidence in Bureau files could be made available by categories or criteria to Secret Service, etc.

Mr. Tavel gave a brief but useful description of the routing, classifying and filing procedures maintained by the Bureau. He emphasized the number of name checks conducted every day, which he estimated ranged about 10,000 or so, and also emphasized the fact that the Bureau's system was set up to handle the needs of the Bureau. He emphasized that the work is organized on an individual case basis and that the filing system is basically a name index rather than a subject index. We asked questions about the internal organization of the Bureau and afterwards Mr. Belmont supplemented Mr. Tavel's presentation by running down the ten (10) divisions of the FBI and summarizing the work of each. We had considerable discussion regarding the functions of the Bureau supervisor. The FBI personnel made it clear that the primary responsibility in each case rests with the agent in the field and that the supervisor has from 800 to 1,000 cases which precludes very careful supervision of any one case so long ad† it appears to be progressing satisfactorily.

* As appears in original. Typographical error.

† As appears in original. Should read "as."

After this discussion we went on a tour of their facilities. The FBI personnel were completely frank and responsive to our questions. They clearly emphasized, however, the superiority of their system to others and indicted that they had not mechanized their system as yet because there were not adequate IBM machines available to do the job. They stated that (1) no machine could handle the information contained in the five million index cards currently in the Bureau's system which had to be queried many thousands of times a day and (2) they emphasized that the file clerk would frequently have to exercise his own judgment regarding the request and that a machine would not eliminate the need for the exercise of human judgment in many cases. Mr. Stern and I did not press this topic since we were not experts in the field and thought that it was not necessary.

After the tour we returned to Mr. Tavel's office and continued the discussion particularly in relation to Presidential Protection. Mr. Belmont brought up the fact that the FBI had altered its criteria in this field subsequent to the assassination and expressed his personal and institutional opinion that the Bureau might have gone too far. Mr. Belmont expressed the potential import on the civil rights of persons who were suspect* of posing a threat to the President. He gave as an example of such acts a case where information was supplied by the FBI to the Secret Service which in turn supplied it to a local police force. The policeman subsequently, based on this information, asked three people not to go out on the day of the President's visit and indicated that if they did they would be accompanied by a policeman. According to Mr. Belmont at least one of these persons has consulted a lawyer as to any legal remedies on this infringement of his rights.

At the conclusion of the meeting we indicated that we wanted to reflect on what we had learned and that we might call upon the FBI for a subsequent meeting to discuss the matter further.

On Tuesday, April 28, I reported, along with Mr. Stern to Mr. Rankin regarding the meeting the previous day with the FBI. In addition, I conferred with Mr. Rankin and Mr. Slawson regarding his future course of work in area 4. At Mr. Rankin's suggestion, it was decided that any further depositions by Mr. Slawson should be delayed until after he has prepared a rough draft of the Russian portion of the Final Report.

* As appears in original. Should read "suspected."

At 2:30 p.m. I participated in a meeting with Mr. Malley and Mr. Gauthier of the FBI, Inspector Kelley of the Secret Service, Mr. Rankin and Messrs. Belin, Redlich, Eisenberg and Specter. The subject of the meeting was the problem of further work in Dallas to ascertain with greater precision the range of probabilities regarding the location and timing of the three shots fired by the assassin. Both the FBI and the SS prior to the meeting had indicated to Mr. Rankin (and the Chief Justice) their reluctance to go down to Dallas with any sort of further reenactment of the assassination. This meeting was the culmination of many months of work by members of the staff, particularly Mr. Redlich, Mr. Eisenberg and Mr. Specter, regarding the films and medical testimony. From the very beginning Mr. Rankin had been less persuaded than these that it was necessary to decide these problems with greater precision. Just prior to the meeting, however, Mr. Redlich had finally put his views into memorandum form which I believe persuaded Mr. Rankin that some effort was necessary if the Commission wanted to make assertions in its report which coincide with the physical facts. The greatest priority is to determine whether or not a shot at frame 190 in the Zapruder film could have been fired by the assassin from the 6th floor without interference from the tree. Until the testimony of Governor Connally it was not hypothesized that the first shot occurred at such an early point in the film.

The meeting went on for more than two hours, certainly twice as long as was necessary to set forth the issues. Every time Mr. Specter tried to emphasize what the important issues were, Mr. Eisenberg chose to elaborate and complicate the issues and suggested that he at least wanted to make more precise judgments concerning location and timing. Mr. Rankin emphasized the inability of the Commission to make such precise judgments. Every time Mr. Rankin made such an observation Mr. Malley confirmed this and generally expressed skepticism about the entire project. I expressed myself near the end of the meeting as being in favor of asking the FBI and/or the Secret Service to return to Dallas to ascertain an answer to the single question stated above. At the end of the meeting Mr. Malley informed us that the official Bureau position was opposed to such further investigation but that if the Commission were to request it the Bureau would consider doing the work. It was decided that a letter should be drafted requesting the work be done by the FBI, upon the basis of which Mr. Rankin could again approach the Chief Justice on the subject.

On Wednesday, April 29, Mr. Rankin was in New York. Most of the time on Wednesday and the two prior days was spent in talking to the various members of the staff concerning their progress in editing their transcripts of testimony before the Commission and by deposition. Mr. Rankin's conferences with the printer had made it clear that we were moving faster than any of the staff had expected. I wrote a memorandum dated April 29 to members of the staff concerning this.

DIARY

Thursday, April 30, 1964

On April 30 at 11 a.m. Mr. Rankin, Mr. Stern and I met with Mr. Belmont and Inspector Malley from the Federal Bureau of Investigation. This meeting was in response to an earlier invitation from me to Mr. Malley to get together with Mr. Stern and me to discuss some problems which I anticipated would arise in the testimony of FBI Agents Fain, Quigley and Hosty. I explained over the telephone (probably on Wednesday, April 29) that I thought we could resolve these issues, but I thought it would be desirable to discuss them beforehand. Mr. Malley called me Thursday morning and indicated that he wanted Mr. Belmont to join us, at which point I arranged for the meeting to be held in Mr. Rankin's office so that he and Mr. Belmont might both discuss the problems involved.

We reviewed the various FBI reports prepared by the three agents and discussed with the FBI the inclusion of these reports as exhibits in the Commission records. Mr. Stern singled out several items from the reports which he thought might provide some problems for the FBI. In response Mr. Belmont indicated that the Director of the FBI had given firm instructions that the Bureau was to cooperate with the Commission in any way possible. Mr. Belmont said that that was a decision for the Commission and that the Bureau would interpose no objection to the publication of these reports. As to most of the points raised by Mr. Stern, such as references to confidential informants by code and critical comments regarding various persons in the investigation, Mr. Belmont said that the Bureau did not have any problem. We did agree, however, that the FBI would review these reports in greater detail and advise us prior to the Tuesday testimony whether or not they would prefer that certain portions of these reports not be made public.

We also discussed with Mr. Belmont and Mr. Malley the problem of the FBI file dealing with Oswald prior to the assassination. We explained the Commission's interest in having access to this file so that it could be stated on the record that the Commission was aware of everything in the file and that there was nothing there that contradicted the Bureau's stated position as to its relationship with Oswald. Again Mr. Belmont stated that the file was available to the Commission. He did indicate that there were some materials in the file which the FBI would not like published. He made particular reference to the identity of confidential informants and some coded material contained in the file. We assured him that we were [not]* interested

* Does not appear in original. Dictation or typographical error.

in having these materials made public. It was agreed, either at this meeting or the one the next Monday, that the FBI would submit to us officially a brief itemization of each document in the file which we would introduce into our record. (It was subsequently decided, either Friday or Monday, to request Mr. Belmont to bring the entire file with him to his testimony so that the Commission might examine it during the course of the hearing.)

Also during this meeting Mr. Belmont indicated that the Bureau was reluctant to have the depositions taken of the agents who conducted the investigation into the Mexican trip. He explained that investigations by the FBI agents in Mexico are done only with the tolerance of the Mexican officials and that any publicity regarding this accommodation might subject the Mexican government to criticism. We informed him that we had made no firm decision on this matter and would probably seek to discuss it further with him prior to making any decision as to depositions. During the course of the meeting Mr. Belmont spoke also of the new criteria applied by the Bureau regarding the reference of names to the Secret Service. He spoke, expressively as usual, regarding the FBI's concern for civil rights and the fact that this extended program may well subject the FBI and the government to increasing criticism. It was at this point that Mr. Belmont was asked whether or not he would be willing to be a witness before the Commission and he indicated that he certainly was available to do so.

The meeting was a very successful one in my view and reinforced the impression Mr. Rankin and I have had since the beginning to the effect that the Director of the FBI has taken action to see that this Commission's investigation is to be aided in every possible way.

Sometime during the day, perhaps the previous day, I learned that the personnel from the Government Printing Office was scheduled to begin work on the transcript Friday, May 1. The Commission met on Thursday and discussed several of the items listed on the agenda, which I prepared after consultation with Mr. Rankin. The meeting lasted for several hours. When the meeting ended at approximately 6 o'clock, I did not immediately confer with Mr. Rankin. About 6:30, however, as I went out I noticed that Mr. Belin and Mr. Liebeler were in the conference room talking with Mr. Rankin. I joined them and was told by Mr. Belin and Mr. Liebeler that there was shocking news awaiting me and to take a seat. After doing so Mr. Rankin, in a very tired and chastened mood looked at me in such a way that I knew the Commission had reached another of their impossible decisions. Such was in fact the case. Mr. Rankin informed me that the Commission had decided not to publish the transcript simultaneously with the Final Report. Apparently the chief consideration was one of expense and there was not extensive

consideration of the policy issues between members of the Commission who discussed the matter. I asked him immediately how many of the Commission were present and voted on the issue. He replied that only three were present - The Chief Justice,* Mr. Dulles and Mr. McCloy. I indicated to him quite briefly that this was a decision which could not be permitted to stand, and I could see that he felt very much the same way. The Commission members had indicated to Mr. Rankin that they would reverse themselves if the Congressional members of the Commission voted otherwise. Mr. Rankin planned therefore to contact Senator Russell and the other Congressional members as soon as possible on Friday morning. It was no good however to engage in any harangue on the subject although Messrs. Belin and Liebeler were certainly inclined to do so. By this time in the work of the Commission, Mr. Rankin and I enjoy sort of a brotherhood in adversity and have managed to overcome other adverse decisions of the Commission. It was hoped that we could do likewise here. Before I left that evening I contacted the Deputy Attorney General's office to see if I could see him on this matter the next day. I was informed that he was out of town and I made an appointment for 9 a.m. Monday morning. That night we invited Mr. Belin, Mr. Slawson, Mr. Liebeler and his wife to the house for dinner where we managed to enjoy ourselves without too much discussion of the work of the Commission.

* Capitalization as appears in original.

DIARY

Friday, May 1, 1964

First thing Friday morning I learned that Mr. Rankin was out to see Senator Russell. He returned at approximately quarter to ten. He informed me that the trip had been successful. Senator Russell had indicated very clearly that the entire transcript should be published as soon as possible without regard to expense. Mr. Rankin subsequently contacted all the other Congressional members who agreed with Senator Russell. When he conveyed this information to the Chief Justice, Mr. Dulles and Mr. McCloy they all agreed that the position of the Congressional members should be adopted. As a result, before the noon hour was even reached the decision had been reversed and we were proceeding to supply the Government Printing Office personnel with the transcripts. As a matter of fact I had to tell the GPO at 9 a.m. not to begin work because of some "budgetary" considerations. However, Mr. Rankin later in the afternoon re-contacted them and got them back on the job.

DIARY

Monday, May 4, 1964

At 9 a.m. I spent a few minutes with the Deputy Attorney General. I informed him of the decision and reversal of the decision on the publication issue. I spoke to him briefly about calling Buchanan before the Commission. He seemed to believe that this was not necessary. I also spoke to him about the Ruby matter and he thought that the Commission should contact the proper people and see whether Ruby was still available.

I also discussed with him whether he would be interested in having someone else in the Department see the material at the Commission, especially the principal reports and documents, etc. I thought perhaps he felt that because of my presence at the Commission the Department would be compelled to endorse the Final Report when it came out. After a moment's reflection Mr. Katzenbach expressed his view that he did not want to see the report prior to publication and that my position at the Commission would not prejudice the Department or the Attorney General so far as their response to the report was concerned.

Sometime during the morning Mr. Stern asked me to join a scheduled meeting with Mr. Belmont and Mr. Malley. It was at this conference that Mr. Belmont presented an itemized list of items in the file concerning the Bureau's relationship with Oswald. I believe it was at this meeting that we agreed that the confidential documents from the files need not be produced into the Commission's public record. However, we did agree that Mr. Stern would go down to the FBI that evening and review the file and contrast it with the summary list to see that all the items were reflected on the list. It may well have been at this meeting that I asked Mr. Belmont to bring the file with him when he testified on Wednesday, which was the tentative date set. After I left the room Mr. Stern spent a considerable part of the day talking to each of the three FBI agents in turn and briefing them for their appearance before the Commission the following day.

DIARY

Tuesday, May 5, 1964

I spent most of the day in the hearing room listening to the testimony of the three Federal Bureau of Investigation agents. Although the Chief Justice had a different opinion I thought that the day's testimony went well and that the record developed by the Commission on the issue of the FBI relationship to Oswald prior to the assassination is a good one.

At the end of the day,* prior to going home to vote, I joined a conference in Mr. Rankin's office. Present were Mr. Rankin and Messrs. Belin, Redlich and Eisenberg. We were later joined by Mr. Ball and Mr. Stern. Most of the discussion centered about the need to return to Dallas for further investigative work to decide upon approximations of the distances and locations of the various shots. Mr. Rankin had not yet put this matter to the Chief Justice for decision. Mr. Belin expressed his strong view that our record on the firearms testimony, particularly as to the amount of time within which the shots could reasonably have been fired by Oswald, was not as good as we might have desired. In fact Mr. Belin stated that after reading our record on this subject he was inclined to believe that Oswald did not fire the three shots within the 5-1/2 second.† Mr. Eisenberg, of course, took issue with this to some extent and stated that he believed that the testimony did show that it was possible for Oswald to have fired the three shots although it would have been a difficult assignment for someone with Oswald's degree of marksmanship. Mr. Belin desired, and I concur, that further testimony on this subject be elicited particularly if the Dallas project is completed and produces some new facts which would be the basis upon which to conduct some additional tests.

During this same meeting I asked Mr. Rankin what was decided about Mr. Stern's area. The Commission had decided at its April 30 meeting that we could go further into the area of Presidential protection than had been contemplated by the Chief Justice. But the decision was apparently made, however, that material such as the Rowley report and other studies under way at Treasury should be made available only to Mr. Rankin and not to members of the staff. After some discussion of this Mr. Rankin authorized Mr. Stern to prepare a letter to Secretary Dillon setting forth the arrangements upon which the Commission desired to have access to these studies and related materials. Mr. Rankin indicated that he hoped to persuade the Commission to let him designate a member of the staff to assist him in this area.

* As appears in original. Should read "the day."

† As appears in original. Should read "seconds."

DIARY

Wednesday, May 6, 1964

On Wednesday, May 6, 1964, Mr. Belmont of the Federal Bureau of Investigation testified. I did not attend, among other reasons because apparently the Chief Justice had commented at my presence in the hearings the prior day. Sometime during the day, I believe in the morning, Mr. Rankin indicated that he had secured the approval of the Chief Justice for the Dallas project. During the day he tentatively decided that this work should be done in Dallas Monday and Tuesday, May 18 and 19. At the Chief Justice's decision, however, Mr. Rankin was to take personal supervision of the project. He reserved decision as to whether anyone other than himself and Mr. Specter should be involved with the work on the scene.

Sometime during the day I discussed with Mr. Rankin the most recent memorandum prepared by Dr. Goldberg. I suggested to Mr. Rankin that it would be desirable for him to ask Dr. Goldberg to start writing some draft portions of the Final Report. He agreed and I drafted the memorandum on the following day when Mr. Rankin was out of town.

DIARY

Thursday and Friday
May 7 and 8, 1964

These two days I continued work on the project of preparing a memorandum from Mr. Rankin to the Members of the Commission setting forth the names of the witnesses deposed by members of the staff. At my request earlier in the week most of the staff had supplied brief summaries of the testimony which could be incorporated into this memorandum. As a result of the work on this project I never got to two of the other projects which Mr. Rankin and I agreed should be done. First, a draft rebuttal to Mr. Buchanan whose book in the English version was published in London during the week. The other project which I was to begin working on was a draft of an introductory chapter in the report which might describe the formation and operation of the Commission and incorporate some of the material contained in a draft portion of the report which was supplied me* by Mr. Rankin and apparently drafted by the Chief Justice, although Mr. Rankin did not want this known.

The memorandum to Dr. Goldberg was delivered on Thursday after he had left and he called me as soon as he received it Friday morning. He indicated that he had learned his lesson and said that he would never write another memorandum. I think that Mr. Rankin and I really should have decided several weeks ago which portions of the report should be assigned to Dr. Goldberg so that we could take advantage of his presence to turn out as many portions as possible of the report.

On Thursday, I had lunch with Dan Freed, Mr. Sturz and Mr. Subin to discuss the Bail Conference. Subsequently, I returned to the Department and spent considerable time with Mr. Miller. I ended up being in a conference with Messrs. Sheridan, Cassidy, and Neal regarding the trial of the Osborne case scheduled for May 20. It was agreed that we would not agree to a continuance as requested by defense counsel and would try to get Mr. Hooker to try the case along with Mr. Neal.

I went to the ball game Thursday night.

* As appears in original. Should read "supplied to me ..."

On Friday I continued work on the memorandum setting forth the names of the witnesses deposed by members of the staff and also consulted with the members of the staff regarding additional proposed witnesses to appear before the Commission and to be deposed. On the basis of their recommendations I prepared a memorandum Saturday, May 9 to Mr. Rankin from me which I will discuss with him on Monday, May 11.

DIARY

Week of May 11, 1964

This week was the first of two weeks during which I spent considerable time at the Department of Justice, since Bill Foley was on military duty at the Pentagon. Actually the work of the Department was very slight. On several days I went to the Department in the morning and came to the Commission in the early afternoon when Bill Foley would come over from the Pentagon to assume responsibility for getting out the daily report.

At the Commission this was generally a week of little accomplishment. Most of the men were very hesitant in beginning to write and were filling their time with thinking of new investigative matters to be completed.

On Thursday, May 14, 1964, I went with Mr. Rankin and Mr. Eisenberg to the Government Printing Office. We discussed with Mr. Mortimer the printing of our transcript in some detail. We then took a short tour of the facilities at the GPO which was very interesting. I returned to the office, having missed a 3:00 o'clock appointment with Mr. Sasser, to find that additional rooms were made available on the fifth floor for expansion.

On Friday I had an opportunity to review a memorandum dated May 14, 1964 to Mr. Rankin from Messrs. Hubert and Griffin regarding further investigation in the Ruby area. I disagreed with most of their suggestions. I took violent issue with Mr. Griffin in the morning and with Mr. Hubert in the afternoon and enjoyed myself thoroughly in the process. Although I was prepared to have investigative requests made, Mr. Griffin suggested that this not be done since he understood from Mr. Rankin that the Ruby area was to be the subject of discussion with the Commission. I held up and said that I would discuss it further with Mr. Rankin.

DIARY

Week of May 18, 1964

Monday morning early I went to discuss with Mr. Rankin the status of our drafting of the Final Report. In his absence the prior Friday I had taken the opportunity to review with several attorneys their current status. I reported to Mr. Rankin on Monday in the most pessimistic terms. I told him that it was not only impossible to have a draft by May 20, but that it was very unlikely that he would have a workable draft of the entire report for several weeks. I thold* him that the principal areas of difficulty were areas 3, 4, and 5. I suggested to Mr. Rankin that we call the responsible attorneys in and discuss their writing schedules. He agreed and we met with Mr. Liebeler and Mr. Griffin separately. Mr. Jenner was taking a deposition and Mr. Hubert was on military duty at the Pentagon. In both instances Mr. Rankin questioned the men about their writing and insisted that they turn their attention immediately to writing portions of their Final Report. These meetings were fruitful, in my estimation, and are the only effective way of supervising the attorneys on the staff.

Monday night I went to a seminar at the Institute on Policy Studies to hear a discussion by a psychiatrist and psychologist as to the causes of crime and the nature of criminals. These matters all strike me as increasingly irrelevant, which shows how far I have come since my academic days.

On Thursday, May 19th I received a call from Mr. William Manchester, the Connecticut writer who has been designated by the Kennedy family to be the official writer regarding the assassination. Mr. Manchester had been trying to contact Mr. Rankin unsuccessfully and was apparently referred to me by Angie Novello in the Attorney General's office. I set up an appointment with Mr. Rankin for Mr. Manchester for 2:00 o'clock.

In response to Mr. Manchester's invitation we had lunch together. He impressed me as a quiet, competent, and thorough writer. We discussed at great length the scope of his responsibilities and the extent to which they overlapped the work of the Commission. He emphasized that his interest went far beyond the events in Dallas and that he had just begun work on that particular phase of his

* As appears in original. Should read "told."

assignment. During the course of his conversation he stated that he had met with high officials in Washington with regard to the assassination and the following few days when the control of government transferred from President Kennedy to President Johnson. Without divulging any details he indicated that the feelings of many people ran very high regarding some other people and as a result he did not feel free to publish ever some of the information which he now had recorded. He told me that the story announcing his appointment was somewhat miscast in the news and that his appointment should not interfere with the work of the Commission. He was selected because of his relationship with the family and as a result many sources have been open to him because of Mrs. Kennedy and the Attorney General.

We discussed the problem of taking the testimony of Mrs. Kennedy. He said that she had talked to him at great length about the assassination and the subsequent events and was on tape regarding these matters. Apparently she made a variety of very frank comments about people in the course of her recollections. Mr. Manchester said that she had expressed great interest in the newspaper reports to the effect that she was going to be called before the Commission. I told him precisely what the situation was on this matter. He indicated that she really had very little to contribute. He states that she was looking away from the President at the time of the first shot and turned only when she heard the Governor squeal. According to Mr. Manchester she then turned and saw the President get hit in the head and fall over onto her. She does not remember climbing out of the car onto the back.

Mr. Manchester said that he could not publish his work until five (5) years from the date of the assassination unless Mrs. Kennedy and she alone allowed him to publish at an earlier date. He told me that his tentative timetable was to complete his research by the end of this year and then have a draft of his manuscript by the end of 1965. This would mean, of course, that he could not publish at the very earliest until sometime in the middle of 1966.

We went to the Commission offices together and met with Mr. Rankin. Much of the above was covered in the discussion with Mr. Rankin. It was clear from his conversation that there had been some misunderstanding. Mr. Manchester had told me that the Chief Justice had discussed with him whether Mr. Manchester, on behalf of the Kennedy family, might review the work of the Commission and satisfy the family that the investigation was adequate. Mr. Manchester indicated to me that he was very reluctant to assume this responsibility

and was prepared to play it coy in the event he was requested to do this. Mr. Rankin, on the other hand, thought that Mr. Manchester's request* was to have access to our material prior to their general availability to other persons interested in the assassination. This Mr. Rankin indicated he did not feel was wise.

As a result of this meeting Mr. Manchester was somewhat confused as to what, if anything, he was to do. We spoke on the phone after the meeting. I apologized for the apparent confusion and said that I would try to clarify the situation if I could. Mr. Manchester stated that he just intended to sit and did not intend to press further for access to the materials.

On Wednesday, May 20 I had lunch with Fred Rowe. We discussed everything at great length, particularly vacations and travel, but stayed conscientiously away from discussion concerning whether I was interested in returning to the law firm or whether the law firm would be interested in having me.

On Thursday, May 21, after a 3-1/2 hour meeting, at which I was not present by choice, the decision was made on the matter which has been called the Dallas Project. It was agreed that Mr. Rankin, Mr. Redlich and Mr. Specter would go to Dallas to conduct an on-the-spot investigation designed to clarify the distances and locations at which the shots took place. Apparently it was a total victory for Mr. Redlich and Mr. Specter since the decision was also made to have the Secret Service ship the follow-up car there for use in the investigation.

Mr. Rankin requested on Thursday that I make arrangements to have the Secret Service Agent named Bolden, who was arrested in Chicago, interviewed as to what information he might have regarding improper conduct by Secret Service agents.

On Friday, May 22 I had an approximately 1-1/2 hour meeting in the morning to plan the work of the Commission for the next few weeks. We agreed that District Attorney Wade and Sgt. Dean would be called to testify next week if it could be arranged. We agreed that effort should be made to arrange for the testimony of Marina Oswald, Secretary of State Rusk, Mark Lane, Chief of Secret Service James J. Rowley, FBI Agent Shaneyfelt, and Ronald Simmons during the week of June 1. We discussed at some length the problems of Mrs. Kennedy and the Attorney General and I disagreed regarding the handling of Mrs. Kennedy, primarily on the issue as to whether or not the interview could be conducted in such a way, and edited in such a way, so as to avoid any embarrassment to her or to the family. Mr. Rankin is particularly concerned by the

* As appears in original. Should read "request."

information supplied by Mr. Manchester to the effect that Mrs. Kennedy interlaces her recollections of the assassination with her recollections of various public figures. Mr. Rankin instructed me to talk with the Attorney General about his proposed statement to be submitted to the Commission. I indicated, reluctantly, that I would do this.

I told Mr. Rankin that I thought Mr. Hubert should take depositions in Dallas near the end of the week of May 25. He agreed and I subsequently discussed with Mr. Hubert which depositions he should take.

Mr. Rankin and I also discussed with Mr. Slawson the proposed letter from the Chief Justice to the Secretary of State regarding the request to the Government of Cuba. Mr. Slawson and I explained the background of the matter and Mr. Rankin said that he would take it up with the Chief Justice as soon as possible. During this same period we discussed the timetable in area 4 and Mr. Rankin subsequently made a telephone call to Mr. Coleman trying to encourage him to work more diligently on Commission work.

DIARY
Thursday
June 4, 1964

I met with the Attorney General today along with the Deputy Attorney General for approximately 35 minutes.

This meeting was a result of a conversation I had with Ed Guthman on Thursday, May 28, and a subsequent meeting with Ed and Deputy Attorney General Katzenbach on Wednesday, June 3. I had gone to Ed Guthman originally in order to bring to his attention the problems of securing the testimony of Mrs. Kennedy and resolving the question of the Attorney General's own participation in the Commission investigation. When I finally did get to see Ed he and I had a very satisfactory conference of 45 uninterrupted minutes concerning these two issues. He agreed that Mrs. Kennedy should be questioned and said that he would take it up with the Attorney General. We also considered the appropriateness of an appearance of the Attorney General before the Commission or a statement in which he would express his confidence in the Commission and inform the Commission that he has no evidence in his possession of any domestic or foreign conspiracy. In Ed's view, such a statement might serve to reduce the need for the Attorney General to make a statement to the public after the report of the Commission is published. Ed said that he would discuss these matters with the Attorney General* after the weekend (during which the family was going to be busy on various matters having to do with the President's birthday) and would contact me the next week.

He called me on Tuesday, June 2 and told me that he had discussed the matter with the Attorney General. He asked me to bring the Attorney General the questions which were to be asked of Mrs. Kennedy and also to draft a statement along the lines of our prior discussion. I did this and brought them to discuss with him the following morning, June 3. After a brief discussion he decided we should talk with Mr. Katzenbach about these matters and we went to his office for approximately one half hour. Mr. Katzenbach reviewed the questions and found them, as might have been expected, somewhat too detailed. In the course of discussing the Attorney General's own participation, Mr. Katzenbach suggested a third alternative which would consist of an exchange of letters between the Commission and the Attorney General. In his opinion, a letter from the Attorney General would meet the needs of the Commission and also justify a decision of the Commission not to call the Attorney General as a witness. I had prepared a statement for their review and they all agreed that the statement was a sterile and unsatisfactory device. It was agreed that the three of us would try to see the Attorney General as soon as possible. An appointment was

* As appears in original. Should read "General."

originally made for 2:00 o'clock on Wednesday afternoon, but was cancelled and another appointment made for 11:15 today, Thursday, June 4.

The Attorney General was quite cordial and easy to speak to about these problems. He asked me what we wanted to ask Mrs. Kennedy about, reviewed the questions and found some of them a little less significant than others and indicated that he would make the necessary arrangements. He asked my advice as to how it should be handled and I stated that I thought the Chief Justice and Mr. Rankin should be present with a reporter. He indicated that he was perfectly willing for the Chief Justice and a reporter to be present as well as himself, but that he wished to reserve judgment until he met Mr. Rankin and saw how Mrs. Kennedy responded. He said that it could be set up either for the next day or the following Friday.

As to his own participation he indicated that he did not wish to be a witness although he did not come out and state this. He did express himself as being willing to do anything necessary for the country and thought that his making a statement about the non-existence of a conspiracy would be desirable. He took a look at the draft letter and found it inaccurate in that he had never received any reports from the F.B.I. in regard to the assassination and that his only sources of information about the investigation were the Chief Justice, Deputy Attorney General Katzenbach and myself. He stated that he was perfectly willing to make a broad and definite statement regarding his confidence in the Commission and the adequacy of the investigation based on the reports he has received from the Chief Justice, Mr. Katzenbach and me. We left it that I would draft these letters and that we would proceed along this course of action.

During the course of the conference he asked me about the Commission's work and I told him that the Commission was doing a good job. He asked whether we were going to be critical of the Secret Service. I replied that I thought we would be. He asked about the F.B.I. and I stated that the Commission would be critical to a much lesser extent. I did volunteer the view that the Commission was not meeting the difficult issue, namely, whether the assignment of Presidential protection should be transferred from the Secret Service to the F.B.I. He said that he thought they should analyze this issue. He expressed his own view that he did not believe that the Secret Service was very capable although he had reservations (as did Mrs. Kennedy) about the F.B.I. too. Mr. Katzenbach expressed his view that the F.B.I. would be much better suited to handle this responsibility than the Secret Service. The Attorney General told me to tell the Commission to consider this issue.

DIARY

Week of June 8, 1964

On Monday, June 8 I had a discussion with Mr. Rankin about the status of the Final Report. At this time I had had the time to review a prior draft prepared by Mr. Specter reporting on Area 1, although a final draft was being prepared by Mr. Specter and was not ready for distribution. I told Mr. Rankin that I thought my function during the next several weeks in the course of preparing the report would probably be to make his life unpleasant. I told him that I did not feel anything should go to the Commission unless it measured up to the standards of the two of us and Mr. Redlich. I urged, furthermore, that no one should be viewed as having final responsibility for any one section, but that for continuity of style as well as quality of the final product I thought it was important that different portions of the report be written by more than one person.

Specifically, I expressed my feeling that the Foreword, which I had been working on, should be reviewed and rewritten by Mr. Redlich. Mr. Rankin asked that I make minor corrections in this draft and we agreed that I would then distribute it to the staff and have their comments funneled in to Mr. Redlich for his subsequent handling. I also expressed my disappointment with the summary which had been prepared by Mr. Redlich and recommended that the summary not be presented to the Commission in its present form. I recommended that the Commission should deal initially with the individual chapters dealing in detail with the problems of our report, saving consideration of the summary chapter until the final stages of the Commission work. Mr. Rankin seemed to agree with this and we agreed that I would prepare another draft of the summary.

Subsequently Mr. Redlich was requested to join us and we considered reorganization of the material presented by Mr. Specter in his report. This had been the subject of an extensive debate between the three of us during the prior week as I recall and that at that time neither Mr. Rankin or* Mr. Redlich felt that the entire discussion dealing with the source of the shots should be isolated for separate treatment which would leave a prior chapter consisting

* As appears in original. Should read "nor."

basically of a narrative of events as they occurred on November 22. In this conversation Mr. Rankin took the initiative and raised the same question with Mr. Redlich. It soon became clear that Mr. Rankin was persuaded that this was the way the material should be organized and Mr. Redlich did not protest strongly. As a result I was given the responsibility to reshape that material incorporating what seemed appropriate from Mr. Stern's draft on Presidential protection and Mr. Ball's material into the draft prepared by Mr. Specter. I worked on this project during the remainder of the week and copies of the two revised chapters bearing the date June 13 were distributed to the Chief Justice and the concerned members of the staff on Monday, June 15.

During the week there also was a discussion of Mr. Ball's treatment of the evidence against Lee Harvey Oswald. On Tuesday there was a discussion between him and Mr. Redlich which upset Mr. Ball considerably since it appeared that his material was being reworked during his absence. Throughout the rest of the week Mr. Ball campaigned extensively with everyone on the staff and several members on the Commission to have his treatment of the material approved. Either on Tuesday afternoon or Wednesday morning Mr. Rankin, Mr. Redlich, Mr. Ball and myself met to discuss the problem. Mr. Redlich tried very hard to be diplomatic and minimize the extent of his differences with Mr. Ball in handling this material. Mr. Ball really didn't seem to recognize the extent of the differences and maintained that his handling of facts was every bit as competent as Mr. Redlich's. Mr. Rankin tried to arbitrate, but was really not in a very good position to do so. The end result of the meeting was that Mr. Ball and Mr. Belin were given the opportunity to prepare a final draft and were free to incorporate or reject any suggestions which were made by Mr. Redlich or myself. There was no question in my mind that the Ball-Belin draft was not sufficient and I was in substantial agreement with Mr. Redlich with the changes in organization and substance that had to be effected.

Mr. Rankin was not in the office on Friday, June 12 or Monday, June 15. We talked over the telephone on Friday and he asked me to send certain materials to the Chief Justice the following Monday, which I did shortly after 12 o'clock. On Friday, June 12 I sent to the Deputy Attorney General a copy of the letter mailed from the Commission on June 11 to the Attorney General and also sent the Deputy a copy of the proposed response from the Attorney General which I had prepared.

DIARY
Tuesday
June 16, 1964

On Tuesday afternoon I met with Mr. Rankin and Mr. Redlich and reviewed the status of the Final Report. By areas the situation appeared as follows:

Area 1. We discussed briefly the reorganization which I had effected in the draft prepared by Mr. Specter. I t* was generally agreed that the chapter should be revised along these lines and that further polishing was necessary. We discussed who should have the responsibility for this and it was decided to ask Mr. Specter to assume this job. On the basis of a telephone conversation with Mr. Specter on Monday I had asked him to come to Washington on Wednesday to consult with Mr. Rankin and discuss his draft. We decided to ask him to revise these drafts further, and footnote them appropriately, drawing upon Mr. Stern for such assistance as seems appropriate.

Area 2. We discussed the Ball-Belin situation, Mr. Ball having left for California Tuesday afternoon for several days. Mr. Redlich had prepared an alternative outline dealing with the chapter of the evidence against Lee Harvey Oswald. He and I had discussed this outline over the past few days and were in general agreement as to its desirability. We still have some problem dealing with the proper placement in the report of the material dealing with the press and the Dallas Police Department, and also the refutation of some of the allegations made by Mark Lane and Buchanan so far as they relate to items of evidence. It was decided that Mr. Redlich would proceed to draft this chapter of the report along the plans of his outline during the next several days.

Area 3. Mr. Rankin reported that Mr. Jenner had been given a "Dutch Uncle" talk by the Chief Justice and he had promised to have his report submitted by Friday (as a matter of historical significance it should be noted that the prior week Mr. Jenner had promised his report for the Friday of that week). I reported to Mr. Rankin and Mr. Redlich that I had received an outline from Mr. Mosk dealing with Oswald's life following his arrival in the United States and the plan was apparently for Mr. Jenner to write this portion of Oswald's life. We discussed the work being done by Mr. Liebeler on motive and it was agreed that Mr. Rankin would discuss with Mr. Liebeler his timetable.

* As appears in original. Should read "it."

Area 4. Mr. Slawson had discussed with me earlier in the day, and apparently with Mr. Rankin, his writing schedule. Mr. Slawson has carried a substantial burden and done a very fine job for the Commission. He has been handicapped by the fact that Bill Coleman has not been able to spend very much time on Commission work. It was agreed that adequate assistance should be made available to Mr. Slawson. After the meeting I arranged for Mr. Mosk to work on a 50-50 basis for Mr. Slawson and the following day I requested Mr. Pollak to assist by reviewing and revising a preliminary draft dealing with the Mexican investigation. Hopefully most of the written material in Area 4 should be available for review by the week of June 22.

Area 5. Area 5 remains the most substantial problem. The extent of the problem in this area was first disclosed to all of us, I believe, on Tuesday, May 26 when we had the discussion with Mr. Hubert and Mr. Griffin on the brief introductory portion of their report dealing with the Jack Ruby background. It became clear at this point that the attorneys in this area had not had a sufficient investigation and had no clear thought as to what the substance of their report should consist of. The following weeks resulted in much agonizing about the situation and a directive to get all the investigative requests out to the FBI as soon as possible. The situation has been aggravated by the fact that the Chief Justice was upset when he learned of Mr. Griffin's difference of views with Sgt. P. T. Dean of the Dallas Police Department. Mr. Griffin was instructed to turn out a draft from the Ruby area immediately. Since that point Mr. Griffin, aided by a new law clerk, Mr. Murray Laulicht, has worked long hours and tried to turn out a draft. He had done about 40 pages at this point, consisting of introductory materials, discussion of the security precautions by the Dallas police for the transfer of Oswald and the question of Ruby's entry into the basement. According to Mr. Griffin it will take him at least two more weeks to turn out a finished draft. This is considered unsatisfactory by Mr. Rankin but no one has any suggestions as to how to effectively aid in the preparation of this draft. Mr. Hubert has long since left the Commission and incurred the hard feelings of Mr. Rankin and the Chief Justice as a result. Mr. Rankin said that he would contact Mr. Hubert and ask him to take charge of the remaining depositions to be taken in Dallas on the weekend after next.

Area 6. I reported to Mr. Rankin and Mr. Redlich Mr. Stern's current position. Mr. Stern is currently in the process of drafting his section on recommendation[†] in the area of Presidential Protection. After Chief Rowley testifies on June 18 he plans to incorporate this material into his report and plans to have his Rinal[‡] Report during the week of June 22. I mentioned to Mr. Rankin and Mr. Redlich my belief that the Commission had to deal with the question of transferring the responsibilities of the Secret Service to the FBI in the field of Presidential Protection. Neither of them seemed particularly enthused about discussing this issue in the Report.

Other materials discussed at the meeting included sending a letter to Mark Lane, getting out a subpoena to Weissman for the next week, handling of TV tapes, printing of the report, etc. I also filled Mr. Rankin in on my discussion with Newsweek and the Philadelphia Inquirer regarding their treatment of our Final Report after its publication.

* As appears in original. Should read "3."

† As appears in original. Should read "recommendations."

‡ As appears in original. Should read "Final."

DIARY
Wednesday
June 17, 1964

Wednesday morning I made an appointment to see Deputy Attorney General Katzenbach at 2:15. I met him at that time and discussed the following three matters with him.

(1) I brought for his review an edited copy of Mrs. Kennedy's testimony before the Commission. I had reviewed this with Mr. Rankin earlier in the morning and made some editing changes. I described some of the trouble spots to the Deputy who indicated that he would be prepared to go considerably further in editing the transcript than had been done by Mr. Rankin and myself. I left it for him to consider and to give to the Attorney General for his approval prior to publication.

(2) I spoke to the Deputy regarding the need for an appropriate member of the staff to gain access to the photographs made at the autopsy which the Attorney General was reluctant to have anyone see. At this time the Attorney General had agreed that the pictures could be seen by the Chief Justice, Mr. Rankin and one of the autopsy doctors. I told Mr. Katzenbach that Mr. Rankin had no need or interest to see these pictures, but that it was important that one of the members of the staff, Mr. Specter, who had been working in this area, be given access to these pictures. I mentioned the fact that Mr. Specter was known to the Attorney General as the prosecutor who tried the Ray Cohn case in Philadelphia and indicated to Mr. Katzenbach that he was a reliable person. Mr. Katzenbach said he would discuss it with the Attorney General on Friday, June 19, when the Attorney General returned to town.

(3) I raised with Mr. Katzenbach the problem of the Attorney General's response to the letter from the Commission dated June 11. I suggested to him that I would prefer that the letter not be answered immediately. I mentioned to him that I expected there would be a considerable difference of views between the Chief Justice and the staff regarding the quality of the report to be published.

I mentioned that I intended to fight for a report I considered satisfactory, and indicated that a delay in sending this letter would bolster my position. I also mentioned that I would prefer that the Attorney General not go on record until I heard some report regarding the Soviet defector. Mr. Katzenbach apparently was aware of this matter. We agreed that Mr. Katzenbach would hold the letter while the Attorney General was in Europe from June 23 to June 30. Although it was not specifically mentioned, the inference was that the Deputy Attorney General would contact me before the letter was sent to the Commission.

I subsequently went to visit with William Manchester at the Archives Building. After a brief conversation we returned together to the VFW Building where I gave him copies of the lists prepared of persons who had appeared before the Commission and had been deposed. He took these lists with him for review, prior to making any requests of the Commission for addresses of these persons, or for any of their testimony.

DIARY
Friday
June 19, 1964

Mr. Rankin was out of town today and it was a particularly hectic one. During the course of the day I prepared letters to the two television stations in Dallas requesting use of their video tapes and a letter to Mark Lane requesting that he return from Europe prior to July to appear before the Commission.

Much of the day and the prior day had been spent editing a draft of the initial portion of the Ruby chapter. My desire was to be able to submit this portion as part of the weekly delivery to the Chief Justice on Friday afternoon. It became clear early Friday afternoon that the draft would not be in adequate shape and I was extremely frustrated. I did end up sending over two drafts prepared by Mr. Coleman and Mr. Slawson dealing with Oswald's life in Russia and his contacts with the State Department.

DIARY
Saturday
June 20, 1964

I received a call this morning from Mr. McCloy who asked me whether there were any materials which could be sent him.* I told him that Mr. Rankin had mentioned this to me the day before and I had planned to send him some on Saturday or Monday. He asked whether, since he was in town, it would serve any useful purpose for him to come to the Commission office.

He did so and we spent some 45 minutes together while copies were being made of various drafts. I reviewed with him the work of the report in the various areas. Specifically I mentioned such problems as dealing with the transfer of the Secret Service responsibilities to the Federal Bureau of Investigation and the need for the Commission to at least consider this issue. I mentioned the trouble areas as being areas 3 and 5. I outlined to him the reorganization that had been made in Chapter 2 and Chapter 3 and also the disagreement regarding the handling of the material in the projected Chapter 4. He did not express himself on many of these issues. He was interested in knowing why Marina Oswald had not been cross-examined more rigorously, why former Mayor and Mrs. Cabell had not been deposed, etc. I told him about some of the recent testimony of Marina Oswald, the need to conduct more investigation on the Irving Sport Shop matter, the subpoena of Bernard Weissman, and the taking of the Fifth by Surry during the prior week.

* As appears in original. Should read "sent to him."

DIARY
Monday
June 22, 1964

On Monday morning I reviewed with Mr. Rankin a variety of topics including the following:

(1) The Ruby polygraph problem. Mr. Rankin stated that he was required to write a letter to the Director of the Federal Bureau of Investigation before this could be done.

(2) I reported on the service of the subpoena on Weissman and the need to obtain a local lawyer to represent him on Tuesday. (Subsequently such a lawyer was obtained, a Mr. Flannery - DI 7 2882, and I put him and his client in contact with each other.)

(3) I reported to Mr. Rankin on my conversation with Mr. McCloy. Mr. McCloy called Mr. Rankin during our conversation and made some comments about the drafts which he had received on Saturday.

(4) I told Mr. Rankin that the letters went out to the TV stations and suggested that he might want to call the Presidents or Managers of the TV stations in Dallas.

(5) I brought to him the matters which needed decision prior to printing, including such matters as the inclusion of Miss Scobey's name, approval of the prefatory materials and decisions which had to be made regarding deletions.

(6) I suggested to him that he call former Mayor and Mrs. Cabell and see when their depositions could be taken. Mr. McCloy had said they were going to Europe.

(7) I reported on my conversation with Mr. Hubert on the prior Friday and the arrangements to take further depositions in area 5 in Dallas on Friday and Saturday of this week.

(8) I presented for his consideration a letter prepared to the FBI by Mr. Griffin asking further* investigation as to Ruby's communist affiliations. I stated that I believed that it was too broad. He agreed.

* As appears in original. Should read "prepared by Mr. Griffin to the FBI asking for further ..."

DIARY
Wednesday, Thursday & Friday
June 24, 25 and 26, 1964

On Wednesday morning, from approximately 10:30 a.m. until noon, Mr. Redlich, Bert Jenner and I met with the Chief Justice. This was an extremely important meeting.

On the prior evening, before he left for New York, Mr. Rankin discussed with the Chief Justice the question of a Commission meeting to consider draft sections of the report. The Chief Justice expressed to Mr. Rankin his desire to have a meeting as quickly as possible, i.e., Thursday, in view of the fact that Mr. Ranking* was not going to be in Washington on Wednesday. The Chief Justice told Mr. Rankin that he wanted to have the Commission decide the basic questions involved in the writing of the report and then have the staff prepare a draft of the report based on these decisions. This thought was prompted in part by the fact that a few Commissioners had apparently commented to the Chief Justice and Mr. Rankin that certain matters were discussed in the drafts although the basic decisions had not been made by the Commission. The Chief Justice's approach was designed to make clear that the Commission was responsible for the decisions, and that the staff would write the report based upon these decisions. When Mr. Rankin told the Chief Justice that he would not be in town the Chief Justice said that he would talk with myself and Mr. Redlich to assist us in preparing the questions for Commission decision. Mr. Rankin suggested over the phone that Mr. Jenner be present as well, primarily because of the relationship between the Chief Justice and Mr. Jenner and the desire to provide Mr. Redlich and myself with someone of senior status.

On Wednesday morning Mr. Redlich and I outlined some of the questions which we thought the Commission might wish to decide. We decided not to present this list to the Chief Justice, but rather to see what he had prepared and wished us to consider. We also jotted down notes of a table of contents for the report. Mr. Rankin had given us instructions that we were free to try to talk the Chief Justice out of the meeting on Thursday and establish it rather for a subsequent day if we wished to.

* As appears in original. Should read "Rankin."

At the beginning of our meeting the Chief Justice read off some 40 or so questions that he had prepared earlier that day. The questions pertained principally to the facts of the assassination, and the identification of the assassin, and were quite detailed and appropriate. He asked us what we thought of his approach. We indicated that we thought this would be a useful way for the Commission to consider some of these questions. We did suggest to him, however, that in some instances the Commission might feel that they needed some discussion of the evidence before they could resolve the questions. The Chief Justice thought this might be true on only a few of the questions. He also stated that if exposition of the material would be desirable, he thought that the staff should attend the meeting and be prepared to assist the Commissioners in resolving any of these questions.

It was approximately at this time when we informed the Chief Justice that not all the members of the Commission had received the drafts which he had received. I told him that Commissioners Ford, Dulles, McCloy had received selected drafts, and that Senator Russell's representative had received almost everything that had been prepared. This meant, however, that Commissioners Boggs and Cooper had not received any of the drafts. The Chief Justice became extremely mad. He said that he had instructed Mr. Rankin to see that every Commissioner received everything that he had received. Mr. Redlich and I were somewhat taken aback, Mr. Redlich more than myself since I was personally aware that the Chief Justice had made such a request to Mr. Rankin. We stated that we had not received any instructions to so distribute the material. At this point the Chief Justice realized that the purpose of the meeting could not be accomplished if the Commissioners did not have the material. It was about this time he was called out of the room to either take a call or talk with Mr. Helms of the CIA. During the interim I went to talk with Mrs. Eide and found that she had not received any instructions to call a meeting for the following day. I came back into the room and when the Chief Justice returned this information was conveyed to him by Mr. Redlich and I thought he was going to have a heart attack and then he became very quiet and disheartened. It was clear that he felt that he had been deceived and that everyone was making it difficult for him to complete this job on time. It was either here or a little later that the Chief Justice said "Well, Gentlemen, we are here for the duration." By this I presume that he meant that because we had not distributed the drafts and the Commissioners could not consider the material, the work was going to stretch on for months.

At this point in the conversation both Mr. Redlich and I tried very hard to soothe the Chief Justice and persuade him that all was not lost. Mr. Redlich suggested that we have the meeting on Monday. We promised that we would distribute all the material to the Members of the Commission by the end of the week. We discussed the table of contents and told the Chief Justice how much material could be distributed. He did not seem particularly persuaded that this was any kind of accomplishment. We did our best to bring the meeting to a conclusion as quickly as possible.

Two other things happened that are worthy of mention.

(1) There was some discussion during the meeting concerning Oswald's motive. The Chief Justice expressed his view that the Commission should not try to determine his motive with any precision. He did allow, however, that we could spell out alternatively* motives. At this point in the conversation Mr. Jenner, who generally sat very quiet during the meeting, said how relieved he was that the Chief Justice felt this way. Mr. Jenner reported to the Chief Justice that he had filled his wastepaper basket with his writings dealing with motive because of his inability to fix on any certain motive. The Chief Justice and Mr. Jenner congratulated each other on their mutual agreement. Mr. Redlich and I could scarcely control ourselves under these circumstances since we knew that Mr. Jenner had not put pencil to paper on any part of the report. (2) When it was discussed that the members of the staff should join the Commission at their meeting, the Chief Justice said that we should find something else for the beatnik to do. By this he was referring to Mr. Liebeler's luxurious red beard. After a moment of silence I spoke up and said that Mr. Liebeler was doing a good job for the Commission. Mr. Redlich stated that we all have different ways of expressing ourselves. Mr. Jenner stood mute. The Chief Justice was not persuaded and said that he did not mean Mr. Liebeler was doing no good by the Commission, and his beard might antagonize some of the conservative members of the Commission. We all dropped the subject at that point.

After the meeting, Mr. Redlich and I went out to lunch. When we returned we decided to confer with Mr. Jenner and Mr. Liebeler, which we did. As a result of this discussion, which was noisy as usual, it was decided that Mr. Liebeler would finish up his motive section for distribution on Friday. It was agreed that Mr. Jenner would assume complete responsibility for the conspiracy section. We called Mr. Rankin and reported to him on our discussion with the Chief Justice.

* As appears in original. Should read "alternative."

Following this Mr. Redlich and I decided on our division of responsibility. It was agreed that I would continue work on the narrative for Mr. Redlich to edit and Mr. Redlich planned to continue work on the rewriting of the Ball-Belin piece. The next few days were extremely hectic and tiring as we made an effort to edit and duplicate such material for distribution to the Commission on Friday. The results of this work are shown in the individual memoranda to the Commissioners from Mr. Rankin dated Friday, June 26, 1964. On Friday afternoon the Chief Justice came to talk with Mr. Rankin. At the time I delivered the material to him. Afterwards Mr. Rankin told Mr. Redlich and myself that the Chief Justice was not particularly impressed.

DIARY
Monday
June 29, 1964

On Monday morning there was a staff meeting beginning at 11 o'clock and lasting until shortly before 1. The purpose of this meeting was to discuss with the staff some of the draft portions of the report and to discuss the participation of the staff in the Commission meeting which was scheduled for Monday afternoon. By the end of the staff meeting it was known to many of us that the Commission did not intend to meet with the staff at least at the beginning of its meeting and it was likely that, in fact, the Commission would not meet with any members of the staff at any time during its afternoon session.

There was discussion at the staff meeting regarding the table of contents which had been prepared and distributed to the Commission. In the course of this there was discussion about the chronology and the study of Oswald's finances. It seemed to be agreed that no detailed chronology should be inserted in the appendix although there was a difference of opinion as to whether a summary chronology would serve a useful purpose. I expressed the view that so far as the finances of Oswald were concerned a brief summary should be prepared for the appendix. There seemed to be no disagreement on this point although there was the opinion expressed by Mr. Liebeler, among others, that a more extensive document should be made an exhibit and eventually published.

Mr. Liebeler also raised the question of a subject matter index to the report and transcript to be published. He urged this be done. He did not, however, address himself to the question as to who should do it and when. Mr. Rankin said that this matter should be discussed by the Commission. I suggested that this could be done by Archives after our report was published and that we should not be concerned about it at this time.

There was some discussion about deletions from the transcript, and the opinion was expressed by many that no deletions should be made. Mr. Rankin suggested that I distribute the memorandum prepared by Mr. Pollak, which I did the following day.

There was considerable discussion of things remaining to be done before publication of the report. Among other items discussed were the following: (1) the taking of additional depositions; (2) the securing of TV tapes and films; (3) the source checking of our materials; (4) the thoughtful review of the transcript by members of the staff; (5) the editing of the drafts, and (6) the securing of the necessary clearance from various agencies prior to publication. Some of the members of the staff expressed their view that all these tasks could not be accomplished by the August 1-10 scheduled publication date.

The meeting then turned to a rather sharp discussion regarding the interrogation of Marina Oswald. It was suggested by some, including Mr. Jenner and Mr. Coleman, that Marina had not been vigorously cross-examined. By implication these men were very critical of the Chief Justice and Mr. Rankin by their handling of Oswald's widow. Mr. Rankin was really unable to respond effectively to this charge and Mr. Redlich assumed the responsibility of defending him. All that Mr. Redlich could say, really, was that the critics could not really point to any specific instance where they thought that such cross-examination would have elicited* new information and that, in any event, it was clear from her previous testimony no great reliability should be placed on her testimony. The members of the staff who spoke on the subject were not particularly gentle with Mr. Rankin.

Monday afternoon the Commission met and considered, among other things, the list of questions which I had prepared and distributed to them the prior week. All of the members of the staff remained available throughout the afternoon and their discontent mounted as it became apparent that no members of the staff would be invited to discuss the report with the Commission. At about 6:30 the word came out that the members of the staff were free to leave, which a few did.

The remainder of us waited until the meeting was over which was about 6:45. At that time I let† a group of approximately 6 staff members, including Messrs. Specter, Ball, Liebeler, Griffin, Coleman, Redlich and myself, into Mr. Rankin's office to hear his report on the meeting. Mr. Rankin indicated that the Commissioners had done a considerable amount of reading and that the meeting had gone well. He said that they had resolved the first 51 questions and did not‡ unanimously, reserving decision on a few matters. He made notes of the meeting which he subsequently had transposed and distributed to Mr. Redlich and myself. A copy of the Commissioners' rulings is contained in my chronological file. During the meeting of the

* As appears in original. Should read "have elicited."

† As appears in original. Should read "led."

‡ As appears in original. Should read "so."

staff that evening Mr. Ball again forcefully remarked on the way things were being handled. He was critical of the way he had been treated as Consultant with the Commission and was critical of the General Counsel and those of us who were involved in the editing process. Mr. Ball has seized every opportunity to gain support of the other members of the staff. For example, when he learned that the Commission was critical of Mr. Liebeler's draft, although they indicated that they all felt it was very well written, Mr. Ball said that he felt that he felt that* Mr. Liebeler's draft was excellent and should be published independently no matter what the Commission thought. Mr. Ball was unable to join us for dinner and Mr. Rankin later indicated to us that he planned to talk with Mr. Ball further before Mr. Ball left for California on Tuesday.

Later that evening, Mr. Rankin, Mr. Redlich and I gathered our forces to see what lay ahead. We discussed the conspiracy chapter and it was decided that Mr. Redlich and I should prepare an outline for Mr. Jenner when he returned from Lake Tahoe on Thursday or Friday. We reviewed a suggested reorganization of the summary of the radio and press material prepared by Mr. Pollak and it was agreed to have him rewrite and incorporate the two drafts into a single chapter. We then more or less agreed that I would write an appendix dealing with rumors and reputation and it appears as though Mr. redlich† may eventually have to write some portion of the conspiracy chapter.

* As appears in original. Duplicate "he felt that" should be deleted.

† As appears in original. Should read "Redlich."

DIARY
Wednesday
July 1, 1964

On Tuesday night we learned that Mark Lane had been stopped by the Immigration Service upon his return to this country Tuesday afternoon and asked whether he had ever travelled to Cuba. Lane discovered that his name was on a "stop" list and made strenuous objection to this fact. At Mr. Rankin's request I made inquiry of the FBI to discover the reason for this. In conversation with Mr. Branigan of the FBI on Wednesday morning I learned that this request had not been made by the Bureau, but had been made by another federal agency whose name would not be revealed to the Bureau agents in New York.

I subsequently called Mr. Noto of the Immigration Service and learned that Lane's name had been on a list given by the State Department. The list proposed to be of persons who had been alleged to have gone to Cuba. The procedures of the Immigration Service are that they are to be asked only the single question whether they have travelled to Cuba. Mr. Noto advised that Lane was indignant and that it was only because of his desire to pursue the matter through Immigration channels that it was pursued at all. Mr. Lane was not informed of the federal agency at whose request his name had been placed on the list.

On the basis of this information I concluded that the Commission had nothing to do with the request and I so reported to Mr. Rankin on Thursday morning.

DIARY

Thursday, July 2, 1964

During the morning the Commission met to consider those questions which it had not decided at its meeting on Monday. According to Mr. Rankin's later report of the meeting there were no major problems except perhaps in the area of Presidential protection. It was during this meeting, I believe, that there was discussion of the transfer problem and Mr. Rankin told me that two of the seven Commissioners were inclined to recommend the transfer of the Presidential protection function to the Department of Justice. I know that one of the two is Mr. Dulles and I think that the other is Congressman Ford. Either at this meeting or later it was decided by the Commission to attempt to reconcile these differences and express no view on the question of transfer. It was decided by the Chief Justice, at least, that the Commission should disavow its competence to consider this proposal.

During the afternoon the Commission heard Mark Lane for the second time. He refused to produce at this time either* the tape recording he allegedly had of a conversation with Mrs. Markham or the other materials requested by the Commission. During the session the Chief Justice suggested that the Commission had every reason to doubt the truthfulness of the statements of Mr. Lane. This statement was picked up and widely publicized. As a result Mark Lane wrote a letter and asked for a public apology from the Chief Justice after he had in fact produced the tape recording of his conversation with Mrs. Markham.

* As appears in original. Should read "either."

DIARY

Friday, July 3, 1964

A considerable part of this day was spent in preparing for the Chief Justice a draft set of conclusions and recommendations. This* Chief Justice was planning to leave the country the following Monday or Tuesday and he wanted to pass on this portion of the report before he left. As a result Mr. Redlich and I worked on Thursday and Friday to produce this document, much of which was written by the two of us with Mr. Rankin present in my office. The circumstances were not the most conducive to enlightened work and the end product was not particularly good. Nevertheless it was completed and delivered to the Chief Justice Friday evening. He submitted his comments to Mr. Rankin at a meeting on Monday, July 6, and Mr. Redlich and I were instructed to incorporate these suggestions the next time around.

* As appears in original. Should read "The ..."

DIARY

Tuesday, July 7, 1964

This was the first day of the United States Attorney's conference at the Department of Justice. I went back to hear the Attorney General welcome the United States Attorneys during the first session in the morning. That evening Susan and I went to the Reception at the Attorney General's home. During the course of the evening the Attorney General asked me about the report. I indicated that we were making every effort to produce it as quickly as possible and hoped that it would be done before the Democratic Convention.*

* As appears in original. Should read "Convention."

DIARY
Thursday, July 9, 1964

There was an all day session on Thursday with three psychiatrists who were asked to consult with members of the staff regarding Lee Harvey Oswald and his background. This was an extremely productive session, and I attended the morning portion of it. As a result of the meeting which was transcribed and is part of the Commission's records, it was decided that the Commission in its report should not attempt any working psychological hypothesis regarding Lee Harvey Oswald. In this respect it was a major victory for Mr. Redlich and a major defeat for Mr. Liebeler who had been hoping that the testimony of the psychiatrists would assist him in including such an* psychological analysis in his chapter on motive.

* As appears in original. Should read "a."

DIARY

Monday, July 13, 1964

I attended a meeting at 11 o'clock in Bill Geoghegan's office at the Department. It was attended by, among others, the Deputy Attorney General, Harold Reis, Dan Freed, Jack Miller and several other people, to discuss the Criminal Justice problem within the Department of Justice. As a result of the meeting it was decided that the Deputy should prepare a recommendation to the Attorney General that he appoint a Special Assistant in the field of criminal justice who would be located in the Criminal Division. There was a sharp difference of opinion whether the office should be located in the Deputy's office or in the Criminal Division. Jack and John Douglas spoke strongly for locating the office in the Criminal Division. Bill Geoghegan and Dan Freed spoke strongly for locating the office in the Deputy's jurisdiction. The arguments were the familiar ones on both sides. When it became apparent to Geoghegan that he was losing the argument he asked me whether I still subscribed to the views I expressed in a memorandum dated April 26, 1963 where I strongly recommended that the office be located in the Deputy's office. I backtracked as gracefully as I could under the circumstances, suggesting that my views had matured during the subsequent year.

I told Jack later that he was one of the few people whom I had ever taken a dive for in public. As a matter of fact, my views have changed on the subject, based largely on what I have observed of Dan Freed and his associates during the last year. I am concerned that the wrong person in the office would speak out for the Department in the field in a way which would be adverse to the law enforcement responsibilities of the Department. I think that the Assistant Attorney General in charge of the Criminal Division should remain the principal spokesman for the Department in the criminal field and that any such Special Assistant should be required to work with the Assistant Attorney General and not independent of him.

Beginning on Monday I started work on revising the Foreign Conspiracy Section of the report which I had received the prior Saturday. This job took some three days and resulted in reducing it from a 90-page draft to approximately 65 pages.

DIARY

Tuesday, July 14, 1964

On Tuesday, the 14th, the panic button was pushed for the umpteenth time at the Warren Commission. This time, however, it was due to the fact that Mr. Rankin had attended a meeting at the White House with Mr. McGeorge Bundy. It was the first time Mr. Rankin had met personally (or even talked with anyone from the President's personal staff),* although I believe there had been conversation with Mr. Reedy about the date of the release of the report to the Newspapers.† As Mr. Rankin reported to me it was decided at that time that the report should be published on Monday, August 10. Mr. Rankin considered this to be an unsatisfactory deadline date and that it was not possible to accomplish, but had apparently not thought‡ he was in a position to influence the decision. It was apparent at the time of the meeting at the White House that the report could not be published on Monday, August 17, when the platform committee was meeting prior to the Democratic Convention.

When Mr. Rankin reported to Norman and myself, the procedure followed along the same lines as previous times when Mr. Rankin took from the desk drawer a yellow pad of paper and started listing things that remained to be done – at the end of drawing up the list Norman and I would parcel out those portions of the material to ourselves and the rest of the staff. It was decided at a meeting of the three of us that Norman and I should not do any original writing if we were to try and meet this deadline. It was decided that the Appendix dealing with Rumors and Allegations, which I had wanted to draft, would be prepared by Dr. Goldberg. It was decided that we should call in Dave Belin to write selected portions of the domestic conspiracy section and that Mr. Specter should be asked to assume responsibility for doing the rifle capability portion of Chapter 4. The thought here was that Norman should complete as soon as possible his draft of Chapter 4 so that he could turn to other editing responsibilities. It was decided to try to get additional people from Government Printing Office for technical editing and I volunteered to obtain two additional people from the Department for source checking.

* Parentheses as appear in original.

† Capitalization as appears in original.

‡ As appears in original. Should read "thought."

DIARY

Wednesday, July 15 thru
Tuesday, July 21, 1964

As a result of the August 10 publication date, this period was one of considerable pressure, aggravation and fatigue. So far as I personally* was concerned, I worked principally on completing a redraft of the foreign conspiracy section and then turned to a redraft of Chapter 2. I started working on Chapter 2 on Thursday, July 16, but did not work very effectively for the next several days. I finished Chapter 2 wometime† on Monday and it was distributed to the Commission. My next major assignment was turning to a redraft of Chapter 8 on Presidential Protection and trying to put Chapter 6 dealing with conspiracy into some sort of shape. Both seemed to have real substantial problems.

During this time I spent most of my time with Norman who stayed and worked late hours during this period. My family was in Detroit and Chicago and as a result of this I went along to dinner with members of the Commission staff, declining invitations from personal friends. The whole operation seemed to become progressively futile during this period and Monday, July 20, when Mr. Rankin returned, Norman and I went in to report to him. I opened the conversation and suggested that the only problem was when Norman and I should tell him that it was hopeless and impossible to meet the deadline. We reported that the writing and rewriting was taking much longer than was anticipated. Both Norman and I indicated that our writing was interfered with substantially by various other assignments. Norman was very busy supervising the footnoting of Chapter 4. I was busy talking‡ with Mr. Goldberg or dealing with the normal flow of material across my desk which did not stop during this period of time. The matter was not helped by a certain member of the staff who threw a temperamental fit because he was deprived of his secretary for approximately 2 or 3 hours when she was asked to assist Mr. Eisenberg.

Late Tuesday afternoon Mr. Rankin had another meetings§ at the white** House. This one was attended by McGeorge Bundy, representatives from the USIA, GPO and State Department. The end result of the meeting†† was that the publication date was set for September 14,

* As appears in original. Should read "personally."

† As appears in original. Should read "sometime."

‡ Not as appears in original. Typographical error caused "t" to appear outside margin.

§ Not as appears in original. Typographical error caused "m" and "e" to overlap.

** As appears in original. Should read "White."

†† Not as appears in original. Typographical error caused "m" and "e" to overlap.

the first Monday after Labor Day. The three considerations apparently influencing this decision were the following:

(1) The difficulties encountered by the Commission in putting the report in final and accurate form; (2) the problems of printing, particularly in light of White House requests that at least 1/2 of the available copies be bound in hard covers and the possibility of repagination of a substantial number of pages; and (3) the problems with getting the most favorable press distribution and reception until after the Democratic Convention and Labor Day.

So far as I could determine this decision was based on these considerations and not on any political considerations. So far as I was informed President Johnson had no concern with the substance of the report and did not prompt this decision. The White House has requested only that the report be as good as it possibly can be.

DIARY

Wednesday, July 22, 1964

Wednesday I wrote a brief memorandum to the Attorney General with a copy to the Deputy Attorney General to inform them of the new publication date. I delivered the memorandum to the Attorney General's office and delivered it to his secretary in view of his absence. I delivered the copy of* Mr. Katzenbach and I chatted briefly with him about the progress of the report. During the few minutes I was there Mr. McCloy walked in and I informed him of the publication date change. He was not particularly pleased and made a comment to the effect that we had not been very well organized over here. I suggested to him that a lot of people had worked very hard and he shouldn't have a mistaken idea about the amount of work that had been done.

* As appears in original. Should read "to."

DIARY

Friday, July 24, 1964

Today was the end of a nearly fruitless week. I had been able to make little progress on the Presidential Protection chapter, in part because of lack of time difficulties* and in part because of my need for a change of pace. My family returned yesterday. At Mr. Rankin's request we held a staff meeting today attended by about ten members of the staff. Not present were the following: Adams, Ball, Belin, Liebeler, Hubert, Griffin, Laulicht, Stern. In their places were some new faces such as Jay Vogelsson, Jim Pipkin (recently from the Supreme Court). Mr. Rankin informed the staff at this time of the change in publication date and there was a brief discussion. Norman and I, at Mr. Rankin's suggestion, had told very few people. He urged the staff to take the weekend off and that was more or less the substance of the meeting. Earlier in the morning I had met with Mr. Rankin and Mr. Goldberg and we had discussed whether the footnotes should be on the bottom of the page or at the back of the book. There are probably more important issues to be discussed.

* As appears in original. Should read either "lack of time" OR "time difficulties."

DIARY
August 17, 1964

This memorandum is dictated on Monday, August 17 and is an effort to recall some of the significant decisions and activity at the Commission during the past two weeks.

On Tuesday, August 4 Mr. Rankin* returned from a conference with the Chief Justice where he discussed the timing of the submission to the Commission of the various draft chapters. He told Mr. Redlich and myself that he and the Chief thought it would be desirable to submit the chapters to the Commissioners in sequential order. He said that many of the Commissioners had commented to him that it was difficult for them to figure out precisely where each chapter went, since they were receiving the draft chapters in helter-skelter order. Mr. Redlich and I did not agree with Mr. Rankin that this was a particularly difficult assignment for the Commissioners, since they had an outline of the entire report and should be able to figure out where the particular chapter would eventually go. Mr. Redlich and I did not believe that our work schedule should be altered so as to accommodate this particular desire of the Commissioners. At this time I was involved in the last stages of completing a revised draft of Chapter 8 on Presidential Protection and then planned to turn to the job of getting Chapter 6 on conspiracy ready in some rough first draft form. Mr. Redlich, I believe, was busy at the time in working either on Chapter 5 or on Chapter 4.

Although Mr. Rankin seemed persuaded by our arguments he came to a different decision later in the day. Late in the afternoon Mr. Redlich informed me that Mr. Rankin had conferred on this matter with Mr. Goldberg and Mr. Marmor. As a result† Mr. Rankin had requested Mr. Goldberg to submit a revised draft of Chapter 4 and had requested Mr. Marmor to submit a revised draft of Chapter 3. Since he had earlier requested us to prepare revised copies of the Foreword, Chapter 1 and Chapter 2 for the Friday meeting of the Commission, it was clear that his assignments of these two additional chapters to Goldberg and Marmor meant that he wished to produce these materials in sequential order for the

* Not as appears in original. Typographical error caused "R" and "a" to overlap.

† As appears in original. Should read "result."

Commission. Mr. Redlich was particularly upset by this decision since he did not feel that Chapter 4 was ready for the stylistic editing that he believed Goldberg could perform and that Goldberg was not in a position to deal substantively with the issues of Chapter 4.

I joined Mr. Redlich in going to Mr. Rankin's office to discuss this matter with him further. Mr. Redlich carried the brunt of the argument and urged strongly that Chapters 3 and 4 not be handled in this way but that rather they would wait until he and I were ready to give them the substantive editing that they required. Although I did not feel as strongly about the matter as Mr. Redlich, I did tell Mr. Rankin that I thought that this was a waste of our resources and that it was not essential that we meet these preferences of the Commissioners, unless they directed us to do so. During the course of this discussion Mr. Rankin made the unfortunate slip of the tongue to the effect that if Mr. Redlich and I had our way we would produce the report "at our leisure." At this point Mr. Redlich and I both became a little upset and suggested to Mr. Rankin that the work we were doing was not being done at our leisure. Mr. Rankin regretted the comment.* Later that evening, after I had gone home Mr. Redlich and Mr. Rankin went out to dinner and Mr. Rankin went out of his way to apologize to Mr. Redlich and commented that he did not intend that Goldberg would rewrite the chapter, but only do stylistic editing of the material for Mr. Redlich's consideration.

The next morning, Messrs. Redlich, Rankin and I discussed the matter further and agreed that we would produce the Foreword, Chapters 1 and 2 for the Commission, following which we would make an effort to turn out Chapters 3 and 4 the following week. After I completed the revised draft of Chapter 8 it was distributed on Wednesday, August 5,[†] I turned my attention to doing the little additional work necessary on Chapter 2 prior to submitting it to the Commission. I finished this work by staying late in the evening on Thursday, August 6.

On Friday, August 7, I turned to the conclusions section of Chapter 1. Since Mr. Redlich was involved in producing another draft of the narrative statement, I handled all the conclusions, whereas previously Mr. Redlich and I had agreed on a division of responsibility under which I was responsible only for the conclusions[‡] and recommendations in the Presidential Protection field. A revision of Chapter 1 was completed in the evening on Friday and sent along with the Foreword, rewritten by Mr. Marmor, and Chapter 2 to the members of the Commission.

* As appears in original. Should read "comment."

† As appears in original. Should be a period ending the sentence, rather than a comma.

‡ As appears in original. Should read "conclusions."

During the week of August 10, I worked primarily on revisions of Chapters 6 and 3. Chapter 6 presented the most substantial problem since considerable* amount of the material had not been written, a great deal had been prepared very poorly by Mr. Jenner and Mr. Griffin. Since I had anticipated that the output from Area 5 would not be of the requisite quality I had asked Mr. Pollak to turn out the portion of the conspiracy section dealing with the Ruby area. He told me that he would have this ready for submission to the Commission on Thursday. He fulfilled his responsibility very well. I had also worked with Mr. Slawson during the previous week and over the weekend to make sure that we had a foreign conspiracy section of the Chapter which would be satisfactory. Also over the prior weekend I had turned for the first time to the draft of Chapter 4. As a result of my review of this chapter I prepared a lengthy memorandum to Mr. Rankin setting forth my criticisms of the chapter. I was surprised to find that I had so many, but I thought it was my duty to make these suggestions before Chapter 4 went into another draft. On Tuesday afternoon the Commission met to consider the drafts of the Foreword, Chapter 1 and Chapter 2. They also had before them at this time the Chapter 8 dealing with Presidential Protection. Mr. Rankin subsequently told us that the Commission approved the Foreword and Chapter 2 with only minor suggestions so that these materials were now approved for submission to the printer. The Commission did decide, however, to postpone decision on Chapter 1 until the remainder of the text had been considered.

According to Mr. Rankin there was an extensive discussion at this meeting regarding transfer of the Presidential Protection function to the Department of Justice. Mr. Rankin reported that four of the Commissioners there took strong positions and opposed the transfer. These included Messrs. Boggs, McCloy, the Chief Justice, and Russell (?). Commissioner Dulles apparently kept to the subject for more than an hour in an effort to persuade his fellow Commissioners that another decision should be reached on the matter.† but he was unsuccessful. Mr. Rankin also indicated that the Commission had set another meeting for the following Friday.

* As appears in original. Should read "since a considerable ..."

† As appears in original. Should be a comma, instead of a period.

By the time the meeting ended on Tuesday, we had put together a complete Chapter 6, which certainly would win no prizes. Mr. Redlich had helped considerably in bringing together certain material submitted by Mr. Belin and Mr. Jenner and I dealt with the other material in a hasty way on Tuesday prior to and during the meeting.

During this week, as during the prior few weeks, a considerable portion of my time was spent in dealing with the technical problems of getting the testimony and exhibits of the Commission into print. At this point I was exercising final approval as to the prefatory material, making decisions as to the handling of exhibits, the location of particular testimony in the volumes of the report, etc.

At this point in the work of the Commission, it looked as if we had an outside chance of meeting the deadline of August 20, at which time all the materials had to be presented to the printer in order to be submitted to the White House by September 1. The principal problems were Chapter 6 and Chapter 7 dealing with motive, which Mr. Liebeler was still wrestling with. This chapter, basically not a very difficult one, had occupied all of Liebeler's time for the last three months and still was not in shape acceptable to Messrs. Rankin, Redlich and Myself. This was, however, one of the chapters which Mr. Redlich was assigned editing responsibility and subsequently I did not keep informed as to the progress of the work. This was also a period of time during which long hours were being spent, particularly by Mr. Redlich, in an effort to produce an adequate report, at a great cost of physical energy and tension. It was clear that the effort required many more competent staff members who were willing to spend the time necessary and assume the responsibility for turning out a first - rate product. For whatever reason, this sense of responsibility was generally lacking among the members of the staff.

On Wednesday, August 12, I turned my attention to producing another draft of Chapter 3 in time to send it to the Commissioners on Friday. I received from Mr. Marmor the work which he had done. Generally, his editing revisions were useful and improved appearance and readability of the chapter. However, it was clear that he had not considered any of the matters of substance

which had to be considered in the chapter, such as the relevance of the material dealing with the missed shot. Also it was clear that he had gone out of his way to drop out footnotes without rhyme or reason, which was somewhat perturbing. In fact, on the subject of dropping of footnotes, I expressed myself freely to Mr. Marmor with the result that I thought he was going to go into Mr. Rankin's office and resign. On Wednesday night I rewrote the section dealing with the missed shot including the testimony of such people as Tague and Altgens and then Thursday turned to working the chapter over from the beginning. Progress on the chapter was very slow, in part because* of the tedious subject matter, but primarily because of the innumerable interruptions.

Many of the interruptions were by Mr. Redlich or Mr. Rankin dealing with proposed revisions of Chapter 4. Mr. Rankin had expressed himself favorably concerning my memorandum when he came to work on Monday and Mr. Redlich seemed agreeable to considering most of my suggestions. In addition, there were numerous discussions about the printing schedule, proposed reorganization of the last chapters to eliminate some of the duplication, and various other matters. I worked late both Wednesday and thursday† nights.

On Friday, August 14, the Commission met in the morning. Several of them had read the conspiracy chapter and suggested that considerably more work had to be done on the chapter. There also was considerable discussion as to the timetable of the Commission's work. According to Mr. Rankin, Senator Russell made a strong presentation to the effect that he could not spend sufficient time on the materials to see that they got to the President in page proof form by September 1. He spoke of his various responsibilities as a Senator during the past 8 months, particularly his work on the appropriations bills, and said that this was why he urged the President not to appoint a Senator, or, in fact, the Chief Justice, to the Commission. Many of the other members of the Commission apparently agreed with him.

It was not until sometime early in the afternoon that Mr. Redlich and I heard from Mr. Rankin about the meeting. The upshot of Senator Russell's presentation was that the Commission

* As appears in original. Should read "because."

† As appears in original. Should read "Thursday."

decided to request two weeks additional time from the White House. Upon hearing this my simultaneous reaction was to burst out crying or to burst out in profanity. Mr. Redlich and I were upset. At the end of a long week and the end of many long weeks it just seemed absurd for the Commission to state that they did not have time after 8 months to perform their responsibilities. I suppose in retrospect that Mr. Redlich and I both over reacted.* My feeling at the time was one of complete discouragement since I had been looking forward to the termination of this work. I am afraid that I did not conceal my disappointment and displeasure very effectively and I excused myself from the room as soon as Mr. Redlich and Mr. Rankin turned to discussion of Chapter 4 which all three of us had turned to Thursday night. It was agreed that for the time being there would be no mention of this to the other members of the staff.

Late Friday evening I completed my work on Chapter 3 and left it with my secretary with instructions to put the text in final[†] form and distribute it to the members of the Commission. Because of the changes which had to be made in the footnotes I was unable to complete the footnotes at this time and planned to do them the following day. It was the end of a long week and both my secretary and I were a bit short tempered--me more than she, of course.

* As appears in original. Should read "overreacted."

† As appears in original. Should read "final."

DIARY

Wednesday, August 19, 1964

At 2 o'clock I met with Mr. Mark Eckhoff from the National Archives and Mr. Goldberg who I had invited to the meeting. Mr. Eckhoff had been instructed by his superiors to canvass* the Commission to discover the nature and contents of the files which would come into National Archives. Apparently there had been a prior meeting with Mr. Rankin which had been attended by one of Mr. Eckhoff's superiors. Dr. Goldberg and I suggested briefly the extent and nature of the files being maintained by the individual lawyers.

During the course of the meeting I took the opportunity to ask Mr. Eckhoff what procedures were usually followed by National Archives in handling investigative material. He says*† that they have custody of considerable FBI material but do not make them available to anyone except on the permission of the Bureau. As a result of this conversation it became clear that unless instructed otherwise none of our investigative materials which would be sent to Archives would not,‡ in fact, be available to the public even those not classified top secret, notwithstanding the intention and desires of the Commission. On Thursday, late in the evening I spoke with Mr. Rankin on the subject and he suggested that we secure from Archives a letter setting forth their normal procedures, which Mr. Rankin could then take up with the Commission. He also asked me to write a letter to the Federal Bureau of Investigation raising with them the problem of publication of FBI interviews in our report and also access to FBI materials after the Commission has turned them over to Archives.

Late in the afternoon Mr. Redlich came in and said that Mrs. McHugh of the Chief Justice's office had called Mrs. Eide and asked to have Professor Redlich come over and discuss Chapter 8. He asked Mrs. Eide to ask if I could come since this chapter was my responsibility. The response came back that the Chief Justice had no objection to both of us coming. The results of the meeting are

* As appears in original. Should read "canvass."

† As appears in original. Should read "said."

‡ As appears in original. Double negative "none ... not" is incorrect.

contained in a memorandum to the file which I prepared. On the whole it was the most pleasant encounter I have had with the Chief Justice since I have been here, although I feel that the Chief Justice still feels that there must be some mistake in my coming over from the Department and functioning in the job with such responsibility.

DIARY

Thursday, August 20, 1964

TODAY WAS A BIG DAY. At 5:20 p. m. I delivered to the Government Printing Office personnel a copy of Chapter 2 to be prepared in galley form. It had taken a considerable period of time, some 3 or 4 days to prepare this chapter, notwithstanding the fact that the Commission in approving it had made very slight suggestions for improvement. I realize* though that some portions of the materials could be clarified and subsequently rewrote the section explaining why the President was not turned over by the medical personnel at Parkland Hospital.

The Commission met in the afternoon and began to consider the later draft of Chapter 8, bearing the date August 15 which had been sent to them on Wednesday, the 19th. This draft was the one edited by Mr. Weinreb and briefly reviewed by Mr. Stern. In reviewing it prior to distribution I found that I was generally satisfied with the stylistic work done on the chapter. I made only a few changes, the most important being an effort to clarify the section dealing with relocation of the Secret Service's responsibilities.

At the conclusion of the Commission meeting Mr. Rankin informed us that they had completed about half of the chapter and planned to continue work on the chapter the next day. On the whole Mr. Rankin indicated that they were pleased by the chapter although they were very methodically reviewing it page for page. In their view this chapter is the most important in the report.

I stayed to work Thursday evening and began to prepare the Foreword for the Printer. This would have been a simple job to accomplish in an evening except that Mr. Rankin and Norman and I spent a considerable amount of time discussing the latest Liebler draft of Chapter 7. The matters of greatest contention here seem to be the following: (1) The emphasis which should be placed on Oswald's commitment to Marxism as a factor in the assassination, and (2) the extent to which it should be suggested that Oswald may have thought he was aiding Castro's Cuba by killing the President. The current draft leans very heavily on both of these points. The widest differences on at least the first issue are between Mr. Rankin and Mr. Redlich rather than between Mr. Liebler and Mr. Redlich. Mr. Liebler by this time feels that there is a conspiracy among the

* As appears in original. Should read "realized."

staff to downplay the fact that Oswald was a Marxist. Mr. Rankin , on the other hand, seems more concerned about what the Far Right will do with any such discussion in our report rather than by what the facts actually show. In general I am in sympathy with him, but I sympathize more with Mr. Liebeler than Mr. Redlich does. As a result, whenever an issue is presented on the subject Mr. Liebeler consults with Mr. Redlich and then turns to me for support and counsel.

The other matter of some interest is the feeling on the part of some members of the staff that the possibility of a conspiracy has not been adequately investigated. The most outspoken on this issue is Mr. Griffin who has written some memoranda to me which strike me as irresponsible.* As a result of a lecture from Mr. Rankin on the subject Mr. Liebeler has withdrawn, but the fact is the same. It is likely that Mr. Griffin will leave feeling that the Commission did not adequately investigate such matters as the Sylvia Odio story, contacts made by Oswald with Cubans in New Orleans, etc. Mr. Griffin is generally supported by Mr. Liebeler on this subject. There also is a debate going on among the staff as to whether there should be a separate section in the conspiracy section dealing with Marina Oswald. This was suggested to me by Mr. Pollak and also suggested by him to Mr. Redlich. Norman and I discussed it and plan to take it up with Mr. Rankin. The problem is that the public certainly expect a judgment to be made on this issue, but then on the other hand, once you specifically address yourself to the issue you realize what limited information there is on which you can rely. It seems to Norman and me that the Commission has made a decision that Marina Oswald was not involved in a conspiracy with her husband and we agree that at various times she does not fully cooperate with the Commission. This may not sufficiently meet the public's expectations.

* As appears in original. Dictation or transcription error. Should read "irresponsible."

DIARY

Friday, August 21, 1964

On Friday the Commission met in the morning. I was surprised to learn that a few members of the Commission had already returned the latest draft on Chapter 4 which had been distributed to them only the day before. Apparently these members were pleased with this chapter and did not consider it of great importance. According to Mr. Rankin, one of the Commissioners had said regarding the chapter that it was all factual and that therefore there was not much controversy in it. In fact, this is the chapter which may well be of the most interest to the people in Europe and certainly will be looked to as the chapter with the most importance by critics such as Mark Lane.

Late in the day I reviewed with Mr. Rankin the current status of the work of the Commission and he reported to me the result of the Commission meeting that day. He said that there was a split on the Commission as to the question of giving to the FBI the responsibility for the protection of the President. Apparently at least Congressman Ford and Mr. Dulles felt that PRS is not adequate to do the job. The two remaining members of the Commission, The Chief Justice* and Mr. McCloy disagreed on this issue. According to Mr. Rankin, Mr. McCloy was drafting some language which he hoped would† bridge the gap and which he would bring to the next Commission meeting, scheduled for Wednesday, the 26th.

Mr. Rankin told me that the Commission hoped to review all the remaining chapters by the next meeting and that the Commission could dispose of the 5th and 7th by that meeting, but that they would not have a fresh draft of Chapter 6 by that time. I told Mr. Rankin that my own plans were to turn to Chapter 3 as soon as possible and then work on 6. We agreed that I should work on 6 prior to returning to Chapter 8 to try to put it into final form.

* Capitalization as appears in original.

† As appears in original. Should read "would."

I asked Mr. Rankin whether he had ever spoken to the White House regarding the delay. He stated he had spoken to Mr. McGeorge Bundy earlier in the week. According to him Mr. Bundy raised no question to the two weeks question* of time requested by the Commission. He said that he, Rankin, placed all the responsibility for the delay on Senator Russell and the Congressional members of the Commission. Bundy apparently said that once the White House got the report perhaps the printing could be expedited so that we could produce the report in less than two weeks after the White House got the material. During the discussion Bundy indicated his special interest in the chapter dealing with Presidential protection. According to Mr. Rankin, however, he did not indicate a White House desire to make changes in the chapters, but only emphasized the need for the President to be informed as to what recommendations would be made so that he could respond to them satisfactorily, after the report came out. Mr. Rankin told me that the Commission had already considered this issue and did not plan to give the White House a copy of the chapters in galley form, but desired to make its own judgment, and stick by that.

Mr. Rankin also told me that he had raised with the Commission the problem of Archives handling of Commission materials. There[†] is apparently a feeling among the members of the Commission that it would be desirable if all the material of the Commission were not available to the public for a year or two after the report comes out. They suggest that the organization and the screening of these materials will take this long, but of course the principal interest here is making sure that sufficient time elapses before any real critics can get access to material other than those which the Commission desires to publish simultaneous with its report. Apparently the Chief Justice intends to talk with the National Archivist on this subject.

* As appears in original. Should read "extension."

† As appears in original. Should read "there."