

Report Ended Friendship



Warren

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Special to the Herald

Twenty-two years after the death of President John F. Kennedy, government documents indicate that a longterm friendship between Chief Justice Earl Warren and FBI Director J. Edgar Hoover ended after the release of the Warren Commission's report on the Kennedy assassination.

Over 1,300 pages of FBI records released under the Freedom of Information Act show that Warren and the FBI had a cooperative relationship that began while Warren was district attorney in California, continued during his governorship of that state and included a secret bu-

reau program that provided him access to internal security information. Later, as chief justice of the United States Supreme Court, Warren was on the FBI's "Special Correspondent List" of prominent people perceived to be strong supporters of the FBI. He was taken off the list after the President's Commission on the assassination, headed by Warren, issued its report in September 1964.

The FBI documents introduce a unique view of Warren's career. To date, biographers have assumed that Hoover personally disliked Warren because of his liberal court decisions protecting the rights of criminal defendants, helping to end racial segregation, and upholding the First Amendment rights of communists.

Sunday, November 24, 1985

Durham Morning Herald

Of Hoover, Earl Warren

While the bureau's files contain newspaper articles describing Warren's departure from the tough law and order stance and dogged anti-communism he was known for as district attorney, attorney general and California governor, the documents indicate that Warren's falling out with Hoover occurred more than 10 years after Warren took the reins of the high court in 1953.

A rift between the two began, according to documents, nine days after the Warren Commission's first meeting. In a Dec. 14 memo, Hoover writes that the FBI's report on the assassination had been leaked to the press: "I informed the Attorney General [Robert F. Kennedy] that [columnist Drew] Pearson got a portion of the story from the Chief Justice with whom he is very

close; that I got this from inside the Pearson organization and that the Chief Justice had been very much annoyed at the information to come out in the FBI report."

At least one former bureau official has admitted, however, that the FBI itself leaked portions of the report during this period.

The files also show that by Dec. 17, 1963, Rep. Gerald Ford, a commission member, was informing the FBI about what was being said at commission meetings.

From outward appearances, the chief justice and the director seemed as cordial as ever during the first six months of the investigation.

In a memo to his closest aides,



J. Edgar Hoover

See Report/9B

Hoover wrote: "On May 13, 1964, at the invitation of Chief Justice Earl Warren, I had lunch with the Chief Justice in his private dining room. We discussed generally the problems affecting law enforcement and also those which have arisen in connection with the work of the Presidential Commission on the assassination of . . . Kennedy . . . and before which I was to appear the following day. The luncheon was entirely pleasant."

This document was not among the materials released by Warren, but was obtained earlier by Harold Weisberg, author of *Whitewash* and five other books attacking the findings of the Warren Commission.

A synopsis of the FBI's records on the Kennedy assassination indicates that Hoover was opposed to the formation of the commission and prepared dossiers on members and staff.

Additional dossiers were prepared on commission staff members after the report was issued as well as the "subsequent preparations of sex dossiers on critics of the probe," according to the summary.

This same FBI document refers to other bureau reports such as: "Jenkins memo of Nov. 24; Hoover says Oswald alone did it, Bureau must 'convince the public Oswald is the real assassin;' Hoover instructions to agents not to volunteer info. to WC; Withholding of secret 'Gale Report' on Bureau mistakes in earlier Oswald probe; disciplining officials"; and "Destruction of Hosty note: implications."

Weisberg maintains that this document, released to Mark Allen in a Freedom of Information Act lawsuit, proves that the FBI took steps to prevent an independent investigation and when it failed, withheld information from the commission.

The commission released its report on Sept. 27, 1964, concluding that Kennedy was shot by Oswald alone and finding no evidence that Oswald was part of a conspiracy to assassinate the president.

The Warren report cited the FBI for taking an "unduly restrictive view of its role in preventive intelligence work prior to the assassination. A more carefully coordinated treatment of the Oswald case might well have resulted in bringing Oswald's activities to the attention of the Secret Service."

Hoover called the report's cri-

tique of the FBI unfair and unjust. Less than three months later, Warren was taken off the FBI Special Correspondents List.

Weisberg, who has obtained tens of thousands of government documents on the assassination, said that Hoover's way of punishing Warren was by taking him off the list. According to David J. Garrow, author of *The FBI and Martin Luther King, Jr.* and associate professor of political science at City College of New York, the Special Correspondents List was a "high-ranking collection of friends . . . of J. Edgar Hoover and, [who] in many instances had done political or personal favors for J. Edgar Hoover or the FBI." In short, Garrow said, it was a "J. Edgar Hoover fan club" for persons of status and prominence.

"It [the commission] interfered with his [Hoover's] private domain" and the Warren report constituted a "betrayal by someone he [Hoover] worked with and did favors for," said Amelia Fry, who is on leave from the regional Oral History Office at the University of California's Berkeley campus, which houses the Earl Warren Oral History Project.

Ms. Fry believes that Warren was a "very ethical man" but his main concern as chairman of the commission was probably to "make sure the ship of state doesn't get upended."

She noted Warren's fears about national security during World War II, fueled by information from the FBI, which caused him to be a strong proponent of the relocation of Japanese-Americans.

In 1979, the Warren Commission was criticized in the Report of the House Select Committee on Assassinations. The committee found that the commission "failed to investigate adequately the possibility of a conspiracy to assassinate the President. In large measure, the Warren Commission's inadequacies in investigating important aspects of the President's assassination were the result of failures by the CIA and FBI to provide it with all relevant evidence and information."

Commission members and staff testified before the committee that they had been significantly more disposed to trust the CIA and FBI in 1963 than they would have been in 1978.

Could a relationship between Hoover and Warren have affected the investigation and find-

ings of the commission? Warren wrote in his memoirs that the commission had complete assistance from all federal agencies. "Not a single barrier was raised against us." According to Ms. Fry, Warren learned after writing his memoirs that the FBI had withheld information from the commission and was incensed.

Weisberg believes that Warren knew that the FBI was withholding from the commission. Warren felt that it was his "national duty to preserve tranquility," said Weisberg, and therefore Warren did not press the FBI.

According to G. Edward White, professor of law at the University of Virginia, former law clerk to Warren, and author of *Earl Warren: A Public Life*, the chief justice really believed, given what they were investigating, that the FBI and CIA would cooperate with the commission.

Evidence of a friendship between the two, according to White, shows why Warren would trust the FBI to be forthright with the commission and provide all relevant information.

The cooperative relationship between Hoover and Warren, which began in the 1930s, continued when Warren became attorney general of California in 1938. By the time Warren was elected governor, the FBI had developed a special program called "Cooperation with Earl Warren."

According to FBI records, Hoover personally authorized agents to furnish information in FBI files from public sources and reliable informants to Warren orally, and only in person, from 1948 to 1953.

"He should be advised that the information is furnished in strict confidence, and none of the information can be attributed to the FBI," Hoover wrote.

The documents show Warren's concern about communist subversion during the Cold War years. In a memo dated Oct. 11, 1951, regarding "Responsibilities of the FBI in the Internal Security Field," Hoover authorized an agent to furnish Warren information about "a group of Security Index subjects employed in state institutions of learning."

The Security Index listed persons whom the FBI believed to be potentially dangerous to internal security or public safety. Warren, as a regent of the University of California, voted against a special loyalty oath for university employees in 1950, but later supported a law requir-

ing all state workers to sign a loyalty oath.

"For the most part, the governor used the FBI program to request derogatory information about prospective political appointees," documents show.

The files show, among other favors provided to Warren by the FBI, that Hoover ordered a car and driver for Warren on several occasions while he was governor and later while traveling in Europe as chief justice.

Hoover mailed Warren personal photos of the Warrens prior to their trip to Europe, and helped Mrs. Warren obtain a passport, and assisted family matters when requested. "Whatever the governor requests, I want prompt attention accorded it," wrote Hoover in 1951.

One of the last entries in the FBI's file is a letter from Hoover to Warren after the chief justice announced his resignation.

Hoover wrote in 1968, "(Y)ou have contributed untiringly and unselfishly to furthering the best interests of the Nation, and your record of achievements will long stand as a monument to you."

A dry but telling notation was added to the bureau's copy of this letter: "Chief Justice Warren was formerly on the Special Correspondents List but was deleted Dec. 11, 1964. He was known to the director on a first-name basis."

Alexander Charnes is a Durham lawyer. Montie Heath contributed to this report. Research expenses were paid for with a grant from the Fund for Investigative Journalism.