

# Wheels Within Deals: How The Kennedy "Investigation" Was Organized

by Sylvia Meagher

*Memorandum of Carr*

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Waggoner Carr, Attorney General of the State of Texas, officially represented his State at the funeral of the assassinated President, John Fitzgerald Kennedy, on November 25, 1963. Carr's presence in Washington provided the opportunity for private discussions at the White House about the need for an investigation of the assassination, "the attempted assassination of Governor Connally, and the murder of Dallas police officer Tippit."

The convening of a Texas Court of Inquiry was announced by Carr in a press release issued the day after Kennedy's funeral. The press release explained:

It is necessary that all investigation officials, local, state, and federal, have an opportunity to place such evidence on record and before the public in a judicial manner. No investigations held heretofore are conclusive as they have not been evaluated before such a body, nor before the public. The witnesses have not been publicly examined under oath with penalty of perjury and, under the present circumstances, the Court of Inquiry is the only such forum available which will provide for such interrogation.

Whether the idea of holding a Texas Court of Inquiry originated with Waggoner Carr, or with the White House, is not clear. According to "Notes of General Carr on Court of Inquiry" dated November 26, 1963, Carr had had conversations with LBJ's right-hand man Walter Jenkins, whose career later came to a pathetic and sordid end with the revelation of "indiscretions" in his private life. "At the direction of Mr. Walter Jenkins, Carr talked with Abe Fortas, a long-time confidante of LBJ who has since become a Justice of the Supreme Court, on or before November 26, 1963.

Mr. Fortas informed me that he had been assigned to co-ordinate the FBI, Department of Justice and Texas Attorney General's efforts regarding the assassination of the President. He pledged the full co-operation of the federal government in working with the State of Texas. To illustrate this to the world, he noted he had ordered Assistant Attorney General Herbert Miller, Chief of the Criminal Division of the Department of Justice in Washington, to call on me that night. Mr. Fortas suggested a press conference and pictures which would aptly point out the close co-operation between the two governments.

He stated that the report of the FBI would be made available to us in order that the State of Texas might conduct our court of inquiry. He authorized me to say upon questioning that I had, at all times, been in contact with and consulted with the White House staff.

Apparently there was no thought on Tuesday, November 26th of convoking a Presidential Commission (the Warren Commission) to investigate the assassination—or, if a commission was contemplated, that was not made known to Carr. The idea of a Texas Court of Inquiry, if it was not actually conceived in the White House, was embraced with seeming enthusiasm and given the go-ahead.

Yet, only three days later, the White House announced the appointment of a Special Commission headed by Chief Justice Earl Warren "to study and report upon all facts and circumstances relating to the assassination" (but not the murder of Tippit).

The White House press release on November 29, 1963, noted that:

An inquiry is also scheduled by a Texas Court of Inquiry convened by the Attorney General of Texas under Texas law . . . The Attorney General of Texas has also offered his co-operation (to the Special Commission) . . .

There was as yet no thought of abandoning the Texas Court of Inquiry and on December 2, 1963, Carr announced the appointment of Houston attorney Leon Jaworski as Special Counsel for the "upcoming Texas Court of Inquiry . . . to investigate and ascertain all facts concerning the assassination . . ." Carr and Jaworski immediately embarked upon three days of "conferring with Mr. Katzenbach, Deputy Attorney General, and with Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation . . ." In the course of the discussions, Carr sent a four-page letter dated December 5, 1963, to Chief Justice Warren, to explain to him and the other members of the Warren Commission "the nature of the Texas Court of Inquiry to which the President's statement appointing the Commission specifically referred."

### Carr's Three Points

Carr proceeded to make it clear that the convening of a Texas Court of Inquiry was "the product of a conference with the White House, and the White House staff joined . . . in preparing the actual form of the statement." He then explained that "under our Texas laws a Court of Inquiry may be called by any Justice of the Peace for the

purpose of ascertaining facts which establish the commission of a crime that the Court has "State-wide power to poena witnesses, and also full judicial to punish contempts. Witnesses are tioned under oath and may be prose for perjury in the event of false testi A full transcript is kept."

Carr referred to his appointment of Jaworski as Special Counsel and to his that Robert G. Storey, a past president of the American Bar Association, would agree to serve.

Next, Carr said that "three points concerning the Court of Inquiry may be of special interest to the Commission."

1. Its activities will not involve publication of the report of the Federal Bureau of investigation. While we were assured, both privately and in public statements, that the identity of material witnesses, evidence, labor findings, etc., would be made available to the State of Texas, the F.B.I. report itself will be neither published nor introduced in evidence. The Court of Inquiry will make its own record.

The report of the F.B.I., the "Summary Report" of December 9, 1963, followed Carr's letter to the Chief Justice by four days. Apparently, Carr (and Jaworski in conference with Katzenbach and J. Edgar Hoover had been persuaded to commit the Texas Court of Inquiry in advance not to publish the F.B.I. report. In the first days after the assassination, the impression had been given that the F.B.I. report, after submission to the White House, would be placed before the public. In the event, this was never done. According to Edward Jay Epstein, the Warren Commission at its second meeting, on December 16, 1963, considered whether the F.B.I. Summary Report of December 9, 1963, should be made public and came to the decision that no evidence should be released before publication of the Commission's Report (*Inquest*, Viking Press, New York, 1966, page 8). The F.B.I. Report, together with the Supplemental Report of January 13, 1964, in fact remained completely secret from the public until 1964 when critics of the Warren Report (Epstein and Vincent J. Salandria) published excerpts from these F.B.I. reports which flatly contradicted the autopsy findings in the Warren Report.

2. The Court of Inquiry will make no findings or conclusions or recommendations. Its sole purpose is to develop the facts through sworn testimony adduced through the careful examination by the best qualified . . .

Sylvia Meagher, who has on many occasions contributed to these pages, is the author of *Accessories After the Fact* (Bobbs-Merrill, 1967) and *Subject Index to the Warren Report and Hearings and Exhibits* (Scarecrow Press, 1966).