MEMORANDUM

February 17, 1964

TO: Files

FROM: Melvin A. Eisenberg

SUBJECT: First Staff Conference (January 20, 1964)

On January 20, 1964, Chief Justice Warren met with the staff. After brief introductions, the Chief Justice discussed the circumstances under which he had accepted the chairmanship of the Commission.

When the position had first been offered to him he declined it, on the principle that Supreme Court Justices should not take this kind of role. His associate justices concurred in this decision. At this point, however, President Johnson called him. The President stated that rumors of the most exagerrated kind were circulating in this country and overseas. Some rumors went as far as attributing the assassination to a faction within the Government wishing to see the Presidency assumed by President Johnson. Others, if not quenched, could conceivably lead the country into a war which could cost 40 million lives. No one could refuse to do something which might help to prevent such a possibility. The President convinced him that this was an occasion on which actual conditions had to override general principles.

The Chief Justice then discussed the role of the Commission. He placed emphasis on the importance of quenching rumors, and precluding future speculation such as that which has surrounded the death of Lincoln. He emphasized that the Commission had to determine the truth, whatever that might be.

He then discussed a target date. He stated that on the near side it would be difficult to release the report before the trial of Ruby had been completed. On the far side, he hoped to see the report released before the Presidential campaign, since once the campaign started it was very possible that rumors and speculation would spring up again. He therefore set a target date of June 1, with the understanding that the Commission could not issue a report until it was satisfied that it had reached the truth.

The Chief Justice concluded by discussing briefly our position as to Mark Lane and Melvin Belli. This is, that we have no original documents, and that if Belli or Lane were entitled to production they had to move against the persons holding the originals. As to Lane's request for public hearings, the Chief Justice did not want to force anyone to be a witness at a private hearing against his or her will, and if a particular witness rejected a closed hearing there would either be no hearing or a public hearing, probably the latter.

Noted & file - Hrms
2/25/64