

Summary:

The recently released executive session transcript of December 5, 1963 contains a discussion of Warren's first choice for General Counsel, who was rejected. The name has been deleted, but can be identified as Warren Olney III, who was Assistant Attorney General in charge of the Criminal Division from 1953 to 1957. He was reportedly close to Warren, who persuaded him to take the job of director of the Administrative Office of the U.S. Courts when he left the Justice Department. He was apparently considered controversial because he publicly resigned from the ABA in 1957 after they passed an anti-Supreme Court resolution (implying that the Court's decisions were soft on national security.)

Details:

Information not deleted from the transcript of 12/5/63 includes (a) that the candidate's last name has 5 letters, ending with 'y' (p. 47, 57 - the tail of the 'y' wasn't completely cut off!); (b) that he had been in the Justice Department (p. 46, 48) at the ~~xxx~~ same time as Rankin (12/6/63, p. 4, 20-21); (c) that he was still working for the government (p. 54); ~~xxx~~ (d) that he was about 60 years old, having graduated from college in 1924; (e) that he was close to Warren (and, since Warren knew when he graduated, quite possibly a classmate at U.C.) (p. 46, 47, 48, 50); and (f) that he took his present job because he thought it was a 'cause' (p. 55).

From this information, subject was identified as Warren Olney III. Sources used were the Government Organization Manual and Who's Who in America. Who's Who indicates that he was born in 1904; A.B. Univ. of Calif. 1925; deputy D.A., Alameda County, 1930-35 [Warren was D.A. there, 1924-1939]; professor at Berkeley, 1951-2; head of the Criminal Division, 1953-7, and later director of the Courts Administrative Office, with (as of the 1966-7 edition) his office in the Supreme Court Building.

The New York Times index was checked for 1955-1972. There were some references in 1955-60, 1963. The only stories which were interesting enough to copy were as follows:

NYT Apr. 9, 1957, p. 11: Olney resigns from ABA. Calls its criticism of the Supreme Court 'discreditable.' Regarded as close to Warren, who persuaded him to take his ~~x~~ present job.

NYT 1/27/57, p. 55: U.S. to push war on labor ~~xxx~~ rackets; Brownell aide [Olney] gives pledge...

The index lists a story on 9/19/57, p. 12:4, when he resigned and was praised by Eisenhower; but this story could not be found.

Olney is listed in the current Berkeley phone book. (1212 Broadway, Oakland, 834-5240; another Warren Olney, presumably his son, is in Berkeley at 1950 San Antonio Ave., 525-8308.)

From p. 58, 12/5/63 [deleted words in brackets]: MR. DULLES: There was an [Olney] ^{who} ~~was~~ Secretary of State. SEN. RUSSELL: There was a Secretary of State named [Richard Olney]. I don't know when it was." (It was June 10, 1895 to March 4, 1897, under President Cleveland. This Olney was born Sept. 15, 1835 - which has to be the earliest date in my files!. (Source: Who's Who in America, 1914-5 edition; NYT 3/28/71, p. 18:1)

This old Who's Who also tells about Warren Olney Sr. and Junior. Senior, born 3/11/1841, sounds like Earl Warren - an independent Republican from Oakland, who in 1903 was nominated for mayor by both parties. Junior, born 1870, was attorney for the U.C. Regents and for ~~E~~ Western Pacific.

McCloy told Epstein (p. 6) that Olney was rejected as too controversial. The committee to check him out (McCloy, Dulles, and Ford) reported back unfavorably (12/6, p. 3-4, 20-21) and Warren ~~Wix~~ withdrew the name. Warren still wanted Olney, to ~~help~~ help Rankin, but apparently McCloy was still opposed. (See p. 21, ~~kx~~ 12/6/63, where a paragraph has been deleted.)

This is nothing more than an amusing footnote, but if Olney was in fact less of a national security type than Rankin, things might have been different if he had gotten the job.