

December 5, 1963

The Chief Justice of the United States
The Supreme Court of the United States
Washington 25, D. C.

Dear Mr. Chief Justice:

In view of the fact that the Special Commission appointed by the President to report upon all the facts and circumstances relating to the Assassination of the late President Kennedy is meeting today, it may be helpful to you and other members of the Commission to explain the nature of the Texas Court of Inquiry to which the President's statement appointing the Commission specifically referred. While we feel a special responsibility to develop the facts, we are anxious to do everything in our power to facilitate the work of the Commission and give effect to the President's desire that it be the only body to report conclusions.

I

It may be helpful to explain first the circumstances leading to the creation of the Court of Inquiry; for they emphasize the extent to which it is the product of federal-State cooperation. My statement announcing that a Court of Inquiry would be convened was the product of a conference with the White House, and the White House staff joined the Governor's office and my office in preparing the actual form of statement. It was felt that since the tragic events took place in Texas, prompt measures should be taken by Texas authorities to assure the people of Texas that a thorough and responsible investigation of all the facts would be made by a body having power to administer oaths and issue subpoenas. Since then we have been working in close cooperation with the White House staff, the Department of Justice and the Federal Bureau of Investigation. Assistant Attorney General Miller came to Texas for the purpose of demonstrating our cooperation. The State of Texas placed all its files and evidence in the hands of the Federal Bureau of Investigation.

II

Under our Texas laws a Court of Inquiry may be called by any Justice of the Peace for the purpose of ascertaining facts which may establish the commission of a crime. The court has State-wide power to subpoena witnesses, and also full judicial power to punish contempts. Witnesses are questioned under oath and may be prosecuted for perjury in the event of false testimony. A full transcript is kept.

The original announcement gave assurance that the inquiry would be conducted in a careful and responsible fashion by stating that it would be conducted by the Attorney-General of Texas, in cooperation with the local authorities, with the aid of one or more eminent attorneys as special counsel. Leon Jaworski, Esq., immediate past president of the Texas State Bar and a former president of the American College of Trial Lawyers, has agreed to serve in that capacity. I am hopeful that Robert G. Storey, Esq., a past president of the American Bar Association, will also agree to serve. Their participation guarantees that the proceeding will be conducted competently and with no purpose except full development of the facts.

III

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, laboratory findings, etc. would be made available to the State of Texas, the F.B.I. report itself would be neither published nor introduced in evidence. The Court of Inquiry will make its own record.

2. The Court of Inquiry will make no findings, conclusions or recommendations. Its sole purpose is to develop the facts through sworn testimony adduced through the careful examination by the best qualified attorneys. I speak for all of us, too, when I say that you need have no fear of individual statements about what the evidence shows.

3. The Court of Inquiry will be concerned only with the facts concerning the assassination of President Kennedy, the attempted assassination of Governor Connally, and the related killing of Lee Harvey Oswald. (On the latter score we shall have to take care not to prejudice in any way the trial of Jack Ruby; that is one reason the local district attorney will sit with us.) In order to satisfy the people of Texas we must pursue any factual leads to evidence concerning those events. There will be no witch-hunt.

IV

I am hopeful that the work of the Court of Inquiry, confined to making a record of sworn testimony, will be helpful to the Commission. That is our primary purpose, and we are anxious to shape the inquiry in whatever way will be most helpful to ascertain the full facts.

The evidence will be brought out and tested by the examination of witnesses under oath by able counsel. It will all be available to the Special Commission. The Court of Inquiry can be reconvened, if the Commission requests, to pursue any new leads. Perhaps it is unlikely, but there is at least the possibility that the Court of Inquiry's power of subpoena would prove of value to the Commission in obtaining testimony from witnesses who had not been willing to speak freely to the Federal Bureau of Investigation or who might otherwise decline to testify. Finally, the very fact that there was an inquiry with witnesses heard in public, the record of which was before the Commission, might lend strength to the Commission's report, even if it were only as an answer to the charge that the Commission was dependent upon the F.B.I. investigation alone.

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V

Finally, I must stress the great importance of the Court of Inquiry to the people of Texas. The assassination occurred in Texas. The people of Texas share with their fellow countrymen the loss of a great President. Their own Governor was badly wounded. The integrity of Texas justice is deeply involved. I am certain that the people of Texas share my feeling, which I expressed above, that the only conclusions that are drawn ought to be drawn by the Special Commission on behalf of the whole Nation, but they are also convinced that it is their local responsibility to have their State officials do everything possible to uncover all the facts.

As you know, both Mr. Jaworski and I are in Washington. If it would be of any assistance to meet with you with or without other members of the Commission as you might wish, we would be happy to suit your convenience.

Sincerely yours,

Waggoner Carr
Attorney General of Texas