

REMARKS OF ATTORNEY GENERAL
WAGGONER CARR
BEFORE THE ROTARY CLUB OF HOUSTON
December 12, 1963

I want you to know how happy I am to be once again in your wonderful city of Houston, and I am especially delighted to be appearing before such a distinguished group as the Houston Rotary Club.

Although I am no stranger to clubs such as yours, it has been three weeks ... three hectic weeks, I might add, ... since last similar address, and it is nice to be returning to some semblance of normal living.

As a result of the tragic events of November 22nd through November 24th, it goes without saying that all of our lives have been changed to some degree. Since that time literally millions of words have been written of those fateful three days... some of them true ... some of them misleading ... some of them false. And since the Attorney General's office was involved in one particular area of those proceedings, I thought you might be interested in hearing today the complete story of the Texas Court of Inquiry ... from its inception ... till now.

The story really began in Washington, D. C., where I, along with Lieutenant Governor Preston ~~Smith~~ and House Speaker Byron Tunnell, had traveled to serve as ~~official~~ representatives of the State of Texas to the funeral of President Kennedy.

After a conference with the White House, it was decided that a Court of Inquiry should be held in Texas for the purpose of fully developing and disclosing publicly the facts surrounding the assassination of President Kennedy, the attempted assassination of Governor Connally, the murder of Dallas police officer, J. D. Tippit, and subsequent events. There were three primary reasons why such proceedings were felt to be desirable, and, indeed, necessary.

First, the President was going to call for a complete and thorough report from the FBI, and it was feared that this action might be misinterpreted by the rest of the United States and the world to mean that the integrity of justice and law and order in Texas had broken down to such an extent that nothing less than federal agents could bring order out of chaos.

The federal government also wanted to avoid giving the impression that it was taking over the responsibility of Texas in the enforcement of state laws.

Secondly, the eastern and northern press, and even the international press, were, at that time, beginning to insinuate and openly state that there was some deep, dark, and mysterious conspiracy to prevent the truth from becoming known ... and that this conspiracy was being aided and abetted by the authorities of Texas. It was being said that the lips of the man accused of the President's assassination had been forever sealed by those who feared the story which he might tell. And they went on to hint darkly that the killing of Oswald had been allowed by the Dallas police ... either ingeniously ... or stupidly.

With such insinuations being made as to the veracity of Texas authorities, it was felt that Texas must quickly demonstrate its own initiative and desire to determine the facts ... no matter what they might reveal ... in plain view of the world through a public hearing.

And thirdly, the development and disclosure of the facts should sometime, in the course of the entire investigation, be done by a judicial hearing where witnesses would be examined under oath and where unwilling witnesses might be forcibly subpoenaed. The federal government had no statutes whereby this could be accomplished. The state of Texas, however, does have such a statute which authorizes the calling of a Court of Inquiry for the purpose of determining whether a crime has been committed. Such a court has state-wide subpoena powers, authority to enforce the attendance of witnesses should the subpoena be disobeyed, and authority to place each witness under oath to tell the truth... such oath to be enforced by a felony indictment for perjury should the witness lie. The examination would be conducted by the Attorney General of Texas and the local District Attorney.

We also planned to select one or more outstanding lawyers of Texas, not connected with the government, as special counsel. These eminent attorneys would work closely with the Attorney General and the local District Attorney in the preparation and conduct of the Court of Inquiry.

I agreed that Texas had an unusual obligation to determine the facts and to make them public. ~~It was only~~ in this manner that the world of the present and future would know the difference between fact and rumor. In accordance with this decision, I announced in Washington that I would call a Court of Inquiry upon my return to Texas.

Within the next 24 hours, the United States Department of Justice sent its third-ranking assistant Attorney General, Mr. Herb Miller, head of the criminal division, to Austin. This visit was felt to be desirable for two reasons.

First, to make initial decisions as to how the federal and state governments could most effectively work together toward their common objective of establishing facts, and secondly, to visibly demonstrate to the people of Texas that the federal government recognized the responsibility of Texas in the determination of facts arising out of these tragic events. Mr. Miller was accompanied to Austin by the U. S. District Attorney for the Northern District of Texas, Mr. Barefoot Sanders of Dallas. During a two hour conference, we were able to establish a very fine basis of cooperation.

Immediately following this meeting, a press conference was held, with all three of us present, where statements were mutually made expressing the desire of both governments to cooperate in this objective. It was announced that this would be a three-pronged affair.

(1) The FBI would make its full report to the President, and Texas would cooperate in this first step by turning all files and evidence over to the FBI so that agency might have the benefit of our information in making its report to the President. This we promptly did.

(2) The second phase of the investigation would be the Texas Court of Inquiry which was to be called as soon as the state could prepare its evidence following the report of the FBI to the President. In this phase, the federal government, including, of course, the FBI, would cooperate with Texas authorities by making all federal evidence and witnesses available for the Court of Inquiry. This included even witnesses outside the State of Texas and thus beyond the reach of a Texas subpoena.

(3) The third phase would be undertaken by the Presidential Commission. This Commission would possess all of the facts developed by the federal agencies as well as the testimony from the Texas Court of Inquiry, and from these facts, would draw conclusions and report its findings.

Immediately thereafter, the top staff of my office began to brief legal questions which confronted us in the selection of a city where the Court might be held, as well as many other questions, which you would expect to arise in such an endeavor.

From the very outset, we remained in close contact with the White House staff, the Governor's office, and the office of the Dallas District Attorney, Mr. Henry Wade.

One of the most pressing and important decisions which I had to make was the selection of one or more eminent Texas lawyers who would serve as special counsel. It was necessary that these men have, not only the highest possible prestige and respect of the people of Texas, but also the people of this nation.

It was vitally necessary that the character of this investigation remain non-political and unbiased, and we knew that our success in this area would depend to a very high degree on the reputation and ability of the special counsel. Therefore, my decision here required Texas, national, and indeed, worldly consideration.

As you know, I selected as one of these men your fellow Houstonian, Mr. Leon Jaworski, whose background included such accomplishments as immediate Past President of the Texas Bar Association, Past President of the American College of Trial Lawyers, prosecutor of war criminals following World War II, and whose reputation for ability and integrity in the practice of law was beyond reproach from coast to coast.

Let it be said to the everlasting credit of Mr. Jaworski that when I requested this assistance, he immediately accepted, knowing that this service could be given to his state and nation only at considerable personal expense and loss of time in his private practice of law.

Upon Mr. Jaworski's acceptance, the appointment was announced to the public.

A few days later, President Johnson announced the creation of the Presidential Special Commission. In his announcement, the President stated that this Commission should take into consideration all of the facts developed by all investigative agencies, as well as testimony from the Texas Court of Inquiry.

Last week, Mr. Jaworski and I were requested by the Department of Justice to come to Washington for the purpose of discussing ways in which we could continue to most effectively cooperate. During our stay in the nation's capitol, the Presidential Commission held two meetings for the purpose of perfecting its organization and hiring of its staff. As you know, this Commission is made up of seven members appointed by the President. Its Chairman is Chief Justice of the Supreme Court, Earl Warren. Other members are Senator Richard B. Russell, Democrat from Georgia; Senator John Sherman Cooper, Republican from Kentucky; Representative Hale Boggs, Democrat from Louisiana; Representative

Gerald Ford, Michigan Republican; Allen Dulles, former Director of the Central Intelligence Agency, and John J. McCloy, former special advisor on disarmament to President Kennedy. All of them are lawyers.

Chief Justice Warren visited personally with Mr. Jaworski and me in behalf of the Commission. At that time he made the following request, and he repeated this request in a letter which he sent to me in Austin. I quote in part from that letter:

"All of the members of the Commission are aware of the deep interest of Texas in the tragic event which occurred there and with respect to which all of us are exercising the responsibilities laid upon us. We share your view that it is desirable to have state officials do everything possible to uncover all the facts, and are appreciative of the availability of these facts to the Commission.

"As you know, at this time the Commission is organizing its procedures and we do not yet have available the comprehensive report of the FBI or of other investigative agencies, both Federal and State. While we expect to receive this material soon, it will take time to analyze it thoroughly, and I am sure you will agree that there may remain matters which will require further investigation before we feel we are in possession of all of the relative data upon which to make evaluation and judgment. We are most anxious, as I am sure you are, to take no steps which could impede investigation or which could lead the public to mistaken conclusion based upon partial factual information. In addition, the Commission, as well as the Texas Court of Inquiry, must be extremely careful not to prejudice in any way the trial in Texas of Jack Ruby.

"The Commission would not wish to interfere in any way with you or other state authorities in the conduct of matters

which are your responsibilities, and in which, as you point out, the State of Texas has a proper and important interest. At the same time, it is the view of the Commission, for the reasons stated above, that a public inquiry in Texas at this time might be more harmful than helpful in our mutual search for the truth. Recognizing that the timing of this Inquiry is your responsibility and your decision, we cannot refrain from the suggestion that you consider the wisdom of postponement of this Court.

"It would be the Commission's desire that you and your Special Counsel, or either of you, participate in the Commission's work, and counsel with it, it being the Commission's wish that you as the representative of the State of Texas be fully advised of the progress that is made in the course of the Commission's investigation and advance such suggestions as you consider helpful to the accomplishment of the Commission's assignment. It may develop that the Commission

would deem it advisable that testimony of certain witnesses residing in Texas should be taken before a Texas Court of Inquiry and, in that event, we would expect to call upon you to render this additional assistance.

"Let me assure you of the desire of the Commission to work most closely with you and of our conviction that in a spirit of close cooperation we can responsibly meet our independent obligations."

As a result of these conferences, Mr. Jaworski and I had become convinced that the investigative authority of the federal government was being used to the fullest extent. The Commission would be granted subpoena powers, and the investigation, which had already reached across many states and several nations, was being conducted vigorously. Therefore, pursuant to the Commission's request, it was our considered judgment that the Texas Court of Inquiry, if held at this time or in the immediate future, might bring about an interruption in the continuity of the nation-wide investigation.

For these reasons, it was my conclusion and decision that the convening of the Texas Court of Inquiry should, for the present time, be withheld. At the same time that I announced this decision, I also accepted the invitation of the Special Commission in which they asked Mr. Jaworski and me to attend their hearings and assist with the Commission's important task.

It is clearly understood by all concerned that if, after we have assisted the Commission in this work, we feel the necessity of additional investigation to disclose further facts, we will then have no hesitancy in calling for the Texas Court of Inquiry.

Only one thing is uppermost in our minds. Every possible fact concerning these tragic events must be sought out and established. Then, and only then, will the public confirm that justice has been accomplished.

I have enjoyed being with you today, and I wish all of you much happiness in the coming holiday season.