

(DEC. 5, 1963)

that aspect of the lives of these two men. I would think some lawyer ought to guide them in their work because they are now developing, according to the papers, a lot of things about this boy needing psychiatric attention when he was in school, when he was thirteen or fourteen years old, and he has got an Army record there that I think has some psychiatric aspect to it and a lot of other things. And it might be that if we got the top psychiatrists in the country they might help us very greatly in determining whether this was more or less a compulsive act by a man who was emotionally disturbed or whether it would bear on whether he was part of a conspiracy or a lone wolf. And I think those things are things that in a limited period of time we would have to give to some one person to study intensively where we all couldn't do it. And there are other things that might be necessary too.

I don't think we could start with any definite size staff in mind. I think it ought to develop as we go along. And it isn't too easy to find exactly the men we want for those things, but I thought it could be done.

Now I have in mind a man for counsel of the Commission which I would like to submit to you. His name is Warren Olney and he is Director of the Administrative Office of the Federal Court System.

MR. DULLES: What is that name, sir?

CHAIRMAN: Olney; O-l-n-e-y. He could take a leave of absence from his position and do this job even without any additional expense to the government, and I want to tell you why I would select this man.

MR. DULLES: Is his first name Richard?

CHAIRMAN: Warren Olney. Not related in any way to me, however, but I have known him since he was a very young man. He

graduated from the University of California and from the University of California Law School about 1924. He went to work in the District Attorney's Office in Slaughter County, neighboring my county, and he was there for about a year and a half and I learned of him and I asked him to come over and work for me. He came to me and he was a trial lawyer for me for about four years. His father, who was the head of one of the biggest firms in San Francisco -- it may have been the biggest at that time -- came to me one day and said, "Earl, I wish you would do me a favor." I said, "What is that?" He said, "I wish you would help me get my boy to come over and practice law with me. Unfortunately," he said, "he likes your work better than he does mine, but I would like to have you get him to do it." I said, "Well, Judge, if I can I would be glad to help." His father had been a Justice of the Supreme Court for some years in our State. And so I did; I talked to him and told him, "Your father is a great lawyer, great citizen, and he wants you, and I think you would make a mistake if you didn't do it because if anything happened and you, knowing that he wanted you with him, you would regret it the rest of your life." Well he said, "I'll go then," and I said, "Now I want you to know, if you ever want to come back to this kind of work, if I'm still in it, any time you will be quite welcome." So he went over with his father and his father died very suddenly about two years after that and I was Attorney General at the time, and that firm wanted to keep him as a senior partner but he came over to start to work for me for about three hundred dollars a month, because that was the only job I had open as Attorney General at the time. He was there the Monday after his father was buried, and so I took him and he was with me for about three years. I made him Chief of the Criminal Division of the Attorney General's Office.

Then along came the war, and although he had four children nothing would suit him but duty in the Pacific with the Marine Corps. And he wanted in only one thing and that was the Naval Intelligence part of it, where they did all the preparation for the raids themselves. And he was there through the war. When he came back I was Governor of the State and we had an underworld situation developing and I found it necessary to set up a State Crime Commission, so I made him the Executive Officer of the Crime Commission. Old Admiral Stanty who just died recently was the Chairman of my Crime Commission. He was there about three years and when we adjourned the Crime Commission the University of California got him to become a full professor at the Law School. He was there for two or three years and then when the Eisenhower Administration came in they got him to come back here, leave the Law School and come back here and be the Chief of the Criminal Division of the Department of Justice. He was there for almost five years, longer than any man has ever held that job, and he was getting worn out and tired and I induced him to leave that job and to come over and build up the Office of Administration in the Federal Court System. And he has been there for about five years now and has just made a tremendous change in the office and has given it great importance it didn't have before.

He is a man who has absolutely no political ambition, never has had, and a man on whom I could bet my life for integrity and discretion and wouldn't talk about business for anything in the world. He is a fellow with real ability, and this is the line where his greatest ability is. And I just don't believe I could find anyone in the country who had comparable experience in this field for that kind of a job. I am sure anybody who knows him would vouch for him. He is in a non-political position now; no one

could attach any political significance to it. He is a man that no one that I know could not work with without any peradventure of doubt. He is close here, he knows the working of the F.B.I. and the Secret Service backwards and forwards because he was with them for five years.

SEN. RUSSELL: What is his age?

CHAIRMAN: He is just about sixty. Let's see, twenty-four to forty, next year will be forty years since he graduated from college, so he is sixty or sixty-one.

REP. BOGGS: I know him very well and think very highly of him.

SEN. RUSSELL: I think I know him. Is that Warren Olney, III?

CHAIRMAN: Yes.

SEN. RUSSELL: I knew him slightly over here in the Justice Department.

CHAIRMAN: Yes, that's the one.

REP. FORD: Mr. Chairman, I know him by name, I don't know him personally, and everything you said certainly is an excellent recommendation. I think the selection of the staff, and certainly the selection of this individual, is of maximum importance. I look upon this group just as Mr. McCloy does, with a very major responsibility, and I want it to have the finest aura or atmosphere. And when the report is written I certainly hope it can be unanimous, it can be the full judgment of all of us. I don't want the Commission to be divided. I don't want it to be your Commission or the Commission of half of us or otherwise.

Now I think the selection of the staff relates to this. If this announcement comes out that he is selected, and with your

long relationship with him, there can be some, unfairly perhaps, who would then say that the Chief Justice is dominating the Commission and it will be his report rather than the report of all of us. I'm just saying that there will be some people who will use this line, and the utilization of that line could cast some adverse reflection, despite all of his fine qualifications, to disparage what we finally come up with.

Now there are some people in this country who don't want this Commission to succeed, and I think we have got to be most careful, sir, to see that we make no error in the selection of the staff or the methods by which we proceed. And I wouldn't want our first step in this direction to cast some adverse reflection on what we might come up with at some later date.

I emphasize I know nothing adverse about Mr. Olney. I know him by name, I may have met him, but I think there is some danger in the employment of anybody who is closely connected with anyone of us.

MR. MC CLOY: Mr. Chief Justice, I feel there is another element in this thing. I feel, and I think perhaps all of us do, that the success or failure of this Commission may largely depend on the counsel, and I think it would be unwise for us not to consider a list of people. Now I don't know Mr. Olney, maybe he's the fellow, but I should think we ought to not take the first name that comes along. I think we ought to weigh the qualities of a number of people. There is no lawyer who is so distinguished that he shouldn't undertake this. Indeed, I was greatly surprised that a couple of lawyers called me up, famous figures, and said, "Jack, if you want me to do something on this, I'll do it;" the leaders of the Bar of New York. But I'm not making any case for

any of them or mentioning any names, but I think we ought to take a look at a group of people and make up our minds that this is the best man rather than take the first fellow and only fellow that is suggested that we go on. [Clincy] may be the one; it is very impressive what you say. But he was in the Department of Justice. However, maybe the Department of Justice, by the very reason of the fact that it has something to do with the F.B.I., may be an advantage or disadvantage, but I have a feeling that we ought to look and pick out the best damned man that we all conclude is the one for this job. It may very well be [Clincy].

CHAIRMAN: That is all right with me. Who do you have in mind?

MR. MC CLOY: Well, I thought of a number of people, but I have got some names down here that would command respect the minute that we spoke of them. They would be people, of course, of my experience; I have run into a good many of them; trial lawyers.

CHAIRMAN: That is why I submitted [Clincy], a person of my own experience.

MR. MC CLOY: Yes; sure. These are leaders of the bar. Let me run through a number of names. I think I won't put them in any order of their quality here. These are people that I know: here in Washington; in New Mexico, who has big experience; of Atlanta. You know of many of these people probably; he is one of the trial lawyers of the New York Bar; and I suppose and in New York. But maybe we shouldn't go to New York for one reason or another.

MR. DULLES: I notice you have name down there.

MR. MC CLOY: Yes, as one of the names to be mentioned.

MR. DULLES: I don't think it should be anybody from Texas.

MR. MC CLOY: So I won't mention any outstanding people from there. There are others I could name but I would think we ought to have a sort of grab-bag of names of men. Even somebody called me up the other day and said I think if you wanted to get Tom Dewey you could have Tom Dewey. I don't know if we would want to take Tom Dewey, he having been a Presidential nominee, but there is a man who is a tremendous investigator and a tremendous reputation and very powerful advocate. But this shows you the quality of people you can get. I believe we could get the best counsel and I believe we could staff it with some of the very finest men; law clerks are calling me from all over the country and saying, "Mr. McCloy, if you want me to come to you I will," and some of them summa cum laudes, everything else. So I think we can choose just about who we want to, and I would like to take a look myself at Olney, get a little of his feeling and standing in his community, as well as anybody else that is suggested in this thing. But I have a feeling we ought to look over the field.

REP. FORD: Is it proper to ask the American Bar Association to make recommendations?

CHAIRMAN: We could do that. That is the American Bar list pretty well right there that you have, Mr. McCloy. I don't believe we should ask the American Bar Association to do that for us.

MR. MC CLOY: I didn't get these from the American Bar Association.

CHAIRMAN: No, but those people have been very active in

that association.

MR. MC CLOY: I've got down here. But these are people who, I'm sure, are good, solid counsel through my own experience, but there are too many here to list.

REP. BOGGS: There is one thing about it, and I guess this is from my experience as a Congressman, but I think the Chairman needs a counsel with whom he can be completely at ease. I'm not advocating or proposing Mr. [Olney] but I would think that the Chief Justice should have someone that he has total, absolute confidence in. And about choosing a name, it has been my experience that oftentimes the names fit a certain category but when you get them into this just as often as not they don't quite turn out that way.

SEN. COOPER: Since we are all giving our views I think that on this staff you have to have a lawyer who is acquainted with the processes of the government and these agencies, and it is true that Mr. [Olney] would fit in some place with that knowledge that he has. I do see another factor, that if the top counsel was one who had never been associated in any way with any of these agencies it might give it some kind of independence that we might expect from this Commission. I say that with all deference that if you could find a man like that it would be very good, and Mr. [Olney] act as his executive, the man who correlated it. That is just an idea. I know you want somebody that you feel safe with, Mr. Chief Justice.

REP. BOGGS: Maybe Mr. [Olney] could come in as Chief of Staff and then you could have Chief Counsel over and beyond that. It might well be the obvious way to handle it.

MR. MC CLOY: You remember the McCarthy Investigation. They had all kinds of people in mind and finally picked out a name,

not a very famous name, from Boston, Mr. Welch. Now he was a whacking good investigator and trial lawyer, but he was completely independent.

REP. BOGGS: Yes, and we had a good one from Tennessee. I can't think of his name right now.

SEN. RUSSELL: What was that fellow's name from Tennessee?

REP. BOGGS: Jenkins. And he was terrific, real homespun.

SEN. RUSSELL: He was homespun all right, but I thought Welch was a lawyer.

MR. MC CLOY: He was a lawyer.

MR. DULLES: I think we have got to get a concept of what this Commission is going to do. I'm not entirely clear about that yet. I don't think we will know until we see these reports. However, I think it is perfectly clear that we are going to need somebody.

MR. MC CLOY: Oh, yes.

MR. DULLES: But it is not quite clear to me exactly how we want to proceed. I wonder if we shouldn't get our reports together, get our names together, and then get some concept of our work. It is quite a different kind of job than the ordinary counsel would operate under. I mean it's a different sort of thing. I think we will be operating more on documents than people actually. I don't feel we want to delay too much because time is going by and people are expecting a good deal of this Commission. We have enough problems that are going to delay us anyway. But if we are going to get these reports within the next three or four days and get some concept of what the scope of the work is -- are we going to make recommendations at all? I'm not quite clear. Or

are we going to get into problems such as presenting legislation in regard to owning, possessing firearms, things of that kind? Is that within the function of this Commission or is it not?

CHAIRMAN: I wouldn't think so.

MR. MC CLOY: You can put anything in there.

MR. DULLES: Or is it whether the Secret Service should be tied in more closely with the Department of Justice rather than the Treasury Department?

SEN. RUSSELL: There is no limitation in the order but I seriously hope we can exercise more restraint than to get into all the areas that have been suggested.

MR. DULLES: I hope so too.

SEN. RUSSELL: This disturbs me. I feel very much like Mr. Boggs said. If the Chief Justice is going to be Chairman of this Commission then you have to assume a greater responsibility than the rest of us, because from the very nature of things you will be compelled to, and I would like to have the Chairman have whoever he would like to have. I can see however from the very fact that he was head of the Criminal Division for five years and worked there and over at the F.B.I., which would be the principal source of our information, might cause some criticism. We are not going to avoid criticism no matter what we do, there is going to be plenty of that, but I think Mr. Chief Justice should have somebody with whom he can work. I wonder if Mr. Olney would be interested in starting off as Executive Officer? You are going to need someone right away, not next week or tomorrow.

CHAIRMAN: That is true, I need somebody who knows his way around here and who is familiar with the departments, etc. We could take some of the greatest lawyers in New York City and they

could come down here, but they wouldn't be oriented by the time we were ready to make our report. I believe names are all right but, really, we have got enough names on this Commission it seems to me, and what we need is someone who can really do a job for us, not a figurehead.

SEN. RUSSELL: The reputations of all of us are at stake in this thing.

CHAIRMAN: That's right.

SEN. RUSSELL: Frankly, I don't know if I will ever feel the same to the President for putting me on this Commission. I told him I didn't want to serve, and wouldn't serve, but I couldn't figure any way out of it.

CHAIRMAN: That is right.

SEN. RUSSELL: But we have got to be exceedingly careful in getting able men because insofar as all of us are concerned, we have as much as we can do in other areas, the Chief Justice certainly, and all of us have responsibilities on the Hill. I feel like I have more than anybody else. I suppose everybody feels the same way. And Mr. McCloy and Mr. Dulles have things to do. So I hope that we can get a staff, not an Army, but a staff of exceedingly capable men that will be able to formulate a report that will stand the most exacting scrutiny of any fair-minded person. That is the best we can hope to do, because there are going to be some people that will disagree and find fault with what we do. But to get a report that would meet the scrutiny of fair people and, thank Heavens, the vast majority of us are fair. We hear a good deal more from the other but they are there. The overwhelming mass of them are fair. So I throw it out as a suggestion that if we could let Mr. Chief Justice speak to [C]lney about this,

at least in the initial stages here, certainly as Executive Director of this Commission. He can do that from his position there as well as any of us can do it from our position. I am not necessarily proposing a Chief Counsel. I think he has some very fine qualifications from what you say. Then let him appoint a committee, and you chair it, and Mr. McCloy and Mr. Dulles on it, to select a Chief Counsel. Or you could have Mr. Ford or Mr. Boggs or Senator Cooper, any four or five people, and we could go through this. We do that when we have a vacancy on the staff of the Armed Services Committee; interview a dozen or more people. Someone mentioned the name of/ He is an exceedingly capable young man. I never even thought of him.

REP. BOGGS: I know him very well. I think the world of him.

MR. DULLES: Could Mr. [Cliney] get a leave of absence?

MR. MC CLOY: And how about money for this Commission?

REP. BOGGS: The Executive Order provides whatever is required.

MR. MC CLOY: Out of the President's Emergency Fund?

REP. BOGGS: Yes.

MR. DULLES: I think we ought to get a copy of it. I don't think the full text is here.

REP. BOGGS: It was in the Post Sunday.

REP. FORD: Mr. Chairman, it does appeal to me that we have a top man, then we have an Executive Secretary or Administrative Officer. I do agree with what Dick Russell said, that a committee be appointed. I certainly think Mr. Dulles and Mr. McCloy and yourself probably know people who fit the kind of qualifications I believe we would agree on, and could probably be most influential in obtaining this person for this job. I would hesitate this

morning to take any official action making it permanent that Mr. [Olney] be made the permanent Executive Secretary. I know nothing about him other than what was said here but I feel my responsibility is to take a look at the whole picture as far as he is concerned.

CHAIRMAN: I was just saying to Senator Russell that I really believe, gentlemen, since you say he has been connected with the Department, which is true, but I bet you can take that list you have there, Jack, and we will find many of them that have been connected with the Department, just as a sample. And we don't want somebody here just because he's a name and somebody who doesn't know his way around in the labyrinth of the government. We need somebody who is up-to-date and who knows this situation here and can go to work and go to work immediately, not 2 month or two from now but go to work now, and that is the reason I thought of this man. I doubt if you can find any place anyone who has had greater experience. Now you might disagree on his ability. I think he is a very able man. I have known him for a long time. I know there isn't a man in my acquaintance who is any more honorable or any more self-effacing than this man in the doing of a job. He has lived for causes all his life. They wanted to make him a Court of Appeals Judge when he left there and he wouldn't take it because he wanted to be able to work for causes. I suppose if he had taken a job as Court of Appeals Judge everybody would say "there's a hell of a big man." But he wouldn't do it because he took this job; he thought it was a cause to serve over there and he just dedicated himself to it.

SEN. RUSSELL: Mr. Chairman, if it is in order, I move the Chief Justice, Mr. McCloy and Mr. Dulles should constitute a

subcommittee to look into this matter, and I would like to have Mr. Ford, too, to interview Mr. Olney and others and to select a counsel for this Commission.

MR. DULLES: I think it would be better to select a name.

SEN. RUSSELL: All right, make recommendations to the Commission. Of course, I'm going to vote for whomever you select, and I hope Senator Cooper and Mr. Boggs will.

SEN. COOPER: Yes. I would leave the name out for the moment.

REP. FORD: I would rather not serve on this committee, if I might. I have some things I have just got to do in the next ten days, and this has got to be done right now.

MR. MC CLOY: Who hasn't?

REP. FORD: I know this is a poor plea.

SEN. COOPER: I think it is a good choice.

SEN. RUSSELL: I don't think it is a question of choice, I think you will have to do it.

REP. FORD: All right.

SEN. RUSSELL: I make that motion.

CHAIRMAN: Very well. Is there a second?

REP. BOGGS: I second it.

CHAIRMAN: All in favor say "Aye." (A chorus of "Ayes.")
Contrary minded? (No response). The "Ayes" have it.

Now when do you want to meet to talk this over, the committee? I'm ready any time.

MR. MC CLOY: I am going to be here today and tomorrow and then I have to go to London, and I have got to be in London Monday and Tuesday and then back.

REP. BOGGS: Maybe you all can meet today and tomorrow and then the full Commission can meet, say, Wednesday?

REP. FORD: I'll be available today and tomorrow but I will be tied up Monday and Tuesday.

MR. MC CLOY: Is Olney from California?

CHAIRMAN: Yes.

MR. DULLES: Is he in California?

CHAIRMAN: No, he is right here in Washington.

MR. MC CLOY: Where is he from, San Francisco?

CHAIRMAN: Berkeley.

MR. MC CLOY: What's his first name?

CHAIRMAN: Warren. His father was head of the old firm of McCutchen, Olney, etc., biggest firm in San Francisco, I think.

MR. MC CLOY: do you know him?

CHAIRMAN: I know him very well, but . . . hasn't the strength or energy; he is retired; been ill for years. He just isn't up to it; very able fellow, however.

SEN. RUSSELL: Does Mr. Olney have any sense of public relations, Mr. Chief Justice? I was thinking that we are going to have to have someone as a foil, equally to the press and television, things of that sort.

CHAIRMAN: Well he has had a lot of experience of that kind.

SEN. RUSSELL: I don't mean he has to be an extrovert.

CHAIRMAN: He is a man who has kept his relations with the Federal Court System in pretty good shape and hasn't gotten into any difficulty there, and when you are satisfying three hundred judges or so you have got a problem.

SEN. COOPER: I know him. I remember him.

MR. MC CLOY: Who was Richard T. Olney?

CHAIRMAN: He was Attorney General under McKinley, I think.

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. Why can't the subcommittee, if they desire, meet this afternoon and the full Commission convene on the call of the Chair?

REP. BOGGS: That is fine.

CHAIRMAN: Yes, that is all right with me.

MR. MC CLOY: I have this question. I have got a terrific schedule, it's just piled up at this time. I have to go to Brazil next week and Argentina. I have called it all off temporarily. And I have got to go to London just for a day, really, and I would just like to get some thought of when our next meeting would be so I can adjust these things, and I'm sure we would all like to do this. I would think that until we get the report there is not much we can talk about, is there, until we have a chance to read that report.

CHAIRMAN: My thought was this, that we ought to get first a counsel, and then we ought to get an office manager. We can get that through the Bureau of the Budget. I am sure they can arrange that. They have a lot of experts they can get for us. And then I thought we ought to have a file expert, because it is tremendously important, and I thought we could get them from Archives. They are able to classify and document things perhaps as well as anybody in the government and I thought possibly we might borrow from here. I think they would be glad to do that. And I think the minute we get the reports those people can go to work and get things organized for us so we won't be dealing with