

MEMORANDUM

February 28, 1964

TO: Mr. Howard P. Willens

FROM: Leon D. Hubert, Jr.
Burt W. Griffin

SUBJECT: Minutes of Staff Meeting of Monday, February 24, 1964.

A meeting of the legal staff was convened at approximately 5:45 P.M. Mr. Chief Justice Warren presided. All staff members were present with the exception of Mr. Liebeler, Mr. Shaffer, Mr. Adams and Mr. Coleman.

The Chief Justice opened the meeting by reemphasizing the very great importance which he placed upon absolute security of the proceedings and papers of the Commission, and the necessity of allowing no leaks to the press. He read in its entirety an article by Mr. Anthony Lewis, published in the New York Times of Saturday, February 22. This article reported, in part, that Robert Oswald had told the Commission in his testimony that he believed that his brother, Lee Oswald, may have been an agent of the Soviet Union. The article recited that Mr. Robert Oswald was particularly concerned because his brother's hair had apparently thinned and changed texture during his stay in Russia. Chief Justice Warren assured the staff that he was not suggesting that this information came from any staff member. However, he stressed that the information could only have been obtained from Robert Oswald, his attorney, or someone who had access to Robert Oswald's testimony before the Commission. Chief Justice Warren emphasized fragments of information such as this were the kind that might readily be seized upon by extremist elements in the United States to whip up public sentiment and produce foreign policy changes unwarranted by the facts.

Thereafter, the staff members discussed possible leaks to Anthony Lewis. It was observed that on Monday, February 24, members of the Press had been permitted to gain entrance to the hallway on the fourth floor of the VFW Building which the staff offices open on to. The Chief Justice stated that hereafter all members of the Press would be required to remain on the first floor and that a Press Room was available to them.

Mr. Jenner informed the staff that on Friday evening, February 21, he, Mr. Allen Dulles, Robert Oswald and Mr. Oswald's attorney had dined together at Hogate's Restaurant. Mr. Jenner stated that the subject matter which appeared in the Lewis article had come up during the dinner table conversation and that it is conceivable that a person seated at a nearby table could have overheard the conversation. He also stated that Mr. Oswald and his attorney informed him when the dinner ended, that they

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February 28, 1964

intended to visit the Lincoln Memorial that night. Mr. Jenner suggested that it was possible that they might again have discussed Lee Oswald's possible role as a Soviet Agent during their cab ride to the Lincoln Memorial. Mr. Eisenberg mentioned that he, Mr. Slawson and Mr. Griffin had met Anthony Lewis near the elevator in the VFW Building on the first floor as they were returning from lunch on Friday, February 21. At that time, Mr. Lewis remarked that he believed that the tight security which the Commission was trying to impose could not be maintained since so many persons were privy to the information of the Commission. Shortly thereafter, Mr. Eisenberg informed Mr. Redlich that he believed Lewis's remark may have had reference to a specific leak which had already occurred or which was about to occur. Mr. Willens mentioned that on Thursday afternoon, Anthony Lewis had attempted to telephone Mr. Jenner at the Commission, but was unable to reach him. Mr. Jenner remarked that he had had no communication with Mr. Lewis of any sort.

Mr. Jenner questioned the wisdom of releasing copies of testimony to witnesses or their attorneys. Mr. Jenner mentioned the high price which Mr. Rankin indicated was being offered for information relating to the Commission's work and the possibility which had already arisen that certain testimony had involved perjury. He advised that witnesses and their attorneys should be allowed only to examine copies of their testimony in the offices of the Commission.

Mr. Belin stated that he believed denial of access to a Commission transcript might be a violation of the witnesses' Constitutional rights. Mr. Jenner and others disagreed.

Mr. Hubert suggested that testimony for the Commission be treated similarly to grand jury testimony in his jurisdiction in Louisiana, where no transcripts of testimony are made available to witnesses or the public. He also recommended that, either as part of the oath or by request of the Commission, witnesses be advised not to discuss their testimony with members of the press prior to the release of the Commission's report. The Chief Justice expressed the belief that it would not be proper for the Commission to attempt to prevent witnesses from speaking to the press.

The Chief Justice also mentioned the kinds of questions being addressed to witnesses. He cautioned against asking questions which would induce witnesses to speculate upon matters not susceptible of proof. He referred in particular to questions asked of Marguarite Oswald and Robert Oswald.

The Chief Justice asked Mr. Jenner for his views on the testimony of Robert Oswald and Mr. Jenner said he thought that Robert was candid about the childhood of Lee Oswald and the relationship of both himself and Lee to their mother; however, Mr. Jenner believed that Robert

Mr. Howard P. Willens

February 23, 1964

was less open about Lee's later life and about Marina Oswald.

Mr. Jenner also commented upon the statement by Robert Oswald that Jim Martin and Marina Oswald had told him that Lee Oswald had also contemplated shooting former Vice President Richard Nixon when he appeared in Dallas during April of 1963. Jenner stated that he believed there was a strong likelihood that, even if Robert Oswald's statement were true, Marina and Mr. Martin had lied to him. Mr. Jenner doubted the probability of a woman the size of Mrs. Oswald being able to force her husband into a bathroom and to keep him there all day. He also doubted that one would not be able to open the bathroom from the inside. Mr. Jenner indicated, at the same time, he was not entirely confident that Robert Oswald was telling the truth about the Nixon episode since Oswald has a financial interest in income which Marina may receive from newspaper, magazine and other publicity and because, when questioned by Mr. Jenner, Oswald stated that he did not inquire into any of the details or questionable aspects of the Nixon story when told to him by either Mr. Martin or Marina. Chief Justice Warren stated that he believed Robert Oswald's financial interest in the future of Marina Oswald was a strong factor to be weighed in evaluating Robert's testimony.

The meeting was concluded at approximately 6:35 P.M.

*Noted - AWS
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