

Fortas, Abe

SELECT COMMITTEE ON ASSASSINATIONS

NAME Abe Fortas Date 7/18/78 Time 4:20
Address 1200 29th St. N.W. D.C. Place Fortas law offices there

Interview:

Gary Cornwell and Mike Ewing interviewed Fortas at his Washington law office on July 18th. Mr. Fortas began the conversation by stating that he did not believe he had any information that "is really relevant" to the Committee's investigation. However, he stated that he hoped he could clear up at least a few questions. At this point, he brought up the subject of the FBI memorandum (of November 27, 1963) in which Nicholas Katzenbach was quoted as telling Courtney Evans that Fortas has urged President Johnson not to appoint the Warren Commission.

Fortas stated that he had read of this memo in the Washington Post and had remembered that Hoover had written a notation on the memo which indicated that Fortas "was acting sinister" in recommending that the Commission not be appointed. Fortas went on to state that the memo was "totally wrong," and that he had in fact urged the creation of the Commission. Fortas stated that the statements attributed to Katzenbach in the memo were false. Fortas further stated that he believes that the memo was actually the result of a misunderstanding growing out of the fact that he had recommended that the Commission not have its own investigators. He stated that someone must have interpreted his opposition to the Commission having its own investigative staff to mean that he was against the actual Commission itself. Fortas stated that he had merely "suggested to President Johnson that he use the FBI" to carry out the Commission's investigative work.

In recalling the events following the assassination, Fortas stated that "President Johnson, and for that matter, no one else, was secure following the shooting," because they did not know if "a lone nut" or a "foreign or domestic conspiracy" was behind Kennedy's murder.

Fortas stated that, "There were two great problems facing President Johnson: how to get to the bottom of the question of who did it, and do it in a way to get the findings public and in a manner that carried conviction." Out of this concern, Fortas stated, came the Warren Commission.

Fortas stated that "one great big source of contention and concern was Texas" in the immediate days after the murder. He stated that the Texas authorities were considering a "public grand jury proceeding" under some obscure statute there; a proceeding which Fortas and other
Interviewer _____

(Signature)
Mike Ewing
(Typed)

Date Transcribed July 25, 1978 by _____

Johnson advisors felt "might develop into a three-ring circus." Fortas stated that there was "great concern that the Texas rangers might be dirtying up the tracks" if they carried on with their plans to conduct their own investigation of the assassination.

Fortas stated that he hopes he "was persuasive with the President in arguing against" such a Texas investigation. Fortas stated that his own influence on Johnson should not be exaggerated however. He stated that "I'm like the little boy watching the football game thru a knothole in the fence," and that he was not that much of a participant in the President's work.

Fortas stated that he doesn't recall his first discussion about the assassination with President Johnson following Johnson's return to Washington. He stated that he believes it was within a day or two after the murder, but is not sure. He stated that he cannot recall where this meeting took place. He stated that his first discussions with Johnson after the murder were with regard to the President's upcoming speech to the Congress as well as transition matters.

Fortas stated that Johnson had been "one of my closest friends since the 1930's," that they frequently spoke with each other as often as several times a week, and that he had represented Johnson as an attorney on several occasions.

He stated that he has no idea why Director Hoover believed that he was "acting in a sinister manner" when he allegedly urged that the Warren Commission not be appointed. He did note however that he (Fortas) was known as a critic of the Bureau during the McCarthyism era, and that he had spoken out against "the Bureau's repressive measures" then.

Fortas stated that Earl Warren was chosen to head the Commission because of his widely respected judicial stature as well as his background as a prosecutor in California. Fortas stated that Johnson had enlisted Fortas in an effort to persuade Warren to accept the job. Fortas stated that Warren had turned it down, and that Johnson sent Fortas to meet with Warren to urge that he reconsider. Fortas stated that Johnson told him, "Abe, you go and get him to do it." Fortas stated that he met with Warren and urged him to accept, but that Warren stated that he was still undecided. Fortas stated that he does "not take credit" for Warren's subsequent decision to head the Commission, though he hopes he was helpful.

Fortas stated that during this early period after the assassination "no one knew if there were going to be more assassinations" of other people in the government. He stated that this was another reason for great care in probing the murder and the possibility of a conspiracy. He stated that he remembers some vague references to possible Communist involvement, but that this was only speculation. He stated that he does not recall any references by Johnson or anyone else to Cuban or Castro involvement.

Fortas also stated that "it would not have been like President Johnson at all to ask my opinion" about the possibility of there being a conspiracy behind the assassination or whether Oswald had merely acted alone. He also said that it would not have been likely that Johnson would have voiced his own thoughts on this to anyone. He did state however, that he vaguely recalls hearing of an interview with Walter Cronkite in which Johnson did later express doubt about whether Oswald had acted alone.

Fortas further stated that he does not believe that he discussed Jack Ruby with Johnson at any point following Ruby's murdering of Oswald. He stated that he was only discussing "transition matters" with the President during the weeks after the assassination.

Fortas stated that Oswald's murder by Ruby did lead him to "think about the possibility that Ruby was part of some conspiracy to bump Oswald off" to silence him. However, Fortas stated that this "didn't heighten the need for more investigation; it was already heightened as much as possible."

Fortas stated that he never heard about or discussed with President Johnson or his associates any speculation regarding the possible involvement in the assassination of the domestic rightwing, racist elements, Texas oilmen, or organized crime.

Fortas stated that there are several former close associates of Johnson who it might be useful for us to talk to: Harry McPherson, Horace Busbee, Jack Valenti, Clark Clifford, Bill Moyers, and Walter Jenkins.

Fortas said that he has opposed the creation and investigation of the Select Committee, stating that the Committee's work "is utter nonsense." He said that the problem is that the public simply "can't believe that the Oswald's and Bremer's do in fact exist." He went on to state that "the simple explanation is unacceptable to such a crime of that magnitude." Fortas did state however that he believes that the "continuing public clamor over the assassination" may justify re-investigating the case to some degree, though he states that he still opposes the HSCA.

Fortas further stated that, "One of the things that brought it all to this magnitude was that damn, kooky guy Ruby bumping off Oswald. People think maybe Oswald would have said something." Fortas went on to state that the "key problem" of the case is that "what the public wants is to prove a negative," i.e. prove that a conspiracy did not exist.

Fortas ended the conversation stating that he thinks the FBI and CIA did "a thorough job" in investigating the assassination, and that Director Hoover and DDCI Helms "were both extraordinary professionals." He stated that he believed that Helms' subsequent conviction for misstatements under oath and various illegal actions attributed to Hoover "were really the result of both of them being professional - too professional."

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