

From: *Sam Johnson's Boy*, by Alfred Steinberg (Macmillan, 1968) - Some of the details in this account are amazingly accurate, as we have recently come to know. I wonder if the rest is, like attributing so much to Fortas, who I'd never heard mentioned in line with this before, HJR.

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bert," he asked after exchanging pleasantries with his old agent, "don't you think this Tuesday is a poor time to bring up the Mundt Amendment?"

Humphrey replied that nothing could be done about it because a unanimous consent agreement two weeks earlier had set November 26 for the vote.

"Can you beat it?" Johnson bellowed. "How many votes do you have?"

"Well, I'm not sure," Humphrey stammered.

"That's the trouble with that place up there." Johnson jeered at Mansfield, who had ordered an end to the practice of prying from senators how they intended to vote on various bills. "You fellows just don't have the votes counted."

Humphrey and Larry O'Brien made a vote count on the day Kennedy was interred, and the actual vote the following evening bore out their figures that the Mundt Amendment would be easily defeated. That Tuesday night Humphrey called Johnson at The Elms at 9:15. "I just wanted to report your first victory as President," Humphrey said smugly. "We've defeated the Mundt Amendment 57 to 35."

"Keep it up, Hubert," Johnson told him. "Come on over and have something to eat. I want to talk to you."

Around the table when Humphrey walked in were Johnson, his inseparable young aides, and Abe Fortas. Johnson had the Galbraith, Busby, Stevenson, and Sorensen drafts of his speech for tomorrow, and he read aloud parts from each. After Humphrey finished eating, Johnson tossed all the drafts to him and said, "Hubert, you and Abe go ahead and redraft these speeches and get me one that will be suitable for tomorrow."

Fortas had become Johnson's chief adviser and listening post in these first days. It was he, for instance, who suggested that to head off a Senate Judiciary Committee investigation of the assassination, Johnson should organize a special commission composed of old and well-known Americans. Fortas also gave him the names of the individuals he should appoint, and Johnson's task became that of browbeating these persons to serve. The Fortas names were Chief Justice Earl Warren; Senator Richard Russell; former CIA boss Allen Dulles; banker, former Assistant Secretary of War for Roosevelt, and disarmament troubleshooter for Kennedy, John McCloy; Senator John Sherman Cooper of Kentucky; plus two fifty-year-olds as a concession to youth—Republican Representative Gerald Ford of Michigan and House Democratic Whip Hale Boggs of Louisiana.

Johnson had to do a great deal of arguing before he could issue his Executive Order of November 29 naming these seven. Earl Warren had come to the White House to tell Johnson he would not accept. Warren said: "The President told me how serious the situation was. He said there had been wild rumors, and that there was the international situation to think of." Johnson built up a spurious picture of worldwide disaster if Warren did not head the commission. "He said he had just talked to Dean Rusk." Warren recalled the Johnson histrionics, "and he also mentioned the head

of the Atomic Energy Commission, who had told him how many millions of people would be killed in an atomic war. The only way to dispel these rumors, he said, was to have an independent and responsible commission, and that there was no one to head it except the highest judicial officer in the country. I told him how I felt. He said that if the public became aroused against Castro and Khrushchev, there might be war."

"You've been in uniform before," Johnson told the seventy-two-year-old Chief Justice in a roll beat of patriotic drums. "And if I asked you, you would put on the uniform again for your country."

The old first lieutenant of infantry in World War I said, "Of course." "This is more important than that," Johnson pushed forward.

"If you're putting it like that," Warren said helplessly, "I can't say no."

Johnson tried a different approach on Senator Russell, whom Kennedy alive had considered as a form of Senate gangrene. "Lyndon, I'm too busy," Russell told him over the phone. "There's the civil rights bill and all those other bills coming up. And besides, I'm having trouble with my breathing."

"Well, Dick, this is going to be mighty embarrassing for me," Johnson elbowed his arguments aside. "We've already given the press an advance statement naming the members of the commission, and you're on it. I hope you won't let me down." Russell grumbled that he would not.

Having landed these two big names, Johnson had little trouble winning the consent of the other five. His chief problem came with Boggs, whose home phone gave back a busy signal for more than an hour. Johnson scolded him for having such a talkative family.

Another service Abe Fortas provided Johnson in those first days was to advise him to put the Johnson businesses and investments into a trust. Johnson had checked into the wealth of other Presidents, and he was excited and proud that he was the richest Chief Executive in history, millions higher than the ten million dollars Joe Kennedy had given his son Jack.

Fortas told him he must not give the impression he was still involved in money-making, but should sign an irrevocable trust putting his holdings into the hands of trustees, as Eisenhower had done at the outset of the Presidency. In the Eisenhower trust, no information regarding sales or investments was given him by the trustees—only the amount of taxable income the trust earned each year.

Johnson was amenable to Fortas' suggestion, provided he named the trustees. And he did name the two. One was his old hunting pal and business partner A. W. Moursund, and the other was his Dallas business friend and lawyer J. W. Bullion. So the trust that was dated November 29, 1963, served the purpose of answering any public charge that the new President was involving himself with profitable sidelines; and at the same time, by appointing two business associates as his trustees, Johnson could continue actively in business.

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