

(PLH #80; #62-109060-1716, Belmont to Tolson, 12/3/63 (sic)) Reporting on a conversation with DAG Katzenbach on the morning of 12/4. "Katzenbach said that he had been talking to Chief Justice Warren, and Warren had indicated to him that the chief counsel for the President's commission will be Warren Olney. Katzenbach thought that this would be most undesirable. Katzenbach said that, as we probably know, Chief Justice Warren thinks that Olney can do no wrong, and he (the Chief Justice) had made the point that Olney is conversant with the FBI's procedures and thus would be operating in a familiar field. Katzenbach said if we have any ideas as to how Olney can be blocked as chief counsel, he would like to have them. I told him that, as far as I was concerned, Olney was an undesirable choice, and if we had any thoughts we would get them to him."

Hoover's handwritten comment on the first part of this paragraph: "Horrible."

5 Dec 63: Warren Commission meets in executive session, 10:00 a.m. to 12:45 p.m., with Katzenbach present to 11:22 a.m. (This is the first WC meeting.) After Katzenbach left, Warren suggested Olney as chief counsel. There was considerable discussion. (The transcript, with Olney's name deleted, was released in 1975; I was able to identify Olney. (See separate notes of 4/26/75.)) Ford suggested Olney was too close to Warren; McCloy expressed reluctance to simply accepting the first name suggested, and mentioned others. Warren spoke very favorably of Olney. Warren, McCloy, Dulles, and Ford were named as a committee to consider the matter.

On the night of 12/5, Katzenbach called Belmont to comment on the FBI Report, CD 1. He also "said that if Warren Olney is appointed as counsel for the Presidential commission, Katzenbach is going to try to get an attorney from the Criminal Division in with the commission, so that he will know what is going on." (Belmont addendum of 12/6 to memo of 12/5 from Evans to Belmont; FBI #62-109060-1673; PLH #10.) [Most of this memo deals with information given by Katzenbach to Evans concerning the WC meeting of 12/5, including the fact that the meeting had not gotten around to a discussion of the appointment of the chief counsel or the staff.]

At 1:30 p.m. on December 6, Katzenbach called Belmont. "He said in some manner the appointment of Olney had been blocked" and that Rankin was being considered. He asked for an opinion on Rankin; Belmont said that a name check was already being done at AAG Miller's request. (PLH #12; FBI #62-109060-1623; Belmont to Tolson, 12/6/63.)

The Warren Commission met from 3:00 p.m. to 4:15 on December 6. (PLH #K.21) Warren said that the committee had met at 8:30 a.m., and that McCloy, Dulles, and Ford all "had some reservations" about Olney; Warren withdrew the suggestion. There was discussion of Rankin and others. (Pp. 3-4.) Later, Warren suggested bringing Olney in under Rankin (with whom he had worked.) McCloy suggested that Rankin have his own choice. The bulk of McCloy's response to Warren, apparently dealing with Olney, is withheld from the transcript. (P. 20-21)

At noon on 12/7, Katzenbach called "REW," apparently an assistant to DeLoach, and met with him. "He advised that he believed that Warren Olney had definitely been 'dumped.' He stated that he gave the 'go ahead' on Lee Rankin late last night. He added that an approach would be made to Rankin immediately." (PLH #13; FBI # 62-109060-162?; DeLoach memo to Mohr, 12/7/63.)

Dear Paul, The ExSess/Olney

2/23/78

It has become apparent to me that the dumping (FBI's word) of Warren Olney was not part of the "deliberative process" of the Commission but was rather a "process" of the executive agencies in the successful effort to control the Warren Commission.

Last night when Jim and I spoke I mentioned to him that the bracketing for suggested excisions, visible in the replacement pages of the first three sessions that I have mailed you, show that what was removed originally does not fall within any exemption. We got to talking and I then said that there was not a single adverse comment on Olney. He reminded me of what I had not forgotten, your Olney memo, but I had forgotten the specifics of the content. In the light of the newly available information from what Jim says it was remarkably accurate and foresighted.

In looking for it to read it this morning I can't find it. I thought you sent me a copy in 1975. In your 12/19/77 I find reference to your "separate notes" of 4/26/75, so I suppose that is the date of it.

I'd appreciate a copy for myself and one for the doctoral candidate, Nancy, together with any annotations you can add over what is in the 12/19/77 memo, a copy of which I'll send her.

Your REW may be Wannall. Remember I suggested a long time ago that someone make book on all the names and titles and functions. Too much for me. And I can't remember all, either.

Katzenbach's role in this and so much more of which this is typical is despicable. He goes to the 12/5/63 executive session and tells the Commission stories about the FBI (which happened to be true) and then tells the FBI stories about the Commission to be able to control the Commission with the help of the FBI. I suspect that he had something to do with Marshall's decision to let Lattimer in for the propaganda play of the autopsy materials because when Ned Crosby and I had a falling out over all of that nasty business you may recall Ned went to see K and Marshall, K. being on the same Afro-American Institute as Ned. Yes, it had been CIA.

Ned took very strong exception to the chapter ~~4~~ Hades Not Camelot in Post Mortem. I look back on it now and although I was alone in that position then wonder now how I could have understated it so much!

It will not be possible for me to make any kind of study or analysis of this behind-the-scenes dirtyworks. It would be very helpful for Jim to have before oral arguments before the appeals court. He thinks there will be an opportunity for further briefing, which would not be far off if true. It would be even more useful there. If there is anything you can add I can't think of a more important use in the present. If you have time, which I doubt.

But if and when you come across anything or think of anything relevant of get in touch with Olney and he adds anything, please let me know. I will pass it on to Nancy, who may find some use for it in her thesis. I am hopeful that her thesis can also be a book. This kind of manipulation of a Presidential Commission and of the Chief Justice is a pretty Byzantine thing.

I don't have to be told - I can guess that as Chief of the Criminal Division Olney was not a Hoover stooge and did not approve what the FBI did that should not be approved. Naturally such a person could not be trusted to be chief counsel of the Commission.

In retrospect, with him having these excellent credentials, too bad he did not become executive director.

Best,

For 1448 appeal

2/23/78

If this reaches you before you leave I'd like you to think of taking an added and perhaps risky but without reflection what I think may be an important new turn in FOIA matters and the JFK records.

It is slowly taking form in my mind. Perhaps new data will help if it becomes available in time for the appeal. It will, if by discovery, be available on remand, if we prevail at the appeals level and if the government does not do what I believe is not impossible, most by giving us the transcripts.

It is to make a frontal assault on the claim of "deliberative process" of the Commission. These withholdings are part of the manipulative processes of the executive agencies. Olney is a particularly good bridge at which to make this stand. The available records are enough to make it more than a mere rear-guard action. This is why I'm also attaching a copy of the more recent Loch memo.

I think that some of the records I used in the chapter <sup>89</sup>Hades Not Camelot might well be work <sup>ing</sup> on what will in one way or another be an attack on Katzenbach.

K is a bastard, an evil person on all counts and in ~~all~~ all aspects of this. He was the top Justice man on it, not RFK, who was out of it all. K was then Deputy but he was also No. 1 because Bobby detached himself. May I add that from the first I've said and still believe his detachment was proper. ~~He~~ He was parti pris. ~~He~~ He was the brother of the victim and himself a victim.

If we have time to talk about this let us consider that I file a new FOIA request of DJ on all records dealing with the establishing and operation and staffing of the WC. I'd be specific on the office of the DAG and AG. With AG I believe it would be important for the absence of records to be established. I'd name but not limit to Criminal, FBI, Office of Legal Counsel. We can't now exercise discovery in 1448 but I think the mere filing of the request would illustrate that Wignore's ~~work~~ engine should not have been grounded out before it had a chance to warm up and run.

What we now know about is some of the FBI's records. We have none of those of DJ. We know from those of FBI that there should be some of DJ's, in DAG and Criminal for sure.

I have a hunch that Willens was sent to the Commission to do what Katzenbach wanted, be an inside source for the DJ. He also was then in Criminal, which is where K wanted their inside man to come from.

If there was a staff structure Willens was No. 3 as staff director and DJ liaison. Only Redlich could have been superior to him under Rankin.

The DJ records cannot qualify as part of the "deliberative process" of the supposedly independent Commission.

In haste,