

MEMORANDUM

August 15, 1996 (Last Revised 9/19/96)

To: Jeremy Gunn
cc - David Marwell
Tom Samoluk
Dave Montague

From: Joe Freeman

Subject: Jim Lesar letter of 5/7/96, re: WC Executive Session of 9/18/64

Introduction

Lesar requested that we try and determine whether or not a verbatim transcript and/or stenotape were ever made for the final executive session of the Warren Commission on September 18, 1964. No such transcript/stenotape can currently be found in NARA's Warren Commission holdings. Instead, contrary to the Commission's practice for other such sessions, there are only minutes. For reasons that he lays out in some detail in his letter, Lesar postulates that there may have been a stenotape (and possibly a transcript) made, but that Rankin and/or Chief Justice Warren destroyed them/replaced them with minutes in order to maintain, for history, the illusion that the Commission members were unanimously in support of the conclusions of the soon-to-be-released Report. Senator Richard Russell of Georgia, in particular, raised strong objections to portions of the Report at this final executive session.¹ I was tasked, on what I took to be a non-urgent basis, to look into the issues raised by Lesar's letter and see if they could be easily resolved without undue expenditure of Review Board resources. The purpose of this memo is to briefly summarize the steps taken to date, as well as other steps that might yet be taken should you wish to pursue the still-unresolved issue further.

¹ When the Warren Commission published its Report, two of Senator Russell's "hometown" papers -- the *Atlanta Constitution* and the *Atlanta Journal* -- ran feature stories detailing Russell's differences with the majority on some key issues. "Russell at Odds on Bullet Report" and "Sen. Russell Wins a Change in Wording of Warren Report" were the *Journal's* and *Constitution's* respective headlines. Later, in 1970 (nearing the end of his life and suffering from emphysema and lung cancer), Russell was even more forthcoming in interviews given to an Atlanta television station and reported on by the *Washington Post*. Moreover, the Russell Papers at the University of Georgia contain copies of two draft amendments/dissents, dated 9/16/64, which Russell had prepared for the 9/18 meeting, re: single-bullet theory and the possibility of an assassination conspiracy, respectively. Copies of the newspaper articles and dissents are attached.

Steps Taken to Date

Review of NARA Records

Working with Steve Tilley, NARA's Warren Commission holdings were reviewed. One of the first things that came to light was that Lesar's claim that "all other Warren Commission executive session transcripts were recorded and transcribed by the reporting firm of Ward and Paul" is incorrect.² In fact, the first executive session recorded and transcribed by Ward and Paul was that of January 21, 1964. The first three executive sessions of the Commission (those of 12/5/63, 12/6/63 and 1/16/64) were recorded and transcribed by personnel from the Washington, DC, U.S. Attorney's office. Moreover, yet another executive session -- that of 1/22/64 -- was recorded (presumably by Ward and Paul) but not transcribed until years later (1974) by a government employee. Nonetheless, from the end of January of 1964 to the conclusion of its proceedings, Ward and Paul appears to have had sole responsibility for recording and transcribing the Commission's work. Therefore, the firm's personnel would have presumably been involved had the September 18, 1964 meeting been recorded and transcribed.

Lesar suggests in his letter that Ward and Paul be contacted with a request to supply the original stenotape of the September 18th meeting, if one was made. Lesar appears unaware that the original stenotapes of the Commission's executive sessions are already part of NARA's Warren Commission holdings.³ It appears that security procedures regarding stenotapes and transcripts were quite strict, and that it was standard procedure for the original stenotape to be returned to the Commission after it was transcribed. There is no reason to believe that a stenotape of the September 18th meeting, if it was made, would be among Ward and Paul records (as opposed to being among NARA's Warren Commission holdings). The fact that no such stenotape exists in NARA's holdings, though, proves nothing, since the thesis being examined can readily be expanded to assume its destruction by Rankin/Warren (along with any transcript).

The business records of the Warren Commission were also examined, on two separate occasions, in the hope of finding a record which would reference the presence of a stenographer at the September 18th meeting or the creation of a transcript for the meeting (e.g., a bill for stenographic services on

² Weisberg references this fact (though not with complete accuracy) on page 23 of *Whitewash IV*.

³ NARA's Steve Tilley believes the research community is broadly unaware of this fact.

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that date, a receipt for a transcript delivery, etc.). No such record was found. I did discover a requisition to GSA from the WC, dated 11/5/63, for payment to Ward and Paul for services rendered on other dates in September of 1963. Attached to the November requisition is a 9/30/63 bill from Ward and Paul referencing typing done for the WC on 8/31, 9/1 and 9/2 of 1963 -- but no reference to the September 18th meeting (copy of requisition and receipt attached).

Interviews with Former Warren Commission and Ward & Paul Personnel

Attempts were made to locate and interview various personnel from both the Warren Commission and Ward and Paul who might reasonably be expected to have knowledge about the September 18th meeting. This knowledge might come in one of various forms: 1) personal recollections of having been at the meeting or involved in recording or transcribing the meeting, 2) personal knowledge of the disposition of any records related to the meeting (e.g., a Rankin directive to destroy a stenotape or transcript), or, 3) knowledge or access to secondary records of potential value (Ward and Paul business records, for instance).

The frontpiece of the minutes for the September 18th meeting cites Rankin as the only Warren Commission staff member present at the meeting. Former President Gerald Ford is the only Commission member still living (see below, "Possible Additional Steps").

According to a 1/9/64 letter from J. Lee Rankin to Jesse Ward of Ward and Paul, there were only five Warren Commission staffers authorized to sign for transcripts of Commission meetings: Rankin himself, Julia Eide, Howard Willens, Beverly Heckman and Anne Welsh. Dave Montague and I were able to locate two of these four individuals: Willens and Heckman. Both Willens and Heckman were interviewed by phone, and neither had any useful recollections concerning whether or not a transcript and/or stenotape was made of the September 18th meeting.

Ward and Paul, after working for both the Watergate and Church Committees, went out of business in 1976. Jesse Ward, referenced above, passed away in 1987. Jesse Ward III, a son of Jesse Ward who had also worked on Warren Commission business for the firm, passed away in 1995. By contacting other long-standing reporting firms in Washington, I was able to locate another of Jesse Ward's sons, Fred Ward. Fred Ward, while out of the country during the Warren Commission's proceedings, later worked many years for his father's firm and, after its dissolution in 1976, got a job with the permanent Senate Select Committee on Intelligence, where he still works today. Fred Ward was able to provide general background about the firm's dissolution and the possible disposition of its business records. Moreover, he generated additional Ward and Paul leads by identifying the initials of employees (reporters and transcribers) referenced on stenotapes and transcripts held at NARA II.

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Fred was also able to confirm that Wayne Birdsell (a Ward and Paul name referenced in a document in the Commission's files at NARA) was the firm's business manager.

Dave Montague was able to determine that Wayne Birdsell is deceased, but located his daughter and son-in-law. On 6/4/96, Birdsell's son-in-law, Jack Bundy, indicated to Dave that he and his wife were in possession of Wayne Birdsell's papers and effects and agreed to search for Ward & Paul business records among them. Dave informed Bundy of the sorts of records we were looking for, and Bundy initially seemed optimistic that he would find some, but on 8/12/96, in response to a follow-up call from Dave, Bundy indicated that he and his wife had been unsuccessful in locating anything that would prove helpful to us.

Dave was also able to locate Bob Cantor, a Ward and Paul reporter who worked on the Warren Commission. As Cantor still lives in the Washington area, Dave and I interviewed him on 7/16/96 at his home in Silver Spring. He was unable to shed any light on the September 18th meeting, but did give us a lead as to the whereabouts of another Ward and Paul reporter, Alvin Mills, who also lives in Silver Spring. Mills was interviewed by phone on 8/15/96: he had no recollection of the circumstances surrounding the September 18th meeting (he could neither recollect having been there, nor *not* having been there.)

As of yet, contacts with former Warren Commission and Ward and Paul employees have not yielded any answers regarding the September 18th meeting. It is worth noting that the two Ward and Paul stenographers who have physically seen and reviewed the minutes for the meeting (Fred Ward by fax and Bob Cantor in person) were generally supportive of Lesar's contention that the first page appears to be the beginning of a verbatim transcript (before shifting to non-verbatim minutes on the following page).

Richard Russell Papers/Call to Chip Selby

As Senator Russell was the Commission member whose alleged contributions to the September 18th meeting may have precipitated a possible decision to destroy a stenotape (or leave it untranscribed), his papers seemed like another obvious place to check. The Russell Papers are resident, appropriately enough, at the Richard B. Russell Memorial Library in Athens, Georgia. A small portion of Russell's papers, thought to be classified, were physically withdrawn from the collection and stored at the NARA-East Point (GA) facility prior to the opening of the Russell Library. These include Warren Commission-era documents. Mr. Gale Peters is the NARA-East Point contact name given me by Steve Tilley. I called Peters on 6/11/96, who informed me that there is also Warren Commission material in the public papers at the Russell Library. We wrote the Director of the

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Russell Library, Sheryl Vogt, on 6/14/96, requesting information about their JFK-related holdings. She replied on 6/20/96, enclosing a finding aid for a Kennedy Assassination Record Series within the collection. On 7/10/96, Gale Peters told Steve Tilley that he would copy and forward to Steve a set of the "classified" Russell papers in his possession. As of this writing, they have not yet reached College Park; Steve has agreed to check on their status and let us know. On a related note, an Atlanta lawyer by the name of Alfreda Scobey was hired as Russell's personal designee/assistant on the Warren Commission. She was referenced by Judge and former Warren Commission staffer Burt Griffin (in testimony before the HSCA) as expressing "through her communications with others that Russell really wanted to make sure that there weren't going to be any stones unturned."⁴ An Alfreda Scobey, living in Atlanta, was located. I subsequently called her on 8/2/96. It was hoped that Russell might have related to her his version of the September 18th meeting. Unfortunately, Ms. Scobey is now in her eighties and remembers nothing of her service for Senator Russell and the Warren Commission (in fact, she was unable to absolutely confirm that she was even the same person we were seeking, though I believe she was).

⁴ HSCA Volume XI, p. 274.

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Lesar indicated that documentary film maker Gerard "Chip" Selby is working on a film regarding the Warren Commission and that he might be a good source on Senator Russell and the September 18th meeting. Selby was eventually tracked down and spoken to on August 27, 1996. He was very cooperative and helpful. He has visited the Russell Library and retrieved several relevant documents, which he forwarded to the Review Board. His most important recommendation, based on what he's seen in the Russell Papers, was to redouble our efforts to try and locate (if still living) Julie Eide, Rankin's secretary/administrative aide. Eide was among those authorized to deal with Ward and Paul on transcript issues, and she also played a role in the negotiations with Russell over the Report's language: according to a document Selby found among the Russell Papers, dated 9/18/64, Eide called Russell's office and dictated to a Russell staffer Commissioner McCloy's compromise language on the single-bullet theory. Selby also discovered a 6/14/68 memo to Russell from his Senate aide Charles Campbell, re: Weisberg's allegations regarding a destroyed 9/18/64 transcript.⁵ It isn't clear from the record we have compiled to date what level of follow-up, if any, was undertaken by Campbell or Russell after this date. I contacted Selby again to see if he had any information as to Mr. Campbell's status or whereabouts. He did not but suggested I call the Russell Library, which I subsequently did. Sheryl Vogt informed me that Campbell is presently a lawyer in Atlanta and a member of the board for the Russell Library. I left a message for Mr. Campbell on 9/6 which he returned on 9/9/96. Campbell had no independent recollection of his memo or any subsequent follow-up on it. He says it is possible he had a subsequent conversation with Russell about the matter, but does not recall one. Campbell did not begin working on Russell's staff until December of 1965, so his tenure did not overlap with Russell's work on the Commission. Campbell does recall that the Senator's office got a good deal of Warren Commission-related mail, most of which, says Campbell, was "nut" mail which would never have reached the Senator. I faxed Campbell a copy of his memo and Weisberg's correspondence with Sen. Russell in the hope that it might knock a recollection loose -- he said he'd get back to me if anything else occurred to him.

Rankin Papers

James Lee Rankin, a lawyer, is the son of J. Lee Rankin (who died a few months ago) and presently has control over his father's papers. The son testified before the Board at its public hearing in Los

⁵ Campbell writes: "If the copy of the transcript or minutes attached is the only record in the Archives on what transpired at the September 18 meeting, it would appear to be a very serious matter. Clearly, there are verbatim transcripts available for the other sessions of the Commission. The treatment of your exceptions to the first proposed draft of the report are obviously inadequate since no real mention made of them in attached copy... The only explanation of this which I can think of is perhaps the verbatim transcript is still classified and not available at all."

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Angeles on September 17, 1996, announcing the donation of his father's papers to the JFK Collection.

While the physical transfer of all the donated records has yet to take place, T. Jeremy Gunn of the Review Board had an opportunity to make an initial assessment of the donated material prior to the Board's hearing. He did not find any records which shed light on the September 18, 1964 meeting.

Warren Papers

Earl Warren's papers are housed at the Library of Congress and contain three boxes of Warren Commission-related material. These boxes were reviewed on August 30, 1996. Although some interesting material was found relating to other issues, I came across nothing germane to the subject of this memo (though it is perhaps worth noting that these boxes contain the same cover sheet and minutes for the 9/18/64 meeting as can be found in the Warren Commission boxes at NARA II).

Possible Additional Steps

1) Review the Russell Papers in Athens, Georgia: while already the beneficiaries of Chip Selby's perusal of these papers, it is possible that they would yield additional nuggets for the Review Board, re: Russell's post-WC musings about his role on the Commission and his views regarding its conclusions. The finding aid sent to us by the Library references "Assassination Commission correspondence" from as late as 1970. There is also Warren Commission-related material in the Allen Dulles Papers at Princeton. It is possible that the Hale Boggs Papers at Tulane and the John Sherman Cooper Papers at the University of Kentucky could also contain relevant material.⁶

2) Question former President Gerald Ford: Lesar recommends taking this step, re: Ford's recollections regarding the final executive session. I'm not sure this would be a particularly productive thing to do. In lieu of a request for an interview, the Board could, I suppose, forward a letter and questions, perhaps attempting to enlist the Ford Library folks in solving this historical puzzle. Draft questions for a possible letter to Ford have been drafted per Jeremy's request.

3) Have a typographical expert examine typeface of the minutes of September 18th meeting: Lesar recommends this step be undertaken "to determine whether (1) the typeface of page one is the same as succeeding pages, and (2) whether the typeface(s) of the minutes are the same as prior executive

⁶ Russell, in a 12/24/66 letter to Alfreda Scobey (forwarded to us by Selby, who obtained it at the Russell Library), cites Cooper as very strong in opposition to the single-bullet theory, and Boggs as having "mild doubts."

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session transcripts. A comparison of the typeface of the September 18 minutes with that employed in contemporaneous correspondence by Rankin should be made.”⁷

4) Make renewed attempts to locate/ascertain the status of Warren Commission and Ward and Paul employees: there are a few individuals who Dave made, I believe, an initial pass at trying to locate, and for whom he did not get definitive reads the first time around. These would include names like Dorothy Nash and Helen Unstad from Ward and Paul (typists who processed Warren Commission stenotapes), and Anne V. Welsh and Julia Eide from the Warren Commission (both on the list of those authorized to accept transcripts from Ward and Paul). It should be noted, however, that our experience to date with former employees has not been encouraging insofar as securing worthwhile information is concerned. As referenced earlier, Chip Selby strongly recommends trying to locate Julia Eide.

Freeman e:\wp-docs\081596
Files 4.23.5
4.29.3 Russell Library

⁷ Letter of Jim Lesar, AARC, to John Tunheim, Chairman of the ARRB, dated May 7, 1996.
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