

# MEMORANDUM

May 29, 1998

To: File on Abe Fortas Papers

From: Ronald G. Haron

Subject: Review of Abe Fortas Papers  
at Yale University

On May 28, 1998, I reviewed certain papers of Abe Fortas at Yale University in New Haven. My contacts were Nancy F. Lyon and Akiba Covitz of the Manuscript and Archives section of the Yale University Library.

The Fortas "White House series," comprising four boxes, was made available for my review. Within these boxes, the following three files related to the assassination:

Warren Commission -- 1

Warren Commission -- 2

Jacqueline Kennedy

Set forth below is a brief description of the materials contained in these files.

1. Warren Commission -- 1

This file contained papers relating to the establishment of the Warren Commission and drafts of President Johnson's and Lady Bird Johnson's statements submitted to the Warren Commission. Among the items in the file were:

- Text of Presidential address to Congress shortly after the assassination [perhaps a draft]
- November 25, 1963 Memorandum recounting a telephone call from Dean Acheson about the establishment of a commission on the assassination. The memo contains Acheson's suggestions of individuals who could serve, including William Rogers and California Justice Roger Traynor.

- November 29, 1963 handwritten note announcing the establishment of the Warren Commission
- "Katzenbach Draft" regarding announcement of the Warren Commission
- December 2, 1963 Memorandum regarding a conference among Abe Fortas, Chief Justice Warren, and Nicholas Katzenbach; it is entitled "Conference Re Investigation Procedures -- 12/2/63." The memo states that the FBI would render its conclusions and then turn over its files to the Commission; that the Chief Justice "did not intend to hire investigators, to use subpoena power, or to conduct public hearings;" and that a Texas board of inquiry would postpone its work until completion of the Commission's work.
- March 31, 1964 Memorandum from Arlen Specter to Lee Rankin containing 82 suggested questions for President Johnson
- Miscellaneous Handwritten Notes [of Abe Fortas?]. These *may* be preliminary notes for preparing the statement of President Johnson for the Warren Commission, but that is just a guess. The notes state: "About 200 feet down Elm St. just before passing under the bridge or overpass -- sharp report -- & 2 more in rapid succession."
- Drafts of President Johnson's statements to the Warren Commission. The draft "dated 7/10/64" contains handwritten changes (the handwriting is Fortas' according to the Yale archivists).
- Drafts of Lady Bird Johnson's statements to the Warren Commission, including a July 14, 1964 transmittal of a draft from Fortas to "Liz" [probably Liz Carpenter, Lady Bird Johnson aide] stating that "[t]hese have been shown to Mr. Rankin, counsel to the Commission. He says 'fine.'" There is also a related note from "Ashton" in the White House to Fortas stating, "These are my notes for whatever they are worth. All during the interview, Mrs. J[ohnson] kept saying, 'I just don't remember.' And I know a lot of this is jumbled and the facts don't bear out what she has said. But I honestly don't think she remembers much at all about the sequences of events, etc."

## 2. Warren Commission -- 2

This file contained additional drafts of Lady Bird Johnson's statements to the Warren Commission. It also contained materials relating to rebuttal of certain assertions made by William Manchester's book, *The Death of a President*, regarding events on the day of the assassination. Among the items in the file were:

- Drafts of Lady Bird Johnson's statement to the Warren Commission

Memorandum Re Fortas Papers

May 29, 1998

Page 3

- Miscellaneous correspondence on the assassination between Fortas and others (the correspondence was not substantive)
- Notes and drafts of material relating to rebuttal of points made (or to be made) in *The Death of a President*, including a detailed analysis of particular issues covered in the Manchester book. The material dates from about the Spring of 1965. Among the Manchester assertions analyzed/rebutted were: LBJ not to be VP in 1964; LBJ-JFK disagreement in Houston; Secret Service disunited after the assassination; Parkland departure of Johnson “Chaplinesque;” “cruel transition of power” by Johnson; Johnson took Presidential oath before consulting RFK; Johnson occupied Air Force 1 bedroom upon return to Washington, D.C.; LBJ “forced Mrs. K into the picture” for the swearing-in; and LBJ was prepared to depart for Washington, D.C., and leave the President’s body behind in Dallas.
- Copy of November 26, 1963 letter from Jacqueline Kennedy to President Johnson (unsigned)

3. Jacqueline Kennedy

This file also contained materials bearing upon the Manchester assertions. Specifically, it contained copies of undated, miscellaneous typed notes relaying [to President Johnson?] that (1) Theodore White would confirm that, in his interview with Jacqueline Kennedy, she was not at all critical of Johnson’s handling of matters after the assassination and (2) that Kenneth O’Donnell was also supportive of LBJ and disagreed with Manchester’s treatment of LBJ in the book.