

Date: November 16, 1993

Processing Note

Re: Telephone Conversation between the President and Mr. Joe Alsop, 11/25/63, 10:40 a.m.

While working on preservation of the dictabelts, the archives staff observed the following inaccuracies in the transcript:

On page 3, the transcript reads:

JA (Cont'd): "...I suggest that you announce that as you do not want the Attorney General to have the clean, full, responsibility of reporting...."

On page 3, the transcript reads:

JA: "...to draw up a written report giving to the public everything of the FBI that is relevant...."

The archives staff heard:

On page 3:

JA (Cont'd): "...I suggest that you announce that as you do not want the Attorney General to have the **painful** responsibility of reporting...."

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JA: "...to draw up a written report giving to the public everything of the FBI **evidence** that is relevant...."

Claudia Anderson
Archivist

November 25, 1963

10:40am

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TELEPHONE CONVERSATION BETWEEN THE PRESIDENT AND
MR. JOE ALSOP

LBJ: Joe?

JA: Yes, Mr. President.

LBJ: I appreciate very much your calling...

JB: Well, you know what I feel about you and you know how I ... well,
I put it all in the letter...

LBJ: ..he has ordered or will order during the day, probably right after
the funeral, a state court of inquiry headed by the Attorney General
which he will have associated with him one or two of the outstanding
civil liberties jurists in the country, perhaps Jarwarski who
represented the Attorney General in the 5th Circuit negro case or
some of the trial lawyers of America or Dean Story, or...

JA: You mean, somebody from outside of Texas?

LBJ: No, they're going to have FBI from outside Texas, but this is under
Texas law and they take all the involvements and we don't send in a
bunch of carpet-baggers ...that's the worse thing he could do right
now...

JA: You think so...

LBJ: I know...well, we've got the FBI doing anything that..if there's any
question about Texas operation, they've got an FBI that's going to the
bottom of it and direct with the Attorney General..but paralleling that
is the blue ribbon state board of inquiry headed by the brilliant Attorney
General and associated with him somebody like say John Garwood,
Will Clayton's son-in-law, who was a brilliant Supreme Court Justice
that's retired... somebody like Roberts did at Pearl Harbor...and
that's what the Attorney General is doing...now, if we have another
Commission, hell, you're gonna have people running over each other
and everybody agreed..now I know that some of the lawyers..they
thought of the blue ribbon commission first, the Justice, and we just
can't have them lobbying them against the President, when he makes
these decisions. We decided that the best thing to do, number one

LBJ
Cont'd the
 to put ~~an~~ FBI in full force, number two to put the State in full force..

JA: Nobody...nobody... Mr. President, is lobbying me, I lay awake all night...

LBJ: They're not lobbying you, they're lobbying me....last night. I spent the day on it...I had to leave Mrs. Kennedy's side at the White House and call and ask the Secret Service and FBI to proceed immediately...I spent most of my day on this thing, yesterday. I had the Attorney General from Texas fly in here...I spent an hour and a half with him yesterday evening..I talked to the Justice Dept. lawyers and to the FBI and the FBI is of the opinion that the wisest, quickest, ablest, most effective way to go about it is for them to thoroughly study it and bring in a written report to the Attorney General at the earliest possible date which they've been working on since 12:30 yesterday. Number one...and they have information that is available to no one..that has not been presented thus far and so forth...Number two..to parallel that, we're having a blue ribbon court of inquiry...

JA: In Texas?

LBJ: In Texas... where this thing occurred...

JA: Mr. President, just let me give you my political judgment on the thing. I think you've done everything that could probably be done..

LBJ: We just don't want to be in a position...I'll make this one more statement and then I'm through....I want to hear you...we don't want to be in the position of saying that we have come in to a state other than the FBI..that they pretty well accept...but some outsiders have told them that their integrity is no good and that we're going to have some carpetbag trials...we can't haul off people from New York and try them in Jackson, Mississippi..and we can't haul off people from Dallas and try them in New York...

JA: I see that, Mr. President...but let me...

LBJ: It is their constitutional right....go ahead...now..

JA: Let me make one suggestion because I think this covers...I think this bridges the gap which I believe and Dean Acheson believes still

JA

(Cont'd)

exists...being...and Bill Moyers is the only person I've talked to about it...and Friendly is going to come out tomorrow morning with a big thing about a...a blue ribbon commission which he thought of independently...it isn't Justice Department lawyers who are carrying on this...it's just things happened thought of by a lot people and you thought of more than ...more details than anyone else...and I'm sure you're right except there's one missing piece...I suggest that you announce that as you do not want the Attorney General to have the clean, full, responsibility of reporting on his own brother's assassination, that you have authorized the three jurists and I would suggest the Texas jurists and two non-Texas jurists to review all the evidence by the FBI and produce a report to the nation for the nation...and after the investigation is completed...so that the country will have the story judicially reviewed, outside Texas and if you tell Bill Moyers to call up Friendly and if you'll get out a special announcement this afternoon, you're going to make a marvelous...well, you've already made a marvelous start...you haven't put a damned foot one-quarter of an inch wrong...and I've never seen anything like it, you've been simply marvelous in the most painful circumstances but I do feel that there is that much of a gap and I'm sure that if Moyers calls Friendly, you have a terrific support from the Washington Post and from the whole of the rest of the press instantly...

LBJ:

I'll ruin both procedures we've got, though....

JA:

No you won't...so you won't...just use the procedures you've got and add to those procedures a statement saying that "when the FBI has completed its work, when it has completed its work...as you do not wish to inflict on the Attorney General, the painful task of reviewing the evidence concerning his own brother's assassination...you have asked two or three, including I would include the best judge on the Texas bench...American jurists beyond, or individuals, Dean Acheson, for example, two or three individuals beyond any possible suspicion as to their independence and impartiality, to draw up a written report giving to the public everything of the FBI that is relevant and then you will have this written report...^{which is} not Texas which tells the whole story which is based on the FBI evidence ...it doesn't need to use the things that the FBI says can't be used...and yet will carry absolute conviction and will just be that little extra added to the

- JA**
(Contd) admirable machinery that you've already got that will carry complete conviction...
- LBJ:** My lawyers, though, Joe, tell me that the White House must not ... the President... must not inject himself into local killings... and....
- JA:** I agree with that... but in this case it does happen to be the killing of the President... and the thing is... I am not suggesting issue...
- LBJ:** I know that...
- JA:** Mind you, mind you, Mr. President, I'm not talking about an investigative body, I am talking about a body which will take all the evidence the FBI has amassed when they have completed their inquiry and produce a public report on the death of the President. That, I think, you see, that is not an interference in Texas...
- LBJ:** No, but it's...
- JA:** Wait a second, now... that is a way to transmit to the public, without breach of confidence... and in a way that will carry absolute conviction of what the FBI has turned up...
- LBJ:** Why can't the FBI transmit it?
- JA:** Because no one... again... on the left they won't believe the FBI... and the FBI doesn't write very well...
- LBJ:** You mean, Nick Katzenbach?
- JA:** Well, I just wouldn't put it on Bobby and Nick Katzenbach... I'd have it outside... I think it's unfair to put it on Bobby... it is his own brother's death...
- LBJ:** Not going to touch it on Bobby... we're putting it on the finest jurists in the land... former head of the American Bar Association... that's number one that we're putting it on... then we're putting it on the top investigative agency and asking them to write a report...
- JA:** I'm not... I'm not suggesting that you appoint an additional investigating commission... I'm just suggesting that if you want to carry absolute

JA

(Cont'd) convictions...this very small addition to the admirable machinery that you've already have...will help you and I believe that it will ~~stimulate~~ the imagination of the country and be a very useful, happy thing ...and the man asks if you have two seconds...this afternoon.. for example...ask Dean Acheson...he's the man to ask...I see all the arguments you make and you're dead right and I'm not...my conception is completely wrong...but I do think that this additional feature is needed..

LBJ: I talked to...I guess, after midnight last night...

JA: Well I know how you must have been concerned...

LBJ: the ablest, the truest civil liberties lawyer in this town in my judgment..the man that's made the best arguments before the Supreme Court and it was his judgement the worst mistake we could make ...getting trapped...

JA: And, I now see exactly how right you are and how wrong I was about this idea of a blue ribbon commission...

LBJ: Now, you see, Katzenbach suggested that ^{that} and ~~provoked~~ provoked it..the lawyers and the council just hit the ceiling...said, my God Almighty..

JA: I see...I see...I see that you're right and he was wrong..what I do ...

LBJ: Then I called back to Katzenbach and I thought he accepted

JA: Well, I don't know anything about Katzenbach...I haven't talked to him for three weeks..but what I am suggesting is not at all what Katzenbach suggested...I am suggesting simply a device...

LBJ: Well, let me talk to Acheson and....

JA: for summing up the result of the FBI inquiry in a way that will be completely coherent, detailed, and will carry unchallengeable convictions and this carrying conviction is just as important as carrying on the investigation ..in the right way...and I worry about this Post

JA
(Cont'd) editorial... I'd like you to get ahead of them...

LBJ: And, I worry about the Post, period...but...

JA: Well, I do too....but I'd like you to get ahead of them and if you have... if you make this decision and have Meyers call Friendly or Kay instead of being... well, you know....this is what we ought to do... this is what ought to be done and then what you do being denounced as inadequate, they'll be put so hard and will do you a tremendous piece and I'm sure you will have the strongest possible support... it will be thought that everything has been done that needs doing and...but I do think ... my own judgment is that there is that little missing piece...and, Dean, may disagree and you talk to him
...

LBJ: I'll talk to him and...

JA: And, I hate to interfere, sir...I only dare to do so because I care so much about you....

LBJ: I know that, Joe....

JA: And I have the deepest faith in you and I think you've been right and I've been wrong..as to the general conception...

LBJ: It's not a question...it's not really my thinking...I'm not enough experienced...

JA: Hmm really...what I'm really honestly giving you is public relation advice and not legal advice..

LBJ: Well...I'm not bounded...I don't have a definite civil liberties picture that some of the folks that have worked on this with me..I had a lawyer left my house around midnight ..and spent, I guess, three or four hours going over this thing from A to Z..after the Attorney General was called in here yesterday afternoon ..and after the FBI was put on it ...after we told Secret Service to make available everything they had... and, we thought, that this was the best way to handle it...

JA: Well, Mr. President...I repeat...I must not keep you because you'll be late getting into your trousers...but I repeat...I think your decisions have been 200% right and I was wrong...from the public relations standpoint and from the standpoint of carrying conviction...there is that missing key which is easy to supply without infringing upon Texas feelings or sovereignty...

LBJ: Thank you, my friend.. Bye..

JA: Goodbye...