

# THE DON REYNOLDS TESTIMONY AND LBJ

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In reviewing the events of November 22, 1963, one cannot escape the fact that on this day then Vice President Lyndon Baines Johnson was in trouble. Besides the fact that he wasn't the legislative bull that JFK disappointingly thought he would be, the stated reason for President Kennedy's trip to Johnson's home state of Texas was rectifying the sad state of politics there. Author A. Steinberg writes in his book *Sam Johnson's Boy*<sup>(1)</sup>, "After 1961, Johnson was never observed promoting a Kennedy bill on Capitol Hill, and in private he had complaints about several pieces of legislation and legislative tactics." Frustrated, JFK was said to have told his wife Jackie on the night of November 21, 1963 that Lyndon Johnson was incapable of telling the truth.<sup>(2)</sup> But most importantly and crucial to LBJ's political future was the current Senate investigation of Johnson's loyal aide and protege, Bobby Baker.

## NOVEMBER 22, 1963: THE SENATE RULES COMMITTEE HEARING

Baker had moved up the ladder from a fourteen year old Senate page to the point where he was called the "one hundred and first senator" and the closest person in Washington to Lyndon Johnson. After the 1960 elections, Baker retained his position as Senate Secretary under the wing of Senator Bob Kerr. His political rise was second only to his financial one: in 1963 he reported his net worth as \$2,166,866. One of Baker's more successful schemes was side activities from various business transactions. States Steinberg, "One of these was with Don B. Reynolds, a former Air Force and Foreign Service Officer, who was in the insurance business in Maryland. Reynolds told the committee that Bobby Baker and other Democrats had involved him as a 'bag man' to deliver political kickbacks."<sup>(3)</sup> Although Baker resigned his post on October 8, 1963, the biggest scandal of the Kennedy Administration had begun. Hearings were held on November 22, 1963, beginning at 10 AM EST, that have been variously characterised as likely leading to Vice-President Johnson being dropped from the 1964 ticket<sup>(4)</sup> or being Kennedy Assassination Chronicles Vol. 7., Issue 1, Spring 2001



*"Logic tells me he did everything possible...to limit the investigation..." Bobby Baker*

*Roarlias of Capitol Hill*

removed from office.<sup>(5)</sup>

Burkett Van Kirk, minority (Republican) counsel, was convinced that Reynolds' testimony would lead to Johnson's loss of the Vice-Presidency, "There is no doubt in my mind that Reynold's testimony would have gotten Johnson out of the vice presidency."<sup>(6)</sup> Evelyn Lincoln held a discussion with the President, on November 19, 1963. She says she was told by JFK that his 1964 running mate would not be Lyndon Johnson.<sup>(7)</sup> Bobby Kennedy was said to be working secretly with Van Kirk for weeks, through intermediaries, to accumulate evidence of payola against Johnson and Bobby Baker, Johnson's former Senate aide.<sup>(8)</sup>

"Reynolds was still being questioned at 2:30 PM when a secretary burst into the hearing room with the news from Dallas."<sup>(4)</sup>

## WHAT WAS PURPORTEDLY REVEALED AT THE NOVEMBER 22ND HEARING?

Reynolds purportedly told what little he knew about Ellen Rometsch and her association with Bobby Baker's Quorum Club, a private club on Capitol Hill, catering to the libidinal delights of congressmen and lobbyists. As a "good



Don Reynolds, the Maryland insurance man. UPI

will gesture,” Reynolds bought \$1208 worth of unnecessary advertising on Johnson’s Austin television station as a compensation for his having sold a life insurance policy to LBJ. A stereo record player was given to the Johnsons (an unreported gift).<sup>(9)</sup>

Reynolds supposedly told of a sex party for lobbyists in New York.<sup>(10)</sup> Reynolds was shown a suitcase full of \$100,000 payoff for Johnson in Johnson’s role in securing the TFX contract.<sup>(11)</sup> Also, Johnson had a stopover in Hong Kong while in the Senate. There, congressman could draw on “counterpart” dollars. Counterpart dollars were equivalent amounts in local currency. Johnson drew, and spent, \$100,000 in 12 to 14 hours, buying gifts for his wealthy friends.<sup>(12)</sup>

### OTHER PURPORTED TRANSGRESSIONS

A person privy to LBJ’s dealing in Texas was Jack H. Halfen, a Texas-based syndicate racketeer. Halfen was federal prison in the late 1950s after acting as payoff man of unbelievable proportions. Attempting to strike a deal with the Justice Department, Halfen provided a deputy U.S. Marshall, J. Neal Mathews, with 40 names, mainly of Texans, that Halfen had bribed. Deliberately missing from the list was Lyndon Johnson, whom Halfen would protect. Included were such heavy hitters as U.S. Attorney General (later appointed to the Supreme Court) Tom Clark, (House Speaker) Sam Rayburn, and Congressman Albert Thomas. Halfen realized the list, especially LBJ, Rayburn, Clark, and Thomas, would be used against them by the Eisenhower administration. Halfen refused. After years of new charges and attempted dealing the Kennedy Justice Department looked into things once again. Fear of political damage, the new investigation was called to a halt and the “Halfen list” disappeared into the Justice Department files. (It was released in 1998 with 37 of the names redacted.) Halfen was later pardoned

by Johnson in 1966.<sup>(13)</sup>

There was the murky relationship of LBJ to Billy Sol Estes; Estes had a variety of entanglements with the Agricultural Department. Estes would later depose under immunity in 1984 that Henry Marshall was one of several people killed by Mac Wallace, a reputed hitman of LBJ.<sup>(14)</sup> Indeed, Estes would finger LBJ through Mac Wallace in at least 17 murders, including the assassination of JFK.<sup>(15)</sup> Wallace’s fingerprint was reportedly identified in 1998 as being on Box “A” on the sixth floor of the School Book Depository in Dallas.<sup>(16)</sup> Johnson’s longtime relationship with Madeleine Brown, which produced an illegitimate son in 1950, probably would not have sat well with the electorate.<sup>(17)</sup>

### WERE THE KENNEDYS TRYING TO GET LBJ REMOVED EITHER FROM THE VICE-PRESIDENCY, OR OFF THE 1964 TICKET?

The possibility of LBJ being dropped from the ticket was discussed in the press.<sup>18</sup> In fact, the headline of *The Dallas Morning News* on November 22, 1963 proclaimed, “NIXON PREDICTS JFK MAY DROP JOHNSON.”<sup>19</sup> Evidently, Nixon had heard this while in Dallas on business and repeated it to the press, taking a dig at President Kennedy, whom he knew would be forced to deny it. To others Hubert Humphrey said that he had heard reports that Bobby Kennedy was plotting Johnson’s ouster.<sup>(20)</sup>

On the other hand, there are reasons which suggest that JFK would not try to rid himself of Johnson. Johnson was aware of the JFK’s propensity toward involvement with women. The Ellen Rometsch affair was threatening to both JFK and LBJ. Rometsch supposedly frolicked at pool parties at JFK’s White House.<sup>(21)</sup> But she also came from Bobby Baker’s Quorum Club, a club where Senators and lobbyists could be “bad” boys. As a protege of LBJ, Baker’s excesses would likely be linked to Lyndon. Although the leading American newspapers suppressed the “moral side” of the investigation, in its issue of October 29, 1963, *Newsday* ran an almost full-page story entitled “Baker Scandal Quiz Opens Today.” It began with these words, “Already liberally spiced with sex, scandal, and intrigue, the tantalizing case of Robert G. (Bobby) Baker comes under official scrutiny today. And what everyone wants to know is: Who is going to get caught?...” Topping the article were five pictures with the following legends:

1. Rep. H. R. Gross - Demands facts
2. Sen. Everette Jordan - Pledges Open Inquiry
3. Sen. John J. Williams - Led Off Witness
4. Robert G. Baker - On Senate Grill
5. Vice-President Johnson - Feels No Taint

The only mention of LBJ in the *Newsday* article was in a paragraph containing this sentence, “A report, from those who claim ‘inside information,’ is that the Justice Department stated an investigation of Baker as a means of embarrassing Johnson and eliminating him from the Democratic ticket next year...”

When a reporter privately asked RFK about the investigation, Bobby coolly replied that although there was a lot of stuff on Baker, he didn't think that it tied into Johnson at all. When asked privately whether Lyndon would be removed, JFK argued against it, saying that it would make it that much harder to win in the South, and that the Baker scandal could be a problem for Kennedy. <sup>(22)</sup>

On yet another hand, discussions between the two top Kennedys may have likely surfaced regarding Lyndon's removal, if only as a contingent plan. What if LBJ got sucked in by the Baker investigation? An additional heart attack could have changed the equation. Discussions sometimes help clarify issues. Although JFK's denial of dropping Johnson not only made good politics, it also increased the likelihood that Johnson would again be Kennedy's running mate. <sup>(23)</sup>

### **WHAT DID BOBBY SAY ABOUT HAVING LYNDON JOHNSON REMOVED FROM THE TICKET?**

Robert F. Kennedy participated in the Oral History Program associated with his late brother John. Three different interviewers, John Barlow Martin, Anthony Lewis and Arthur Schlesinger, Jr. interviewed Bobby several different times in 1964, 1965, and 1967. Bobby recalled that JFK didn't have much respect for Johnson; even though he presumed that Johnson would seek the nomination in 1968, JFK saw Bob McNamara as the sort of person JFK would like to succeed him. There was however, no intention of dropping Johnson from the ticket. <sup>(24)</sup> As to the allegation that Bobby was using the Bobby Baker case as a means of removing Johnson, Bobby had this to say: "...there were a lot of stories.. that my brother and I were interested in dumping Lyndon Johnson and that I'd started the Bobby Baker case in order to give us a handle to dump Lyndon Johnson; it didn't make any sense. Number two, I hadn't gotten really involved with the Bobby Baker case until after a good number of newspaper stories had appeared about it, and where there really wasn't any choice but to look into some of the allegations which were allegations of violations of law." <sup>(25)</sup>

### **DID LBJ THINK JFK WAS TRYING TO GET HIM REMOVED FROM THE TICKET?**

Regarding Johnson, it is important to understand that he believed that Robert Kennedy instigated the Baker/Reynolds investigation in order to get Johnson off the ticket in 1964. Johnson also believed that RFK had his phone tapped in 1961 (no tap was ever found). <sup>(26)</sup>

Johnson got reports of Bobby saying, "As soon as we get rid of that oaf from Texas." <sup>(27)</sup> In the Fall of 1963, as the press mentioned the possibility of Johnson being dumped, it

confirmed what LBJ had been convinced of for over two years. He confided to journalist Helen Thomas, "President Kennedy worked so hard for making a place for me, always saying nice things, giving me dignity and standing. But...in the back room they were quoting Bobby, saying I would be taken off the ticket." <sup>(28)</sup>

Just prior to Johnson's return to Washington, while still onboard Air Force One, he called Abe Fortas, who had represented Bobby Baker at the closed hearing, about the Reynold's testimony earlier that day. <sup>(29)</sup> "What did Reynolds say?" he reportedly asked.

It would seem that Johnson miscalculated on two issues. With regard to President Kennedy, Johnson apparently mistook kindness and courtesy for dignity and respect. In regard to Robert Kennedy, he apparently mistook contempt for an attempt to have him removed from office. While the Kennedys differed in their styles of communication, they seemingly did not differ regarding Johnson; they saw him as ineffective, but could not actively consider replacing him on the ticket.

### **WHAT HAPPENED TO THE RECORD OF THE NOVEMBER 22, 1963 HEARING?**

Only a bowdlerised version of the testimony reached the public and the press. <sup>(30)</sup> In a communication from Steven F. Daniel, Senior Director, Congressional Information Service (CIS), it was noted that Volumes 5-8 of the hearings of the Senate Rules Committee have not been made available to CIS. The hearing on 11/22/63 would have occurred at the time Volumes 5-8 would have been recorded. If these volumes still exist, they have not been made available. "Investigatory materials, if a committee wishes, can be kept closed for up to 50 years. Sometimes, though, committee records of materials never printed are sometimes incomplete and it's possible that there is nothing in the files to release." <sup>(31)</sup>

### **WHAT WAS JOHNSON'S STATE OF MIND IN DALLAS?**

On the night of November 21, 1963, a party was held at Clint Murchison's house in honor of J. Edgar Hoover, who had secretly flown in for the occasion. Among those in attendance were Madeleine Brown, a consort of LBJ's since 1948 (who had borne him an illegitimate son on December 27, 1950); also attending were Clyde Tolson, Richard Nixon, John McCloy (who would serve on the Warren Commission), George Brown (of Brown & Root), R. L. Thornton, H.L.

Hunt, and several other oilmen. Although Madeleine had no advance notice of LBJ's arrival, it signalled a meeting behind closed doors.<sup>(32)</sup> Soon after the meeting, LBJ whispered to Madeleine that the Kennedys would no longer be a burden after the next day.<sup>(33)</sup> It would appear that LBJ was delivering information that was fresh for him.<sup>(34)</sup>

LBJ called Madeleine the following morning, and repeated his warning in more vivid language. Madeleine tried to channel LBJ's wrath, only to be told, "I've got a minute to get to the parking lot to hear the bastard."<sup>(35)</sup>

### THE JANUARY 9, 1964 HEARING

*"My God! There's a difference between testifying against a President of the United States and a Vice President. If I had known he was President, I might not have gone through with it."*

From remarks by Don Reynolds to Senator John Williams after Reynolds' testimony to the Senate Rules Committee on the day of Kennedy's assassination.

To say that circumstances had changed since the previously aborted session would be an understatement. Johnson had been languishing in the Vice-Presidency, seemingly on the verge of being cast off the ticket, or worse, possibly being impeached. He now held the presidency. Presidents are (were) given considerably more latitude than other office holders. In hindsight, "blowing Johnson out of the water" would've seemed remote.

The only witness testifying on January 9, 1964 before the Senate Rules and Administration Committee was Donald B. Reynolds.<sup>(36)</sup> Whatever the content of the aborted November 22, 1963, meeting, the focus on January 9, was not on the then President, Lyndon Johnson, but on Bobby Baker, LBJ's former Senate aide. Reynolds was brought into aspects of the Washington scene by Baker. A personal payoff for Reynolds was to meet well known persons through Baker. He met former President Truman through Baker. He met LBJ in 1957 to sell a life insurance policy. He met Jimmy Hoffa; a group in Florida associated with Reynolds was securing a loan from the Teamsters through Hoffa. Reynolds more likely stood to lose than gain from the transaction. He was, to his surprise, listed as an indemnitor on the mortgage.

In regard to the life insurance policy, it would appear that Reynolds would receive 55% of the premium for the first two years, and 5% thereafter. Because Johnson was considered a hazardous risk because of his 1955 heart attack, the first year commission included \$5000 of hazardous pre-



*Johnson and Kennedy in a exchange uneasy looks.*

mium, reducing the commission available to Reynolds. A second policy for \$50,000 was taken out shortly thereafter. In 1961, a third policy was taken out, in the amount of \$100,000. Reynolds thought that this would bring in \$5000 a year for the first two years of the policies. It was suggested by Walter Jenkins, an aide to then Vice President Johnson, that Reynolds buy advertising on a Johnson television station in Austin, TX at a cost of \$1208. Reynolds had no use for the time, so he sold the time for \$160 to a stainless steel company selling pots and pans. The other matter relevant to Johnson discussed on January 9, 1964, regarded a stereo set.

Reynolds admitted buying both Baker and LBJ stereo sets. The Johnson set, purchased by Reynolds from the Magnavox Corporation, cost \$585 for delivery and installation. The delivery invoice to the Johnsons indicated that Reynolds was the payer. Excerpts from the hearing follows:

Senator Byrd: So there is no question in your mind that it was at Mr. Baker's suggestion that you sent the hi-fi set to Senator Johnson?

Mr. Reynolds: Yes, and I can not tell you what impelled him or caused him to ask me to do it because I do not know, sir.

...

Senator Byrd: He made no explanation as to why you should send a hi-fi set to Senator Johnson?

Mr. Reynolds: I am trying to remember so as to not take it out of context. To the best of my belief and recollection that I had been drawing renewals on the contract and I hadn't been producing any return to the company.

...

Senator Byrd: Would you state again about what you said about sending a catalog to Mrs. Johnson?

Mr. Reynolds: Yes. Bobby called me and said

that the then Senator would like to have a stereo set, and he asked what kind I could obtain to the best advantage, that is, cost to me, and I told him the only manufacturer I knew, sir, that I could depend upon of top quality would be Magnavox, and I sent, or took to Bobby's office a Magnavox illustrated catalog.

...

Senator Byrd: You never had any communication from Senator Johnson before or after the delivery of the hi-fi set?

Mr. Reynolds: He, himself, no, sir.

Senator Byrd: Did Bobby Baker indicate to you that the Senator was appreciative of the gift?

Mr. Reynolds: As a matter of fact, it wasn't satisfactory, sir.

Senator Byrd: Why was it not satisfactory?

Mr. Reynolds: I believe the set did not fit Mrs. Johnson's specification for the space she had allocated. It was too large.

The Chairman: Would you yield for just a second?

Senator Byrd: Yes.

The Chairman: I heard this from somewhere. I don't know where I got this, probably from you from some of the testimony or something, that you said that Bobby asked for the set, that the Senator thought it was a gift from Bobby, anyway. It never occurred to Senator Johnson that you were the giver of the set.

Mr. Reynolds: No, sir, I did not say that. I did not.

The Chairman: But you said that Bobby asked for it.

Mr. Reynolds: Bobby asked for it for the then Senator, sir.

Senator Byrd: I was just going to ask whether or not Senator Johnson knew at the time the hi-fi set was installed that it was contributed by you?

Mr. Reynolds: I don't think there would have been any question about it, sir, because this set, the invoice was billed from Magnavox Co. directly to Senator Johnson.

Senator Byrd: But that would not connect you directly with the transaction.

Mr. Reynolds: It showed that the charges were to be sent directly to Don Reynolds, sir.<sup>(37)</sup>

Other Reynolds-Baker ventures were addressed at this hearing, notably Baker's indebtedness through "loans" that did not require repayment, and also the bidding on the construction of the D.C. stadium, but these ventures seemingly were not closely related to LBJ. Or, at least the relationship

had not been revealed at the January hearings.

## THE WALTER JENKINS MEMO OF JANUARY 22, 1964 REGARDING AN INTERVIEW ON DECEMBER 16, 1963

The Walter Jenkins memo was incorporated into the published hearings for January 17, 1964.<sup>(38)</sup> Jenkins confirmed the sequence of the sale of the life insurance, which was not in question nor illegal by itself. He omitted any reference to the purchase of TV airtime by Reynolds. Nor does the memo indicate Jenkins' part in securing the advertising time. "With respect to the alleged gift of a record player to Mr. and Mrs. Johnson, that he is informed it was a present from Bobby Baker. Mr. Jenkins is positive that he had never heard from any source that there was a business connection between Robert G. Baker and Don Reynolds in the insurance agency operated by Mr. Reynolds or that Reynolds had any connection whatever with the record player gift."<sup>(39)</sup>

Presumably the rationale for the memo was to dispel the value of Donald Reynolds testimony of November 22, 1963, or any future testimony. The memo is actually dated January 11, 1964 and refers to the interview between Jenkins, Lennox B. McClendon, Chief Counsel to the committee, and Ellis Meehan, the committee's chief investigator. The reason for the original session with Jenkins likely dealt with some of the testimony of Donald Reynolds on November 22, 1963.

## THE JANUARY 17, 1963 HEARING

The testimony of Don Reynolds was essentially a rehash of materials addressed in the Jenkins memo. As to the particulars of the testimony, the committee had solid evidence

that Johnson got kickbacks on his life insurance payments. Cancelled checks were available for each aspect of the transactions. The invoice on the stereo set clearly stated that Reynolds was the payer; a copy of the invoice would have been delivered to Johnson when the original set was delivered.<sup>(40)</sup> It was probably clear that Johnson would deny the charges *if* he desired to answer any questions at all regarding the impropriety of his actions. If this wasn't clear, it would be made clear shortly.

## THE JANUARY 23, 1964 PRESIDENTIAL PRESS CONFERENCE

A press conference (not televised live) was held in the White House Fish Room, with President Johnson appearing at 5:04 PM. The expected topic was a policy statement on the situation in Panama. Instead, he addressed the gift of the stereo set. He gave his own spin on things, saying that Bobby

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Baker gave him the set; Baker was an employee of the Senate, and not his personal employee.<sup>(41)</sup> Just before LBJ left the room, he said, "I hope this covers it rather fully. That is all I have to say about it and all I know about it."<sup>(42)</sup> This press conference was LBJ's "solution" to the Reynolds's problem. Abe Fortas and Clark Clifford advised LBJ to answer Reynolds's charges, but not let Walter Jenkins testify. They felt allowing Jenkins to testify could lead to a full scale crisis. The President said nothing at all about the purchase by Reynolds of air time at a cost of \$1208.<sup>(43)</sup>

On January 25, 1964, LBJ tried to give another spin on the Reynolds' testimony. Johnson clumsily attempted to equate the gift of the stereo set, attributed to Bobby Baker (but from Reynolds) to a miniature TV received by Barry Goldwater from his office staff. Derogatory information, taken from confidential Air Force files, was leaked to the press, exposing Johnson to serious criticism.<sup>(44)</sup>

### THE DEC 1, 1964 REYNOLDS TESTIMONY

By December 1, 1964, the die was cast. We had committed to a more extensive war in Vietnam, and LBJ had just won the 1964 election in a landslide of historic proportions. Johnson's vulnerability had seemingly passed. The committee had adjourned their work in July. Information given by Reynolds to Senator John Williams would lead to the resumption of the hearings.

The hearing was proceeded by Don Reynolds writing a statement (August 18, 1964) about the disposition of funds from the money received from Matt McCloskey for the bond in relationship to the building of the D.C. Stadium. McCloskey was also the Treasurer of the National Democratic Party at the time (1960). McCloskey was subsequently appointed as the Ambassador to Ireland by President Kennedy. As Reynolds would point out in his December 1 testimony, the reason he made a statement on August 18, 1964 to Senator John Williams of Delaware, "Was to let Senator Williams know after I obtained a check which I had mentioned previously, sir, of an overpayment, that I at least wanted to get something in writing to the best of my knowledge at the moment, what was there in case something should happen to me unfortunately along the route, that he would have it on record, sir."<sup>(45)</sup>

The cost of the bond was \$73,631.28, of which Reynolds would get \$10,031.56. From his \$10,031.56, he would pay Bobby Baker \$4,000 and William McLeod, a lawyer, \$1500. However, the invoice to Mr. McCloskey, as instructed by Bobby Baker, was for \$109,209.60. The difference, \$35,578.32, would be cut up, according to Bobby Baker's instructions, into three \$5,000 amounts (for a total of \$15,000), to be paid in \$100 bills, to Bobby Baker to put money into Johnson's election funds. This process allowed McCloskey to skirt the election laws that limited contributions to \$5,000 per person, and also allowed McCloskey to take the contribution as a business deduction. Bobby Baker would get an additional \$10,000 in cash and Reynolds would get \$10,578.32 for being the bagman. Reynolds said that he

hadn't mentioned the arrangement regarding the disbursing of this money earlier because he didn't have the documentation of the check at that time. Senator Williams was able to acquire copies of the front and back of the check; at that time, Reynolds was then willing to testify about the transactions.

The hearings held on December 1, 1964, showed the animosity toward Reynolds. An example of that can be seen in the interchange between Senator Curtis and General Counsel McClendon:

Senator Curtis: I think we would proceed further if we attempted to get information rather than attempting to impeach the witness, but you are harassing him.

Mr. McClendon: I am trying to ascertain the truth, and whatever it takes to ascertain the truth—  
Senator Curtis: No, sir. A great deal of effort has been put forth to discredit this witness; it is quite evident to anybody watching.<sup>(46)</sup>

Indeed, there was animosity between committee members on basis of party. The Democrats were in control 6-3 and often voted on party lines. Republican senators continued to point out that General Counsel McClendon harassed Don Reynolds. Toward the end of the session, impugning remarks were made to Senator Williams, who had persuaded Reynolds to talk in the first place and who was not even on the committee. This led Senator Curtis to make the following remark:

Senator Curtis: Mr. Chairman, I have sat here all day and heard the general counsel sandbag the witness, and now a Senator is on trial, and he isn't even a member of this committee and not charged with investigating, and you are.<sup>(47)</sup>

### DECEMBER 1, 1964 TESTIMONY BY DON REYNOLDS ON THE NOVEMBER 22, 1963 TESTIMONY

In Don Reynolds' testimony on December 1, 1964, General Counsel McClendon moved the discussion back to November 22, 1963.

Mr. McClendon: You were interviewed here in this building the very day that President Kennedy was shot, were you not?

Mr. Reynolds: And I was questioned in the same manner as you are doing now, sir.

Mr. McClendon: You mean by that you were asked to tell the truth?

Mr. Reynolds: No, sir.

Mr. McClendon: And you wouldn't tell it?

Mr. Reynolds: With a hostile intent manner, sir.

Mr. McClendon: All right; because you were examined in a hostile atmosphere, that justified

you in not telling the truth?  
 Mr. Reynolds: No, sir, but may I give you a statement?  
 Mr. McClendon: No, I don't want any statements.  
 Mr. Reynolds: I know you don't.  
 Mr. McClendon: I am trying to get at the facts. You were interviewed practically the whole day of November 22, weren't you?  
 Mr. Reynolds: No, sir.  
 Mr. McClendon: Well, a large part of the day?  
 Mr. Reynolds: No, sir.  
 Mr. McClendon: Well, how long?  
 Mr. Reynolds: Until about 1 O'clock, about 10 to 1.  
 Mr. McClendon: By Mr. Drennan?  
 Mr. Reynolds: I don't remember who it was.  
 Mr. McClendon: It was nobody who is with the staff now, was it?  
 Mr. Reynolds: I don't know, sir.  
 Mr. McClendon: And you know that he made a written report of the interview?  
 Mr. Reynolds: No, I didn't.  
 Mr. McClendon: Your counsel was present?  
 Mr. Reynolds: But I did not know about a written report. <sup>(48)</sup>

### WHAT, THEN WAS GONE OVER BY REYNOLDS ON NOVEMBER 22, 1963?

A little thought might eliminate several on the list of Johnson's transgressions from actual testimony by Reynolds; his only knowledge of several items were through Reynolds being told by Bobby Baker, thus rendering Reynolds testimony as hearsay, and inadmissible in a court of law. The myriad of dealings with Bobby Baker and influence peddling are but one such areas of vulnerability for Johnson but there were several others that Reynolds wasn't privy to. And once LBJ became president, he had the power of pardon. Baker would have good reason to stonewall the Senate committee. Yet another reason was that Abe Fortas, a good friend of LBJ's, and who would be appointed to the Supreme Court by LBJ, was Bobby Baker's attorney at the hearings.

From Reynolds testimony on December 1, 1964, about his testimony of November 22, 1963, it can be seen that he testified for only three hours, and if he finished at 1:00 PM Eastern time, he would have finished at noon Central time. His testimony would have been finished before the first reports of the shooting of President Kennedy; then surely Reynolds testimony was not cut short by the report of Kennedy's assassination. Given the hostile atmosphere within the committee room to Donald Reynolds, it seems unlikely

**PERHAPS JOHNSON HAD UNDERESTIMATED THE LENGTHS TO WHICH HIS PARTY'S SENATE COMMITTEE MEMBERS MIGHT GO TO PROTECT "ONE OF THEIR OWN."**

that the whole litany of charges purported to have been addressed on November 22, 1963 were addressed. <sup>(49)</sup>

The Jenkins memo of January 11, 1964, regarding his interview on December 16, 1963 addressed the sale of the life insurance policies. This "damage control" memo would suggest far fewer topics were actually addressed on November 22, 1963, by Donald Reynolds. Given the 6-3 majority of the Democrats on the Committee, and the questioning being done by majority counsel, it seems unlikely that Reynolds would be allowed full rein to address Johnson's transgressions. It would appear that some sort of report was circulated regarding Reynolds' November 22, 1963, testimony. However, no retrievable record seems to exist; Reynolds never saw any written report, "bowdlerised" or not. It seems likely that the actual testimony of November 22, 1963, was no more extensive (and probably less so) than the testimony of January 9, 1964. Likely to have been addressed were the sale of the insurance, the buying of stereo sets, perhaps the sale of TV advertising time, and to some degree, the writing of insurance for the construction of DC Stadium.

However, Johnson seemed convinced that Reynolds could have been a severe blow to his political future, as indicated by his call to Abe Fortas about Don Reynolds testimony before leaving Dallas that tragic Friday afternoon. Baker himself writes a sad ending to the story:

"One Sunday evening I was consulting with Abe Fortas at his home when Lady Bird Johnson called...I hardly heard her. I was thinking: *LBJ's right there by her side, but he won't talk to me because he wants to be able to say he hasn't.* I knew that Johnson was petrified that he would

be dragged down...LBJ was already nervous because of the Billy Sol Estes scandal and the resignation of a Texas friend, Fred Korth, who'd quit as secretary of the navy following conflict-of-interest accusations. So I'd not expected to hear much from him. In fact, from the moment I resigned in October of 1963 until I visited him at his ranch to see a dying man, almost nine years later, we spoke not a word and communicated only through intermediaries." <sup>(50)</sup>

Perhaps Johnson had underestimated the lengths to which his party's Senate committee members might go to protect "one of their own." What is important, as it might relate to Johnson's possible involvement in a conspiracy, was his state of mind and his subjective evaluation of the likelihood of

his being reduced in status through either possible removal from office or replacement on the national ticket in 1964.

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This upset Halfeon. But, nonetheless, he had a fairly candid discussion with Matthews. Both men trusted each other implicitly. Though they had long been on opposite sides of the law, each knew the other to be a man of his word.

Matthews told Halfeon that the Justice Department badly wanted him to become a Government witness against Payne, Polk and any other potential defendants. Halfeon said he had never been a squealer in his life and wasn't particularly anxious to become one. On the other hand, he said, many of his supposed friends had taken the stand at his own trial and given extremely incriminating evidence. For that reason, he said, he would be perfectly willing--for a price--to tell what he knew. The price was this: he wanted a presidential pardon; in addition, he wanted permission to leave the country as soon as he'd finished testifying for the government. He wanted to return to his business interests in Peru.

Matthews told him (all of this, incidentally, is confirmed by Matthews and others) that he would go back and see what the Justice Department said to his proposal. Matthews subsequently talked to Wilkey, who talked in turn to Newswell. Word filtered back from Brownell that Eisenhower would give Halfeon a pardon if he kept his end of the bargain. But first Brownell wanted to know just what Halfeon was proposing to testify about.

Thus, Matthews was sent back to the prison to talk to Halfeon again. On June 21, 1950, between 12:15 p.m. and 2:30 p.m., Matthews questioned Halfeon in the warden's office at Seago. Halfeon gave Matthews a list of 40 persons about whom he could provide testimony. The list follows:

1. Allan Shivers, then Governor of Texas.
2. Oscar Holcombe, ~~then~~ ~~mayor of Houston.~~
3. Supreme Court Justice Tom Clark.
4. Congressman Albert Thomas.
5. Robert W. Calvert, chief justice of the Texas Supreme Court. He still holds this position. ~~Frank~~ ~~Texas~~ ~~Holcomb~~ ~~speaker.~~
6. H. H. (Pete) Corfield, one of Shivers' closest friends, who was then a member of the Texas Prison Board. Corfield is now chairman of the Texas Prison Board. He has admitted in open court that he sanctioned Texas' top gamblers--including Halfeon's partner, Joe Stevie--but no action has been taken against him.
7. Frank Scofield, district director of Internal Revenue in Austin. Scofield, a crony of LBJ, later was indicted in another bribery case but eventually acquitted. ~~was~~ ~~in~~ ~~the~~ ~~files~~ ~~of~~ ~~the~~ ~~Internal~~ ~~Revenue~~ ~~files~~ ~~in~~ ~~Seo~~ ~~field's~~ ~~office~~ ~~and~~ ~~was~~ ~~destroyed~~ ~~in~~ ~~a~~ ~~fire~~. ~~This~~ ~~is~~ ~~a~~ ~~matter~~ ~~of~~ ~~record.~~   
 - note -

Halfeon List.  
- note -  
DOD Dorman He deleted LBJ from list because Johnson was believed to work for the FBI.

8. Neal Polk, the indicted sheriff.
9. B. W. Payne, the indicted police chief.
10. Colonel Homer J. Garrison Jr., then and now the director of the Texas Department of Public Safety (in other words, head of the state police and its subsidiary, the Texas Rangers).
11. Sam Hoover, mayor of Pasadena, Texas, later indicted on corruption charges.
12. Steve Werner, an Internal Revenue agent, who admitted at Halfeon's trial that he had been bribed by Halfeon.
13. George Seber, then and now assistant police chief of Houston.
14. Al Scharif, now head of the Houston law enforcement commission. At the time of Halfeon's imprisonment, Scharif was the customs agent in charge of criminal investigations in most of Texas. He later retired as the oldest customs agent in history. An admitted former cattle rustler, he is a legend within the Customs Service. A book by Garland Reark, called "The Coin of Contraband," was written about Scharif's life. Scharif considers me a friend. I may ask him to tell me in advance whether he did what Halfeon says he did--namely, shake Halfeon down for thousands of dollars in several illegal deals. Scharif, by his own admission, is a very rich man. He says his wife inherited a bundle of money. But others say different. The talk about him was so scandalous that he felt obliged to deal with it openly in the Garland Reark book.
15. Dale Richardson, a former Texas constable. He got national publicity as a sort of Carrie Nation of the gambling joints. He'd come crashing into a joint with his ax and just smash hell out of it. The only trouble was he was getting paid off by Halfeon to raid only selected joints. In fact, Halfeon says he originally arranged for Richardson's election as constable. Richardson eventually went to prison as a hot check artist and confidence man.
16. Sowell Meyers, Houston city attorney.
17. Rue Linscum, sheriff of Fort Bend County, Texas.
18. J. P. Hardy, then and now county judge of Matagorda County, Texas. As you may know, county judge in Texas is an administrative--not judicial--office. Hardy is the chief executive of the county government.
19. Bob Bassett, then and now district attorney of Fort Bend County, Texas.

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The "Halfeon List" of 40 names. The notation at the bottom reads, "The Halfeon List. Told Dorman he deleted LBJ from list because Johnson was believed to work on his appeal." (Given to JFK Lancer by Gus Russo. Russo received it from a secret Justice Department source. It is published here for the first time.)

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- 9. B. W. Payne, the indicted police chief.
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- 25. ~~xxx~~ R. H. (Bob) Davidson, a former Houston detective who later went to work for the district attorney's office.
- 36. ~~xxx~~ Herman Williams, a big-time gambler.
- 37. ~~xxx~~ George Woods, Houston city personnel director and brother-in-law of Mayor Holcombe.
- 38. ~~xxx~~ K. D. Wright, an investigator for the Houston district attorney's office.
- 39. ~~xxx~~ Doc Taylor, a partner of gambler Joe Steele.
- 40. ~~xxx~~ Hardy Purvis, a Texas Ranger captain.

*Lead Southern Chicago*

When Matthews got the list from Halfen, he got little elaboration on just what Halfen could tell about those he named. Halfen talked merely in generalities about bribing most of the public officials on the list. In some cases, he said, the public officials were business partners of his or his associates. For example, he said (and I have confirmed this), that Rep. Albert Thomas was his partner in founding the Airline that is now called Texas-Texas Airways. Not only was Thomas his partner; he was included in getting Civil Aeronautics Board approval of the airline's routes. And Thomas and Halfen even got their picture taken together for publication in the Houston Chronicle as co-founders of the airline.

It was in connection with the airline operation that Halfen says he and Thomas jointly paid Tom Clark a bribe of \$10,000. All told, he says, he paid Clark between \$50,000 and \$75,000. This was a drop in the bucket, he says, compared with what he paid BJ---\$50,000 a year for 10 years or a total of \$500,000. He says that, for this money, BJ represented the underworld's interests in Washington---killing legislation that would have hindered such operations as racing wigs, slot machines, etc. I will return to this later (or discuss it with you in more detail in person).

To get back to the chronology.....

After the list was delivered by Matthews to U.S. Attorney Wilkey, a series of negotiations ensued among the Justice Department, Peobe and Halfen and his attorney, Herbert Oliver, of San Antonio. Involved in the negotiations, aside from Wilkey, were: Herbert Brownell; his chief aide, Warren Olney, now administrative officer of the federal judiciary; Assistant Attorney General David Irons, then chief of the Justice Department Criminal Division; Matthews; and Wilkey's former chief assistant, E. F. Fallow. Halfen insisted that Matthews be present on each occasion when he was questioned by anyone from the government. In the meantime, in addition to the top-level officials, FBI and Internal Revenue agents became involved in the investigation of Halfen's material. *more*

The "Halfen List" of 40 names. (Given to JFK Lancer by Gus Russo. Russo received it from a secret Justice Department source. It is published here for the first time.)