

William H. Orrick, Jr. Oral History Interview – RFK#2, 04/14/1970
Administrative Information

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Biographical Note

William H. Orrick, Jr. was Assistant Attorney General, Civil Division (1961-1962), Antitrust Division (1963-1965), Department of Justice; Deputy Under Secretary for Administration, Department of State (1962-1963). This interview covers Orrick's time with the Foreign Service and antitrust division, communications between the White House and State Department, and Robert F. Kennedy's [RFK] interests in the antitrust division, among other topics.

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William H. Orrick, Jr. – RFK #2

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Second Oral History Interview

with

William H. Orrick, Jr.

April 14, 1970
San Francisco, Calif.

By Larry J. Hackman

For the Robert F. Kennedy Oral History Program
of the Kennedy Library

HACKMAN: . . . if you'd go down that list and recall particularly, which ones were yours and which ones came from the outside.

ORRICK: Yes. When I went to the department I talked at great length with Ralph Dungan about the methods of appointing ambassadors. He and I decided that as each post became vacant, I would try and select the best possible man from the Foreign Service after consultation with the director general, the assistant secretary in charge of the area concerned, and also with the secretary, and that he would put up the best political-proposed appointment. Then we would try and decide which was to be the best, it being understood, of course, that the president made the appointment. I think the system worked--in retrospect--quite well.

As I review this list of ambassadors which you have handed to me, I note that we appointed from the Foreign Service Ambassador [James W.] Riddleberger to Austria. He was a topflight career diplomat. That was generally conceived to be a good appointment. Ambassador Donald Dumont from the Foreign Service went to Burundi. Ambassador Philip Sprouse from the Foreign Service went to Cambodia. Ambassador [W. Walton] Butterworth from the Foreign Service went to Canada. Ambassador [Brewster H.] Morris from the Foreign Service went to Chad. I think those were all generally considered good appointments.

I think it's worth noting that President Kennedy appointed more Foreign Service officers as ambassadors--I think I'm correct in saying--than any of his predecessors and, I know, more than any of his successors.

I also note that Admiral [Jerould] Wright, who was a political appointment, was appointed to China. He was regarded as having done a good job. Ambassador Outerbridge Horsey was appointed to Czechoslovakia. It was our feeling at the time that he would do well in that atmosphere which had not yet had the benefit of [Alexander] Dubček and where the feeling of repression then was very much the same as it is today. Actually, I recall visiting there and the ambassador could only have eleven Foreign Service officers including himself. However, that appointment was severely criticized by Arthur Schlesinger who thought that Horsey was much too conservative and could not possibly find a chink in the armor. On balance and in retrospect I still think at the time it was a good appointment.

Others on the list were Ambassador [Edward M.] Ed Korry, which is the president's own, to Ethiopia. The president, of course, appointed [Charles E.] Chip Bohlen to France, and sent George McGhee to Germany, and [Chester] Chet Bowles to India. I had nothing to do with those appointments or with the appointment of [Matthew H.] Matt McCloskey to Ireland or [James] Jim Wine to the Ivory Coast.

The balance of the ambassadors on the list were to relatively small countries and I don't know if it's worthwhile going down the rest of the list. Except, I should point out that the last one was a real star and a career ambassador, Foy Kohler to the Union of Soviet Socialist Republics. He was, of course, the president's personal choice.

HACKMAN: What can you remember about the president or Robert Kennedy's impressions of the State Department's congressional relations at the time you went over? Was that something you were suppose to try to shape up, so to speak?

ORRICK: Well, that wasn't really. . . . Congressional relations as a whole were handled by the assistant secretary for congressional relations who was [Frederick G.] Fred Dutton. Dutton worked just really by himself. He is kind of a loner and he worked with the secretary. He would arrange boat rides down the Potomac for key congressman and called on them. He had his own staff, and I saw very little of that.

My congressional relations problems dealt primarily with the [House] Appropriations Committee, the subcommittee of the Ways and Means Committee . . .

HACKMAN: Here's a list of them, some of them.

ORRICK: . . . which was chaired by my good friend, John Rooney. My deputy [William J.] Bill Crockett was really in charge of that. He, every year, would go on an around the world trip with Congressman and Mrs. Rooney. I left that job pretty much up to Crockett, though I saw John Rooney on occasions other than the times when I had to testify on the budget. He was, I considered to be a very good friend of mine. Actually, he gave me a very nice print, which hangs in the hall here, of the gates of Krakow in Poland.

HACKMAN: What kind of relationship had [Roger] Jones had when he left, Roger Jones? Had he had a lot of problems with the Hill or not? He was a Republican, I believe.

ORRICK: Well, he was. I don't think he had any problems because Crockett was assistant secretary of state for administration and that's really about the only thing that he did. He did keep those congressmen happy and that was very important. So, I think the inevitable result was that it did push Jones into the background. I don't think, near as I've been able to tell, he did even as much as I did in that regard which, I suppose, is an error. I think the deputy under secretary should do more, for example, than I did in that area.

HACKMAN: How much help did you get from the top on that--either from Secretary [Dean] Rusk, or from [George W.] Ball or [W. Averell] Harriman, and any of those people? Were there occasions when you called on them to take a hand on congressional relations?

ORRICK: Never in this area, excepting during the annual hearings on the appropriations and then the secretary would make a very general statement and each assistant secretary would have to justify his part of the budget.

HACKMAN: One of things I wanted you to do is recall the White House visits that you had while you were at the State Department. There's one there on November 20, 1962. I don't think the subject is recorded. Do you remember that one?

ORRICK: I think that that was on the occasion of my return from an inspection tour of several of our embassies in South America. I had reported on that tour to the secretary and to the under secretary, and I'd also talked to Bob Kennedy about it. The tour was extremely useful. I don't know if we went into this previously.

HACKMAN: You mentioned, when I asked you about country team problems, you mentioned Brazil. I can't remember others that good on that.

ORRICK: Right. Well, I took with me on this trip, and on several subsequent trips to different embassies, one of my special assistants, either Brandon Grove or Murray Bring, and the area administrative officer. I would beforehand be well briefed by the assistant secretary for the area on substantive problems and by my counterpart in the Central Intelligence Agency on any problems his station chief in the area might have been having. Then through a rather harrowing visit but, I thought, useful, through conversations with the ambassador and deputy chief of mission which I would be holding while my younger assistants would be talking to others on the embassy staff. I would also talk to the station chief and hear what problems they're having, if any. I got, I thought, a good insight into precisely what was going on in the country. I always attended a meeting of the ambassador and his staff and I always had a good session with the AID [Agency for International Development] man and whatever--the public information officer. There were many things, some minor that I could correct on the spot or by a cable to Washington. If there was anything major, such as friction between the ambassador and the station chief, I would take it up with my agency counterpart in Washington.

So, this was useful, Bob Kennedy thought it was very useful. I'd go over to his house and we'd have lunch alone together over there. He would quiz me on precisely what had happened. On this particular trip, he thought it important that I discussed these matters with the president. I believe he sent me over there on several other occasions.

HACKMAN: They may not all be listed there, if they were just short step-in sort of things.

ORRICK: Yeah. Well, he and I went over together on other occasions and I don't think those are shown on this particular list.

HACKMAN: Do you think the president's view of the Foreign Service and of the nature of the problems changed during that year that you were there from your conversations with him?

ORRICK: Oh, I think, yes I do, because as he was growing in the job, he grew to learn a lot more about it. I think I stated earlier that he'd sent me over to interpret the Foreign Service to him. To that end, I tried to arrange meetings with ambassadors from some of the smaller countries. He, of course, saw all the ambassadors very briefly, but I urged him. . . . He of course, saw ambassadors to the important countries frequently and for long periods of time. He was great on receiving information from every source. He didn't use channels; he went directly to the desk officer or he'd go directly to the assistant secretary and he ate up information from all different sources.

So I thought, and I used to ask [McGeorge] Mac Bundy this, and I think Mac agreed, that he did come to have a higher regard for the Foreign Service officers. I know for a fact that on one occasion, which is listed here March 6, 1963, I arranged to have the newly promoted Foreign Service officers meet in the Rose Garden and receive congratulations from the president. I can tell you from personal knowledge and observation that the morale in the State Department went rocketing upward. They talked about it for weeks. The president was his usual gracious self, and he mingled among them and shook hands with every single person who was there. That did a great deal surely for the State Department, and I hope for him.

The next meeting on here is April 5, which is the Citizen's Committee for the National Academy of Foreign Affairs. The president appointed me together with George A. Lincoln, [James A.] Jim Perkins, Ambassador [Livingston T.] Livey Merchant and others, whom I've forgotten, to a committee to investigate the feasibility of establishing a National Academy of Foreign Affairs. This was an academy designed for a mid-career education, much like The [National] War College, of top-ranking diplomats and persons active, including the military, in national security affairs. It was thought that documents relating to events of the past which were classified but from all services involved would be deposited there, that the academy would attract top-ranking scholars in the country, and that all--and underscore all--top national security affairs personnel--again from all agencies including the CIA, AID, Army, Navy, Air Force, and State Department, would benefit from this.

My job was to, along with the others, determine the feasibility of the project. The distinguished scholars who served on the committee, of course, made the judgment as to whether such an academy indeed would attract the topflight [inter] national scholars that the president had hoped. I might add, they decided it would. My job was to find out where the academy would be located and how much it would cost and so on for which I had a separate staff working under me and which we did.

The occasion of this meeting was to publicize the fact that on that very day we were going up on the Hill and testify before the Senate Committee on Foreign Relations. Unfortunately, Secretary Rusk who was fully prepared on it was out of the country at the time, unexpectedly. Under Secretary Ball took hold of it to make the principal presentation on the part of the department. I testified for the military and others. It was a one-day hearing. Senator [J. William] Fulbright listened with an open mind and quizzically, but he was not overwhelmed by it. Senator [Stuart] Symington was very strongly in favor of it, introduced the bill proposing it. But, we were unable to sell it to the balance of the committee, and it died aborning.

HACKMAN: You said the president asked you to study it. Where had the idea, do you know, come from?

ORRICK: I think it probably came from Mac Bundy and possibly Abe Lincoln. I'd bet on Mac. I don't really know; it grew. There was a good deal of, as I say, study and discussion given to it.

HACKMAN: What was the attitude of Rusk, Ball, Harriman, and others that you can remember in the State Department about the idea and how the committee propose that it be set up?

ORRICK: Well, I think that within the department it was well received. The officers from the department, as you know, go to the War College and although they're, of course, treated equally there along with the top-ranking military officers, it is the War College. I think the president liked the idea of a National Academy of Foreign Affairs.

There were a number of ideas floating around at that time. One of them, which was sponsored by several congressmen and senators was that you should indeed have such an academy and that would be like the United States Military Academy or the United States Naval Academy and that Foreign Service officers should be trained there just as military officers are trained. The department was very strongly against that because one of the great needs in the department is a generalist, a man who's got a broad academic background, who can adapt himself intellectually to different situations and physically as well. That's the last thing we wanted in the State Department.

HACKMAN: But what about the leadership, were there any problems in getting their support for the idea?

ORRICK: No, they were for it. There wasn't any question that the president was strongly behind it. In retrospect, I suppose we could have and should have, I know we could of and I think we should of, done more work with the various senators on the committee before we appeared before them formally, but there was some urgency about getting it before them. I never understood quite what it was except I was taking orders and I was told to get it done by such and such a day.

The next appointment on here is a cabinet meeting, May 21, 1963. I've forgotten. . . . Well, I bet you think I've forgotten, but I haven't, indeed. I was seated at my desk at 9:30 when the executive secretary called me and said, "Can you attend the cabinet meeting this morning for the secretary of state?" I was the fourth-ranking officer in the department but I had never been called upon before to

attend a cabinet meeting. Secretary Rusk, Under Secretary Ball, and Under Secretary Harriman--I guess it was at the time--all rank me. So, I did attend the cabinet meeting and had the great personal thrill of sitting on the right hand of the president of the United States as the acting secretary of state. I have the picture over there, which Bob Kennedy gave me, of the meeting. I'm only sorry he wasn't sitting in his place which would have been on the right of the acting secretary of state. I've got an agenda for that meeting--no, I guess that's another one.

This was not the first. I think Bob took me to this one on May 21, 1963, because he wished to obtain, as I recall, the cooperation of the members of the cabinet in urging businessmen of their acquaintance to bring pressure on downtown theaters, I think, or something like that, in the South to admit Negroes--I've forgotten what it was. I think I had just returned to the Department of Justice at that time.

The first cabinet meeting of which I spoke was Thursday, October 18, 1962. The agenda for that meeting was threefold: one, the fiscal year 1964 budget; and two, [Theodore C.] Sorensen was to review the legislative program for 1963; and three, the secretary of state was to review the foreign situation. I recall that particularly because I was having internal fits, and when the president came in and sat down, he leaned over to me and said, "Bill, are you ready to take us on an around the world trip?" Then he laughed and I knew he would not subject me to that particular kind of torture.

HACKMAN: Why would you have gone with Robert Kennedy to that meeting? Can you remember what viewpoint he would have called upon or what expertise he would have?

ORRICK: Well, this was the May 21st meeting. I think he wanted me to hear the discussion and advise the members of the cabinet that I was the contact man in the Department of Justice and to have them or someone on their staff to make arrangements with me so we could check this program out. As I recall it, the program wasn't very effective. I just can't remember anything else on it.

The last meeting that's recorded here was October 7, 1963. By that time I was the assistant attorney general in charge of the antitrust division. I was at a meeting there with Secretary [C. Douglas] Dillon, Secretary [W. Willard] Wirtz, Secretary [Luther H.] Hodges, Kermit Gordon, the director of the budget, Walter Heller of the Council of Economic Advisers, Richard Holton from the Department of Commerce. I don't remember who John Lewis was.

HACKMAN: He was on the staff of the Council of Economic Advisers.

ORRICK: Oh. And Stanley Ruttenberg?

HACKMAN: The Department of Labor, manpower.

ORRICK: There I think, the president was upset about another price rise. As I recall it, he wanted to know whether it was feasible to start an antitrust action immediately against the companies involved, the names of which I don't recall, and subpoena their records. He wanted to know how much time it would take. We met there with Sorensen and reviewed it. Then we went into the cabinet room and discussed it with the president.

HACKMAN: Where had that proposal come from? Had that come from you or from the antitrust division?

ORRICK: No, it hadn't come from me. I think maybe Sorensen might have suggested it or someone else and then he called in all interested agencies. It was obviously from the personnel there, an economic problem. My involvement had to do with antitrust and I do remember discussing time problems and the feasibility of doing this.

While we're on this kind of thing, the president called me on a Saturday, as I recall, to see whether there was a problem in having American wheat growers combine to sell wheat to the Russians. I was rather startled; I didn't think there was, and I so advised him on the telephone. So, he asked me to investigate all aspects of it and then discuss the matter with George Ball the next morning which was Sunday morning. So I worked all Saturday afternoon and evening with my staff trying to find what was wrong with the proposal. [Interruption]

HACKMAN: You took it to George Ball. . . . Let's see, what was it? We're on now.

ORRICK: We decided that the department would not act, particularly since it was of overriding international importance. The next morning which was Sunday, I dutifully went, returned to my old stamping ground in the State Department and so reported to George Ball.

HACKMAN: Now on the subpoenas to the steel producers. . . . I guess what I'm really trying to get at is can you remember anything about the timing of it and why it was done when it was done? This was in October of '63.

ORRICK: Well, in October of '63. . . . What I wanted to emphasize was that this did not concern the time of prior steel rise when the FBI [Federal Bureau of Investigation] served a subpoena at 4 o'clock in the morning because they got faulty instructions from the deputy attorney general. This was another, second rise in steel prices which was publicly announced without any consultation at all with anyone in the White House or the Council of Economic Advisers or anyone. The president was very much concerned and wanted to do something about it promptly. I don't know if we said before, but in this time everybody was apprehensive, wanted to help the president. We reviewed all kinds of possible actions. My recollection is that rather than subpoena records or commence any press investigations or anything like that, that there was what [Lyndon B.] Johnson called "jawboning" between Walter Heller and the steel producers. I think they were summoned to Washington and some adjustment was made. I don't remember that clearly.

HACKMAN: Eight companies were subpoenaed and in the following April the grand jury indicted eight.

ORRICK: Well, there was no connection between those two.

HACKMAN: No. Okay. Let me skip back to the State Department again. I wanted to ask you what you can remember about any involvement while you were at the State Department with this interagency youth committee that Robert Kennedy was very interested in. [Lucius D.] Luke Battle was involved in it. Did you ever get involved in pushing anything on that at all at state?

ORRICK: I don't remember it. We, of course, employed college students during the summer and we had really a good program for the students selected, twenty-five interns, bright kids from colleges throughout the country. I remember meeting with them and asking what they did. I was shocked when one young man said, "I'm the Indonesian desk officer." And I said, "Oh, perhaps you haven't learned the terminology here in the department." He said, "Oh yes I have Mr. Secretary." I said, "Now, the desk officer is the man who sends out the instructions to the ambassador and one of our most distinguished ambassadors is in Indonesia, Ambassador Howard Jones." He says, "I know it, sir. I've been sending him cables for the last three weeks." So that young man had more experience than most in the department. I don't think our relations with [Achmed] Sukarno could have been any worse at that time so I can't blame that on him.

HACKMAN: Can you remember at all discussing possibly dropping the position of director general of Foreign Service? Was that something that was batted around while you were there?

ORRICK: No. There were always proposals about that. I take it back. That certainly was discussed. I didn't want to do it. The director general when I was there was Tyler Thompson. He was well liked in the service. When ambassadors would return they felt that they had one of their own in whom they could confide. He and (William J.) Bill Galloway kept very close contact with the ambassadors and, indeed, with all the top Foreign Service personnel. I felt that they performed a very useful function; my concern was that there be topflight men filling it. They still have the director general.

HACKMAN: Can you remember where the impetus was to, where it was coming from, the suggestion to change that?

ORRICK: Well, there are always reorganization plans in the department. I think Bill Crockett had one. I think he just kind of resented the director general because the Foreign Service resented him. I think that's why he wanted to get rid of it, but I didn't. I had my own reorganization plan, as I recall. I wanted to keep the director general and I got along with him beautifully. Then those ambassadorial appointments, was pivotal in obtaining the information with respect to even naming a Foreign Service candidate and keeping a book on them. He was very important.

HACKMAN: When you say you had your own reorganization plan what exactly do you mean and how far did that go.

ORRICK: I was anxious. I have a hard time remembering the details. I hope that some place it's in my papers. I've got a marvelous collection--I think I took them with me, perhaps I shouldn't have, but I think I did; in any event, I can't lay my hands on them now--of recommendations of which I have worked out on the basis of good staff work. We checked it out and ran through the chain of command into the secretary and had it signed and approved by the secretary, and none of them was put into effect. This reorganization plan was one of them. It had to do with having an area director, I think, instead of country desk officers--now they call them country directors, I think. They just seem to really give them a different title. The details of it just have escaped me. Someday I'll find it and produce it.

HACKMAN: Any support from that that was especially useful other than Rusk?

ORRICK: No. Well, I regarded that as support because he signed it. The men who were helping me on it were Luke Battle, Herman Pollack, Ralph Roberts, my two assistants,

Murray Bring and Brandon Grove. I regarded those by far the ablest in the State Department, surely on the administrative side. So I thought it was sound and they thought it was sound.

HACKMAN: What about relationships while you were there with Abba Schwartz, Frances Knight, Otto Otepka? Did you get involved in that at all while you were there?

ORRICK: Yes, necessarily, because they, in effect, reported to me. Frances Knight was a very competent woman. She ran a first-rate organization and she ran it just her own way. So I made no attempt whatsoever to interfere with it. If I had, I'm sure I would have been a casualty quickly, but there wasn't any reason to worry about that.

Abba Schwartz was a little different. Technically he was chief of the Bureau of . . .

HACKMAN: Security and Consular Affairs?

ORRICK: . . . Security and Consular Affairs, and the Passport Office, technically, was under his direction and he wished to assume control of it. He also had a great interest in the refugee problem. Abba had his own ideas; he was difficult to get along with. He chose to engage in a running battle with Frances Knight which resulted eventually in his resignation from the department. That was brought about largely by Frances Knight calling on the enormous reservoir of goodwill which she had with congressmen and senators for whom she'd done favors over the years. They attacked Abba in all kinds of ways. He kept up the running battle. I was directed by the secretary and the under secretary to settle the dispute. I found that impossible to settle. Then they wanted me to prefer charges against one or the other and I didn't think that I could do that. So that was the end of it: Abba finally resigning.

Otepka, I can't recall ever having met. He worked in the Security Office. When I found out, when I first went to the department, that the Security Office was under my jurisdiction but was reporting to me through someone else, I changed that promptly because there was nothing that was more important than maintaining the security of the State Department. A lawyer called [John F.] Jack Reilly had been appointed to the job. He had been in the Department of Justice, I didn't really know him there nor did I make the appointment. We were appointed just about the same time. Nonetheless, he and I got along very well and I had him talking with me a minimum of once a week and whenever he had a problem. He hired one or two other fellows as his deputies; David Belisle was one.

Belisle would come to see me once in a while, and I would discuss with them the problems that I saw in the security of the department. It was important also because they were responsible overseas for the security of our embassies. I got a look into this and underscore the importance of the office because it was not only at home but in every port overseas: the embassy, the chancery. The residence was the focal point of the activity of the Russians, the Yugoslavs, and indeed, most every secret service personnel of most every country. We always had the biggest embassy, and they did their very best to penetrate it. In some instances which have been publicized, they did penetrate it.

Well, one day Reilly came to me, and he said that he had an employee that he suspected of bootlegging classified information out of the building. I said, "Put a stop to it. Bring charges against him." Then he said his name was Otto Otepka. I had heard about Otepka who'd been appointed during the [Joseph R.] McCarthy days. I said, "I don't care who it is, just be very, very sure of your facts." And he said that he would. I said, "You make your investigation thorough, and if you can prove it to me, I have no hesitancy in bringing the charges."

So he did; he maintained a close surveillance on Otepka. Through that surveillance and through, as I recall, looking at carbon paper in the waste basket and all this kind of stuff, the techniques of the surveillance, ascertained beyond a shadow of a doubt that that's precisely what Otepka was doing. The Security Office had all kinds of information on State Department personnel, and he was bootlegging it up to [Julien G.] Sourwine who was counsel for the senate internal security affairs committee [Special Subcommittee on Internal Security]. That was against the department regulations and a violation of Otepka's oath. So, charges were drawn up at my direction, and Otepka ordered to a hearing.

At that point the Senate internal security affairs committee through Senator [Thomas J.] Dodd, I believe, stepped in and decided to hold its own hearings. There is always congressional pressure on the secretary of state. He only has so much of a reservoir of goodwill with the senators. I mentioned to you the other night about what he did with me and Senator [Michael J.] Mansfield. So the senators prevailed upon him not to go forward with the hearing until after they'd had their own hearings.

HACKMAN: Did Robert Kennedy ever get involved in that? Did you talk about that with him?

ORRICK: Yes, I talked about it with him. He was disturbed by Jack Reilly, whom he knew, of course. He could never understand it, but there wasn't much he could do. Bob was very much taken with the work that Schwartz did in refugee organizations. He was always after me about that; couldn't I help Abba?

He had some others he was after me for. Pedro Sanjuan was one who was in the Office of [the Chief of] Protocol. Pedro had endeared himself to Bob by taking steps to insure that African diplomats could live in apartment houses in the right section of Washington. What else he did I don't know.

HACKMAN: The Route 40 thing, if you remember; diplomats couldn't get served on Route 40.

ORRICK: Yes, that's right.

HACKMAN: What was your usual argument on Sanjuan? How did you respond and how did that work out?

ORRICK: Well, I found that Sanjuan was. . . . There were a couple of them like that. They were in the department to make a name for themselves. [Richard N.] Dick Goodwin was another one. They were not team players. I think Goodwin had a good deal to contribute but certainly not to that atmosphere. Sanjuan, I didn't think did, and in the Office of Protocol he was a disturbing influence. Because Bob was interested in him and his career I spent many, many hours suggesting other careers more attractive to him, and I finally persuaded him to take one. I've forgotten what it was, but I remember being very pleased with my powers of advocacy because he left the department.

HACKMAN: Can you remember, other than the African housing, anything about him that particularly attracted Robert Kennedy?

ORRICK: No. I just do not. Bob protected anybody who was

carrying out his objectives. He was forever loyal to his people including me, and I just accepted that.

HACKMAN: What kind of problems did Goodwin create for you or for other people in the department, the Latin American area?

ORRICK: Goodwin is very, very bright. Then he was one or two years away from being a clerk on the Supreme Court. He had no background in the Foreign Service or indeed in Latin American affairs or anything else. He'd been of great value to President Kennedy during the campaign, and the president had had him in the White House; then, for whatever reason, sent him over in an important post. He was an assistant secretary of ARA [Inter-American Affairs] which. . . .

HACKMAN: Deputy assistant.

ORRICK: Deputy assistant secretary. As such, he would go to the large staff meetings, and he was forever an activist which endeared him to the Kennedys. In some countries that was desirable, and in some it wasn't so he was forever in conflict with his superiors, but that didn't bother him in the slightest. He'd go right into the White House anyway to get his mission accomplished. So far as the department goes, it was disruptive. Now, he may have been very valuable to the president; I just don't know; but within the department the feeling was that he was a disruptive influence. As far as I'm concerned, he and I got along very well; he didn't bother me, and he wouldn't have in what he was doing.

HACKMAN: How much of a problem is the White House staff's contacts with the State Department; not using the proper channels or not following up on things? You know there've always been rumors that so many people over there were involved in so many different things and the lines weren't clear and procedures weren't followed.

ORRICK: Well, I don't think. . . . I've, of course, heard those criticisms. It may very well have been true during the first year, but Mac Bundy asserted then, and will reassert vigorously now--and my observations bears out everything that he said--that his relationships with the secretary were correct in every respect, that they had respect for each other, they communicated with each other, that he was careful to separate the secretary's opinion out from his own, that the secretary always had direct access to the president. I have no reason to think otherwise.

Similarly, Ralph Dungan would call me. In ambassadorial things

he'd call the AID top people, but he kept his communication well within what I'd called "channels."

When I first came, there was a man in the department called [Eugene L.] Gene Krizek. I was advised that he was the contact with the Democratic National Committee, and that he was on my staff. He was forever bringing me names of deserving Democrats to be appointed to important ambassadorships. I got rid of that with the arrangement with Dungan, as I mentioned. Thereafter, I was supposed to find these fellows jobs. Well, I finally found Krizek another job and got him out of my hair.

HACKMAN: Schlesinger ever a problem?

ORRICK: No, not really. Arthur would call; he'd call me to complain about something. He'd call George Ball to complain. Then Arthur would ask me to come over and have lunch in the White House with him and tell me all the mistakes I was making appointing ambassadors and things like that. I got to know Arthur well, and I'd known his former wife, Marian [Cannon Schlesinger], for a good many years, and we always got along very well. Then I got the impression that he didn't see the president on these matters as much as he made out. I never considered he was ignored, certainly not in my sight and I don't even think in Rusk's.

HACKMAN: One other thing you'd said was that the president said he never could get anything out of the State Department.

ORRICK: Yeah.

HACKMAN: Did you try to do anything or could you see that there were any changes in that year that you were there in the speed in which the department responded to the White House or in the quality of the materials of . . . ?

ORRICK: Well, we did. . . . One thing, for example, we set up an operations room which we manned twenty-four hours a day, but there was a lot. . . . The president's complaint, I think, was justified, but it was difficult to find a means of changing the system given the type of work that's done in the department.

A telegram comes in across the secretary's desk, say it deals with Latin America. The secretary reads it, and the secretary can answer it maybe by "yes" or "no". He doesn't have to worry anybody about that one. And that is indeed what I am told Secretary [John F.] Dulles did. The result of that results in the rusting of the machinery, the withering away of responsibility, and learning to develop the responsibility of the people below you. Now, the cablegram normally,

a copy of it might go to the desk of the assistant secretary for ARA, the deputy assistant secretary and the country desk officer. The desk officer would prepare a reply which would go to the deputy assistant secretary and he'd amend it and discuss it with him, and then maybe to the assistant and then back up maybe to the under secretary or more often to the deputy under secretary for Political affairs. It would be lucky if that cablegram were answered. At the end of the day [U. Alexis] Alex Johnson was the one who put it to bed. He, in the end, worked out the last draft and finally saw that all the amending stopped and it got into the cable room and went out.

It's hard to devise a system in between those two. I think part of the fallout of the Dulles method--who I'm told ran the department by himself with the assistance of Herman Phleger, his legal counselor here from San Francisco--was that in the generation of Foreign Service officers today, there were very few who grew in those middle years which was so important. So, I prefer the other method.

The president was naturally impatient. He would often call the country desk officer and say, "What's our policy for Burundi?" And that would throw him into a tizzy.

HACKMAN: What could you see about the president's relationship with Rusk? Did you ever observe that closely?

ORRICK: The only times that I saw them together they were correct and formal. I really can't testify on that subject and there's been so much written about it that. . . .

HACKMAN: Yeah. What about the volume of traffic to and from the field in terms of cablegrams or whatever, any big effort to decrease that?

ORRICK: Yes, there was always worry about the volume and cablegram begets a cablegram like violence. Pretty soon there are more questions being asked and the more answers that come back the more questions go out for information. Various suggestions were made during the time I was in the department for trying to cure it, none of them were viable. What was important was that the department be brought into the twentieth century in terms of communications equipment and paraphernalia. That was part of the effort of that special communications committee that I was on.

HACKMAN: That's all I have on the State Department, unless you can think of other things at State.

ORRICK: Did we do the communications committee?

HACKMAN: You mentioned it in connection with trying to keep the fellow that Mansfield wanted, but you didn't really go into it beyond that.

BEGIN TAPE II, SIDE I.

HACKMAN: . . . about the communication thing.

ORRICK: During second Cuba [Cuban missile crisis] the president of the United States could not, at the most critical moment, get into contact with Chairman [Nikita S.] Khrushchev. In fact, Chairman Khrushchev's very important response to the president's construction of his letter came across to us in the clear and was picked up by a station in London. Also, the president's very, very important twelve-part messages to the heads of state throughout the world explaining the position of the United States on that fateful day didn't get through in many, many instances and in many, many instances you'd have three-parts out of the twelve-part message missing.

So, I was appointed, the president appointed me to chair a committee of the National Security Council to develop a national communication system. The problem, of course, was where the military were on red alert they had grabbed all the available channels. The State Department didn't have any channels--even the CIA didn't have channels. So to work out this problem he had me report to Secretary [Robert S.] McNamara and to Mac Bundy. I was briefed by McNamara and Bundy over in McNamara's office and I was given a deputy--the admiral who's in charge of the Defense Communications [Agency] system and who was later replaced by Lieutenant General [Alfred D.] Starbird, now one of the top people in the army. Also [Jerome B.] Jerry Wiesner, the science adviser, was on the staff, on the committee. Mr. William Baker from the American Telephone and Telegraph Company or from Bell research labs, [Bell Telephone Laboratories] I guess it was. I think that's about all.

We had as staff our technical people from the CIA and from the State Department, and from Defense Communications. We then undertook a review of the networks and channels of the United States. I thought it was enough that the president had appointed me and it was known that that had happened. But, I remember Herman Pollack, whom I chose to collect a decent staff, said, "You get that in writing. Get that in a National Security Council memorandum." And I did through the good offices of Mac Bundy and signed by the president, and proved that that was absolutely necessary.

We set up offices in those offices in the lobby of the State Department building and got the Marines to provide us the necessary security. We held our hearings there. The hearings were overloaded

with military of the highest rank. Two and three star generals and admirals were listening carefully as we reviewed these various networks to determine which could be reserved for State Department use or CIA use and so on, and what communications problems were in the different parts of the world.

They did, indeed, have a genuine interest. I remember once we were looking at the military microwave system across Europe which was really outmoded for the military but they'd still hung on to it. The admiral, who had listened to the instructions as McNamara, Bundy, and I had, said that he thought that this was expendible, the military didn't need it. I said, "Well, all right, we'll put that on the national system." About five minutes later there was an urgent telephone call for the admiral. I said, "We'd agreed not to take any." And he said, "Mr. Secretary please can we violate that rule. It's urgent." So I said, "Yes." We recessed for ten minutes. And the admiral came back and when we started in again, he said, "I've been in error and the military needs that microwave system." Well, we had a lot of technical background by then and we knew that they didn't have it. I said, "Admiral, I cannot accept that." He said, "Well, I'd rather talk to you about it afterwards." I said, "fine." So, when we came to recess for lunch, I said, "I don't understand your taking a directly contrary position." He said, "That telephone call was from General [Curtis E.] LeMay. He just chewed me out. We're going to have to keep the system." That's illustrative of the interest the military had in it.

At one point, I had to ask a general to leave the room. He was so mad, he was interrupting the deliberations of the committee. The committee sat around a horseshoe-shaped table and the others who were interested sat in the back. He kept interrupting and it got rather hot.

The end result of this, among other things, we instituted the idea for the so-called hotline. We had the ideas for the direct telephone connection between the president of the United States and the chiefs of state in other countries. We did something--not as much perhaps as we could have--in liberating some of these channels. In the course of it, we learned a great deal about communication in the Department of State.

While I was there we just never did get the appropriations for the hardware that was needed. I was criticized for that, I recall. I think someone told me George Ball said that I had a great position of power and could have done something for the State Department and didn't do it. Well, he never talked to me about it and I never talked to him about it. I think we did something. That was important and

will always be important in how much the military should have vis-a-vis the rest of them and the CIA too reporting on the state of the world in that critical time.

HACKMAN: Was the concern usually--the resistance or whatever--usually directly from the military people or did McNamara or the civilians over there ever get into the act to any great degree?

ORRICK: No. When General Starbird came, he handled the thing beautifully. He was very knowledgeable in the field; he conducted himself very well; he had the fullest confidence in Secretary McNamara and he and I got along. I kept asking my staff what he was taking away from me, he was a very smooth negotiator. We were acting as a chairman and deputy chairman kind of relationship. We got along very well and we filed, I think, an important report with the National Security Council.

HACKMAN: Before we begin the antitrust division maybe we can just do several other things. I thought maybe you could recount what you were saying earlier about the freedom ride situation in 1961, both your role in Alabama and then the speech.

ORRICK: In the spring of 1961, one Sunday morning I read with a good deal of alarm about the attack on the bus riders in Alabama and that the Department of Justice was doing something about it and I wasn't in it. So I called up Burke Marshall and he wasn't home. I called down at the department to talk to him and I asked him why he hadn't called me. He laughed and said, "We need a lawyer, so come on down." So I went down and I found to my chagrin that Byron White had already left for Alabama and I think that [Louis F.] Lou Oberdorfer had gone down. No one had even invited me along. So I went in to see Bob and I said, "Can't I help?" He said, "Yes, I think you should go down there." So with that, just about that much. . . .

Then they had me get a FAA [Federal Aviation Agency] plane from [Najeeb E.] Jeeb Halaby and I took down some other personnel and stenographers and some younger lawyers. We flew down to Maxwell Air Force Base where my colleagues had already set up an office and where hundreds of United States marshalls and others were being flown in. The others included the officers from the alcohol tax unit, guards from the federal penitentiary at Atlanta, the border patrol. We were mounting a para-military effort to protect the bus riders and, in particular, Dr. Martin Luther King who was coming to preach that night in Montgomery. This all came about because of the refusal of Governor [John M.] Patterson to talk on the telephone with the president of the United States; the refusal of the police chief and police commissioner

of Montgomery to order his men to keep law and order, if you will, and prevent these hoodlums from beating up the bus riders; and the refusal of the Governor to call out the National Guard.

So that Sunday night as the deputies arrived and reported in, we swore them all in as United States marshals for the United States court for the middle district of Alabama where we were and divided them up into teams and tried to explain the problem to them. The problem came all too soon; the problem came at about 7:30 in the evening when the church in the colored part of town was crowded with blacks, and Dr. King was about to arrive, and these hoodlums started to march on the church. There were no police visible. We had marshals in cars reporting to us. So [James J.P.] Jim McShane was down there. He was chief of the U.S. marshals and former New York cop--now dead. So Byron told McShane, "Get those marshals in cars and get down there."

So we put our motley crew in every vehicle we could commandeer at Maxwell Air Force Base to the chagrin of the commanding general and off we went. There was no police in sight, and these hoodlums, as I say, were crowding in on the church. They had the Molotov cocktails; they eventually threw some on the roof of the church. If it hadn't been for McShane and his marshals, I have no doubt that church would have burned down, and there would have been a loss of life. A good many of the marshals never did get out of the cars. Some did and fought off these people and just about when the battle was seesawing, the police showed up. Then we settled down to any uneasy quiet.

About that time the police left, and the National Guard showed up. The National Guard then posted troops around the church, and they kept the Negroes in the church all night on the grounds that it was unsafe for them to go out.

At 5 o'clock in the morning Byron sent me over to negotiate a truce with the commander of the Dixie division. I was picked up by a major who happened to be a lawyer. I was treated like I might have been treated in Russia and taken over to Dixie division, United States division, where there wasn't a sign of the American flag. Here are these, just the Confederate flags. I've been four and a half years in the army, and I know GI's like the back of my hand. They were just outright hostile. I was hustled through the barracks and up to the staff meeting. The general was a lily white WASP. He was polishing his boots when I came in and talking to his staff about being clean. - I said, "General, I came over here to negotiate, and we want to know whether your troops are going to leave that church and let the people go home and whether they're going to keep the peace here tomorrow." The general said, "Well, I'm not about to decide either matter." I said, "Well, my instructions are from the attorney general and from

the president that you're to withdraw those troops and you keep the peace tomorrow." He said, "Well, I can't decide that now. I'll have to talk to the governor." I said, "Okay. Will you take me back because I'm going to go back and tell 'General' White that we'll take our marshals down and we'll wrestle those fellows out at the building, and our marshals will be keeping peace in Montgomery tomorrow?" I started to walk out and he said, "Well, now wait a minute. Don't get mad." I said, "I'm tired; it's 5 o'clock in the morning, and I want an answer." So he finally agreed to this, and they did do as they'd been requested to do. The tension was high the next day.

In the meantime, Carl Eardley, who was the lawyer in the civil division and the best trial lawyer in the department, was trying to prepare a case. He had a motion for a preliminary injunction, mandatory injunction, commanding the chief of police of Montgomery to keep the peace and enjoining the chief of police and the members of the Ku Klux Klan from attacking these freedom riders. The case was set for hearing the following Monday before Judge Frank M. Johnson.

We were still in a tizzy there; we'd only gotten a couple of hours sleep. Eardley came to see me out at Maxwell Air Force base. And I said, "How's the case coming?" He said, "I can't do a thing, I can't get any help at all." We had an open line with the Department of Justice right into Bob Kennedy's office. Eardley said, "The FBI will not help." So, I went to Byron and said, "What'll we do?" He said, "Don't talk to me," he said, "talk to the attorney general." So, I talked to Bob and told him that we needed their help desperately to prepare this case and that we were not getting cooperation. That was about midnight. Bob just listened.

About one o'clock in the morning the commanding general of Maxwell Air Force Base accompanied by the special agent in charge down there and three or four other FBI men appeared in front of my desk. They said, "Mr. Orrick, did you make the complaint about the FBI?" I said, "Yes I did." And they said, "Well, please don't do that again, and we'll do whatever is necessary." I said, "Well here's Carl Eardley, and he'll tell you exactly what to do." Then I found out later that Bob had called the president, and the president, I believe, had called Mr. [J. Edgar] Hoover, and he'd also called [Cyrus R.] Cy Vance over in the Pentagon. For once, the president's orders were obeyed and very, very promptly.

Byron then left me down there in charge of those marshals. We'd been down there, by then, about five days; it was about Thursday. We were all sick of it, and I was as anxious as anybody to leave. I was indeed packing my suitcase when Byron called me and said, "You stay here in charge of these marshals." I said, "Byron, I don't know how to be a law enforcement officer. I'm a corporation lawyer from San

Francisco." He said, "Aren't you going to do it?" I said, "It doesn't make any sense to leave me. Of course I will if you want, but it doesn't make any sense." He said, "Well, why don't you tell that to Bob?" And I gulped and so I picked up the open line and I said, "Bob, I understand you're leaving me here with these"--whatever it was--"six hundred marshals." He said, "Yeah." So, I said "Well, does that make any sense to you?" He said, "Yeah." I said, "You remember my background. I'm in the civil division." He said, "Yeah. Can't you do it?" I said, "Yes, yes." Then he said, "Well, don't bother me," and he said, "do it." or something like that.

So, with tears in my eyes I waved my colleagues, White, Oberdorfer, and the others, a sad farwell, and I was left there. I went down to see Judge Johnson who was going to try the case. And I said, "Judge, I'm here with six hundred marshals," and I said, "I'm a corporation lawyer, and I really don't know quite what to do." The judge was a fine man and a fine judge and said, "'General,' you better know what to do. On Monday morning there won't be a national guardsman or a policeman on the streets of Montgomery because my courthouse will be surrounded." And he said, "My courthouse will be at the mercy of these Klan people unless you can make other arrangements."

McShane was down there and he knew a good deal about policing. So we worked out an elaborate method. There were indeed that morning, when we got to the courthouse at 6:00 a.m., these hoodlums were gathering, and we were the only law enforcement officers in Montgomery. Very quickly, the Judge started that trial at 9:00 a.m., recessed for thirty minutes at 2 o'clock, and he concluded it at about 10 o'clock that night. He heard eighty witnesses, and he issued the injunction that night.

HACKMAN: You came back then.

ORRICK: Yes. I came back when the case was closed.

HACKMAN: How did that speech then come up at Norfolk, you said?

ORRICK: Well, [William C.] Bill Battle who was a very good friend of both the president and Bob told Bob that he saw an opportunity to do some good among law enforcement officers. He told Bob that there was going to be a meeting of the chiefs of police of the State of Virginia at Norfolk and that he thought they ought to hear in detail about Montgomery. Bob called me up and he asked me if I'd go down and make a speech to the chiefs of police. As I told you earlier, I'd do anything that Bob Kennedy asked me to do including jump off a cliff although I might ask him if he thought it wise. And in this case I did ask him; I couldn't see myself what

possible use a speech on what happened at Montgomery would be to southern police chiefs. However, he instructed me to do it. I prepared a very objective and totally factual account of what had transpired there which I showed him and which I showed [Edwin O.] Ed Guthman. Both he and Guthman approved it.

I went down to make the speech. Until I got up to make the speech, the atmosphere was entirely friendly. After the first ten minutes, a large number of the chiefs and their wives rose and left the dining room. There wasn't a sound while I gave the balance of the talk and when I concluded there was no applause at all. Not that the speech merited great applause, but just polite applause might have been appreciated. I, fortunately, had to leave to take a plane, and I physically had to take up the hand of my host off the table and shake hands and thank him for my dinner. As I walked out from behind the speaker's table and out through that large hotel dining room, you could have heard a pin drop; there were just my footsteps.

A police sergeant drove me out to the airport and he said, "Mister, you sure got a lot of guts making a speech like that here. I'm from Chicago and you just don't know these fellows, and you're just lucky. If there'd been a southern police officer, he might very well have had an accident on the way."

When I got back, I went up to thank Bob for that pleasant assignment, and I took great relish in telling it to him in detail. So, he was interested; he said, "Well, I guess Bill was wrong." Well, I said, "I guess you were wrong." He laughed about that. He reminded me a few years afterwards of what a great speechmaker I was.

HACKMAN: A couple of the other things I've written down, and I've forgotten exactly what you've mentioned. You didn't put it on tape last night, but you were talking about Paul Corbin, and I'd like for you to recall what you remember about Robert Kennedy's relationship with Paul Corbin and what occasions you ran into. . . .

ORRICK: Well, Bob was always loyal, almost to a fault as I said, to his friends. Paul Corbin was one. So far as I was concerned he was a friend of Bob's--that's fine. Paul had a long and checkered career, but he was intensely loyal to the Kennedy family.

I remember shortly after President Kennedy's death I went over to Hickory Hill to extend my condolences to Bob whom I hadn't seen since then. So, He said, "Come on down and we'll go in the sauna

bath." I forget, Maybe Lou Oberdorfer was there. So we went down into the recesses of his new sauna bath which he'd gotten literally as a surprise for his birthday and Paul Corbin was in there. We had a rather, you know, unhappy meeting and time. After Corbin went out for a while, I think Oberdorfer went out, I talked briefly with Bob, trying unsuccessfully to comfort him. Then he moved off.

Corbin just hated President Johnson. . . . Well, I don't know if this adds anything to that. But he was devoted to the Kennedys and during Bob's campaign out here Corbin came out under an assumed name and campaigned down in Salinas as a commander in the navy and assured me he could have been elected mayor of Salinas by the time he got through.

HACKMAN: The only reason I think your other remark you made at the table last night might be interesting, in terms of the bundles, is in terms of what did change at the antitrust division after Robert Kennedy went out and President Johnson replaced President Kennedy.

ORRICK: Yeah. Well, Corbin predicted, he said, "You go back to the antitrust division you better put a big can outside the door because that can is going to be filled with money and you're not going to get to file any cases and that thing will be run out of the White House."

HACKMAN: Was that, in fact, what happened?

ORRICK: Partially.

HACKMAN: How could . . . ?

ORRICK: I think President Johnson thought of the antitrust laws as a means of negotiating with businessmen rather than having any regard for them as laws. There were a good many cases that should have been brought but just weren't brought. As assistant attorney general, I could only recommend cases. The attorney general had to sign and file them.

HACKMAN: How did that work out with [Nicholas deB.] Katzenbach? Where was he usually on those?

ORRICK: Well, I don't think when Nick . . . [Interruption] . . . but he does their job differently. When Nick was acting attorney general, after Bob left, Bob was very anxious for him to become attorney general and whatever Bob wanted, we wanted. So, rather than resign at that time which would have been convenient for most of us, we didn't. We stayed on hoping that

President Johnson would make Nick attorney general because that's what Bob wanted.

Nick had a very difficult role to play there. Abe Fortas was all over the White House, there were all kinds of rumors that Leon Jaworski was asked to be attorney general and Leon told me that he had been, and others. Nick had a difficult role. Well, the last thing he wanted to do was to become a vigorous antitrust and he wasn't and didn't. I do want to say that didn't fit into my concept of how you should do it, but law enforcement officers have to exercise their own judgment on these things and that's what he was doing. I think he was wrong on a good many cases. I think I mentioned the San Francisco Chronicle saying that.

HACKMAN: Is that the case involving the judge that you were talking about out in California? I've confused those two.

ORRICK: No. We filed the Tucson case in the newspaper field to enjoin newspapers from, in effect, dividing up the field. The case was a very sound case. The Supreme Court passed on it just a year or so ago and approved it. When we filed that case, that was department policy. We filed other cases. We filed one against Scripps-Howard papers in Cincinnati, enjoining them from purchasing the stock of another paper. The legislation of the failing newspapers grew out of these cases.

Well, after the department policy had been established and just about the time I was to leave the department, along comes the newspapers from my own town, the San Francisco Chronicle and the San Francisco Examiner. The Hearst [Corporation] people with [Richard E.] Dick Berlin, they were in the White House up seeing the attorney general. The antitrust division had investigated it carefully and thoroughly and this case was no different from Tucson and the case was never filed. I think that was an abuse of prosecutorial discretion. But, in any event, I'm speaking from a bias point of view and it doesn't have anything to do with Bob Kennedy.

HACKMAN: One other thing you mentioned last night that we didn't tape and that was your conversation with Robert Kennedy, at one point, about President Johnson and the vice presidential nomination in 1964.

ORRICK: Oh, that conversation took place around the first of August or the end of July in 1964. I had invited Bob to come spend the weekend up at the Bohemian Grove on the Russian River where the Bohemian Club has an encampment for two weeks every year to which leading business and government figures from all over the country come. There's a good deal of entertainment

from symphony orchestras to jazz orchestras and singing and cards and dominoes and everything that would interest a group of men and a great deal of good fellowship. On the way up to the Grove, Bob-- I had said to him that I thought President Johnson needed him in the vice presidential slot. He said, "I hope he thinks so." I said, "Well, do you want it?" And he said, "Yes." That was about all that was said.

We then went on up to the Grove and Bob gave a talk there, a lakeside talk they call it, which was the best attended talk I've ever observed there, in which he discussed his admiration for Mr. Herbert Hoover who was a long time member of the Bohemian Club and always went to the Grove and always gave a lakeside talk. You recall Bob worked for Mr. Hoover and you go into his house and there's a picture of Mr. Hoover. He had the highest admiration for him. So, he's talking of that in terms of difficulties in making decisions. He told of the circumstances surrounding the important decisions that they had made in the past few years. He talked about second Cuba. He talked about his own decisions in General Aniline [& Film Corporation] for instance, which was of a great deal of interest to them. He held their attention. It's one of the best talks I've ever heard at the Grove. However, I regret to state that most people were rather antagonistic toward him; he's not comfortable in that kind of company.

We walked up the road and I showed him the Grove which is a magnificent span of redwoods and he was interested in that. We went down to this beautiful outdoor dining room and everybody eats together there. The people who were sitting near him were firing questions at him all of which he answered but he clearly didn't enjoy that. Then there was entertainment at campfire circle afterwards and then I took him to a dress rehearsal of "The Low Jinks", the play they were going to give the next night and walked him around, but I can't say that he enjoyed it. He never drank a great deal, in fact very little from my observation. He just did not enjoy that company.

We went up to where my camp is, Zaca Camp--just on a hillside and sat in front of the fire for a while and then he went up to bed. He was very difficult. I remember he woke me up at 4 o'clock in the morning and insisted that my campmate, [Thomas C.] Tom Howe, with whom I've been sleeping in that same tent for fifteen years, was snoring. Well, I listened and I said, "He isn't snoring." Bob insisted that he was and I said, "Go back to bed." I was very, very tired because I'd stayed up much later than he had.

Then the next morning we gave a big breakfast for him and we had

entertainment for him. Then we sat around the piano and sang. I think he did like that for a time at least. Our guests were courteous to him and so on. Then he left about noon the next day. Someone kindly loaned him their private plane and he and Ed Guthman flew down to Los Angeles to go to some kind of a track meet with Otis Chandler.

HACKMAN: Had Guthman been there the whole time?

ORRICK: No, Ed was too smart, as far as he was concerned. He had a family in San Francisco, he'd stayed with them and met us at the airport in Santa Rosa.

HACKMAN: Did you ever talk to Robert Kennedy about his relationship with people like this, particularly businessmen, what it was, why he didn't have a closer relationship? Were there things he didn't understand about how business people operated or what was it?

ORRICK: I never talked to him about it. Of course, Arthur Watson was a very good friend. He had a few close friends: Doug Dillon was a terribly close friend. I think he was impatient--this is my own analysis, I never talked to him about it--certainly his attitude was. My own analysis is that he was impatient with most of them because they had power and weren't using it to better mankind in ways in which he thought it should be done. Now that is just my own thinking. In their leisure time, they weren't working at neighborhood legal assistance foundations or things like that. They were going to the Bohemian Grove or playing golf or dominoes or drinking or some other such things. Not that he objected to any of that. In fact, once I was shocked after a few months after we'd been there, he and Byron White and I went out to play golf at the Chevy Chase Club. Bob said, "I feel like a truant, like a runaway. I've never done this in my life." And I believe it. We did that once or twice again over the next couple years, but he certainly never did that.

HACKMAN: What kind of golfer was he?

ORRICK: Well, he was good, he was a good athlete. I played a lot of golf and it irritated me that he was so good because he really did. We hardly kept score. We played there once and I think we played out in Columbia once. He liked tennis very much and of course he loved that touch football.

HACKMAN: Did you play much of that with him?

ORRICK: Not a great deal, I played a few times, but with Guthman

it was a regular thing, I think.

He would have us over Hickory Hill on all kinds of occasions, always informal except for that great. . . . Well, that was certainly informal when the people slipped and fell in the pool, you remember, in the first few months of the administration and that got him in so much trouble. It was unfair.

We'd get the boat, the Honey Fitz, and we'd go on those river trips.

HACKMAN: Was he relaxed on those kinds of things or what?

ORRICK: Yes, yes he was. When he was surrounded with people that he had selected and nobody could push in on him, he was quite at ease and enjoyed it, with wisecracking, and particularly when it was just a handful. He was great then. If it was at somebody else's home--they just didn't go out very often; they should have more, but they just didn't--he was always ill at ease then; he didn't, kind of, control circumstances. When I left--I forget when it was; maybe it was June sometime--he gave us a nice party there. He had mostly his friends, but they were my friends: the Dillons, and the Harrimans, I didn't know [Art] Buchwald particularly well, but he had Buchwald. He had some guys I wanted there like Potter Stewart and Cy Vance maybe and some others.

HACKMAN: One other thing I wanted to ask you about before we started on antitrust was the conversation you had with him at Hickory Hill about the wiretap legislation.

ORRICK: Yes. He went home for lunch during the spring and the summer time. He'd hold staff meetings at Hickory Hill, and we'd go out there and swim and then have lunch. Then after lunch we'd sit around and raise whatever problems we had. On this one occasion he had instructed us to come prepared to discuss wiretapping and some legislation that he and Byron had been discussing.

Well, I didn't know much about wiretapping. I studied the decisions and found out about as much as I could in the short time. I was in the civil division, and we didn't have the problem. So I took a position--which is my position today--that I don't think it's necessary except in national security cases. I still think that's right. I know a lot more about it today than I did then. But then, in any event, I was persuaded by Justice [Oliver Wendell Jr.] Holmes's dissent in whatever it was--Hornblower against Weeks--that it's a dirty business.

So Bob went around. . . . I was seated so I would be asked last,

and he and Byron asked each person there. They all had views on it, but more or less were in favor of it. And he got to me and I stated, just as I had said to you, I didn't have any background in it, but I am against it. I gave my reasons. So, he got a little bit upset about that. He said, "What if your child was kidnapped?" I said, "Well, Bob, hard cases make bad law," or something, and I wanted to get off that. He just stayed with it, he said, "Well, I just don't understand your attitude." "Well", I said--I got a little irritated-- I said, "You asked us to come up with our own opinions and I did, that's my thought about it." Byron said, "Are you sure you thought about it?" I said, "Yes, I've thought about it but I'm satisfied this isn't going to make any difference."

He was tremendously interested in that legislation and he knew a great deal about crime and particularly organized crime, and was convinced that that was the only way you could deal with organized crime.

HACKMAN: That was in '61?

ORRICK: That was in '61 when we first discussed it.

HACKMAN: The first time around, I think, the department supported a piece of legislation that [Kenneth B.] Keating had submitted. Then the second year they wrote their own legislation. Which one was that, do you remember?

ORRICK: It was the first one.

HACKMAN: It was the Keating legislation. Did you ever have later conversations with him about that then?

ORRICK: No. He always remembered it. He never forgot things like that.

HACKMAN: Can you remember any discussions with other people at Justice as the thing developed?

ORRICK: Well, yeah [Herbert J., Jr.] Jack Miller, of course, who was head of the criminal division, was very strongly in favor of it. [Archibald] Archie Cox thought it could be supported. I remember it kept recurring at our lunches and things like that. It still remained a matter of. . . . I never argued the point vigorously. I don't remember, for example, Ramsey Clark who took such a position against it. My recollection of Ramsey at that particular meeting was that he was in favor of that legislation. The reason I remembered so clearly is because I was singled out.

HACKMAN: How widely known within the department was the King wire-tap? Was that much discussed or was that very closely held?

ORRICK: Well, it was very closely held. I never noticed anything.

HACKMAN: Well, why don't we start on the antitrust division then. I guess that's all we have left. Maybe you can recall again about how the change from the State Department to the antitrust division came about.

ORRICK: I got a call from Bob on a Friday, I think, or a Thursday to come over and see him. So I went over and he said, "I want to make a change here in the department. [Lee] Loevinger is going to go to the Federal Communications division [Commission] and I'd like you to take over the antitrust division." I said, "Bob, I'm happy where I am. It's tough, but I'm just getting things going." And he said, "Well, I want you here." I said, "Well, I'm really in the middle of something over there. I think it's going to work out all right." He said, "My father taught me that after you've learned everything you possibly can and you've done your very, very level best and you still want to cling, drop it. I don't think you ought to drop it, but in any event I want you here." I said, "Can I stay on there if I want to?" And he said, "Yes, but I really want you here." I said, "May I. . . . Let me think about it." "Yes, but I've got to know tomorrow morning."

So I discussed it with a couple of friends. I discussed it with Potter Stewart and with Byron. They said, "Well, what's your judgment? You know, it's your job." I said, "I guess the same condition prevails; I'm back here to help the Kennedys, I'd better do what they want."

So, I told him the next morning. They wanted to announce it over the weekend, but that weekend, I remember, that Sunday I was meeting with the board of directors of the Carnegie foundation [Carnegie Corporation of New York] to tell them how we were implementing the [Christian A.] Herter report. So I guess they announced it Monday. I gave that speech Sunday--Whitney Seymour was there--and on Monday they made the announcement. I got a call from Whitney. He said, "I don't know what to think of your talk now. I thought you were going to be a fine diplomat. Now I see I'll have to come down and see you." So that's the way that came about.

I left the department as fast as I could then. Loevinger hated to leave the Department of Justice. He was a long time getting out. I went down and Warren Burger fixed me up with a couple of rooms in the United States courthouse near his chambers there. I refreshed myself on antitrust for a couple or three weeks before I went over and was sworn in.

HACKMAN: When Robert Kennedy talked to you, did you ever get any feeling that people at state had come directly--either Rusk or whoever that you weren't. . . ? Why did he feel that you weren't winning the battle?

ORRICK: Well, surely not from Rusk. He might have, I don't know. He had all kinds of lines in there. Perhaps Mac Bundy talked to the president though I've never really inquired with Mac. Maybe George Ball complained to Mac and Mac suggested it to the president. Then, of course, I went to see the president. The president said how much he really appreciated my doing this and that Bob really wanted me in the department and I'd done a great job over at state and so on. Then I went over to see the president again about my successor whom I thought should not have been Crockett, but they made Crockett the successor. I talked that time to the president about Dungan.

Another time I remember talking to the president, he wanted me to get Adlai Stevenson to go down to some induction ceremonies of a new chief of state in Jamaica, or something like that. The president called me personally and asked me if I'd do that. I said, "Now, Mr. President, you know Adlai is not going to do that." He said, "I know, but would you call him?" I said, "Yes Sir, of course I shall." So, I called him and Adlai moaned and groaned. He said he didn't want to be part of that and who could we get. He said he'd have to think it over. So, finally Adlai went down to see the president. I guess he figured there was something else. When he was there, the president called me. He said, "Bill, Adlai is here. Don't you have any suggestions?" So, I said, "Well, Mr. President, how about Winthrop Aldrich?" There was a little talk back and forth on the telephone. The president says, "Adlai says he's a big fart." Oh, forget him. I forget who we got to go anyway.

HACKMAN: Can you remember any discussions with Robert Kennedy when you first came on about problems in the antitrust division and what he wanted changed?

ORRICK: Yes. He did not get along with Lee Loevinger at all; Nick Katzenbach didn't either. Nick was then the deputy. They felt that Loevinger didn't level with them, didn't give them accurate information. They felt, generally, the cases weren't prepared. They were quite critical and they wanted me to, in effect, tighten up the department. They didn't talk in specifics except with reference to Loevinger's. . . . They didn't feel they were getting straight answers. Not that he was deliberately deceiving them, not that at all, but Loevinger was scared to death of Bobby, I know that. He and Nick just never got along. Loevinger is a brilliant man and a fine student of antitrust in theory, and he tried, as a plaintiff lawyer, a good many antitrust cases. When he was running the division or whatever it was, he just didn't make it, that's all.]

HACKMAN: Were there any early discussions of antitrust policy? What kind of direction they had in mind of where they were dissatisfied with policy?

ORRICK: No. There's always a lot of talk about what the antitrust policy is and that just it's really newspaper talk. They wanted to be sure that the cases we had were solid cases, that was about it. You could say, I think for example, today that [Richard W.] Dick McLaren, who has got the job, thinks that the government should be spending its time working on new types of antitrust cases. It should be doing some of that, but today they're not enforcing the law, they're trying in many instances to apply it to different situations, extend it, if you will, and they're being quite unsuccessful. Perhaps you could call that a policy, but my policy, if you can call it that, was to enforce the antitrust laws in the best way that I can and being sure that I had good cases, paying attention to the areas of concern. Mergers were just beginning then to proliferate and we had a number of, which you always have if you look at its price-fixing cases.

HACKMAN: Any discussions in that very early period of some of the cases that were coming up at the time you talked to Robert Kennedy and Katzenbach?

ORRICK: No. I kept them fully informed by means of the report-- my daily report. The first thing that I was concerned about as I was in the civil division was getting hold of the division. By this time I'd had considerable administrative experience. I was able to persuade my former special assistant in civil and in the State Department, Murray Bring, to return with me. I decided I'd have a "bright young man" operation which I called a policy planning staff. I moved some able younger lawyers into that and made Murray head of that. Then I had another one or two special assistants: [Robert L.] Bob Wright was the first assistant. I didn't know if I could make it with him because I remembered George Leonard but I had a very happy and pleasant and fruitful relationship with Bob Wright who is a very good friend of mine. I had a staff meeting every day. What I did--I did the same thing I did in the civil division--was to kick the stenographers out of the big beautiful . . .

BEGIN TAPE II, SIDE II

ORRICK: The smaller room that Loevinger had for a conference room had a big oval table. The staff went in there every morning. They gave me that when I left. The knights of the oval table, as they called it. So, we would meet every morning at

9 on the dot. I'd go around the table and find out what each guy was doing. I followed the same routine with them as I had with the civil division. I met with their staffs a good deal more often. Whenever I had a conference with an outside lawyer on a case, I made a habit of having every single person at the conference who had anything to do with the case from the youngest lawyer and economist right up to Bob Wright who attended, every one. I did this to be primarily for the purpose of insuring that the staff knew exactly what I was saying so that I wasn't undercutting them and also letting the outside lawyer know that we worked as a team in that division. I found that highly satisfactory. People who came in for confidential talks didn't appreciate it but I could have cared less about that.

Then Bob got interested, and once in a while I'd get him down to say something to the staff. On a very rare occasion he'd have them up, as he did lawyers from other divisions, and talked to them about it. I think I indicated the other day that he always did his duty. He wasn't interested in antitrust particularly--no administration is these days. It doesn't have a political constituency as it did in days of Woodrow Wilson. All you do is bring law suits that gain you enemies and gain very few friends. He would sign the complaint, he'd ask, he'd say, "Is it right? Must you always sue our largest contributors?" And he laughed, but then he'd sign it. There was no question with him about ducking.

HACKMAN: Would you ever get any contacts from other people on the administration in tough cases, the White House staff or anyone else?

ORRICK: Yes, in the National Committee and congressmen and so on, but you get used to that. You have to have a tough hide in that job; you work in a fish bowl. I felt that my job was to draw the heat from the attorney general; that's what I was there for. I would listen to him but then I would go on and do what seemed to be the right thing. While Bob was there, it worked very well.

HACKMAN: Were there any particular aspects of antitrust policy or antitrust law that Robert Kennedy was more interested in than others, the merger problem, section seven and whatever?

ORRICK: No. I don't think he was really interested in the subject. He was far more interested in criminal law, civil rights and so on. That isn't to say that he didn't grasp the cases and understand what we were trying to do. Many outside people, influential people like the Anheuser-Busch [Corporation] people and Mr. [August A. III] Gusie Busch would come up there. I'd talk to

them and then Bob would have me come up and then he'd ask them if they'd confer with me. Then he'd tell me, "I want you to do the right thing," and, "Mr. Busch has got a genuine complaint here," and so on. I'd spend a lot of time with these people; that happened very frequently.

HACKMAN: How about Katzenbach before Robert Kennedy leaves. How is he to deal on antitrust matters?

ORRICK: Well, he was all right. He didn't upset anything that I would want to do. After all Bob invited me back and I had a very solid relationship with him and he knew that.

HACKMAN: What about that Los Angeles Times case where apparently there was disagreement on how you should proceed?

ORRICK: The Los Angeles Times case involved an effort, I regret to say the successful effort, on behalf of the Los Angeles Times and the [Los Angeles] Herald Examiner to divide up the newspaper field in Los Angeles. What they were trying to do was plainly and clearly against the law. I might add it's not unlike what the Washington Post had done on an earlier day. For that purpose, rather than send an experienced antitrust lawyer to the department, they sent [James M.] Jim McInerney, who had known the Kennedys and known Bob, and had formerly been assistant attorney general in charge of the criminal division. McInerney talked to Bob, as I got this when I went there, and then went down and talked to Loevinger. McInerney then told Bob that Loevinger had given him the approval and that the department would not take any action.

Loevinger is not clear on this. However, the people with whom I talked seemed to feel that Loevinger did give him the approval. Bob took the position that that was his word and that we should not bring the case. I took the position that that was perfectly absurd; that we lived by a government of laws and not of men, that as attorney general of the United States, although he has the prosecutorial discretion, he certainly does not have any right not to enforce the law against such obvious violators. I must say, I was incensed by the manner in which the Times and the Herald Examiner did this.

Well, the controversy raged, as far as I was concerned, hot and heavy in the department. Bob then said, "Let's leave it up to a committee." I said, "No." I said, "It's my division." And he said, "Well, you help out in other divisions and we work as a team. I'll have Burke Marshall and Archie Cox look at this." Well, I said, "Okay, if that's the way you want to do it." I made the same arguments to them and I was equally vehement about it. They kind of threw up

their hands, and I said, "Burke, what would you do if you were attorney general?" He said, "I'd follow the recommendation of the assistant attorney general in charge of the Antitrust Division. I'm not saying you're right or wrong, on the contrary, see, but that's what you should do." So at one point, after an exchange, Bob got mad at me, and I got mad at him. I just thought he wasn't doing it right, but we got over that pretty fast.

Then McInerney had the misfortune just about this time to get killed in an auto accident at 1 in the morning. He was going to be a witness; it would have been in the case if I had to bring it. No action was taken, but then shortly thereafter they had the gall to try and do the same thing when they bought the San Bernardino News. They have a very good antitrust lawyer, one of the best in the country, Van Kalinowski; Kali we called him. I saw Kali and I said, "I am just ashamed at you that you'd try to pull a stunt like this." He said, "I'm ashamed of my clients, Bill." He said, "I just have to say that." I said, "You don't for two minutes think you're going to get rid of this one." Well, he didn't. Let's see, they bought the paper, and they had to divest it. That was the L. A. Times case.

HACKMAN: Did Burke Marshall get involved in any other antitrust matters that you can remember?

ORRICK: No, not while I was there.

HACKMAN: Was there ever any discussion in a case like that of political aspects with the '64 campaign coming up?

ORRICK: No.

HACKMAN: Can you remember any other antitrust cases that you disagreed upon with him?

ORRICK: No, I really can't. He asked, wanted to be awful sure. I made a statement about trying to take the heat from him; that's perfectly true, but the plain fact of the matter is you couldn't; my errors were attributed to him. So, he was clear on what he was doing in each case that he filed. We had a good antitrust record; I have no apologies to that.

HACKMAN: Maybe we can talk about some of the more important cases, the El Paso case for one. Just what can you remember about discussions there in the department or with your staff on how to proceed with that?

ORRICK: The El Paso case [United States v. El Paso Natural Gas Company] is a particularly galling subject to me because the decision was handed down, the second decision, by the Supreme Court, right about the time that I was sworn into office. I recognized it for what it was, about the most important case we had in the division. I took a look at the trial staff; I beefed that up; I renewed contacts with the people in the Federal Power Commission to advise us. [Joseph C.] Joe Swidler was very helpful in this connection. And we girded our loins for a long, which it was, six, seven months of drawn out negotiations with the very first-rate able people who ran El Paso: Howard Boyd, represented by lawyers from here; my good friends Gregory Harrison, Atherton Phleger were back on it. They had the best that there were.

We developed, we negotiated at arms length, hard, tough, as tough a negotiation as I've been in. We finally developed a decree which I modestly call the best antitrust decree that I'd seen in the books. Everyone was in general agreement on that: Swidler, the staff, we were all very pleased with that. Then the Supreme Court, at the instance of one man, [William] Bennett, who didn't even represent the state of California, he only represented himself, took the case and they handed down the decision in which [William O.] Douglas said, "The government knuckled under," those were his words. Well, that really fed me up because it had nothing to do with that. We battled that out and were determined to, but we thought that we had such a good anti-trust decree that there wasn't any point to pushing it any further. That's all that I remember. Bob never got involved in that that I can remember; I'm sure he didn't.

HACKMAN: What about the Philadelphia National Bank case [United States v. Philadelphia National Bank]?

ORRICK: Again a very, very important case, again the decision came down, it was that same term. I heralded it in my maiden speech as one of the most important cases in our . . .

HACKMAN: I think I've read that.

ORRICK: . . . generation and they all scoffed me behind my back, but it's turned out to be just that.

Bob was very much interested in the Manufacturers Hanover Bank case [United States v. Manufacturers Hanover Trust Company]. He was interested in it because he felt. . . . This is before I took the job but it was one of these situations where it was a race to the courthouse. The question was did the merger take place before the government could get a complaint on file. He was very much irritated and that indeed did happen. Then he was delighted when we won the case

in the lower court and I would keep him abreast of my numerous conversations with my good friend Whitney Seymour who asked me not to take it to the Supreme Court and so on and I politely disagreed with him, but he won it in the end through that bank merger legislation.

HACKMAN: I brought along the annual report of, I guess, fiscal '64. There may be some things there as you run through.

ORRICK: There was one case that is of some note. One of the problems in the antitrust division was keeping the press fully apprised of what you were doing. They were forever looking for particular deals. There were two occasions--the reason I mention these is because they rub off on the attorney general--there were two particular cases I remember: One was the really imaginative effort of an honest but misguided financial reporter for the Philadelphia Inquirer, Mr. [Joseph] J. A. Livingston, to attribute the settlement of an antitrust case to the presence of [David] Dave Dubinsky at a White House dinner. He took a series of dates. I think the suit was settled in open court on something like October 11th or October 10th. He learned that Dubinsky had been at the White House on October 8th for dinner and he had one or two other pieces of circumstantial evidence from which he drew this conclusion. I would take those complaints to Ed Guthman because they always rubbed off on Bob and he'd tell me how to handle them. He said, "Either call him up," or "Let's get him over here," and so on. He ran a series of articles and I did get him over and I got out the files and I showed him that you couldn't possibly on the court calendar have arranged to go in on October 11th, only two days before. I showed him a list of dates where I was some particular times, where Bob was and all this business. Bob greatly appreciated that.

A second occasion was when hacking on my own as assistant attorney general, I filed just in the normal course of events. . . . [Interruption] . . . a petition with the Civil Aeronautics Board to intervene on behalf of Northeast Airlines--no, to intervene on behalf of the United States government in the New York-Miami route case. The route from New York to Miami is one of the most heavily traveled in the country. The CAB had given Eastern [Air Lines], I believe a monopoly and it would not give the route to Northeast which could have competed. I intervened, on behalf of the government, to point out that there was no competition being permitted by their proposed ruling and indicated the government might try and intervene on a review of the decision of the board by the First Circuit.

Well, I took my action after I had reviewed the record, had had the best counsel I could get from the guys on my staff who were conversant with air transportation routes, and I had been importuned

as usual by the senators on both sides, including Senator [Edward M.] Ted Kennedy representing the interest of the people in Massachusetts and Northeast Airlines. Our decision to intervene was correct. I did not ask Bob anything about this and wouldn't have and didn't in other instances.

Life magazine wrote a really snide editorial saying that the attorney general had made the decision to intervene on behalf of his brother for a number of political reasons. The article was replete with misstatements of fact and it was perfectly plain that the author hadn't made the slightest attempt to find out what the facts were. It really burned me up and it burned up Gutham.

So we went through this procedure and Guthman told me to talk to the editor and I called the editor on the phone and complained of it and said I'd like equal time, would he print a letter? Yes, he'd print a letter. So we went to great pains, worked up a letter and sent it up there and then he wouldn't print the letter. So, we objected. We said, "We think that Life magazine of all magazines, which has done a sloppy job of reporting and based on totally false information, has written this snide editorial, ought to print retraction or at least let us print our side of it in a letter." Well, it ended up that they never did. That kind of thing, I thought, was important in trying to keep the record clear.

HACKMAN: Can you remember other problems with the press or maybe not problems but just relationships, the kind of coverage they generally gave the antitrust division and who was good and who wasn't?

ORRICK: I never had any complaints with that one exception about the coverage of the antitrust division stories. They wrote articles about me in the Wall Street Journal, Newsweek, Time, Forbes, Business Week, and so on, and they tied me into Bob. They'd have a caption under the picture--one of them, I remember--"Bob confides in him," or "Bob has his confidence" or something like that. I thought they were all fair.

I can't recall Bob being criticized of anything that was done in the division during the time I was there with one rather humorous exception. The Continental Can [Company] in 1956 acquired Hazel-Atlas [Glass Company] and had to divest itself of Hazel-Atlas in 1964, I think. And one day Senator [Robert C.] Byrd of West Virginia called me to a private conference to his office up on the Hill. I should say that there were two or three Hazel-Atlas plants in West Virginia which Continental was selling. General [Lucius D.] Clay was chairman of the board of Continental and he'd been into the White House--no, this was after. This was in the Johnson time, so I won't recount this.

HACKMAN: Robert Kennedy was no longer attorney general then?

ORRICK: Yeah, he was no longer attorney general. This just had to do with when I. . . . This private conference turned out--I walked into a crowded room with Governor [William W.] Barron and every mayor in West Virginia, the presidents of the chambers of commerce, and was invited to the podium to explain why the government was withdrawing financial aid to West Virginia. So it was based on a pack of, just a tissue of lies there. That, it was rather a shock to me. I hadn't expected that.

HACKMAN: In the period after President Kennedy's assassination, how much of a problem was it to deal with Robert Kennedy or to take action on your recommendations? What was he like in that period just in terms of his. . . ?

ORRICK: Oh, he was off the film for at least two months. He made a great comeback but he would come and he was really deeply affected and he would brood. He couldn't do anything and of course we were all terribly sympathetic, but he just couldn't do a thing.

In looking through this file at some of the daily reports, some of the things which Bob expressed an interest in, like in this report of November 7, 1963--when was the President assassinated?

HACKMAN: November 22d.

ORRICK: November 22d. He said, "I hope you will push drugs." He had reference to an investigation that we had of the drug industry, particularly, what we thought was price fixing and the drugs coming from South America. That interested him.

I reported in another instance that AT&T [American Telephone & Telegraph Company] was now moving into the international record communications field and really had a monopoly. All this stemmed from the Western Electric [Company] decree which "General" [Herbert, Jr.] Brownell had engineered--and no member of the antitrust division would sign it--which left Western Electric with AT&T. Bob wanted to know if there was anything we could do about that.

HACKMAN: How much discussion was there of bringing something against AT&T?

ORRICK: There was a great deal. I drafted a complaint and I thought we could've filed it and maybe upset that suit, but it was a tough legal hurdle to get over.

HACKMAN: What happened to it in justice once you wrote the . . . ?

ORRICK: I don't know if it was presented to Bob, but Nick had a stack of them that never got filed, I don't know what happened to them.

HACKMAN: What about the thing with General Motors [Corporation] and Chevrolet [Division of General Motors Corporation]-- something involving Chevrolet?

ORRICK: That's always talked about in the antitrust division and there is a case with a complaint asking for that release which was never filed. When I first came there, one night I was out to dinner and the antitrust lawyer for General Motors kindly offered to drive me home. I was sort of kidding with him. He said, "How do you like your new job?" I said, "I like it a lot, but," I said, "I'd like it a lot better when General Motors divests Chevrolet." Well, I don't know this but I just suspect that this triggered their revamping their assembly line so you don't have one Chevrolet plant in which a complete Chevy can be manufactured. It happened after that. I don't know, that's a perfectly valid case.

Here's one report, October 30, 1963. I reported in to him about the editorial in Life magazine and said that [John K.] Jessup who runs Life editorial page insisted that my letter was too long even though it was no longer than what they'd proposed to print. He asked a question, "Are you certain of this fact?" Why he wanted to know, I don't know.

Then I settled the Minnesota bank cases and accepted their pleas and so on. Judge [Gerhard A.] Gesell, now Judge Gesell, was anxious to minimize the publicity pending upon the banks changing their pleas. I told them that we wouldn't accept the old pleas they'd have to change. . . . (Interruption)

I reported to Bob on some indictments we were bringing in the fertilizer industry and I needled him because I wasn't getting my papers back in time. I said, "On Monday we submitted to you a group of indictments." So, he writes back, "I have yet to see them." Then I pointed out to him that Nick had them on his desk and that we weren't getting serviced in there.

Whenever I wanted to clarify what I thought was an interpretation of the procedures, I would set it out as my understanding. To show you that he read these things and he took them seriously, in this case I said, "As I understand it, the authorization to conduct a grand jury includes authority to indict, but the practice has been

to submit the indictments approved at this level to you for whatever review you wish to make." He makes it real clear, he says, "Bill, I wish to see and know of an indictment prior to their being presented. My approval of the grand jury does not indicate approval of indictment," signed, RFK. Oh, yeah he says, "I wish Nick to see this also." So, when I say he wasn't interested in antitrust, it isn't that he wasn't doing his job.

Now in this one, October 25, 1963, he says, "Tell Nick to get off his lazy behind and get his work done." Then I said, "I attended a meeting at the White House with the Interagency Transportation Merger Committee and Myer Feldman in which President [Stuart T.] Saunders of the Pennsylvania Railroad [Company] and [Alfred E.] Perlman of the New York Central [Railroad] took sharp issue with the administration statement of policy made to the ICC [Interstate Commerce Commission] three weeks ago." He says, "I would like to cooperate, wouldn't I?"

HACKMAN: What can you remember about that committee in general? I know in June. . . . I've got a copy in my briefcase of that report that Barrett Prettyman wrote about the workings of that committee and some changes he thought should be made. Do you remember your feeling about it and how things worked out?

ORRICK: I forgot, did Barrett write it? Yeah, he wrote it right after he quit and I took it on. I thought the committee worked pretty well. We had good staff and we called in the railroad people and so on. On the Penn Central [Pennsylvania New York Central Transportation Company] thing. . . . If you ever knew Stuart Saunders, he wasn't stopping at any committee like that. He was in to President Johnson; he was in with Bob. I remember when I was still adamant against that merger--it was a ridiculous merger as it's proving to be now--and I wanted to file a brief in the ICC. He said, "No, it's too late. The only thing we can do now is get the Pennsylvania to take the New Haven [New York, New Haven and Hartford Railroad Company]." I was all against him on that. I remember he was in his little dressing room there in the building putting on his ties and he said, "Give it up." He put on his coat and tie and went out and there was Saunders and he wangled from Saunders an agreement to take the New Haven. Saunders went out of there crying and they never did take the New Haven until about a year or so ago when it was jammed down their throat.

HACKMAN: What can you remember about--I think [Clarence D., Jr.] Dan Martin of commerce was on that wasn't he?

ORRICK: Yeah.

HACKMAN: What can you remember about getting cooperation from the other people who were on it or getting them to take the time to deal with it because one of Prettyman's complaints was not coming to meetings or they're not moving on it?

ORRICK: Well, when I was on the committee. . . . Dan Martin is a good friend of mine but he is hopeless; he didn't understand it; he's just not very bright, but he certainly came to the meetings. [James J.] Jim Reynolds came from labor. [Charles L.) Charlie Schultze who was later director of Bureau of the Budget was always there and he was very bright. And on the time I was on it, it worked, worked fine.

I reported we were suing Broadcast Music, Inc. He said, "How about suing ASCAP [American Society of Composers, Authors and Publishers] as well." The reason he did that was John Seigenthaler was much interested in BMI, and he hated that lawsuit.

Then here's one, "I discovered yesterday that the speech that I'm"--this is me talking, my report--"making before the Business Advisory Council apparently will be behind closed doors and therefore am going to prepare copies of the speech for release to the press ahead of time and shall refuse to answer any questions unless the public and press are admitted." Whew! A tough antitrust lawyer! And then Bob writes, "Please don't get too displeased with them; we have enough trouble as it is." So I didn't. I calmed down, and I had a delightful time down there and answered all their questions, the ones they wanted to ask.

HACKMAN: Can you remember anything about the interagency petroleum study committee which you had some responsibility for? Was that anything that was on your desk much?

ORRICK: No. I don't remember that.

HACKMAN: Or the White House Committee on Small Business?

ORRICK: Yeah, I went to those meetings.

HACKMAN: No great issues there?

ORRICK: No.

HACKMAN: About the relationship with the FTC [Federal Trade Commission] and Paul Rand Dixon and anyone else over there?

ORRICK: I had a very good relationship with all of the commissioners,

but as I pointed out to them it was easy for me to have a relationship because there were five of them and there's only one of me. I worried about--I worked it out with Rand Dixon, our cooperation, so that we weren't both investigating the same case and things like that. On one time in one of those rubber company cases Rand called me and he said, "Bill, I want to say in this letter the antitrust division agrees." I said, "You can't say that I have anything to do with it, Rand, because we don't have the case." He said, "Take my word for I've been here many years and it's necessary that you and I agree on this." I said, "You want to send the file over and I'll tell you what we think about it." So he did, to my astonishment, and then when we had read it, I didn't agree. I said, "Rand, do you want us to write the letter? I think we felt the merger shouldn't go through." And he said, "Yeah," and gave a big sigh of relief. So we did it.

HACKMAN: Were there many differences like that over policy?

ORRICK: No. That's the only one I remember.

HACKMAN: Can you remember anything about congressional relations in the antitrust division, Senator [Philip A.] Hart's subcommittee, appropriations or whatever?

ORRICK: Oh yes. Before I get that, I'll give you this one more. I guess you don't want any of the others but just to show you. . . . I reported to him that I visited our field offices in Chicago and Cleveland. I was impressed by the zeal and confidence of the staff. The Chicago meeting lasted from 5:00 to 8:30. So he wrote, "Did you pay the overtime? Is this the first time an antitrust lawyer stayed after 5:30? Congratulations."

HACKMAN: If there are other ones there, go ahead and go through them because his responses are interesting.

ORRICK: There aren't very many. Oh, then this is after Bob left. When did he leave? He left in September. . . ?

HACKMAN: He officially resigned, yeah, in September of '64.

ORRICK: There's a big contrast, I never knew Nick ever looked at these things. Oh, I'll tell you one thing that was important. When I first came to the division there was a controversy that had been raging, which still apparently rages, between the comptroller of currency and the assistant attorney general of the antitrust division as to whether or not and when an action should be brought to enjoin the merger of two banks. So one of the first things Bob instructed me to do was to go talk to the comptroller

of the currency, [James J.] Jim Saxon, and talk to Doug Dillon and get this thing straightened out. Doug Dillon arranged a lunch in his office there, which was attended by Saxon, [Henry H.] Joe Fowler, [Robert V.] Bob Roosa, and myself, in which we discussed the problem of cooperation.

At that time under the Bank Merger Act [of 1960], the Department of Justice, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the comptroller of the currency were charged with making a study of proposed bank mergers and setting out the anti-competitive consequences. I worked out an arrangement with Saxon which everybody present approved and told him that if we were very serious about it and intended to move against it, my staff men would try and convince his staff men. If that failed, I would come over to his office, and he and I would discuss it, and presumably we could reach an agreement, or we could get in a third party, such as [William McC., Jr.] Bill Martin of the Federal Reserve Board. And he agreed to that. Well, the very first time it came up, without waiting for this conference, he gave the banks authority to merge, and of course they're all ready to go. As soon as they get the telegram, they merge, and we have a very difficult legal problem. This upset me a good deal, and Bob got annoyed. He did it another time, and so we attacked the merger anyway and that got him very much upset.

Well, against that background, Saxon was an unreliable fellow. Here, I pointed out, "The staff and I met with members of Federal Reserve to discuss our own objections to the proposed acquisition by Camden Trust Company, by far the largest bank in Camden County. My impression, the Federal Reserve staff will recommend disapproval. However, Saxon's recent approval of a related bank merger application involving the second largest bank in the market certainly will not ease the Federal Reserve's problem." We had submitted an adverse report to Saxon on the national bank merger. He advised us by a letter dated May 18, that he had approved the merger on May 15. This, of course, foreclosed us from seeking to enjoin the merger had we been disposed to recommend that course. Bob wrote, "I don't think we can depend on Saxon at all. We might as well force this and act accordingly."

Then on the cigarette advertising code. I was to send a letter to, I think, the Federal Trade Commission. I said, "The letter I propose to send will also indicate our strong reservations about the competency of the code to meet the public problem posed by the surgeon general's report." The note from RFK, "I would like to see that letter before it's sent."

Then here's the report on the United Mine Workers [International Union of Mine, Mill & Smelter Workers]. He said, "Tell John Seigenthaler about this." It had to do with something in Tennessee.

The case I talked about Dubinsky having an interest in was the so-called Greater Blouse [United States v. Greater Blouse, Skirt and Neckwear Contractors, Assoc., Inc., et.al.] case. In this case "Judge [Edward] Weinfeld" I reported to Bob, "stated his doubts as to the propriety of the affidavits filed by Robert Bicks and former antitrust division members concerning the Department's view of the case at the time they left us." Bob says, "What did they say?" He was not a very big backer of Bicks.

Again on this AT&T business, "Representatives of the company came in to present documents requested by the staff in connection with our investigation of General Telephone's [General Telephone & Electronics Corporation] proposed 350 million dollar acquisition of independent telephone operating companies. They have inquired why we are picking on their company which represents only 5 percent of the market without doing anything about AT&T which has 85 percent of the market. Our case is: 'And why aren't you?'" He would have filed an AT&T case I just know he would have.

HACKMAN: Then it was primarily Katzenbach is what you're saying?

ORRICK: Yeah. Then this, I mentioned that Gusie Busch would come in to him. I said, "Senator [Stuart] Symington called to inquire the status of our negotiations with Anheuser-Busch with regard to the pending civil suits." And he replied, "Exactly what is the status?"

Well, that's about it.

HACKMAN: Can you remember anything then on congressional relations with Senator Hart's subcommittee?

ORRICK: Yes, I appeared and testified before that committee at the committee's request on a number of occasions. I had very good relations with Senator Hart, and when I first came to the division, Senator [C. Estes] Kefauver was still alive, and he talked with me at length when I was first appointed about things that he thought were problems in antitrust. I found my talks with him helpful. I had a very close personal relationship with Senator Hart and his staff--a very able staff, Jerry Cohen and others.

HACKMAN: Did Robert Kennedy get at all interested in any of the sports activities aspect of antitrust? CBS [Columbia Broadcasting System] purchase of the Yankees or any of those things?

ORRICK: No. I think that was after he left. I wanted to bring a lawsuit at that time. I think we considered it. I forget really what deterred me, but that was after he left.

HACKMAN: I know in your public statement you always said that the law read clearly on antitrust applications to labor unions, but can you remember that being batted around in the department at all?

ORRICK: No. The law read clearly until a couple of the recent cases, the Pennington case. We tried to stay clear of getting involved with labor unions except where they were joined in a price fixing conspiracy, or something like that, but that wasn't. . . .

HACKMAN: I think that's really all I have unless you can see something in an annual report that would. . . .

ORRICK: I'm still looking for it. I had it in my hand.

HACKMAN: I think maybe you stuck it in the bottom of one of these that I saw. Oh, here it is.

ORRICK: Oh. No, that's civil.

HACKMAN: That's civil?

ORRICK: Yeah.

HACKMAN: Well, maybe I just gave you the wrong one then.

ORRICK: Well, just for the record, there were a couple of important cases that we filed. We indicted the United Fruit Company in July of 1963, and Judge [Thurmond] Clarke, I think, fined the officers perhaps a hundred dollars each or some such thing. This was a sore subject with us in the division and with Bob too because he treated criminals that same way. We kept book on Judge Clarke and tried to see whether we couldn't get some interested congressman to impeach him because he was so unbelievably bad. I remember that very well.

A very important case we filed which has just been decided by the United States Supreme Court was United States against Container Corporation of America which prohibits competitors from asking each other what their most recent price is.

The newspaper cases we've already covered. These were all filed while Bob was--while I was there and while he was attorney general.

HACKMAN: Was there any one thing that brought to head your decision to leave or was that just you felt the time was. . . ?

ORRICK: The day that Nick was made--announced that he was going to

be attorney general, I went up to see him and told him I thought I would leave at the end of the school year, that I was delighted he was attorney general; and that we'd try and get a replacement. I went out and actively recruited for a replacement although he finally ended up with [Donald] Turner whom I had suggested. As I said earlier, we all wanted to do our best to help Bob get what he wanted from the president which was to have Nick attorney general. Though we all did stay, Burke was the first to leave; Burke left in December. Then Jack Miller left and we began to string out; I left and Oberdorfer left.

HACKMAN: You mentioned that when you were in, I guess it was Geneva, wherever, you got a call on the General Aniline thing, during the 1964 campaign. Did you participate at all in any other way during the '64 campaign?

ORRICK: No, I did not.

Well, I think we've covered it pretty well.

HACKMAN: If there's anything else you can. . . ?

ORRICK: Well, there's one other thing I've just remembered. When Bob was out here--I guess it was starting his campaign--when he went out to make a speech at the University of San Francisco. That's right it's the only time I've ever seen this happen when he was talking. There were hecklers around the hall and very well placed and very well trained. I was sitting on the platform with Assemblyman Willie Brown and others. They started to heckle him and he got genuinely and justifiably irritated and to my surprise, they wouldn't shut up. It was the only time I was with him, particularly with young people, where they didn't just cheer and cheer and cheer him, and he was unable to give his speech. I drove down with him to the airport, he was very much upset about that. While he was pushing out I asked Willie Brown, "Who are these guys, Willie?" He said, "Well, they're trained agents. This is bad and could be worse."

Young people were so crazy about him. You've probably had described to you that Christmas party which he gave in the Department of Justice. He had the Washington Redskins there. It just tore your heart to hear him tell them to be good citizens and all this kind of thing. I guess that's about it.