

**Joseph D. Tydings Oral History Interview – RFK#2, 09/29/71**  
Administrative Information

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**Biographical Note**

United States Attorney, District of Maryland, 1961-1964; United States Senator, Maryland, 1965-1971. In this interview, Tydings discusses Robert F. Kennedy [RFK]'s work as attorney general and as a New York senator, among other issues.

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Joseph D. Tydings

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Joseph D. Tydings – RFK #2

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Second Oral History Interview

with

JOSEPH D. TYDINGS

September 29, 1971  
Washington, D. C.

By Roberta W. Greene

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

GREENE: We could begin with 1963, when the attorney general suggested that you go overseas to the Interpol and International Penal Law (Congress) conferences, ostensibly to promote a Senate race.

TYDINGS: Well, the Department of Justice needed representatives to the Interpol conference, and later on at the International Penal Law conference. And Attorney General Kennedy asked me whether I'd be interested. He said I'd have to pay my own way, that I couldn't go at government expense, but if I were interested he would name me one of the delegates. He felt that my presence there as his personal representative would give a little boost to the Interpol conference itself because it would show that he, Attorney General Kennedy, was personally interested and would give me an opportunity to get a little involved in international work.

At the same time he suggested that I make a rather extended trip into certain parts of Europe and Africa and the Middle East at my own expense to gain background for a possible United States Senate race. And it was at his suggestion that I decided to go to Poland, to Israel, into Africa, some of the African countries, and to the Soviet Union. At that time we weren't certain I could get a visa there, but he felt it would be very helpful to get a little feel of the way things were, life in the Soviet Union. And as a result, I agreed to the Interpol conference, and I set up a rather ambitious trip which took me into a number of countries in Africa and to the countries which he suggested.

They wired me from Justice Department while I was at Helsinki, Finland, and asked me whether I would also represent the Department of Justice at the International Penal Law Congress at Bellagio, Italy, which would save them the problem of sending a delegate over there. I agreed to, and I've been a member of that group ever since.

GREENE: Was this the first time that the question of the Senate race came up, or was it discussed and this was sort of a natural?

TYDINGS: We'd discussed it. As a matter of fact, a little bit earlier Bobby had considered moving into Maryland and running for the Senate himself. And he asked . . .

GREENE: Are you talking now about after the president's death?

TYDINGS: Before the president's death.

GREENE: Before.

TYDINGS: Before the president's death, around '62 he considered it. And I at that time told him that I was going to run, and so he never considered it any more. But we had discussed it, yes, in answer to your question. As a matter of fact, way back in 1960 when I was a member of the legislature working in the Kennedy campaign, when we flew to Florida on an airplane to go to the Florida convention, he asked me what my thoughts were and plans. Roughly I outlined to him, you know, what I'd like to do and when I'd like to do it.

GREENE: Beyond this, was there anything before the assassination that he either offered to do or suggested you do in preparation for a senate race?

TYDINGS: No, no. That trip was the main contribution--and I might say an invaluable one, because it enabled me, in my campaign, to literally run circles around my opponent in debate, because I had been in Poland, and Israel, etcetera, and the issues would arise and my opponent would be completely ignorant of the issues. You can read and study, but to really have knowledge take hold, if you can see it firsthand it's a much better teacher, this experience.

GREENE: Right. Did you speak to him on your return?

TYDINGS: Oh, yes. Oh, I had a long report. We were very close. I mean, in this Senate race, really from about '62 on he was, in a sense, guiding me. I was conferring with him quite often. I mean the big case that I tried as United States attorney when I prosecuted the two congressmen, I had to call him as a witness. He didn't want to be a witness, but I did. So I was working with him quite a bit in that case.

We saw a lot of each other. We're both very athletically inclined, and he was kind enough to invite my wife and I over many times to McLean, and he and his family came up a few times to the farm at Harve de Grace. We discussed this Senate race many times and he kept the president advised of it. The president was very interested, and he encouraged me.

GREENE: Do you think this was largely on a personal level, that they were fond of you and thought you would do a good job, or were they also interested in having somebody they could trust in Maryland?

TYDINGS: Oh, I think it was both, and perhaps the latter as much as the former. Naturally, if you can get. . . . Just say, if you were governor of Maryland and you can get somebody a U. S. senator from Harford County who you think can win and do a good job, and whom you can trust, your man, you're going to want him there. And there was no question that, you know, I was a Kennedy man.

GREENE: Well, I don't have too many specific questions left on that administration period, but if you have anything that we haven't covered maybe you could just. . . .

TYDINGS: I don't have anything right offhand.

GREENE: Is there anything on this case that . . .

TYDINGS: Did we discuss the case at all?

GREENE: No. Well, I think you discussed the events leading up to it, but not the actual prosecution.

TYDINGS: Did we discuss his approval and telling me to go ahead and prosecute it, treat it like any other case?

GREENE: Yes.

TYDINGS: No. The actual trial went off the. . . . Did I discuss his becoming a witness?

GREENE: No. You didn't. That was the first I've heard it.

TYDINGS: Well, you see, it became rather obvious to me the minute Edward Bennett Williams made his opening statement and the way the case was going, the way he was cross-examining my witnesses, that he felt that I would be afraid to put the attorney general on

the stand, or the attorney general wouldn't go on the stand to testify that congressmen came over to try and persuade him to fix a case.

It also became equally clear to me that although I could put the two secretaries on--the attorney general's secretary and the assistant attorney general's secretary--showing all the telephone calls that these congressmen made to him that those in and of themselves were not enough, and that even the testimony of the assistant attorney general, Jack Miller [Herbert J. Miller, Jr.] wasn't going to be enough. So I determined that I was going to have to put the attorney general on the stand.

Well, he didn't like that very much. No high official likes to be a witness and subject to being worked over by Edward Bennett Williams and men of comparable competence. But he agreed. We set up the case as though we were going to just have the secretaries in. And we had the secretaries in and produced the records and calls, and I never hinted that we were going to bring the attorney general over.

I tried to get over once to see him about a week before, one evening, to go over the case with him, but he was too busy. Sent him some stuff to read, you know, memorandums and things like that which I don't really think he read. And basically I had my time to prepare him really--I got over one evening to the Department of Justice about seven because my case was going on so I couldn't get over during the day, then we went out to his home in McLean. We didn't get out there--we worked in his office, I guess, from about eight to about nine or ten going over the case, and then went out to his home and had some scrambled eggs. Then we had an hour driving over in the car the next morning which we used to good advantage.

He was on the stand I guess about three hours, and just to have a couple of hours to prepare him was really not enough. But he was so keen and so sharp, and handled himself so well that it made a lasting impression on the jury. I'll tell you why. One of the congressman was a lawyer, Tom Johnson [Thomas F. Johnson] and, despite the admonitions of his lawyer, Johnson insisted on handling the cross-examination himself. He got up and got very mean and very nasty with Attorney General Kennedy. And Attorney General Kennedy, he was just as cool as a cucumber and very kind and very polite. And the contrast was so bad with the jury that it hurt the defense's case immensely and it solidified ours very much.

I wish I could recall some of the comments but. . . . As I recall, one rejoinder from Senator Kennedy after one of Tom Johnson's scathing questions, Senator Kennedy said, "But there was one problem, congressman. When you were coming

over to see me, I didn't know that you were getting paid thirty thousand dollars to do it," or something like that, which just absolutely floored them.

Anyway he was a splendid witness. We brought him in, you know, without any notice. We had a ten-minute recess at eleven in the morning and then I just said, "the government calls the next witness, Attorney General Kennedy." Well, it was a big deal in any court in the United States when the attorney general comes in to testify in a case involving a congressman.

GREENE: Was he satisfied with his performance?

TYDINGS: I think he was, yes. I think he was satisfied. He did much better than I had hoped. I was afraid he was going to flub up because we hadn't worked on it long enough. But he had a very, very sound mind and great judgment on human nature and of course made an outstanding witness. And that's the only commentary I have in that connection.

GREENE: Is there anything else, anything particular in a social sense, that you'd like to put on about the administration period? Did you attend any of the Hickory Hill seminars, for instance?

TYDINGS: I didn't attend any of the seminars. My contact with Hickory Hill was either in connection with my work as United States attorney when I would go over and work with him or report to him, or primarily personal, going over for tennis--played a lot of tennis--or perhaps parties--went to most of the parties then. It was a very gay period, lot of fun, a lot of fascinating people, interesting people. Bobby "collected" important personages in different fields, you know. Any time you'd go over there you'd have, well, a couple of Hollywood stars, or Max Taylor [Maxwell D. Taylor], the chief of staff of the army, or a professional football player or two. You know, he collected personalities. Or Dr. John Glenn, his parties were something else.

GREENE: I guess we all know something about that. By contrast, what do you remember of the post assassination, the weeks and months after that. Did you see him much?

TYDINGS: Very, very sad. Yeah, I saw him quite a bit, and we kept in . . . . By then I was running for the Senate, and we kept in relatively close communication. He was still attorney general, he didn't want to be. You know, I would talk to him and telephone from time to time at night and tell him how things were going. He was very interested. He helped me raise



money, a lot of money.

GREENE: By personal appearances or just contacts?

TYDINGS: Just contacts, asking someone to make a contribution to me, which is pretty important. At that time he hadn't made up his mind what he wanted to do. It was very sad, a very sad period.

GREENE: Did he discuss continuing as attorney general at all, or was it just your impression that he was unhappy and wanted to leave?

TYDINGS: It was just my impression; he didn't discuss it with me.

GREENE: What about the relationship with Hoover [J. Edgar Hoover]? Did he talk about that at all?

TYDINGS: Well, occasionally. This was a rather unusual relationship with Hoover. Hoover generally treated attorney generals as though they were less than equal, and he would more or less give an audience to an attorney general from time to time. This is not. . . . Bobby was attorney general; he was Hoover's boss, and because he was backed up in the White House, he could take care of himself, whereas an ordinary attorney general might be scared to death of Hoover.

GREENE: But didn't this shift quite a bit after the assassination and after he didn't have that ally in the White House?

TYDINGS: Well, once he didn't have his brother in the White House, certainly his own personal power was greatly diminished. And Lyndon Johnson [Lyndon B. Johnson] and he were not very close. There was strong feeling of a antipathy between them.

One other incident--I don't know whether I commented--in the Department of Justice, this might be interesting to show Bobby's manner and the way he liked to get things done. At a weekly assistant attorney general's luncheon--I was invited because I happened to be at the department that Friday. I sat in and I listened to the reports in different areas, and then the assistant attorney general in charge of administration was asked to report. And Bobby said, "How is the project of cleaning up the roof and providing places for the employees to sunbathe and eat lunch on the roof coming?" Did I go into this with you?

GREENE: No. No.

TYDINGS: "And the setting up of the tables and umbrellas in the courtyard. How's that coming along?" And the assistant attorney general said, "Well, we've run into some red tape, some problems with GSA [General Services Administration] and what have you, and they say this can't be done and that can't be done." And Bobby said, "When did I tell you to get this done?" "About two or three weeks ago." He said, "I want the top man of the GSA in my office at 9:00 Monday morning. I want you there and every subordinate who's had anything to do with this, and you can tell them I'm going to want to know why and when, and they better have the answers." And of course, I recall very shortly thereafter all of a sudden the tables bloomed, the umbrellas bloomed, and the Department of Justice employees had an attractive outdoor picnic area for lunch. But he didn't . . .

GREENE: It's still a nice spot.

TYDINGS: Yeah. It's because of him. He didn't like inefficiency or failure to carry out . . .

GREENE: . . . commands.

TYDINGS: That's right.

GREENE: I guess that's what they amounted to in those days.

TYDINGS: Well, certainly he was attorney general and he had a right.

GREENE: Do you remember any specific conversations about some of the alternatives he was considering, like the ambassador to Vietnam, and I guess the most interesting is the vice presidency. Did you talk about that at all?

TYDINGS: Well, a little bit. But first of all, he didn't consult in me. He didn't ask my advice as to what he should do. It was the other way around. I was not one of the men who he would have relied on for advice. He'd ask me my opinion . . .

GREENE: That's really what I meant.

TYDINGS: . . . on things. But, I was not a man in whose judgment--say, Bob McNamara [Robert S. McNamara], someone like that--who he really relied on, whose judgment he valued. We did discuss vice presidency and I told him my thoughts, which coincided with his, that there wasn't a chance that Johnson was going to pick him and that he'd better, you know, figure out what he was going to do.

GREENE: And yet a lot of people say that he was shocked when . . .

TYDINGS: Oh, I'm sure he wanted it, but I think deep down he knew he didn't have a chance. At least, I'm sure I wasn't the only one who told him that.

GREENE: Okay. Do you remember when he first raised the question of the New York Senate race with you? At this point you must have been really well into it yourself, into your own race.

TYDINGS: I don't recall that he ever raised the question of New York Senate race with me. And I'm pretty sure that I would remember if he had. I was fighting for my life in Maryland in the primary, and he made his decision, I guess sometime in July or August; to go in New York race. When he did, it was pretty fast. I called him a few times and encouraged him and what have you because by then I'd won the primary and it was pretty sure I was going to win the general. But I didn't consult with him on that New York race.

GREENE: Beyond the contacts that he made for you in financing, was there anything he did especially during the primary, which was the tough part?

TYDINGS: No, he couldn't get involved in the primaries. He was attorney general and he couldn't even if his brother had been alive. The fundraising and the discussions on the telephone and the encouragement and things like that were, you know, tremendously helpful.

GREENE: Okay. I know you're short on time, that's why I'm trying to move along. The first few months in the Senate, how much contact would you have had with him?

TYDINGS: A lot, a great deal of contact.

GREENE: What do you remember about that?

TYDINGS: Well, we sat together, the four of us in the back row--Harris [Fred R. Harris], Mondale [Walter F. Mondale], Bob, and I. I sat next to him. We were on the D.C. [District of Columbia] Committee together. We were involved in a lot of fights together. In the Dirksen [Everett McK. Dirksen] Amendment fight, I was the lead man of the freshmen, but he came in and helped me. We saw each other quite a bit socially. We sat next to each

other at the inauguration. We quietly cried together when LBJ was sworn in when, you know, President Kennedy should have been there (at least I did and his eyes were moist, as I recall).

GREENE: Do you remember anything about his earliest responses to the Senate? There was a lot of talk that he was very frustrated and not particularly happy.

TYDINGS: Well, I think, I'm sure he was because he didn't have the power he had as attorney general, but he immediately got into the very important issues. And of course, he was a leader at once, and what he said carried a great deal more weight than what any other freshmen senator said or, for that matter, almost more than any other senator. Because everyone knew he was a potential, you know, president of the United States. So, he was watched like a hawk. He took great interest in the problems of the cities, problems of the disadvantaged, those that were less fortunate than others, minority groups, civil rights, voting rights, the D.C. Committee. He asked for the D.C. Committee, which is unheard of.

GREENE: Was there any connection between that and your choice?

TYDINGS: Yes, well, we sat next to each other and we were involved together in it and we . . .

GREENE: But did you choose it partly because he would be on the committee?

TYDINGS: Well, I didn't choose it. I didn't ask for it.

GREENE: You didn't?

TYDINGS: No. I said I would take it if they assigned me to it. But I didn't ask for it. But in answer to your question, yes, I could probably have gotten off of it. The fact that he was on there really is one of the basic reasons why I stayed on and didn't leave. And had I gotten off of the committee I might, I could have been reelected perhaps--maybe, maybe not, you never know. But I think his presence on there, you know, kept me on there and made me work hard at it.

GREENE: Well, that was a particular interest of his even when he was attorney general.

TYDINGS: Right. Another thing he did in the Senate, which I've patterned and copied, he put together really one of the really fine staffs.

GREENE: I was going to ask you about that.

TYDINGS: He had very outstanding people and young people in the great summer intern programs. So I tried to do the same thing. I tried to put together a great staff and I did have a great staff. And I recruited young people for my summer interns from the top law schools of the country. And together we put on a summer intern seminar program. Actually I headed it up, but he gave me his support on it. We organized a summer softball league for the Senate interns. I did the organizational work, but he backed it up, you know.

GREENE: There's been a lot of criticism of his staff by other Senate staffs and also by senators themselves, I guess, for their brashness and . . .

TYDINGS: Well, this is because they were so damn good.

GREENE: But this never bothered you or your people?

TYDINGS: Oh, no, listen, I thought it was great. And I tried to build my staff along the same lines of excellence. There come problems when you have to run for reelection, because when you put together a staff like that, generally speaking they're out of touch with the local political situation at home, but they're in touch with the real problems that a senator ought to be grappling with. So they make you a great, or help to make you a really good United States senator; but they're generally not so good when it comes to getting reelected.

GREENE: Well, he had his other people for that.

TYDINGS: That's right. He would never have any problem getting reelected, I'm sure.

GREENE: Okay. Let's start with the Dirksen reapportionment amendment. He testified in May of '65 before that . . .

TYDINGS: He testified on it, but more important that he supported . . . the decision to organize and fight the Dirksen amendment which was made back in February. I was deeply involved in this fight. I helped persuade Paul Douglas to agree to be the principal leader. I was on the Judiciary Committee and agreed to lead the fight there. I was assigned to make the initial speech challenging the Dirksen amendment, which I did. I had arranged for about twelve, fourteen senators to come in during the speech and interrupt

me and ask questions and go on record, and Bobby was one of the. He was very helpful in the fight.

GREENE: Did you arrange for his testimony before the Judiciary Committee?

TYDINGS: Yes, and I made certain that he testified.

GREENE: And did Burke Marshall testify at his suggestion, or was he a natural?

TYDINGS: He was a natural.

GREENE: Do you think he agreed with your opinion? I'm gathering from your Harper's magazine article that you considered this a major constitutional confrontation.

TYDINGS: Yes, I think he did. Because John Kennedy had written an article for the New York Times Magazine the year before he was elected president along similar lines.

GREENE: I didn't know that.

TYDINGS: Yeah. So I'm sure that he felt as strongly as I did. It was just that I was on the Judiciary Committee and in a position to lead the fight and he wasn't.

GREENE: Edward Kennedy [Edward M. Kennedy] was on that committee, too.

TYDINGS: Yeah, but he wasn't as aggressive in those days.

GREENE: Can you recall his preparation for that appearance? I'm just trying to go from a specific to a general as far as how his appearances were, generally.

TYDINGS: I would keep him advised on what we were doing in a committee and the date and probably gave him a copy of the speech and said can you come over, and what time will it be, and we'd get it from him. I don't remember the specifics, but this is the way it would work. He would say, "Well, I would like to discuss a certain part of it, perhaps the unfairness with which the cities have been treated, or something like that." And I'll say, "Good, why don't you try and be at such and such time, and when you're there you stand up, and I'll cut short whatever I'm saying and you can interrupt me and ask questions and get into your speech, or I'll yield to you and let you make a speech." And of course that's what I would

do. And then he would make a speech which would be incorporated in the record and so forth.

GREENE: Was he giving advice, would you say? I mean originally his big court case was based on the one-man-one-vote question and I imagine he had a real personal interest. Did you actually seek advice from him at all?

TYDINGS: No, not so much, no, no. Paul Douglas was the one that was the leader on this. No, Bobby at this time, gee, he was involved in the cities and so many other things. He was more than happy to have someone take some of the leadership off his shoulders.

GREENE: There was a lot of pressure applied, from what I can gather, on this issue to members of the Senate, and particularly Javits [Jacob K. Javits] is mentioned as one who may have buckled under it to some extent. Do you remember discussing that at all, either as related to this issue, or in general the difficulties?

TYDINGS: Oh, we discussed in general many times. Particularly on certain votes--primarily those that touched emotional political issues where the electorate were highly emotional, say, on civil rights or things like that--you could always tell when the senator was getting close to an election year by the way he voted. That is, most of them, not Bobby. But then, you can't be a statesman unless you're reelected, and many that don't follow their constituents closely enough don't get reelected.

GREENE: Did you talk to him at all about the president's lack of a public position on this issue? That was another question.

TYDINGS: No.

GREENE: Okay. The big fight on that of course was in '65, but then it continued to be an issue in '66 . . .

TYDINGS: Yeah, but the big fight was '65.

GREENE: And you don't remember anything beyond that?

TYDINGS: Well, '66, it was just sort of a question of keeping the lid on. He wasn't involved in that too much. Are you going to talk about the D.C. Committee any more?

GREENE: Yes. I think we'll save it for next time.

TYDINGS: Okay.

GREENE: But if you have specific things on the D.C. Committee that you think are most important  
. . .

TYDINGS: Well, I think that the D.C. Committee shows the Bobby Kennedy I loved so much. I was made chairman of the Subcommittee on business and commerce which was a minimal prestige subcommittee on the D.C. Committee. However, when I got down there I decided to do something. One of the areas I investigated was the abuse of consumer finance. Some of the things that unscrupulous businessmen were doing to poor, blind, and ignorant people in the inner city were despicable. Whenever I found particularly atrocious or reprehensible conduct or action that I was going to go into I'd tip Bob off and get him to come over to the committee hearing--he wasn't a member of my subcommittee, and he very rarely attended D.C. Committee hearings, but he would come to every hearing I asked. And then he would take over some of the cross-examination and investigation for me, and of course that would bring in the television media and the newspaper reporters and they would focus on the problem, the wrongdoing I was trying to expose. And, although we seldom got any of our remedial legislation through the House of Representatives because of Chairman McMillan [John L. McMillan] et al, we could almost be as effective simply by spotlighting the action or activity and generally raising hell with those involved in the abuses. And he was great on that.

GREENE: Do you think he was as cooperative with other senators on this sort of thing as he seems to have been with you?

TYDINGS: I doubt it. Because, you see, we were very close. He knew that I wouldn't mislead him or expose him to criticism without his initial awareness of the issues involved. It was primarily because of his confidence in me that he permitted me while I was U. S. Attorney to go ahead and prosecute Congressmen Johnson and Boykin [Frank W. Boykin]. He knew that I had the public interest and, accordingly, his interests at heart. Shortly after we were elected in 1965, Ed Long [Edward V. Long], senator from Missouri, who was chairman of the subcommittee of the Judiciary [Committee] on administration [Subcommittee on Administrative Practice and Procedure], began some rather astonishing hearings in which he was bringing over members of the Teamsters Union [International Brotherhood of Teamsters] who were highly critical of



Bobby Kennedy during the time he was attorney general.

I discussed these proceedings with Bob and others and was selected--Bobby asked me to go and sit in on the hearings and protect him from unjust attacks, which I did. I got into a few real snarls with Ed Long when I would contradict a witness or go after him for misstating Bob's record, etcetera. And once on the floor of the Senate Ed Long made a statement critical of Bob with respect to this investigation of the teamsters and I really tied into Long. I think I shook up Long because he couldn't quite figure out why I was fighting Bobby Kennedy's fights. But I felt very strongly about Hoffa [James R. Hoffa] and the criminal element within the Teamsters and that whole crew. I'd had some bad experiences with them when I was U. S. attorney in Maryland on my own.

The point I'm trying to make is that Bobby had confidence in me, and he knew I wouldn't ask him to pitch into a D.C. Committee investigation unless it was something important, and in the public interest, and I didn't. I always tried to protect him. People were always coming to me to persuade Bob to speak someplace, or do this or do that, and I always tried to protect him. Ninety percent of the time I would just decline, say that he had a conflict in the date, and he wouldn't even know it, you know.

GREENE: Yes. In 1967, just one last thing on the Dirksen amendment--well, no longer the Dirksen amendment, but the effort to a . . .

TYDINGS: Conventional convention?

GREENE: Yes, that's what I'm trying to say. He did make a statement calling for Congress to reject as invalid the state legislatures' petitions calling for a constitutional convention. Was that at your prompting?

TYDINGS: I think chances are that I may have even drafted a statement for him.

GREENE: Yes?

TYDINGS: Yes, because at that time I think Paul Douglas had been defeated, and I was directing the fight against Dirksen and keeping the pressure on. Yes, and I very well might have even prepared the first draft for him and then given it to Jim Flug [James F. Flug] or somebody in his office to review and revise.

GREENE: This is almost a personal question, something that I've wondered about. How real do you

think this threat was?

TYDINGS: At the time, in early '65, everybody said the Dirksen amendment was going to pass. You see, it had passed the House the year before. No, it had passed the Senate the year before. And the only reason it failed the passage in the House was that it got caught in the final days of the lame-duck session before the presidential election. So, having passed the Senate once before, and all of being set to pass in the House, and since almost all of the state legislatures were then prepared to ratify the amendment, if you look at the newspapers at the time the legislative skids were greased for the Dirksen amendment--it was pretty well set to pass. As a matter of fact, initially they had the votes. There's no question that in early 1965 they had the votes to pass it in the Senate with the required two-thirds. Our first nose-counts showed that. So our whole strategy initially was to stall. And we started out stalling in the Judiciary Committee by delaying and dragging the hearings. The purpose of the stall was to try and alert the country and the liberals, particularly the magazines and the labor unions and the consumers groups the civil rights organizations and the people, to just what the implications of this amendment were.

GREENE: They seem to have been extremely well organized in the states because the legislatures were passing these things . . .

TYDINGS: Right and left.

GREENE: Yes, right and left with no hearings, or very few.

TYDINGS: Oh, but they had a very effective lobby. And they had the Farm Bureau and groups like that. Of course Dirksen was the center of it. And at first they did not take us very seriously. Because they felt, I think, that they had time on their side and they were getting all sorts of other legislation through the state legislature and I think we sneaked up on them.

GREENE: In '65 you got the impression from what was written at the time that there was a very good chance that it was going to pass in the Senate?

TYDINGS: We thought that we were going to have to filibuster, and that that might be the only way we could defeat it, if we could do that. Whereas ultimately we were able to defeat it on an up-and-down vote.

GREENE: What about their other tactic which was trying to get it passed in the state legislatures? Was there ever really that great a threat that these petitions would be validated and that a convention would be called?

TYDINGS: Well, there was sufficient threat for me to call the speaker, the Republican speaker of the state of Alaska, and Wisconsin and other states, to work with us on it. Yes, in answer to your question, there was concern about that. It would have gone into litigation and the legality of the whole proposition would have been contested, but there was a question.

GREENE: Okay. Sometimes I get the feeling that some of these things are almost pro forma, to make a point rather than because it is a real threat. But this one . . .

TYDINGS: Well, we were scared. But the real threat was '65.

GREENE: Okay. The next thing is the Morrissey [Francis X. Morrissey] nomination, which is one of the few times that you were really on opposite ends of an issue.

TYDINGS: Yeah. Well, you know Frank Morrissey was a county judge in Boston, Massachusetts, who was a political follower of the Kennedys. He had been a sort of driver, chauffeur, everything for Congressman John F. Kennedy when he first ran, and Joe Kennedy [Joseph P. Kennedy, Sr.]. The father felt that the family should do something for him. Joe Kennedy, the father, asked President Kennedy to make him a federal judge, but Attorney General Robert Kennedy would never permit it because he felt he wasn't sufficiently qualified. But then Attorney General Robert Kennedy resigned, ran for the Senate from New York, a new president, L.B.J., came in who was quite willing to go along with Senator Ted Kennedy of Massachusetts and appoint Morrissey judge, particularly if it might show the Kennedys in an unfavorable light. Accordingly Teddy Kennedy again under the urgings of his father, Joe Kennedy, decided to ask Johnson to nominate Francis X. Morrissey. When I first heard of it I was disturbed. When Teddy first asked me, you know, on counting on my vote, I said, "Teddy, I'm very disturbed about it, and I have to look into it." This was around late July or early August that we discussed Morrissey. In September Teddy and I were all set to go around the world together to Vietnam with John Tunney and Congressman Culver [John C. Culver]. At the time we had scheduled hearings on Morrissey, I had about decided that I would keep my original scheduled date to go to Vietnam which would require me to leave Washington

about two or three days before the actual vote on Morrissey, and just avoid the issue rather than vote against him since Ted had the votes in the Judiciary Committee and that was tantamount to confirmation. But unfortunately I went and sat in on one of the hearings--or fortunately depending on where you sit--where Morrissey instead of telling the truth about a matter, lied. It was a series of questions relating to his legal education. Instead of Morrissey answering the questions and saying, "Yes, Mr. Chairman, it's true that I got my law diploma at a fly-by-night law school in Georgia and didn't take the bar or anything, and I did it because I couldn't get through law school or couldn't pass the bar in Massachusetts. But that was a mistake in my younger years. I shouldn't have done it. But I'm sorry, I've tried to make a good record since then," and so forth. Instead of saying that, he went and said that he'd gotten a degree from a fine law school in Georgia, and then, when pressed on it, of course it showed that he was only in school for one week, something like that. And then when pressed on it, when he was admitted to the Georgia bar, he signed an affidavit that he was a resident of Georgia and intended to practice law in Georgia. He said, "Well, actually yes, that's right. At the time I really did, I was going to move my family down. I was going to live in Atlanta and practice law in Georgia." Well, for an Irish Catholic from Boston, Massachusetts to move to Atlanta, Georgia to practice law in the middle of the depression, I mean, that was just stretching credibility too much, and I felt that it was a blatant lie.

GREENE: Plus he was registered to vote and did vote up in Boston.

TYDINGS: Well, that's right, sure. I mean the story he related to the committee was, you know, just lies. And when he lied, that . . . . And I told Teddy then that I wasn't going to leave early and I was going to vote against him. And of course, when that word got out around the Senate, that I was going to vote against the Morrissey nomination, it started many Senators thinking. I think that may have influenced Ted in his decision to withdraw the name.

GREENE: Now, did he ask you at any time not to discuss the fact that you were going to . . . . Did he ask you not to discuss it or to abstain?

TYDINGS: Yes.

GREENE: Because you did abstain on the Judiciary Committee vote.

TYDINGS: I abstained on the Judiciary Committee vote.

GREENE: Was that at their prompting?

TYDINGS: Oh, yes. It was at their prompting. And actually I think he came back for a second hearing.

GREENE: He did, to clear up some matters, which only complicated it further.

TYDINGS: It was after the Judiciary hearing, wasn't it, or was it before?

GREENE: Well, then you had a closed-door session, which was very irregular, I guess. This was after the FBI [Federal Bureau of Investigation] reports corroborated some of the suspected information.

TYDINGS: I abstained in the . . .

GREENE: Bayh [Birch Bayh] did too, I noticed.

TYDINGS: What we did on that is that as a personal favor to Ted. Perhaps at the time I abstained I may have been thinking that I was just going to take a walk. But I never took a walk the whole time I was in the Senate. Of course, that was my first year. If ever I had taken one, that would have been the time to take it. But I made up my mind and then I told him I wasn't going to be silent. I made also a statement to the press which was widely circulated in the Baltimore Sun. Then a number of senators came up to me and asked me, and I told them, you know, and at that point he started losing votes.

GREENE: These were people who would have voted for him just because of Kennedy?

TYDINGS: Oh, sure, Scoop Jackson [Henry M. Jackson], and Burdick [Quentin N. Burdick], people like that, Democrats. And then, of course, I think that the Republicans had something else on Morrissey that they were going to pull at the last minute, because Dirksen indicated that he had a great speech ready and he was going to bring out something else.

GREENE: Well, with that whole issue of the trip he made to Italy with Ted Kennedy during the administration, to meet with some guy who turned out to be a Mafia leader.

TYDINGS: Oh, I never heard that. Was that what it was going to be?

GREENE: Well, this I got from the New York Times, that

this was the speculation. And finally they did bring it up, but the Republicans were apparently going to bring it up before the Senate. It was just a rumor at that time.

TYDINGS: Well, I knew there was some sort of rumor about something happening with Dirksen . . .

GREENE: I can't think of that guy's name.

TYDINGS: But, in any event, at the twelfth hour, Teddy, about 12:00 noon. . . . You see, he and I were going to leave for Vietnam right after the vote.

GREENE: The next day.

TYDINGS: Yeah. Was it the next day or that day? Maybe it was the next day. I thought it was that day we left. I thought we were going to vote at 12:00 and leave at 6:00. But anyway . . .

GREENE: The day after.

TYDINGS: Maybe it was the day after. The vote didn't come off. Ted pulled the name out at the last minute. Of course, I'd begged him to do that, and I begged Bobby to do it, but they were both very distraught. Bobby was upset about me not abstaining or keeping my mouth shut. They could understand my not voting for him, but they couldn't understand my . . .

GREENE: . . . actually opposing him?

TYDINGS: Yes. I felt then, and still feel they were unreasonable in light--particularly of my background as a leader of the Maryland Bar, President of the Junior Bar [Association] of Baltimore City, head of the Maryland citizens group advocating Merit Selection For Judges in Maryland, things like that. I mean I just, I mean I couldn't have sat mute and permitted Morrissey to become a federal judge.

GREENE: Of course, it seems to me it put Robert Kennedy in a very compromising position, too, and he was such an advocate of elevating the quality of the judiciary.

TYDINGS: That's right. He was not covered with glory on this one.

GREENE: You know, there's one thing you said which conflicts with something that I read, and that was, the Times says that the nomination

was first brought up to Johnson by Robert Kennedy, in his last conference with him before he resigned as attorney general. Did you ever hear that?

TYDINGS: That's conceivable. It's conceivable. I don't know except, if it were done, why hadn't it been brought up in a prior year. I don't know. But certainly Bobby was working as hard as Teddy was for the nomination, so I have no reason to . . .

GREENE: Did you ever ask him to explain the inconsistency of why he had opposed it while his brother was president and then . . .

TYDINGS: No, no, no, no. He was too bitter on it, very, very bitter. I mean they had one unreasonable trait . . . . I mean they wanted absolute . . .

GREENE: . . . loyalty.

TYDINGS: Yeah, which is not always that valuable. A blind loyalty is not nearly as valuable in my judgement as strong friendship with reason and a willingness to stand up and stay where you think you weren't wrong. As a matter of fact if I hadn't stood up. . . . I really and truly believe that if I hadn't opposed Morrissey and made public statements, that Teddy would have had the votes and it would have been passed and that it would be one more thing hanging over him, like that cheating scandal at Harvard [Harvard College], you know.

GREENE: And as it was, at the time he was opposing Carswell [G. Harold Carswell] and Haynsworth [Clement F. Haynsworth, Jr.] that was continuously brought up in the press.

TYDINGS: Yeah. Of course that was my saving thing in the Carswell, Haynsworth. I could say, "Yeah but I opposed Morrissey, too." So you couldn't accuse . . . . You know, that was helpful--well, helped me in it, but it wouldn't have worked in his case.

GREENE: How long did this bitterness last? Was it something he got over fairly quickly?

TYDINGS: Bobby?

GREENE: Yes.

TYDINGS: No, no. The first real time we began to warm up again I think was the time he made a speech wherein he stated that he felt we ought to negotiate with the Viet Cong, or the Vietnamese should, and

try and get a negotiated settlement and require a coalition government or something like that, and Hubert Humphrey [Hubert H. Humphrey] made that famous statement . . .

GREENE: The fox in the chicken coop?

TYDINGS: Or the fish in the barrel, or something like that. And I was, I remember it was the mid-winter meeting of the American Bar [American Bar Association]--I guess it was in '66 . . .

GREENE: February of '66.

TYDINGS: February of '66. And they asked me--I hadn't read the speech or heard about it, but they gave me the context of it in Chicago, the network TVs, and I said I thought he was right and I supported his statement 100 percent, and I don't think there were many others that said that.

GREENE: No, there weren't.

TYDINGS: When I got back he called me up and thanked me, and asked me if I could go skiing with him that weekend, or the next weekend or something like that. And I was going to, but then at the last moment I couldn't swing it.

GREENE: Okay, so that was from September or October to February. That's a long time when you see each other every day practically.

TYDINGS: Yeah, that's right.

GREENE: How did it affect the trip with . . .

TYDINGS: Teddy?

GREENE: Ted Kennedy?

TYDINGS: Well, it didn't make it too bad. It created a little tension there, but of course we had Tunney and Culver along, and we were young enough that we didn't let it completely dampen it. Although I think it might have been a little bit happier trip if it hadn't arisen. But Teddy didn't let it affect him too much.

GREENE: How did that trip come about? How did you end up going with him on it?

TYDINGS: Well, he'd talked about it, we'd talked about it, going to Vietnam, seeing Vietnam. It was Teddy's suggestion, and I said, "Yeah, I'd like to." And we started working it out together. He put



it together.

GREENE: Was there any discussion at this point about Robert Kennedy's feelings on Vietnam . . .

TYDINGS: No, as a matter of fact, you see, we all . . . . First of all it was a very badly planned trip. None of us were briefed properly. We all were briefed by the army and the State Department, the CIA [Central Intelligence Agency]. None of us knew what to look for. We worked like hell over there, going to see soldiers and doing a good job on morale, but we didn't see what we should have seen. Then we got back here--and I remember I had. . . . My legislative assistant, whom I'd been too busy to listen to before, finally persuaded me to spend a day with Bernard Fall. After a day with him and him pointing out--you know, I told him all about the trip--and then, Jesus, he started pointing out a few things. It shook me up pretty badly. And I talked with Teddy about it. He evidently had the same sort of exposure. Tunney didn't switch until this election. Tunney up to the bitter end was. . . . We used to have some frightful arguments . . .

GREENE: A hawk.

TYDINGS: . . . which was good being from the state he was from. He played it, you know. . . . His stance was a good one for politics. And his stance would have been a good one for me in Maryland.

GREENE: Do you think that hurt you very much?

TYDINGS: Yeah, the thing that hurt me in Maryland was not only my position opposing the war but the fact that when the advocates of peace had the big moritorium in the Civic Center in Baltimore and none of the politicians showed up--they all took a trip somewhere--I did, with [Lawrence Joseph] Cardinal Shehan and all this television, and I spoke and to all these youngsters with their long hair and all. And that really hurt. You try and balance it. If you're good enough, adroit enough, able enough, you can take unpopular positions and still command the support of your constituencies.

GREENE: Had you talked to Robert Kennedy much about Vietnam up until this point?

TYDINGS: No. No, but after that.

GREENE: He was kind of running at that . . .

TYDINGS: After that I started to talk to him, and we shared the same views on Vietnam. As a matter of fact he influenced me mightily. I

heard one great speech he gave on the floor of the Senate. That was, I think, in the winter of '68, January or February. But I formally came out against the Johnson policy in the summer of '67, I believe. Yeah, I'm pretty sure that's when it was.

GREENE: The next thing I have is the Social Security bill of '67. I'm sure there must be a lot in between. It's just that so much of it seems to have taken place out of the public eye that you'll have to tell me if there are gaps.

TYDINGS: Well, the Social Security bill in '67 was a period when Russell Long and the conservative majority of the Finance Committee in the Senate and the Ways and Means [Committees] were trying to put the squeeze on the federal contributions for aid to dependent children of unemployed parents [AFDC, Aid to Families with Dependent Children]. They had some very, very tough amendments. We were trying to work out a compromise of some sort by a filibuster of types, although ultimately they were going to win because we had to let the bill go if we wanted the additional funds for--I don't recall exactly--school lunch program or something like this. Ultimately we were going to lose, but at the time being we were fighting for a better break. And Bobby I think was a principle leader and I was working on it. You're talking about the time that I was supposed to guard the floor?

GREENE: Yeah. I had some questions before that though  
. . .

TYDINGS: All right, go ahead.

GREENE: . . . because what I had understood primarily from Fred Harris that Robert Kennedy was immediately dissatisfied when the bill came out of the Finance Committee although that was a decided improvement over the bill reported by the House.

TYDINGS: Well, that's true.

GREENE: Do you remember when you became aware of this?

TYDINGS: Yes. Well, I became aware of it at once because, as I say, I sat next to him, or close to him. I sat immediately next to him the first two years, then in '67 he moved up a row or two and I no longer sat next to him. But I became aware of his concern at once. He made some brilliant speeches on it. And of course our staffs were always in close contact with each other, too, you know. You knew exactly what was . . . . And our offices were close, I mean, people in them

were close. So I knew at once, and I thought Bob was right and I was willing to do anything I could to help.

GREENE: You offered an amendment among a lot of other people. Was this one of those that was parcelled out kind of as the Kennedy-Harris amendments, or was that one of your own writing?

TYDINGS: I really couldn't tell you. I'd have to look and see.

GREENE: It was the one that all family planning should be wholly voluntary, all family planning under Social Security. Remember that? It sounded like it might have been your own.

TYDINGS: Anything to do with population would have been mine. No, that issue wasn't immediately involved in this fight.

GREENE: Okay. Well, it was one of the amendments you offered to this bill.

TYDINGS: Yes, but my family planning amendment was accepted and supported by Russell Long at a different time. It was not part of the fight we are discussing.

GREENE: Yes.

TYDINGS: No. My amendment was different. You know what my amendment did? That amendment authorized twenty-three million dollars a year to come out of Social Security funds for contraceptives to go to family planning clinics across the country. That was how we got in the back door for government aid for voluntary family planning.

GREENE: You were saying about this amendment that the part that I mentioned was the second half?

TYDINGS: Yes. What we did on my amendment was to go in the back door via an amendment to the Social Security Act providing that, I think it was, no less than 5 percent (I'm not sure what the percentage) of the funds raised or earmarked for maternal and child care should be used for family planning clinics for the issuance of contraceptives and contraceptive advice and counsel to women who needed them. And the amendment that you mentioned referred to that they had to be voluntary clinics. No, no, no. This was a major project of mine. And these were the first federal funds ever to be used to acquire contraceptives for family planning programs in this

country.

GREENE: Had you ever discussed this whole question with him?

TYDINGS: Yes, I discussed it with Senator Kennedy but he didn't want to get involved with it. He had too many fights he was taking on anyway.

GREENE: But he didn't oppose it?

TYDINGS: No, he never opposed it. And I think he was sympathetic, although he never got involved.

GREENE: Okay, then you don't remember being involved in this parcelling out of amendments?

TYDINGS: I think if you look through those amendments you may find some other amendments that I offered which he may very well have given me. It wouldn't be unheard of on an issue in which he was vitally interested for him to give me an amendment and ask me to fight it through.

GREENE: Okay. Was there anything else that you remember doing while the bill was still on the Senate floor?

TYDINGS: Well, I was involved in the Kennedy Social Security fight. I let the cow out of the barn door, in a sense. I had the responsibility to make certain that the filibuster was continued. And Harris left the floor and asked me to watch it, and I wasn't on my toes and I trusted another senator to alert me and he didn't.

GREENE: Who was that?

TYDINGS: Bob Byrd [Robert C. Byrd]. And they slipped the bill through on me, which was in a sense an unfortunate omission on my part. Bobby understood, and he delivered a rather strong speech about that incident.

GREENE: But personally he didn't chew you out for it?

TYDINGS: Oh, no, he understood. No, he was. . . . And God knows, I wouldn't have blamed him if he had because it was stupid for me to rely on the proponents of the contested committee report with respect to parliamentary procedure.

GREENE: It's funny, just reading the CQ [Congressional Quarterly Almanac] on that, you can hardly believe that that sort of thing would take place.

TYDINGS: Well, it was. . . . They liked the thought that they could put one over on Bobby and on me because, you know, we're close. I trusted a little too much, and so did he in a sense--I guess, particularly me. I think we're going to have to postpone it.

GREENE: Okay.

END OF INTERVIEW