

Samuel J. Silverman Oral History Interview—RFK #1, 9/3/1969
Administrative Information

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Biographical Note

Samuel J. Silverman (1908 - 2001) was a New York political figure, known particularly for his roles as associate justice of the New York Supreme Court (1963-1966) and as surrogate of New York County (1967-1970). This interview focuses on Robert F. Kennedy (RFK)'s urging Silverman to run in the surrogate race, RFK's active campaigning for Silverman, and RFK's efforts to bring about reform, among other issues.

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Samuel J. Silverman

SAMUEL SILVERMAN

March 19, 1973

DATE

James B. Rhoads

ARCHIVIST OF THE UNITED STATES

March 28, 1973

DATE

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Oral History Interview

with

SAMUEL SILVERMAN

September 3, 1969
New York, New York

By Roberta W. Greene

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

GREENE: Why don't you begin by explaining how you met Robert Kennedy and how you got involved in the surrogate's (Surrogate Court) race.

SILVERMAN: Well, I had never met Robert Kennedy in any real sense before the surrogate's matter came up. I think I had met him at a public dinner, I think, when he was running for senator and I was a guest at the dinner. Whether I was on the dais or not I don't remember. And, you know, people got introduced; I think I may have been introduced. I don't remember.

Then, shortly before Decoration Day of 1966, on a weekend -- it was in May anyhow, I know, late in May -- I received a telephone call at home, and the caller said he was (William J.) Bill vanden Heuvel and he was speaking for Senator Kennedy and wanted to know if I would be willing to run in the primary for surrogate. And I said I would not be interested in going into a primary contest. And he asked if he could call me back the next day, I think, or perhaps he asked me to think it over. I don't remember. And I think the next day, Sunday, he called me back, and I think he said that his instructions from Senator Kennedy were not to take no for an answer and that. . . . Oh, wait a minute. He came to see me.

GREENE: Vanden Heuvel or the senator?

SILVERMAN: Vanden Heuvel. He came to see me at my home on Saturday, I think, and said that he thought that, among other things, if I didn't make the contest it was unlikely there would be one. And I think he left it that he was to call me back the next day. And he did.

It seems to me in the meantime I got a call from Blair Clark, who said that he was calling from the senator's home in McLean, Virginia -- they were all around the swimming pool or something -- and that he understood that the senator was trying to get me to run and that the senator had asked him whether he'd ever heard of me. And Blair had been a client of mine. I don't remember what Blair said to me, but it was some jocular remark that indicated that he had spoken of me to the senator in extravagant terms. And he said something to indicate the senator wished that I would consider it very seriously or something. I don't know. And I think he said the senator was at the pool at the time, too. But I didn't talk to the senator at that time.

And then I think Bill vanden Heuvel called the next -- on the Sunday morning I think it was. And I said I still did not wish to. . . . I forget whether I said that I was really not interested in being surrogate. And vanden Heuvel made that remark about his instructions from the senator were not to take no for an answer; and he asked where the senator could reach me that afternoon. I was going to a birthday party of some very old friends of mine in Larchmont, New York, that afternoon and I left the number. And I remember saying up there that I might get a call from Senator Kennedy, and among the people at the party were five young daughters of my friend, and they, of course, they were going to take that call. (Laughter)

And that afternoon a call did come from Senator Kennedy asking me to run for surrogate. And he said, among other things, that he felt that with so many Democrats with talent in the city of New York and in the state -- I think he mentioned the city; he may not have mentioned the state -- he felt that it ought to be possible to get more of them involved in public service, public office, and that my running might be part of that, a start toward that. And I remember his saying that, among other things, that if I said I wanted to, willing to, he'd then have to talk to, I guess, the reform leaders and see if they would really get to work on it. Whether he said something like "Get off their asses" or something like that I don't know; I vaguely remember his saying something like that.

And he said that of course we both ran certain risks in this. And I said that I could see the risks he ran. The only risk that I could see that I ran was I might be elected. And I didn't raise any question of whether he could make me any promises or anything of that kind, but he did. And he said he couldn't make any promises as to what he could do. The only thing he did have control over was federal district court. I remember his saying that Bill vanden Heuvel had said that I was the kind of a fellow you couldn't make a deal with, which perhaps was an overstatement. But in any event, I said that obviously it would be foolish of me, or so it seemed to me at the

time -- that I certainly was not interested in going through a primary race for surrogate and so on in order to become a United States district judge. I didn't say it but -- at least I don't think I said that my position as a state supreme court judge seemed to me at the time to be sufficiently parallel so that it was hardly worth a primary fight for surrogate in order to become a United States district judge. I don't think anything else was said about what it might lead to for me or anything of that kind. There were definitely. . . . There was neither a request for promises nor a promise made. I think he said something about he wouldn't want to make any promises that he couldn't keep, and I think I said something about I well understood that there were limitations on what he could do and I knew that he couldn't make any promises of any kind.

GREENE: Did he originally get your name from Blair Clark, or was there someone else also suggesting and pushing you?

SILVERMAN: He never told me directly. I'm quite sure. . . . I think it very unlikely that he got my name originally from Blair Clark. I suppose he came to Blair Clark and asked, "Do you know this fellow?"

GREENE: Oh, I see.

SILVERMAN: I have heard that he got my name partly from Alex Rose and perhaps partly from Justin Feldman.

GREENE: That's what at least one author said.

SILVERMAN: That's what?

GREENE: That's what at least one author has said, I think, Justin Feldman.

SILVERMAN: Yes. And Justin has told me that he suggested it. I don't suppose anyone ever knows who's first when you make a suggestion. You don't know whether somebody else has made the suggestion, too. I've certainly heard that Alex Rose had a great deal to do with the matter. I didn't know that at the time. And I

GREENE: Had he. . . . Excuse me. Go ahead.

SILVERMAN: Then I finally said in that conversation that I couldn't say no to him. Then he said something about it's being very sporting of me, or something of that kind, and then he'd have to talk to the reform people

that night, I think, to see whether they would work at it. You were going to ask a question.

GREENE: How much help did he promise you in this conversation -- not in terms of if you lost, but how much help did he offer to give you in the primary?

SILVERMAN: I don't recall. It is my impression that that subject did not come up. Indeed, I remember thinking later, wondering later, whether he was going to take a public position and being agreeably surprised-- maybe surprised is too strong a word, but being pleased -- to find that the petitions that went out for my being placed on the primary ballot named as the committee on vacancies as its very first name Robert F. Kennedy, thereby putting his name on the line. And then when I later had, he and I, a press meeting (I think that photograph on the left was taken at that meeting), one of the reporters asked what Senator Kennedy had had to do with my running. And he said, "I asked him to run." But I do not think that at that time I asked, nor did he say, what role he would play in the campaign -- and it is perhaps a measure of my political naivete that I didn't ask.

Well, then things began to move, and the next morning I heard that it was all over town, that it was in the newspapers that I was running. And I take it that you don't want me to tell you, you know, what appeared in newspapers. You want to know about my contacts with Senator Kennedy.

GREENE: Right. And his people. Do you know anything about that meeting that he had with the reformers on May 22 that hasn't been written?

SILVERMAN: Not. . . . I don't know what's been written about it. I gather that at one stage he was not satisfied with their enthusiasm and said he'd drop it, walked out of the room or something of that kind. I have sometimes wished he'd stayed out of the room. (Laughter)

But one of the curious things is you can say no a thousand times, and they can come back and ask you; but once you've said yes. . .

GREENE: You're in!

SILVERMAN: . . . you're in. And then he came back and I've heard he spoke rather forcefully to them and so on -- or maybe that's when he used the phrase about getting off their asses and working. I don't know. Maybe he didn't use it to me in that telephone conversation. And. . .

GREENE: Who among . . .

SILVERMAN: When. . . . I beg your pardon.

GREENE: Who among the reformers was particularly helpful, do you know, in . . .

SILVERMAN: When?

GREENE: In pressing your candidacy at this point, in the early stages? Do you think. . . .

SILVERMAN: I have no idea.

GREENE: None of them were close acquaintances of yours?

SILVERMAN: I don't know who did the pressing, nor did I really have any close friends among the reform people or, indeed, among the regular Democrats, and I wouldn't have been able to name many of them. There was a week left, I think, for gathering petitions which had to be filed, and I had nothing to do with that. I was surprised at the degree of activity and apparently -- I was told that the petitions just came rolling in and so on.

I went to the country to the house of a friend of mine for the Decoration Day weekend. They lent us the house in Connecticut. And I think someone, I don't remember anymore who. . . . I don't think I spoke to the senator at this point anymore until either that meeting with the press at the hotel -- I think probably that -- or (Stephen E.) Steve Smith's house; there were two that came somewhat after that. But someone asked me to draft some kind of a statement about why I was running, and I think I did draft it. I know I sent it to Bill vanden Heuvel on the. . . . Then I heard about a fellow named Milton Gwartzman who was taking a hand at revising the statement. And Gwartzman came up to the country, I think, and we went over the statement together because I was not too happy with his revision, as he was perhaps not too happy with my draft. We worked out something. Then we chatted about my agreeing to do it and I was having. . . . Well, throughout I had very severe doubts as to whether I had done the right thing, doubts that continue to this day. And I don't see. . . . I don't know if there's any point to my repeating that throughout this interview.

GREENE: Had you discussed your doubts with the senator?

SILVERMAN: Oh sure; I'd said no twice.

GREENE: Yes. But I mean once you did say yes?

SILVERMAN: It's a fait accompli then. I'd said to him, you know, my only risk was suppose I win, you know.
(Laughter)

And I don't think he. . . . And I remember Gwartzman saying, you know. . . . He mentioned some well-known figure -- I think maybe he was a general; I don't know whether it was General (James M.) Gavin or somebody else whom the senator had asked to run for something, and he just said no. He knew enough to say no, he didn't want to. And he said, "Some people are wise enough to say no." And there was a lot of talk during the campaign about my having my arm twisted and so on. Well, then there was to be a meeting at which. . . . In theory of course, I had not. . . . I was not really a candidate yet until enough petitions had been filed and so on. But after that, it must have been, I guess, that meeting at the hotel. Was it the Sheraton; I think so. Must have been May -- couldn't have been May 28; maybe it was. I remember the senator saying that there were just four weeks of campaigning available and the primary was June 28, I think.

GREENE: Yes, that's right.

SILVERMAN: Perhaps this was. . . . It couldn't have been May 31 because that would have been right in the Decoration Day weekend. Right after it?

GREENE: It might have been the day before he left for Africa. He left on June second, so it might have been the first.

SILVERMAN: Yes, it might have been that.

GREENE: Yes.

SILVERMAN: Do you know what day of the week May 31 was that year? Well, anyhow. . . .

GREENE: No.

SILVERMAN: We met there, and I don't remember much about it except that he made a statement and I made a little statement about why I was running and I think the reporters asked some questions; I can't remember what.

I have a feeling that before that -- it may have been after -- very close to that time, there was a meeting at Steve Smith's house. And I think that must have been before because I had the feeling that this was really my first face-to-face meeting with Senator Kennedy. And I guess Milt Gwartzman told me about it and asked me to come. And I waited upstairs, it seems to me, and the senator came upstairs after a while. I'd been at some kind of event. It was later than I was supposed to be there that he finally came upstairs. I forget whether somebody said, "It's always that way; they're always running behind time," and

so on. And he came up with his hair all mussed. And we went downstairs. There were a number of people there who were working on the campaign.

GREENE: Can you remember who some of them were besides Gwartzman, vanden Heuvel?

SILVERMAN: I can't even remember whether vanden Heuvel was there. I suppose he was. Andy. . . .

GREENE: (Andrew T.) Hatcher?

SILVERMAN: Yeah, Andy Hatcher was there. I don't remember whether (Gerald J.) Jerry Bruno was there or not. I think he perhaps was. I don't remember who else.

GREENE: (Joseph F.) Joe Dolan or (William F.) Bill Haddad?

SILVERMAN: I don't know.

GREENE: It's nothing. . . .

SILVERMAN: Oh, there was another meeting, not with the senator; and I don't know when that was in relation to these, but I have a feeling that it was before these meetings and perhaps it was a day or so after I had told the senator I'd be willing to run. There was a luncheon meeting at Bill vanden Heuvel's office -- at which, I think, Steve Smith and Bill and I were the only ones. Now I'm not sure whether (Edward N.) Eddie Costikyan came down with me to that meeting. I think perhaps he did. And there were sandwiches in Bill's office and discussion, campaign, I guess; I don't remember what we discussed. That was my first meeting, I think, with Steve Smith and. . . .

Well, to return to the meeting at Steve Smith's house, I remember being impressed by. . . . I don't know, there's some point came up and I think it was a question of whether I would run on the same line with. . . .

GREENE: (Herman Badillo Rivera) Badillo?

SILVERMAN: No. Badillo wouldn't be running on any line with me. Badillo was running in the Bronx, if he was running at all then, '66. He wasn't running at all.

GREENE: For delegate to the constitutional convention? There was some discussion that the senator had convinced Badillo to run as a delegate on the same line as you in hopes of carrying Puerto Rican sections. Do you remember that? That came somewhat later into the campaign.

SILVERMAN: I know that at one stage Badillo campaigned with us and perhaps, running as delegate for constitutional convention, he covered an area which included a piece of Manhattan.

GREENE: Yes, it was. In fact I have the section. I don't remember it offhand. I'll find it later.

SILVERMAN: Yeah. It may have been. . . .

GREENE: In Harlem somewhere.

SILVERMAN: (Theodore S.) Ted Weiss was running against Congressman Leonard Farbstein.

GREENE: Farbstein. Yeah.

SILVERMAN: And it may have been the question of whether I'd be willing to run on that same line. And I don't think the senator was too happy about that, because I don't think that at that stage the senator had yet taken as strong an anti-Vietnam War position as he took later. And Weiss was what was then somewhat derisively called a "peacenik". He was one of the. . . . He took the most extreme position against our involvement in the Vietnam War. And I think that the senator had no particular desire to hurt Farbstein. And it's either on that issue or maybe something else that I remember his listening quite patiently, you know, to various points of view and then saying, "Well, I think we have to do it," and sort of deciding it, but not in any, "All right, boys, this is the boss speaking." And in the course of that whether he said, "Well, I think we have to. . . ." In the course of it, he turned to me and said something like, "I think we have to do this, don't you?" You know, and I thought that his turning to me and asking me was done in a way that was not perfunctory and by no means an assumption that he's the boss. But he did sort of decide that he should. And in the whole course of my contacts with him, he was always. . . . I never saw any of the, you know, the ruthless reputation. He was always. . . . He'd ask what I'd think and so on, and never attempted to impose his will.

GREENE: How much interest did he seem to take in the organizational aspects of the whole thing, before he left for Africa, at these meetings and other times?

SILVERMAN: Well, the meeting at Steve Smith's house was definitely all about organizational aspects.

GREENE: And he was. . . .

SILVERMAN: Who was going to do what and so on. He was in there working. And it was at that meeting that he said that he was going to Africa and when he came back he would campaign -- or somebody said it; I think he did. And then everything was. . . . We had that meeting at the hotel, press conference really.

And then he left for Africa and the campaign proceeded. I don't remember what I did in the campaign while he was away. I suppose I went around some places, made speeches -- I really don't remember.

And then he got back. Then the very active campaign to my surprise, with him travelling around a great deal with me through the streets and making speeches and so on.

To return to the business of his not attempting to impose his will and so on, I remember at one stage on a street in the Harlem. . . . In the garment district there was somebody from one of the radio stations -- I think it was a radio station, WINS -- who, you know, shoved a microphone up against us and asked that we say something, and the senator said something about corruption. And I was not prepared to go that far and so I took the microphone and explicitly said, "I do not. . . . I am making no charge of corruption."

GREENE: This is in reference to this so-called deal?

SILVERMAN: Yes. The senator never said to me, "Hey, you shouldn't have said that," or "Don't do it again," or anything, you know. Just he said his point, and I said mine; that's all.

GREENE: Had he discussed this so-called deal with you at all in those days?

SILVERMAN: Oh, well, that was in the whole, you know, that was. . . . Sure. I don't remember his discussing it, but it was. . . . It'd be what it was all about in a way, you know.

And on this same subject of his personality -- jumping ahead somewhat. . . . On the Sunday before the election I participated in two television programs, panels; and the other candidates for the Democratic nomination were also participants, Judge (Arthur G.) Klein or (Thomas E.) Rohan.

GREENE: Rohan, I think.

SILVERMAN: And I think that Bill vanden Heuvel had been at my house to discuss what I should say. It seems to me I had a meeting -- Senator Kennedy participated -- in which we discussed what I should say and what questions might

come up and all that kind of thing. And I suppose it was obvious that, in one sense, I was not too happy or a little nervous about what was going to happen at this panel. I didn't want to call anybody any names. Klein was a colleague of mine. And perhaps the senator was a little uncertain about how well I'd do. Anyhow, on that Sunday morning I got a telephone call at home from the senator. He couldn't be at the panel. He had to be someplace He had some other television appointment, I think, that day. And as far as I could make out, that telephone call was just a plain pep talk to cheer me up, to say, "Well, go ahead, do a good job," you know. I remember I It was so obvious that's what it was that I ended the conversation saying, "Okay, coach." (Laughter) And I thought it was a very kind thing to do.

Well, to return to the campaigning, I had no idea we were going to do this kind of street campaigning that we did, and we soon worked out. . . . I worked out a kind of a set speech, you know. I think I had four points that I made fairly regularly. And he made his speeches. And I was overwhelmed, I would say, by the almost adulation that he got in some areas. I particularly remember one cry -- in East Harlem, I think, people crying -- "Bobby, why don't you run for. . . . When are you going to run for president?" And one young man in his twenties, I guess wearing just sort of an underwear shirt, you know, just standing there with his arms up screaming, "Bobby! Bobby!" And then I remember another occasion, we were going from one street corner engagement to another. We went through a side street; some kids saw us -- "Hey, that's Senator Kennedy, huh?" And they were playing ball, and they crowded around the car. And then he asked them to throw the ball to him, and the kids did. And then he said something about he had some kids at home, and they might like to play with this ball. He sort of tossed the ball up and down in his hand. The car started moving and then when. . . . (Laughter) And I think the kids were kind of wondering what was going to happen and I think maybe a little bit astonished and wondering whether they were going to lose their ball. And when we got about ten or fifteen feet away he tossed the ball at the kids and they jumped for it and so on.

GREENE: How did he seem to react, especially in the beginning of the campaign, to this adulation and crowd enthusiasm?

SILVERMAN: Well, he didn't refer to it particularly. He had a way of involving the kids in his speeches. I remember at a He would address himself to the kids a lot, start many of his speeches that way, ask the kids whether they were talking at school about Silverman for surrogate and whether they were talking at home about it. And

I remember his doing that at a meeting in a sort of a beer hall in Yorkville at which they. . . . A club there which was, I think, a reform club was having a rally and telling the kids to root it up for Silverman for surrogate, and, "Who do you want to have run for surrogate?" And one of the kids said, "Kennedy." And he said, "Oh, no. You don't have the idea at all." And he'd kid with them and pretend that, of course, this was the big thing that they were concerned about. And he did very well with it. Very fine atmosphere. And he was a very energetic campaigner, and we spent a great deal of time in those ten days campaigning together.

GREENE: Did this thing kind of just evolve into a large street campaign, or did you sit down and discuss it, any part of it. . . .

SILVERMAN: I didn't discuss it.

GREENE: . . . how much you were going to do?

SILVERMAN: I didn't discuss it. It was just the senator was going to do a street campaign and, you know, let's go. And indeed there had been a suggestion -- (William F.) Bill Ryan, Congressman Ryan, had suggested while the senator was in Africa that perhaps he and I might walk through the street together. I wasn't sure whether that was the right thing for a judge to do, but in any event, I thought if I was going to do it, I was going to do it with Senator Kennedy and nobody else. But then it. . . . No, I . . . I had nothing to do with that, and I remember somebody saying, "Well, you really ought to show up at headquarters. A lot of these people haven't seen you, you know." So I showed up there and I was amazed to see the headquarters there. Then, somebody said, "Well, you ought to go see the telephone girls, you know." So I went to a My God, there were sixty girls in a room telephoning. I had no idea of the size of this campaign.

GREENE: When he left for Africa, at this organizational meeting, did he make it clear that his staff would be very much involved in this?

SILVERMAN: Oh yes. Yes, that was clear, I think.

GREENE: How did you feel about his people, the ones that you were working with? Were they as considerate of your feelings as he had been?

SILVERMAN: Some were; some were not. I remember there were

some suggestions that I make some kind of statements which I was not prepared to make.

GREENE: Could you be a little bit more specific?

SILVERMAN: Well, as a supreme court justice I had had to pass upon an application to enjoin the Civil Service Commission from holding some kind of civil service examinations on Saturday because that put orthodox Jews at a disadvantage. And what they did was that they allowed orthodox Jews to take the examination Saturday evening, by which time the Sabbath is over. But in order that they might not know what the questions were in advance, they would be required to spend the day in some place incommunicado. They could conduct, and indeed arrangements were made, I think, by somebody for them to have religious services and so on, but they wouldn't be able to really communicate with the outside during it, whether it was at some synagogue or some hall or something. And they said this was a disadvantage to them: they were tired, they couldn't ride on Saturday. It meant they'd have to walk in in the morning, unless they came in the night before, really the afternoon before, incurred the expense and so on. And I wrote a rather brief opinion denying the application, saying pretty much that in our pluralistic society in balancing conveniences it seemed to me that the Civil Service Commission had not acted unreasonably in balancing conveniences because, after all, for many, many people Saturday was the most convenient day to take the examination because they wouldn't lose a day's pay and so on. And there was a point made in some of the lower East Side papers that were opposed to me that this showed that I was anti-Jewish or something.

And there was a bill before the legislature to ban examinations on Saturday. Perhaps it had gotten as far as the governor, I don't know. I think it had been recalled by the legislature. I forget why; perhaps I never knew why. And somebody drafted a statement for me that I was in favor of the bill being passed and the governor signing it and so on. And I said I never read the bill, and I didn't know what the considerations were, and I wasn't at all sure I was in favor, and therefore I wouldn't make the statement. That was the end of it, so there was no statement.

GREENE: Do you remember who it was that drafted that statement for you?

SILVERMAN: No, I don't. I know Bill Haddad was very active in various areas, but I'm not at all sure that he had anything to do with that particular statement.

GREENE: How did you find Steve Smith. . . . Excuse me.

SILVERMAN: And I remember that there were things coming out, you know, and statements made sometimes about Klein that I thought were unfair. And I didn't want to go along with them -- at least once they came out anyhow. And I wasn't very happy about that. But I. . . . Never once did the senator say to me, "Well, now you've got to do this," or anything like that. Indeed, I'm not even sure he knew about it because there was a lot of sort of autonomous activity going on. Indeed we'd start out not knowing where we were going next and so on, or somebody'd call the office and say, "Hey, you've got four more stops to make," (Laughter) you know, or something, or somebody has set up a street corner rally here or there and so on.

GREENE: Was Steve Smith considerate of you?

SILVERMAN: Well, yes, but I don't. . . . I didn't really have so much contact with him.

Well, I remember being impressed by the senator's energy. I was hoping the damn campaign would end. Finally, it was ending. And I guess it was the day before the primary or something. Thank God it was over. And then somebody suggested that it'd be a good idea to go at 5 o'clock in the morning to the Fulton Fish Market, the next morning. The senator said, "Yeah, we have to do that." I thought, "Oh, my God, no." For some reason that fell through, but he was quite prepared to do it, and he had to be in Washington that day -- big drama about whether he'd be able to make it to vote. And he did.

Well, then, my campaign chairman was (Adrian W.) Bill DeWind, my former partner, and he and his wife and my wife and I had dinner together the night of the primary at the Cosmopolitan Club, I think it was, something like that. Bill was a member -- I think he was -- and rented a room at the hotel where the campaign headquarters were. And we waited for the results there. I didn't quite know where the senator was. I heard he was in a room somewhere. And then when it looked pretty definite, then we'd have to make an appearance in the ballroom or something, he came over with various members of his family, I think at least two of his sisters and Dorothy Schiff. I don't remember who else. And then we all went over to sort of a victory appearance. And -- thinking of what happened later -- we went through the kitchen of the hotel. Then we made our speeches and he made that crack about my having said that Silverman's never run second, which of course, I'd never said. Apparently it was a paraphrase of some remark that the Kennedys never run second. And he sort of pushed me forward. I remember when we came in he sort of pushed me ahead of him. And I remember also the day of the Puerto Rican Day parade. He was marching in

depended on whether I'd win whatever I'd have this party
GREENE: Did you feel at any point that you were in trouble?

SILVERMAN: Yeah. I was afraid I was going to win. What do

turned out there were no. . . . They really weren't very damaging, because I remember the first clear intimation I had I really had won was when the returns came in from Harlem where I should have been swamped, and I wasn't. Indeed, I'd carried a number of Harlem districts and others came out about even, and, you know, if I did that well in Harlem I was clearly going to win. And we did campaign a little in Harlem. And I remember having lunch once with the senator and a group of the others at Frank's Restaurant on 125th Street in the course of the campaigning.

I also remember one time on the lower East Side, which is an entirely different matter, when we stopped in at a Catholic hospital -- I think for mentally retarded children, or something for worse than mentally retarded children -- not to campaign; I forget why we went in there. The senator asked for a Coca-Cola, I think, and they were delighted to give him one. Saw some of the kids and so on.

GREENE: Did you have any advance knowledge of the fact that (George S.) Starke was about to withdraw? Had Alex Rose discussed this with you, the meaning of. . .

SILVERMAN: No.

GREENE: . . . Starke's candidacy at all, or with the senator's people as far as you know?

SILVERMAN: I beg your pardon. What's the last?

GREENE: Well, or with the senator's people, as far as you know, had he discussed the meaning of Starke's candidacy?

SILVERMAN: Well, I'm sure they had discussed it, but no one discussed it with me. But after I had agreed to run the then chairman of the Liberal party in New York. . . .

GREENE: Chairman of the Liberal party?

SILVERMAN: Yes.

GREENE: It's Alex Rose.

SILVERMAN: New York County. A lawyer named Harrison, Harrington. I can get his name from my secretary. She knows them. Wait a minute I'll get that name.

(Interruption) (Edward A.) Ed Morrison came to see me and wanted to know if I would run on the Liberal ticket if they nominated

me and indicated quite clearly -- I guess he called me first about it -- indicated quite clearly that the Liberal party did want to run me, although informed, perhaps more than informed, it would have to be submitted to the, whoever the appropriate authorities were. But apparently the leaders of the party were in agreement they wanted me to run. And I said I would, and then they did nominate me, and then he came around and I had to sign some papers consenting to run. And all of this happened, I guess, not later than about the end of May because I remember that during the campaign it was already clear that I was going to be the Liberal candidate and Klein was going to be the Republican candidate and the only issue was which was going to be the Democratic candidate. And I remember pointing that out in that television discussion for the League of Women Voters saying, the political situation in New York being what it was, this was going to decide who was going to be surrogate because if Klein had both the Republican and Democratic nominations and I had only the Liberal nomination, obviously he was going to be elected. And on the other hand, if I had the Democratic and the Liberal nomination and he had only the Republican nomination, obviously I was going to be elected.

GREENE: Yes, I was going to ask you about that, because at a press conference -- I think it was June 1, just before he left for Africa -- Robert Kennedy refused to pledge his support to you if you were to lose the Democratic primary, he would refuse to pledge his support to you on the Liberal ticket alone; and then in the course of the press conference was informed that you had already been nominated on the Liberal ticket. Do you remember that? Was that a surprise to you? Had you discussed it all?

SILVERMAN: I don't remember, but I'm sure I must have discussed it with somebody. I don't think I would have just independently (without talking to the people who were working on it) accepted the nomination. And I would think that. . . . I didn't think the point was of any great importance. It was perfectly obvious, if I got the Democratic nomination, I was going to be elected anyhow and I had no. . . . Nobody had any intention of my making any big campaign if I only had the Liberal nomination. And I would have to run, and I couldn't say I was going to withdraw, because I couldn't withdraw under the law. And I couldn't say anything that would undercut the Liberal party in those circumstances. But on the other hand, you know, it's perfectly clear that it was a formality, and I said so in the League of Women Voters panel discussion.

GREENE: Did you have anything to do with James Farmer and Bayard Rustin and James Meredith coming out to counteract Jones's charges? Was this all Steve Smith and his people's doing?

SILVERMAN: Steve or Senator Kennedy?

GREENE: Yes.

SILVERMAN: I met Farmer at the headquarters, and then he spoke with us on the street corner once or twice. Oh, he's an impressive fellow.

GREENE: Same thing with Andy Hatcher's campaign that he set up in the black community? Was that also something. . .

SILVERMAN: I really knew nothing about it. In fact, tell me about it.

GREENE: Well, I think it was. . . . I believe. . . . Penn Kimball in his book (Have you seen that?) called Bobby Kennedy and the New Politics. . . .

SILVERMAN: No, I don't think I have seen it.

GREENE: Yes. Well, it's got a fairly extensive section on this race; and one of the things he says is that Hatcher had advance knowledge, or at least sensed that there would be a black question raised by Jones, and that he had sent out his "talkies" through the black community, people who were well-known in the community, going from bar to barber shop to bowling alley talking to people.

SILVERMAN: I didn't know about that.

GREENE: Yes. And that was very effective in the. . . .

SILVERMAN: I didn't know about this at all. I was just. . . . I was so surprised when an argument was made of racism; I thought, "My God, what are you talking about?"

GREENE: At one point you discussed the possibility or you suggested that it would be wise to merge the surrogate with the supreme courts. Had you discussed this at all with Robert Kennedy?

SILVERMAN: Not that I recall. I do recall that Bill vanden Heuvel came around and said, "Gee, we ought to have some issues, you know." And I said, "I don't know what kind of issues there are." And somewhere in the course of it I mentioned that I thought that perhaps the courts ought to be merged. I mean I didn't see why they shouldn't be. And he said, "Well, hey now, there's an issue. How about writing that up," you know. So I did. And Bill came to my house and I

think we sort of went over a draft, and then all of a sudden there was a big breakfast press conference called or something, television conference -- I guess it was television or at least television was there, cameras. Lawyers, lawyers, a lot of lawyers at the hotel for breakfast, and I made my earth-shaking announcement. I suppose Kennedy must have known about it; he was there. He must have known in advance as to what I was going to do. And Bruce Bromley was there, too. Bruce Bromley was the chairman of. . . .

GREENE: Right. Lawyers committee. . .

SILVERMAN: One of the committees, the lawyers committee. I was quite surprised considering that he's a prominent Republican. Even though he's been very kind to me. Even so I felt surprised that he would participate.

GREENE: Had you done anything to help these Lawyers for Silverman, this bipartisan committee that Bromley and (Irving M.) Engel had?

SILVERMAN: Didn't know anything about it. Just got. . . . Most of the campaign just happened around me.

GREENE: Fell into place?

SILVERMAN: Didn't fall into place, but it just happened around me, but I didn't hear. . . . It was put into place, but not by me.

GREENE: That's very interesting. Anyway, when Robert Kennedy got back from Africa had you had any discussion as far as the state of the campaign and what you would be doing in the last week to . . .

SILVERMAN: No, I don't recall that we did. We just sort of went and did it.

GREENE: Did you at any point resent the fact that you were the candidate and he was the celebrity? Did this disturb you, especially in that last week?

SILVERMAN: I can't say that I really was disturbed by that. It was perfectly obvious that he was the United States senator. Somewhere along the line somebody quoted me as having said that I wish some day somebody would ask me who that is with me, with Silverman. I'm not even sure whether that's an accurate quote.

GREENE: It was something to that effect because I read it, too.

SILVERMAN: Yeah. I'm not even sure whether I said it. There was some other. . . . There's an old joke about -- maybe I used that joke, I don't know -- it's about the orthodox Jew who comes from a small town in Russia -- perhaps not such a small town, but anyhow from our point of view -- and about how prominent his rabbi is because his rabbi went to visit the Pope and somebody said, "Who is that old Christian with the Minsk Rabbi," you know.

GREENE: I heard a different version of the same thing.

SILVERMAN: Yeah. And so I may have. . . . I may have made a modification of that or maybe some newspaper man made it up. By now it's been repeated so often I no longer remember whether I said it or not. (Laughter)

GREENE: Do you know anything about primary day when the poll watchers, the Republican poll watchers, deliberately failed to show in hopes of holding down the vote and these. . . . This is something else you weren't aware of?

SILVERMAN: Never heard of it. What happened?

GREENE: I believe that's also Penn Kimball.

SILVERMAN: How would that failing to show up hold down the vote?

GREENE: Well, apparently they couldn't open the polls without the poll watchers.

SILVERMAN: Oh, I see.

GREENE: And the campaign was prepared for this. As soon as they realized what was happening, they imported these young lawyers who came in with all their poll watching certification handy and took over and the polls were opened, and that supposedly prevented their sabotaging the vote.

SILVERMAN: I don't quite understand that. If these were Republican poll watchers. . .

GREENE: Well, I guess they have to have a Democrat and a Republican in order to open the polls.

SILVERMAN: Yeah. Where, then, did the other Republicans come from?

GREENE: Well, these were just young lawyers that the Kennedy people had arranged to come in and replace the Republicans who failed to show.

SILVERMAN: You mean the Democrats, the Democrats could get Republican watchers?

GREENE: Apparently they knew young lawyers that were willing to do it.

SILVERMAN: I know nothing about this. Never heard of it.

GREENE: Was there anything else on the campaign that you think ought to be put down?

SILVERMAN: I don't know that any of it ought to be put down. I don't remember. . . . Well, I mean, you know, sure lots of other details that I think would be largely repetitive.

GREENE: Do you have any recollection of Robert Kennedy's feelings about the reformers in this whole thing, and what his feelings were in general about the reform movement in Manhattan?

SILVERMAN: No, I don't really. I know it. . . . I have a vague feeling he was sort of impatient with them that night of May 22.

GREENE: Did you have any . . .

SILVERMAN: I don't believe he was very happy about Ted Weiss. On the other hand, (Manfred) Fred Ohrenstein and, I think, (Albert H.) Al Blumenthal would show up on our campaign and they were very welcome. I guess there was a campaign for the legislature that year, too, wasn't there? There must have been in an even numbered year. So they were running.

GREENE: Did you have any association with him after this?

SILVERMAN: Well, not much. There was a cocktail party that Bill vanden Heuvel's partner (Peter I. V.) Pete Lavan, had at his home, I guess, to raise some money for the deficit. And Kennedy showed up there and went around shaking hands. And I was there. He said, "Oh, yes, I remember you." (Laughter) And I made some crack. I noticed his hair was. . . . I noticed some gray in his hair and I made some crack about, "I'm glad to see there's some gray in your hair." And he said, "Yes, and you know who put it there." And

then -- and this is confidential -- quite shortly after I became surrogate -- I think it was late in March of '67 -- I had. . . . Bill vanden Heuvel was preparing for his work at the constitutional convention and wanted to talk to me about any ideas I had and so on. In the course of it I said that this job really was not my ideal by a long shot and that I really didn't see any way out of it except, at this point, the federal court, even though as I say, there'd been no. . . . I'd indicated I wasn't taking the job for that. I don't mean that I'd said I was taking it for something else, but as an escape hatch it was the best around by this time. This was now, you know, nine months after the campaign and three months after I'd started serving. And Bill made polite, sympathetic noises. And the next day I got a call from Bill vanden Heuvel saying the senator authorized him to say that, "Don't worry about that thing. That'll be all right." I didn't ask for it. Then I put in a call to the senator. He was out and called me back at home, and I thanked him for what Bill had said. And he said, "Oh, sure, you know, glad to do it." And pretty much, you know -- not pretty much -- that he would see to it that I was nominated, appointed to the Federal District Court. And I remember saying that I'd heard there was some feeling, you know, over sixty they began to get worried about it. I was going to be fifty-nine in September. This was March.

GREENE: I was hoping you could . . .

BEGIN SIDE II Tape I

SILVERMAN: It's (the surrogate's court) a much more specialized court than the supreme court was, which is a court of general jurisdiction -- the surrogate's court is concerned with estates, an area in which I haven't done much work, not that I find that a difficulty; it's really quite easy, although it has the reputation of being difficult -- but it's simply less human interest, fair amount of administrative work. I really don't care about passing on the fees of attorneys or appointing guardians, and I guess maybe those are some of the reasons. Anyhow, to return, or are we still on?

GREENE: Yes.

SILVERMAN: And, of course, I'd only been surrogate three months at the time, not quite three months, and to my surprise instead of saying, "Well, we've got to wait a few years," you know, he said, "Well, let's wait till you're fifty-nine," which would mean in six months. And that suited me fine, you know. I could hardly ask for anything faster than that. And I remember his saying something about vacancies Oh, well there's always a vacancy on the federal court here. But he was wrong, because by the time I was fifty-nine the constitutional convention had just ended in September, and then

I got in touch with Bill vanden Heuvel and met with Joe Dolan. And there was only one vacancy left, and that was pretty well committed to Judge, now-Judge (Morris E.) Lasker. And then there wasn't any other vacancy till after he was assassinated, and really no other vacancy until last week when Judge (William B.) Herlands died. And. . . . But, you know, for certain I had no promise from. . . . Before that I had no promise of any kind from Robert Kennedy, and I didn't ask for any promise; and then he voluntarily made one. That was very nice of him. It would have been nice if he'd been able to keep it. I don't really remember whether I had any other contacts with him.

GREENE: I think that's all I have unless there's anything of interest you'd like to add.

SILVERMAN: Nothing.

GREENE: Thank you.

