

**James V. Bennett, Oral History Interview – RFK, 11/11/1974**  
Administrative Information

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**Biographical Note**

Bennett, Director of the Bureau of Prisons in the Justice Department from 1937 to 1964, discusses the attorneys general under whom he served, Robert F. Kennedy's Justice Department reforms, and J. Edgar Hoover, among other issues.

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Oral History Interview

With

James V. Bennett

November 11, 1974  
Bethesda, Maryland

By Joan-Ellen Marci

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

MARCI: Just to start, I thought I'd ask you a little bit about how William Rogers [William P. Rogers] operated and what kind of working relationship you had established with him in the Justice Department. Were you fairly autonomous under him, and was it a good working relationship?

BENNETT: Yes, Mr. Rogers and I worked together very well. Mr. Rogers was a very considerate and thoughtful administrator who, once he was satisfied that you were doing a proper and a good job, he interfered with you to a very small extent. I happened to enjoy his confidence and we got along very well. He also made a number of constructive suggestions about my work and criminal justice improvements.

MARCI: After the 1960 election, what was your first contact with either John Kennedy [John F. Kennedy] or Robert Kennedy?

BENNETT: Well, I had known John Kennedy, President Kennedy, for a good number of years since he was a congressman. I first got acquainted with President Kennedy during the administration of Attorney General Tom Clark [Tom Campbell Clark]. Tom Clark sponsored a conference on juvenile delinquency, and following the conference, which was perhaps the usual conference for that sort of thing, we discussed

and proposed a number of recommendations including a federal juvenile delinquency act, not enacted until this very last Congress.

Well, after the conference was over, Mr. Clark wanted to follow up on the conference and see that its recommendations were implemented. There was no money in the Department of Justice to staff such a follow-up program, so he discussed it with his press relations man, who was then a former reporter, editorial writer for the *Boston Globe*, I think it was—at least

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it was one of the Boston newspapers—Tim McInerney [Timothy A. McInerney]. And he said, well, he would get the money. So he apparently knew Mr. Joseph Kennedy [Joseph P. Kennedy] and went to Mr. Kennedy and told him of the problem and asked him if he'd put up the money. He said yes, provided Mr. Clark accepted as a member of the staff his daughter Eunice [Eunice Kennedy Shriver].

Eunice came down then and there and became head of the juvenile delinquency section and had as her assistant and advisor a young Yale [University] graduate Mr. Shriver [R. Sargent Shriver, Jr.]. And I was the liaison officer with the attorney general and thus became very well acquainted with Eunice Kennedy, now Mrs. Shriver. Through her I met Congressman Kennedy, at the time. We had discussions now and then; I took dinner with them on one occasion when he lived in Georgetown and had intermittent conferences and talks with him until he became president.

I remember very vividly being at the [Democratic National] Convention when he was being proposed for vice president. I met Eunice there and several of his campaign workers. I got acquainted with him there, if that answers the question. It's a long involved answer.

MARCI: Yes. So you knew Robert Kennedy then, back from '56, at the convention?

BENNETT: No, no, I didn't know Robert Kennedy at that time, though I did know who he was from seeing him buzz around the convention, but I didn't know him personally.

MARCI: Did you meet him later at all when he was working on the Senate investigating committee [Senate Select Committee on Improper Activities in the Labor or Management Field]?

BENNETT: Well, you mean on the first one, on the Teamsters [International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers]?

MARCI: Yes.

BENNETT: No, I only knew of him from little casual acquaintances.

MARCI: When Robert Kennedy was appointed attorney general, what was your reaction to that appointment?

BENNETT: Well, that's a little difficult to say at this time, other than that I think all of the staff of the Department of Justice then considered him as a very young, perhaps even immature, youngster who was very much on the make, if I can be specific.

MARCI: Were you contacted by Robert Kennedy during the transition period before he actually comes in?

BENNETT: Yes, I was.

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MARCI: Did he discuss what his ideas for the Bureau of Prisons were?

BENNETT: Well, not at that time, except very generally. He had so many things that apparently were of more importance to him then.... Practically all he said was, "Well, we want you to continue on, Jim, and continue on in the kind of work you're doing. We'll get down and discuss it in more detail later on." That's practically all he said.

MARCI: Did you, during the transition period, do anything to try to ensure your reappointment?

BENNETT: No.

MARCI: Any lobbying?

BENNETT: No, I never have done that on any occasion.

MARCI: What about Robert Kennedy's other appointments, how he was staffing the Justice Department?

BENNETT: Well, I didn't know them. I didn't know them at that time, and I just accepted them as part of the game in Washington. Before Mr. Kennedy came along I'd been in Washington nearly forty years and had seen things come and go.

MARCI: Did his appointments strike you as any different from others, either in quality or just general type?

BENNETT: Well, no, other than that, of course, we all appreciated that he would be close to the President, and it would be a great thing for a bureaucrat to have a direct line to the President if he wanted it.

MARCI: Did his appointments give you any idea, any indication, of how he was

going to operate? Did you form any opinions of what he was planning on putting great emphasis on just from his appointments?

BENNETT: No. No, I did not, no. Not at the beginning, not until later on, of course.

MARCI: When President Kennedy was elected, did Attorney General Rogers ask the bureaus and divisions to do anything special to insure an orderly transition? Did he try to...

BENNETT: No, other than that Mr. Rogers was a very agreeable, affable person, and I'm sure that if he'd been asked to do anything, he'd have done it. The career staff continued on under the Kennedy administration. They were the operating staff of the department, you know.

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It wasn't a complete turnover at all. All of the career people, practically, remained, and I guess I was one. We just continued on about as usual.

MARCI: You didn't prepare a special report for the incoming attorney general to....

BENNETT: Well, yes, but not at that time. Later on we did prepare reports and suggestions, and so on.

MARCI: What type of agreement did you reach with the Attorney General of how you'd operate as head of the bureau [Bureau of Prisons]?

BENNETT: There was no agreement or anything of the kind.

MARCI: Did you just assume you could be fairly autonomous?

BENNETT: I assumed I could be fairly autonomous, yes.

MARCI: Did he set up any kind of reporting system, or how did he want to keep abreast of what was going on in your bureau?

BENNETT: Well, he did it through conferences with us, talks with us. But it had long been the custom, my custom, and some of the other staff, to submit very regular reports and memoranda to the Attorney General outlining what we were doing, where our problems were, and where we needed help.

MARCI: Did you work with anyone special in the Attorney General's office such as Byron White [Byron R. White] or Nick Katzenbach [Nicholas deB. Katzenbach], or did you work mainly....



BENNETT: Katzenbach wasn't there at that time. We're speaking of the initial time now.

MARCI: Right.

BENNETT: Well, I guess as nearly as anything, I worked through the deputy attorney general, who at that time was Byron White. And he had an assistant or two. He used to call me about things and handle things. I can't remember any specific channels other than when any major measure came up, why, I sent him a memorandum about it. Our big problems were always budgetary and personnel problems and some operating problems, but at the beginning that was the main problem we had. Do you want me to tell how we went later on? Are you trying to do this along a calendar, logical....

MARCI: Well, if you feel better telling how relationships developed, go right ahead.

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BENNETT: Well, as time went on the department became more interested in criminal justice. Attorney General Kennedy, Bobby Kennedy in particular, became more interested in operations of our bureau. After he apparently got over some of the difficulties he was having with Mr. Hoover [J. Edgar Hoover] he seemed to take more interest in our service. You're familiar with the problems he had with Mr. Hoover?

MARCI: Yes, yes.

BENNETT: And then he became interested in us. He brought in a man—or he came in almost contemporaneously with his appointment—who was his roommate at Harvard [College]. Oh, dear, dear, dear. I once knew his name....

MARCI: What was he doing?

BENNETT: Well, he was handling juvenile delinquency matters for one thing.

MARCI: Dave Hackett [David L. Hackett]?

BENNETT: Dave Hackett, yes. He brought in Dave Hackett. And Dave Hackett began heading up the juvenile delinquency program which was then largely in the Department of Health, Education and Welfare. It wasn't going well, and Dave Hackett with some assistance from other people—got up this idea of a juvenile delinquency program for the department. And they depended a great deal upon data and information and ideas from our organization. And it was at that time Mr. Kennedy became more and more interested in the work of the Prison Bureau. That continued on over months. Years, as a matter of fact.

Frankly, I didn't like Dave Hackett. I thought Mr. Kennedy made a mistake in putting so much responsibility on him to develop a program.

MARCI: Mr. Hackett headed up the President's Committee on Juvenile Delinquency and Youth Crime.

BENNETT: Yes.

MARCI: You worked with him on that, right?

BENNETT: I don't know as I worked with him.

MARCI: Well.

BENNETT: Yes, I was consulted by him, if that's what you mean.

MARCI: What did you think of the idea of the presidential commission?

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BENNETT: Oh, I think it was a good idea, I think it was a good idea. I testified on behalf of a bill in the Congress, and I helped them out with a little lobbying on the subject. The congressman from Connecticut was chairman of the committee. And then also on the Senate side, we had Senator Dodd [Thomas J. Dodd] of Connecticut, who was a long-time friend of mine, and I discussed the matters and bills with him. And that's when Robert Kennedy became more interested in the work of our service.

MARCI: Did you think the presidential commission could be really effective, or was it just a....

BENNETT: I thought so, if it was properly staffed and budgeted. And I think it did. I think it was a beginning, and ultimately led, as I say, to the bill that passed this last Congress, which has not yet been implemented, but I have great hopes for it.

MARCI: You mentioned Robert Kennedy's problems with J. Edgar Hoover. How did you first become aware of these? How did the problems become obvious?

BENNETT: Why, I can remember very vividly the fact that a few days after inauguration—I think literally a few days, maybe a week—there was a newspaper account that President Kennedy had invited Mr. Hoover over to confer with him and there was a picture in the newspaper and a story about it. And it was very obvious to me that there was something going on there.

MARCI: You mean obvious in problems with the Attorney General?

BENNETT: Well, yes, obvious that there were problems. And then later on, why the story came out that Mr. Hoover was threatening to resign if this commission on crime, or committee on crime that Robert Kennedy espoused was appointed. I've forgotten what they called it. It was apparent that Mr. Hoover looked upon that as an encroachment upon his authority and responsibility, and he was going to have none of it. And so President Kennedy had him over there to mollify him. That was obvious at the time.

MARCI: These were Robert Kennedy's appointments on studying organized crime?

BENNETT: No, no.

MARCI: No?

BENNETT: A commission to study the whole crime picture was the Attorney General's original idea. That question on *organized* crime alone and so on didn't come until later on. But he was going to have

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a broad-based crime commission. It was obvious that there was trouble there. President Kennedy made the same mistake that President Eisenhower [Dwight D. Eisenhower] made of announcing before the inauguration, very soon after the election, that he was going to retain Mr. Hoover, all of which was a serious mistake, I think. He didn't announce it with regard to anybody else.

MARCI: Right.

BENNETT: But there he was.

MARCI: Did the split between Robert Kennedy and Hoover cause any problems in the way the Bureau of Prisons worked, trying to coordinate....

BENNETT: No, no, no, not especially, except it was obvious that the FBI was at odds with the rest of the department. When we had luncheons, staff conferences and so on, Mr. Hoover was never present.

MARCI: How were your relations with Mr. Hoover?

BENNETT: Oh, my relations were always pleasant, but at arm's distance. I had known Mr. Hoover longer, I think, than anybody else in the Department of

Justice. I knew Mr. Hoover when he was just an assistant in the old Bureau of Investigation when Mr. Burns [William J. Burns] was the head of what later on became the Federal Bureau of Investigation [FBI].

It is an interesting bit of history that the fingerprints of federal prisoners were kept and maintained by prisoners at the Leavenworth penitentiary [U.S. Penitentiary at Leavenworth, Kansas]. And people didn't believe in them very much at that time. Frankly, I never believed in them too much, myself, as a crime detection mechanism.

But at any rate, oh, it must have been 1923-24—no, maybe it was a little later, 1928—that a decision was made by President Hoover [Herbert C. Hoover], with the support of one of the assistant attorneys general, to set up a fingerprint division. The first thing they did was to have a carload of fingerprints shipped in from the Leavenworth penitentiary into Washington. And the freight car sat down on the siding for several weeks until they could find a place to put it. And that's when I became acquainted with Mr. Hoover for the first time. He was sort of an administrative assistant to Mr. Burns.

I made a study when I was in the Bureau of Efficiency of the filing system of the Department of Justice, which was a mess. It was a non-system really, largely dependent upon the way lawyers used to classify things by making a little brief on a card with the name of the writer of the letter, and a brief statement of what it was all about. The clerks made about five copies of it and they filed the five cards under several headings and then they put a number on the file. And the attorneys and others in the Department of Justice were very dissatisfied with it. Every attorney was keeping

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his own little bit of files, you see, and you couldn't find anything at all. So I made a study of the system, and I recommended abolition of that whole system, and suggested the centralization of all files, and putting them into alphabetical arrangement, except a few security files, and so on.

Well, that's when I met Mr. Hoover, because he had been one of these typists himself that typed out these brief cards during about 1916 or 1917. And that's when I met him. He was a great advocate of that system. He'd been raised on it, you see. And it continued in the Bureau of Investigation and probably most of it still remains in the Federal Bureau of Investigation, where it works all right, but it's a very expensive, awkward system. Now what were we talking about?

MARCI: We were talking about Mr. Hoover and Robert Kennedy. Did you watch Mr. Hoover as he slowly gained power?

BENNETT: Yes, yes, I worked with him rather closely, yes.

MARCI: Did you have any concerns that the FBI was growing away from the rest of the Justice Department?

BENNETT: Yes, that was obvious to anybody who knew the Department of Justice. They had a highly developed public relations sensitivity. You see, they

had a lot of interesting information they could feed the press. As the federal government's jurisdiction over crime was broadened, their relations with the press overshadowed the department. It was during my day that the Congress enacted many federal criminal statutes. The automobile theft act, for example, the Dyer [Leonidas Carstarphen Dyer] act, that was during my day. That greatly widened jurisdiction of the Department of Justice. And many others, the kidnapping statute [Lindbergh Act], and so on, all were enacted in my day, and much of it during the administration of Attorney General Cummings [Homer Stille Cummings]. And all of these, of course, were centered on the Federal Bureau of Investigation, and they had access to all the facts or nearly all. Of course, crime has always been a stock-in-trade of the newspapers and Mr. Hoover could feed them this information either directly or indirectly, and that gave him a very powerful lever to build up his organization and his bureau. I'm not downgrading the bureau; it's a good bureau and on the whole did very well, but it always has had a yen for independence. What the Federal Bureau of Investigation wants, it gets.

MARCI: Did any of the attorneys general you worked with make attempts to bring it back under their control?

BENNETT: Oh, yes.

MARCI: How about Robert Kennedy's attempts at that?

BENNETT: It failed, it failed.

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MARCI: Very much. What impact did this have on the rest of the department, when he is failing in bringing Hoover under control?

BENNETT: Oh, I don't think it had any impact, much. Those of us old hands knew what was going to happen, and so it didn't arouse us, and of course most of his department heads, his division heads, were his appointees, they were loyal to him. There was little dissension in the department. Mr. Kennedy was a successful morale builder, I think.

MARCI: One thing, during the Kennedy administration, you were asked to bring Joe Valachi [Joseph Michael Valachi] from prison for televised hearings, and you cover this fairly well in your book, but I was wondering if you had any comments on that.

BENNETT: No, other than that I was very much perturbed and disturbed by it. It was taken out of my hands virtually, something which ordinarily I would have handled under any other attorney general. And it was a great publicity stunt, contributed nothing to the enforcement of the law, and just made this guy Valachi into a household word, much to the distress of the Italian people, Italian congressmen. Most of the

stuff he talked about before the Congressional committee was just plain bunk and handed to him, handed to Valachi, by Bill Hundley [William G. Hundley] and Henry Petersen [Henry E. Petersen] and other people of that kind.

MARCI: You mean it wasn't Valachi's own stories that they were...

BENNETT: Well, they told him how to go about it and they took the little things that he said and built it up, you know. Cosa Nostra. Who'd ever heard of that before Valachi? Now it's a household word. Whether there is any such thing, I've never seen any evidence of it.

MARCI: What did you think of Robert Kennedy's general attempts on fighting organized crime. Was that more publicity than substance?

BENNETT: Well, I don't know. I've seen others try to fight so-called organized crime. I'm one of those who have never been convinced that there was ever any such thing. The only organized crime attempt that I was ever able to document was the electrical people who got together with a code of their own and secret meetings, and so on, and fixed the prices of electrical generating equipment of all kinds. And only, oh, I think three of them, maybe four, maybe five, of those officials who concocted this scheme and operated it ever went to jail, and then only for thirty days, later reduced to nineteen.

MARCI: So you didn't think there was anything like a Mafia or a Cosa Nostra?

BENNETT: Well, not on a nationwide, international basis. Of course, there are gangs. Al Capone had a gang; he had his own group. Of course, it wasn't a mafia, in the sense that it

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had been brought over here from Sicily. It was just people that he'd whipped into line and come by him. Al Capone had a gang, Lepke Buchalter in New York had a gang. They had one in San Francisco and Los Angeles. If you mean by organized crime something on a nationwide scale with a great dictator, and with certain rules of conduct, and so on, no, I didn't believe that.

MARCI: Was there any problem of different attitudes between you and the Attorney General on access to federal prisoners? Like Valachi, producing him solely for the press, of press contact with prisoners.

BENNETT: Was there any what?

MARCI: Problem of difference of opinion on whether the press should be able to....

BENNETT: Well, only so far as Valachi is concerned. I can't recall any other instance.

[END OF SIDE I]

MARCI: What is your general opinion on it?

BENNETT: I'm against it. I don't think these prisoners or any other criminal ought to be built up and glorified and made into a national figure whether he be an Al Capone or a Valachi or who do we have now. I think that's a mistake. It glamorizes crime and makes the ordinary youngster in the street, young fellow, feel that there is something about this. It is accountable, I think, for some of the roots of violence that we've had in this country for a long time. I think that the commission on violence [National Commission on the Causes & Prevention of Violence] showed that in their report.

MARCI: In fiscal year 1961, you got a supplemental appropriation from Congress for \$500,000 for special demonstration programs, such as counseling and halfway houses. How would a proposal like that originate? Would it come strictly out of the bureau?

BENNETT: What year was that?

MARCI: Fiscal year '61.

BENNETT: I would have to refresh my recollection on that. But most of the things that came by way of special projects, special experiments, as you know from reading my book, came through our office. We'd get the support of this attorney general or that attorney general for whatever it was, and go up to Congress and get it.

MARCI: Would you prepare a budget proposal, and send it to the attorney general?

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BENNETT: Oh, yes, yes, yes. All of those things had to be supplemented by a report and documentation, and so on.

MARCI: When Robert Kennedy was attorney general, did these usually go into Congress the way you proposed them, or did you have problems?

BENNETT: No, no problems with Mr. Kennedy. He was always very helpful, very cooperative, and assisted us, visited several of our institutions. He visited Los Angeles; he visited our institution [Federal Correctional Institution] in California at Lompoc; he visited Lewisburg [U.S. Penitentiary at Lewisburg, Pa.].

One of the great contributions that Mr. Kennedy made; the most constructive kind, was his help with establishing a liaison between the department, particularly our bureau, and

the judges. We had a number of conferences on sentencing, and Mr. Kennedy attended several of those conferences, made a well-informed talk, much of it, of course, prepared by people down the line, but he added to it. He was a prodigious worker. That was a real contribution to the improvement of the administration of criminal justice, in its broader sense.

MARCI: What would he, or what would the department, do to try and develop more uniform sentencing other than the institutes?

BENNETT: Well, we held these conferences, and we'd try to get up certain standards that would be helpful to the judges, and agree on certain policies with regard to them. It's always been a sticky part of the administration of justice. How do you sentence people? What things do you take into account? What is your concept of equal justice and evenhanded justice?

MARCI: Is the way you handle it mainly individually with the judges? Was there any equal...

BENNETT: Yes, we worked through these conferences, and then from time to time various people would talk with the judges, handled it through parole procedures and so on. One of the things that we did when John F.

Kennedy was president was to commute outrageous sentences. If there was a sentence by a sadistic judge out of all proportion to the character of the offense, we would submit an application to the President for commutation of sentence, for reduction of sentence, or to reducing the sentence so as to make him immediately eligible for parole. And Mr. Robert F. Kennedy transmitted, I think, every one of those recommendations without changing them, and President Kennedy approved them. And that had a very salutary effect on the judges.

We had a judge out in Los Angeles, Judge William C. Mathes, who was well known for always giving the longest possible sentence. "Maximum Mathes" they called him. Well, he sentenced one boy to a life term for peddling

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drugs, a young feeble minded kid. So we submitted that case and two or three others from that judge to Mr. Kennedy, and he approved and commuted the sentence, and Judge Mathes, who was a very fine gentleman, but he had this belief that he could stop crime through these long sentences, when he found out that those sentences wouldn't last, he changed his policy and said so openly. He said, "I made a mistake, I guess. It's not the policy of the Department of Justice and I intend to change it." And he did. And he modified, ameliorated his sentencing policies very broadly.

MARCI: When Robert Kennedy visited the federal prisons, what was his reaction to what he saw there?

BENNETT: Oh, I don't know. I guess it was very favorable. I'm sure he had—how



should I say it?—a sympathetic feeling towards many of these people, realizing that many of them were victims of a social and political system that was discriminatory. On the whole he was very sympathetic with people in the institutions, particularly the younger ones.

MARCI: What was his purpose in visiting the prisons?

BENNETT: To inform himself.

MARCI: To inform himself?

BENNETT: Yes.

MARCI: Did anything specific come out of these visits? Like, did he try to....

BENNETT: Oh, yes, he supported us in our appropriations for new institutions and for improving our staff all along the line.

MARCI: On the Hill [Capitol], when your budget requests or legislative requests would go through, which congressmen and senators would support you the most? Celler [Emanuel Celler] and Hruska [Roman Lee Hruska]?

BENNETT: Well, when you say appropriations, the appropriations of the Department of Justice and the Prison Bureau were dominated for at least fifteen years by Congressman John Rooney [John James Rooney], from Brooklyn, New York, who was a young prosecutor when he was elected to Congress. He considered his job as the head of the Appropriations Subcommittee to prosecute everybody who came before him, including me, and cut us back everywhere along the line, always delivered himself of a tough message, and economy sermons, in the record. And Mr. Kennedy tried to gain his support, and he did get his support for some things. He was an important factor in shaping policies of the department. He was the person who gave us the greatest difficulty so far as our budget was concerned.

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He had nothing to say about legislative, organic legislation. That was handled by Mr. Celler, and Mr. Celler was our friend. He was a very liberal congressman, and you couldn't go to him with anything that seemed at all progressive or interesting that Mr. Celler wouldn't support. And that was true, I think, too, of the Attorney General. Mr. Celler was—oh how shall I say it?—a progressive, he was an advocate of law improvement all along the line, and a powerful man in the House [of Representatives], much more powerful than Mr. Rooney, but of course, he didn't hold the purse strings.

MARCI: Were there men in Congress who opposed you because of prison reform, thinking that you were going too far too fast?

BENNETT: Oh, yes, there were some. When we got through the sentencing act, which broadened the discretion of the judges with regard to sentencing, it was opposed and defeated in the House, despite Mr. Celler, by a group of, I can't say anything other than, reactionary congressmen, who wanted the old system with everything in the hands of the judge. They believed in mandatory minimum sentences; it was a treat-'em-rough crowd. They were in control for quite a while in the House.

MARCI: Do you remember some of the names of these congressmen?

BENNETT: Oh, yes, a fellow by the name of Smith [H. Allen Smith], an ex-FBI agent from out in California. He was fed a lot of stuff by the FBI because the FBI belonged to that school. Mr. Hoover and the whole FBI were against parole, you know; always raving about it. They mumbled some obeisances to the federal system, but actually they were against parole in any form, and they had support up there on the Hill. Congressman Smith was one. I'd have to look up the records to see who the rest of them were, to see what his name was, but there was one fellow from North Carolina [Basil Lee Whitener] on the Judiciary Committee who objected to it, and so on. And there was that group of reactionary congressmen. You see it today on the committee. So far as names go, I'd have to go back into the records to find their names.

MARCI: Who were your strongest supporters, other than Congressman Celler?

BENNETT: Well, Mr. Kastenmeier [Robert William Kastenmeier], who's still there. Mr. Celler, Mr. Kastenmeier, oh, most of them at that time, the Judiciary Committee; Congressman O'Brien [Thomas Joseph O'Brien]; and so on. On the Senate side, it was Senator Hruska, the senator from Wyoming [Joseph Christopher O'Mahoney]—oh, dear, I'll have to remember the name. I think he was the assistant on, the ranking Democrat—at that time—on the Senate Judiciary Committee. I've forgotten what his name was. Isn't that funny? But we always had pretty good support up there. I'd go up and see who it was, and usually could win approval. Most things were done without coming out in a big debate, making a big issue, but were put through as a rider on a bill, you know, or put through as an amendment to an appropriations act,

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or something of that kind.

MARCI: Did legislation during that time come mainly out of the bureau or the....

BENNETT: Yes, it came out of.... Although some of it came through the judiciary; the youth act was the outgrowth of the work of the American Law Institute, and then supported by Chief Judge John Parker [John Johnston Parker] from the Fourth Circuit, and Judge Phillips [Orie Leon Phillips] from Wisconsin. They had friends up there; the former senator from West Virginia [Harley Martin Kilgore] who was the

chairman of the Senate Committee on Judiciary. My memory fails me there again, but he was our very strong supporter, strong supporter of the judiciary.

MARCI: You didn't run into any problems of you wanting something that the Attorney General's office asked you to either hold off on, or said no to, that you'd feel should go through, and kind of circumvent them, and go directly to Congress?

BENNETT: No, they didn't ask me to hold off on many things. They were usually budgetary problems. No, no, I had no occasion to undertake to override any of their policies, and so on. For the most part, they were with me. I called on them for help, and they always helped. They always pretty generally knew what the problems were.

MARCI: During the sixties, in the Kennedy administration's efforts on behalf of civil rights and the Equal Employment Opportunity Commission, was there pressure brought on the bureau to get better ratios of black guards and....

BENNETT: Well, I don't know if you'd call it pressure. That was the policy of the department for a great many years. We tried to find them, and we tried to get them. A great problem was that they couldn't qualify under the civil service act, those that wanted to come in. Oh, gosh, ever since I was director, practically: "Get in some more blacks, get in some minority groups." And we always appointed them if they had the minimum qualifications. But if they couldn't meet the minimum qualifications.... There were some problems as far as the blacks were concerned, to go back a considerable way, down in Atlanta and in our southern institutions that date back to the early 1940s. Federal prisons were strictly segregated until.... We began desegregating in about 1946. It was a slow job because of this tradition that had been built up over the years. We were the first among all the prisons of the United States to desegregate, but we did it not by means of any order going out institution wise, and so on. We began with one institution after another, and we segregated this job and that job and so on. It took three or four years to do it, five years, I guess, once the policy was adopted.

MARCI: Was there any thought of an affirmative action type program, of either recruiting and training guards that wouldn't have

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qualified otherwise?

BENNETT: No, not at that time, not originally. It's being done to some extent now, but the Civil Service Commission has changed its standards, and so on. There are more and more blacks that have completed high schools, and can qualify, and are willing to take the job. The difficulty is that they don't want them; they don't

want the job especially when they must live in small all-white towns where most of our institutions are located.

MARCI: One other presidential commission was the Commission on Narcotic and Drug Abuse [President's Advisory Commission on Narcotic and Drug Abuse] headed by Dean Markham [Dean F. Markham]. Did you have contact with them and what they were doing at the time?

BENNETT: Oh, in a general sort of way, yes. I first got into the prison business, myself, by drafting the first statute having to do with the establishment of the so-called narcotics farms down in Lexington, Kentucky and Fort Worth [Texas]. I've always been interested in the problem of drug addiction. I've always been opposed to the tough policies of Harry Anslinger [Harry Jacob Anslinger] in the Treasury Department, so long advocated. I thought it was a great mistake, and all that it did was to build up the profits of the drug peddlers. I felt that we had to go about it in a constructive treatment program, which, if we had done it at that time, I don't think it would have gotten out of hand.

MARCI: How did you clash with Anslinger in Narcotics [Bureau of Narcotics]?

BENNETT: Well, we just didn't agree. We were good friends, personally. But we just used to tell the other guy that he was all wrong, this, that and the other thing. But Harry Anslinger built up an empire, similar to J. Edgar Hoover's empire, you know, in a different field. If you read the literature on it, you'll find that he was a fellow that the only way to stop drug addiction was to beat down on them and then to lock them up for life. He exaggerated the menace of drugs and, in my judgment, it was that era that counted for, oh, the interest, yep, if you please, of a great many people for drugs.

MARCI: Did you try to counter him with legislation or quick-sentencing institute?

BENNETT: Yes, but I usually lost. I opposed making marijuana a federal crime.

MARCI: Who were his allies, or was it just his own personal power that you were running up against?

BENNETT: Well, he had people scared. He had the Hearst [Hearst Corporation] newspapers behind him a hundred percent, and he had the California legislatures, California congressmen behind him. It's

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been one of those problems through the history of the country that was built up through fear, and as I see it, pretty much under false premise, on scare tactics. I favored England's policies.

MARCI: One other question on congressmen. A lot of prisons were built or

refurbished during the sixties, it seems. Did you run into any problems with congressmen on the placement, such as earlier you'd run into the Republican national committee men....

BENNETT: Yes, we'd run into a few of them. Of course, in my day, the efforts of the congressmen and senators were to get these prisons as an economic asset to their community. Very rarely did we have any objection and, if so, it was a minor objection which was easily overridden. Most of the federal prisons were put on land where the local community—the local chamber of commerce—put up a very considerable part of the cost of the site.

MARCI: Did you run into problems of, not opposition, but you had picked a site for prison, and another congressman would insist that it be in his district?

BENNETT: Yes, oh yes. We always had those people, delegations of people that had wanted the institution. For instance, when we located the federal hospital [Medical Center for Federal Prisoners] at Springfield, Missouri, my God, people all over Missouri, Kansas and Iowa wanted the place. It brings in a tremendous big payroll, you know. It puts the town on the map. Whoever heard of Lewisburg, Pennsylvania until we went there? That site was largely given to us by the local people. Sure, we had some objections in Danbury, Connecticut by a few local people, but they were people who were going to be neighbors of the institution [Federal Correctional Institution, Danbury, Connecticut] and feared the institution for that reason. But the local mayor, chamber of commerce, and congressmen were all anxious for it. Now the climate has changed. People are scared of it, except in some places they still want them. My God, they build up the town. You have no idea of how these institutions have reshaped the economy of a town. Lewisburg is a good example. It's an entirely different town from what it was when we first moved in there.

Let's see, another place would be Texarkana, Texas. They went after that institution [Federal Correctional Institution, Texarkana, Texas] very strongly. There was Wright Patman [John William Wright Patman], Morris Sheppard [Morris Sheppard] from Texas, and all of them were all after it. When we located what later on became to be known as the Robert F. Kennedy center, down in Morgantown, West Virginia—some of the local people were writing in the newspaper their opposition to it. They telegraphed to chambers of commerce or newspapers in cities where federal institutions had located and asked them for an opinion as to the value of such an institution to the community. And I think in every case, the replies came in very favorable, and said, "We like them."

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[BEGIN TAPE II, SIDE I]

MARCI: One thing, during the Kennedy administration, are there things that you wish you had done that didn't get done?

BENNETT: Well, I guess there were. I've never been satisfied with what we've done. I suppose the thing that disturbed me most of all, and I count it among my great disappointments, was a failure to get started the research institution for emotionally and mentally disturbed prisoners. We drafted such a plan, and it had been on the books for fifteen years. We drafted the plans, finally got Mr. Rooney to give us the money, \$12 million. We had problems with the architect, and by the time the thing was on the market, prices had gone up so much that we couldn't build it. So then we revised the plans and sent it out once more, and still couldn't get in bids within our appropriation.

And then when I retired in 1964, it was still a unit I hoped would someday be built. Mr. Kennedy, over my objections had appointed one of my former deputies, and he wasn't very enthusiastic about it. So it didn't get built. Only within the last few years since Mr. Carlson [Norman A. Carlson] has come in, has the project been revived and built, about half the size of what I had proposed. Now, that was a great disappointment to me, and was one of the things I regret that I didn't push harder. Robert Kennedy was in favor of it, although I can't say that he was too enthusiastic about it.

MARCI: When you retired, what type of efforts did you make to try to influence the choice of a successor?

BENNETT: I did all in my power to have one of my deputies, a fellow named Fred Wilkinson [Fred T. Wilkinson], appointed. I told that to the Attorney General. But Hackett and another little cabal in the department wanted Mr. Alexander [Myrl E. Alexander] appointed, and they won.

MARCI: Why? Was it just pure politics?

BENNETT: No, no, I don't think there was any politics in it at all. It was just because the fellow I had nominated, he didn't have the education, he didn't have a college degree, but he was an excellent administrator, a person very highly respected among the rank and file of our people down the line. He had come up through the service, he had come up from a guard, up through the ranks, to being a warden, to being my deputy. He had a spectacular war record. Mr. Alexander, on the contrary—in contrast, shall I say—had a college degree and he represented, shall I say, the theoretical group. He was all right, and so on, but he was at that time a professor of criminology, he had retired from the bureau—I didn't like that because he had walked out on us when he got what he thought was a better job, and then he wanted to come back when the climate changed. Fred Wilkinson had stuck with me, and we had some hard times during some of those years. We had a couple of riots, and we had budgetary problems and

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staff problems, and I thought Mr. Wilkinson was deserving of the appointment on his merits and because of his service in the marines. I think they all agreed that so far as an administrator is concerned, why, he would have been superior. I think most people would agree. But I made my views known to the Attorney General personally; I made them known

to him through a fellow by the name of John Nolan [John E. Nolan], who was one of Mr. Kennedy's immediate staff, who presumably was making some study and some investigation of it. Well, he went around and asked a few questions, but he wasn't really making any knowledgeable evaluation of the two candidates. The decision had been made and I didn't know it. He was just a front for indicating that the whole thing was very objective.

Well, Mr. Kennedy was very kind to me when I retired, made a wonderful speech to me, and all that sort of thing, but he didn't appoint my man. Perhaps that was my mistake, trying to have him make a selection of my choices. I'm inclined to think that if I had that to do over again, I would not have advocated anyone. I would have just sat back and said, "You go ahead and make the decision."

MARCI: Do you think the decision would have come out differently?

BENNETT: Oh, maybe, maybe, maybe.

MARCI: In Nolan's study, was anyone else being considered besides these two men?

BENNETT: Well, allegedly, but I don't think they were actually, seriously being considered, no.

MARCI: Do you know if Mr. Alexander did any lobbying?

BENNETT: I think he did, I don't think he did it directly. He denied it, but I think he did.

MARCI: Does Eunice Kennedy ever come back into this? Does she stand....

BENNETT: Oh, she keeps interested in it. I worked with her when she was heading up a committee on retardation of children. She had some meetings in the department when she invited people in. I came over and made a little talk; talked with us. She's always been very pleasant and very nice. So was Sarge Shriver. Sarge Shriver is one of my good friends.

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Of course, they're still continuing their interest in the disadvantaged to this day.

MARCI: Overall, you were in office through several attorneys general....

BENNETT: Eleven of them.

MARCI: How do you rate Robert Kennedy amongst the attorneys general you've served with?

BENNETT: Well, it's a difficult thing to do. I don't like to make comparisons. I worked with attorneys general whose primary interest was the law, whose primary interest was work with the Supreme Court [United States Supreme Court]. Mr. William D. Mitchell [William De Witt Mitchell], for example, who was President Hoover's last attorney general, wasn't interested much in the Prison Bureau. He told me it gave him a headache to talk about budgets, and so on, but he was a great advocate before the Supreme Court, and a great advocate in helping shape the law. Mr. Cummings was more interested in crime than other ones, but he also was primarily a lawyer, primarily a man interested in shaping the law. He was there during the court fight, during the court battle, and he was interested in that.

Bob Jackson [Robert Houghwout Jackson], who if I had my way would have been the attorney general forever. He was a wonderful lawyer, he was a very pleasant and able fellow, he had the right sympathies and humanics; he knew people, he knew the problems, being a poor boy himself, and so on, and he was a grand attorney general. Oh, they were all very good; he's one of them.

I suppose the attorney general who was more in sympathy and more understanding of the problems of the dispossessed was Attorney General Jim McGranery [James Patrick McGranery].

Mr. Brownell [Herbert Brownell, Jr.] was a very fine person, more interested in the administrative problems of the department than others. He took a great deal of interest in the Immigration Service [Immigration and Naturalization Service], and in budgetary matters, and in things of that kind.

Mr. Rogers was a fine one. I admired him very much indeed. He was a great morale builder, a fine person who did a very good job in a lot of fields, and was a good lawyer, but he didn't stress the fine quilllets of the law as well as did some of his predecessors. You had that type of attorney general: you had the attorney general who was, shall I say, primarily an administrator; and then you had the attorney general who was primarily a lawyer, who wasn't interested in what the hell went on in the administrative end. He didn't care if we paid the wardens, whether there was civil service, or whatnot. You had the two types, and I don't know which is the better one. But from my standpoint, the attorney general who was primarily an administrator was best.

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Well, from my point of view, of course, I like the fellow, Mr. Bob Jackson, who'd say, "Jim, you know more about that than I do. You go ahead and do what's right." That was, of course, best from my viewpoint because I was then more or less an independent operator. The Department of Justice is a big agency with thousands of employees and many difficult responsibilities. It needs a strong hand on the rudder. Recent FBI developments have shown the importance of such a leader.

MARCI: And Robert Kennedy was more the lawyer or the administrator?

BENNETT: No, I think he was more administrator.



MARCI: Some of the changes that took place in the prisons during this time—you were getting a different type of prisoner, or at least there were large increases in the number of narcotics offenders. What types of problems did this create within the prison system itself?

BENNETT: Well, you see, the types of prisoner we've had has changed over. During the prohibition period, we got all these bootleggers and so on, all very cooperative, very nice you see. They were never any problem to anyone other than trying to keep money enough to keep them well fed, and so on. Then we had large numbers of these youngsters who were in for the Dyer Act, oh, six or seven thousand of them in our institutes, mostly kids, homeless kids, wanting an automobile and the thrill it gave them, taking it and going off in search of some El Dorado, or some job or something. They were a group we could and did help. Under proper leadership and with adequate rehabilitation programs could be made good citizens. We had our share of bank robbers, but bank robbery didn't become fashionable really until within the last ten years. Formerly they were isolated cases and the local authorities handled them. But in recent years, you see, they "bucked" these all to the federal system and now about one third of our input is bank robbers. We always had a considerable number of check forgers and fraudsters of one kind or another. During the war, large numbers of violators of the draft act, religious objectors and so on were committed. Well, you've read all about that. Lately, during the latter days of my administration, a more serious, a more difficult, a more militant type of inmate had been coming into the institutions, if that's the answer to your question.

MARCI: At the same time that the prisoners are getting more militant, the prison system is seemingly getting more relaxed. You're getting more halfway houses to get people out of the prisons more quickly.

BENNETT: Yes, of course, our object has always been keep them out of prison, get them on probation, into community treatment programs, pretrial intervention plans, restitution programs and so on. The probation service used to be a part of the Prison Bureau. I was the only person who pushed the original probation idea in the Department of Justice. They didn't believe in it. They weren't interested in probation for many years. Oh, gosh, the probation service didn't seem to come into its own until the early fifties. We were always hopeful that we would have more of these halfway

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houses and so on, but so many people think, you know, that the way to solve the crime problem is to punish people. We were always under pressure from various places to keep the lid on tight. It's worse than ever now. But you had to go slow in changing people's attitudes.

MARCI: When the halfway houses were set up, did you see any risk involved in that, of....

BENNETT: Oh, sure, oh, boy, yes. It was risky. We had to be very careful in our

selections of the people who would be approved for such programs, very careful in our selection of the people who were to manage them, and maintained very close supervision of them. We knew we had to establish a climate of opinion, a climate where they would be tolerated. Mr. Robert Kennedy supported us in all these things. I guess the first ones that were set up were under his administration, weren't they?

MARCI: Yes.

BENNETT: Yes.

MARCI: What about problems with the administration of the individual prisons, like recognition of Black Muslims and their rights within the prisons? What kinds of problems did these bring up?

BENNETT: Oh, hundreds of problems. You see, the shape of the prison system has changed. You must have read some of my things about it, where at one time the warden was the be-all and the end-all. His word was absolute and so on.

[Interruption]

MARCI: One other thing happened. During this time, the model penal code gets a lot of consideration and everything. What were some of the changes of laws in the administration of justice that you as head of the Bureau of Prisons staff....

BENNETT: Oh, boy. When you speak of the model penal code, are you speaking of the present pending revision of the federal criminal code? The model penal code was something developed by the American Law Institute...

MARCI: Right.

BENNETT: ...but that was way back....That dates back to—I think that's prewar, isn't it?

MARCI: It's a while ago. Were things like this things that you kept up with....

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BENNETT: Oh, yes, I was a member of the advisory committee on the American Law Institute [ALI] and its model penal code. I also worked on the revision of the federal criminal code. The model penal code was the forerunner of fundamental changes in thinking and in the development of criminal justice policies. It has been a very effective instrumentality in bringing about revisions in what is criminal and how

to deal with it, responsibility for crime, problems of mental illness, and so on. Much of the ALI has been brought over in one form or another into the revised federal criminal code still pending before the Congress.

MARCI: Do you think the department has not taken enough of a role in trying to implement reforms like this or....

BENNETT: It varies from time to time. One attorney general or another attorney general would take more interest in it and spur it along, as did Justice Jackson, for instance. He was much interested in that sort of thing. Oh, it's such a slow business. My God, look at it. Thirty years we've been working on it, and it still isn't here.

MARCI: Did things like that interest Robert Kennedy at all?

BENNETT: Well, yes, but I don't think he was an academician, if you'll permit the phrase.

MARCI: Those were much more academic problems. Did changes in, not the requirements, but the definition of who's responsible for crime, mental capacity, have any effect on what types of prisoners were actually coming into the prisons then, and how you'd....

BENNETT: Yes, that's why we set up Springfield and why we wanted a special unit to make some study of those problems. We eventually are going to get it. It's now under construction down in Butner, North Carolina [Federal Correctional Institution, Butner, N.C.]. You've been reading about it when they talk about behavior modification techniques, something new, various people are shooting at without really knowing what they're talking about.

MARCI: I think that's about all I have unless you have some general comments on....

BENNETT: Now, what were those questions you sent me? Have we got a copy of those? Did I answer all those?

MARCI: I think so. I think the only thing we probably didn't cover I'd mentioned—I don't think I have it with me—the Abel [Rudolf Ivanovitch Abel]-Gary Powers [Francis Gary Powers] exchange.

BENNETT: Well, that was something engineered by the State Department. We were the instrumentalities for carrying it out. The actual work, the techniques of handling that business and keeping it secret,

seeing that nothing happened to this guy Abel was largely the work of Mr. Fred Wilkinson. That's one of things I liked about him. He managed that. He went over with Abel personally, got him out of the institution without anybody knowing where he was going, got him on the plane, and nobody knew that it was going to happen until the exchange was actually made.

MARCI: One other subject. Did you have contacts with Robert Kennedy after you retired and after he leaves the Justice Department? Any contact, when he was senator, on legislation or....

BENNETT: Yes. I appeared before him on a couple of hearings up there—I've forgotten what they were now—but, yes. He was always very kind to me. I have a very high regard for him as a person. It's tragic that he was assassinated. Oh, yes. I liked him very much indeed. We were good friends. The only thing that we didn't agree on was the selection of my successor. I didn't like the way he handled the Valachi business, and told him so, but I had to be a realist and accept that as one of his hang-ups, shall I say.

MARCI: Did you ever work with him on something like gun control legislation?

BENNETT: Yes, but he wasn't so interested in that. Attorney General Ramsey Clark was our big supporter on that while he was attorney general. Mr. Kennedy was for it, but he wasn't the activist that Ramsey Clark was. Mr. Ted Kennedy [Edward Moore Kennedy] now, of course, is one of our principal supporters for reasonable gun control. Well, I don't know if he's the principal Senate supporter of gun control, but he's a major advocate. Well, I'm hoping the day will come soon when we'll be able to do something about it. Maybe after we get some of the politics out of it, we'll be able to get something done.

MARCI: It's not a rational subject for most people though.

BENNETT: No, it's one of those things that's not settled by reason.

MARCI: I don't think there was much else on the list.

[END OF TAPE; END OF INTERVIEW]

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