

**William H. Orrick, Jr. Oral History Interview – RFK#1, 04/13/1970**  
**Administrative Information**

**Creator:** William H. Orrick, Jr.  
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**Biographical Note**

William H. Orrick, Jr. was Assistant Attorney General, Civil Division (1961-1962), Antitrust Division (1963-1965), Department of Justice; Deputy Under Secretary for Administration, Department of State (1962-1963). This interview covers the presidential campaign of 1960 in California, Orrick's time with the civil division and in the State Department, and Robert F. Kennedy's [RFK] involvement in civil division cases, among other topics.

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William H. Orrick, Jr. – RFK #1

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Oral History Interview

with

WILLIAM H. ORRICK, JR.

April 13, 1970  
San Francisco, California

By Larry J. Hackman

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

ORRICK: . . . and did a very good and thorough job doing it. That's the first time we saw him.

HACKMAN: When you say your "colleagues" at that point who are you speaking of specifically?

ORRICK: I'm talking about my fellow delegates [John F.] Jack Shelley, [William M.] Bill Roth, [William] Bill Kilpatrick, [Benjamin H.] Ben Swig, [Edward H.] Ed Heller, [William M.] Bill Malone and others in the California delegation, particularly northern California delegates.

HACKMAN: Why at that point does this group of people become attracted to John Kennedy? Are there issues, is it personality or is it leadership of one person who's for him, or what is it in the California delegation?

ORRICK: As I recall his main opponent was Estes Kefauver. He had been out in California; he didn't appeal as much to those members of the group of whom I spoke. I should say that many of them were from San Francisco. San Francisco is a strongly Democratic town or at least most of the voters, the voters outnumber the Republicans something like two-to-one. They were Roman Catholics which interested them. Then President Kennedy had a particularly outgoing and attractive personality. We just liked him better than Kefauver and did our level best to swing the California delegation to him, and I recall we were successful in doing that.

HACKMAN: Can you remember anything--there's always been some sort of controversy as to [Edmund G.] Pat Brown supposedly was going to get

up and cast the California votes for John Kennedy and supposedly either James Roosevelt or Pat Brown or something there was a wrestling match that takes place and the votes don't get cast because. . . ? Having to do with polling the delegations. . . ?

ORRICK: Yes, I recall that, despite a very good system that we had worked out in advance for polling the delegation--and I might say I helped devise the system, I was Adlai Stevenson's northern California chairman. We would get the information to Pat and just about the time when it became necessary for California to change its vote--and we protected Pat as I recall by having some of the [International Brotherhood of] Teamsters in our delegation stand around him--Jim Roosevelt, who was strong for Kefauver and represented that wing, got through them. Pat wanted to stand up and Jim is a big fellow and he kept his hands on his shoulders while they kept calling, "California, California," and there was no answer. This happens all too frequently with the California delegation at national conventions. I recall we were a laughing stock then of the convention as we have been several times since.

HACKMAN: What happens then after the '56 convention? What kind of ties develop particularly between you and the Kennedys or you and their aides over the '56 to '60 period?

ORRICK: Well, the first thing that happened was an occasion when we, that is the Democratic party in northern California, the Stevenson-Kefauver committee, were going to have a dinner to raise money. It was in September of 1956 and we thought it highly appropriate inasmuch as President Kennedy had received strong support from San Francisco and the northern California area to have him as our speaker.

He agreed to come and that's about all he did. He came unprepared, he didn't have any speech at all to give. We had gone to great lengths I recall to put on an elaborate dinner, as elaborate as we could at \$100-a-plate. We expected the principal speaker to mingle with the so-called fat cats of the party and we'd made special arrangements for that by bringing them to a room in the Fairmont Hotel both before and after the dinner.

He arrived too late to do much before the dinner and then after the lengthy, usual and boring introductions, he rose to speak. He started off fine, he told a very good joke, kind of a Boston joke and one or two others and then to our amazement and chagrin, he sat down. That was the feature point of the dinner, the dinner was then over.

So, we thought we'd try and make the best of it. We asked him if he'd come upstairs again, which he did, to again meet these potential big contributors to the party. He stayed there for about fifteen minutes and some of his friends came, headed by my friend [Paul B., Jr.] Red Fay, and they hustled him out and that's the last we ever saw of him. It was particularly galling to us because we also lost the contribution, it didn't help our campaign, we had nothing for the press. And that was the next time that I saw then Senator Kennedy.

HACKMAN: Did anyone ever take him to task for that, then or later?

ORRICK: I don't know, I just don't know.

HACKMAN: Never heard him comment about it later?

ORRICK: No, I didn't hear him comment about that. And that was the last contact--I don't believe he came out here during the campaign or, if he did, I've forgotten it--and that's the last contact I had with him until the spring of 1960.

HACKMAN: How then does he recoup from that to establish relationships with some people, apparently, by the late fifties in California who are giving him some support: Heller and [Joseph C.] Houghteling and some of the people who support him?

ORRICK: Well, it took a little doing on his part. Some of us never forgot it. You can see I've never forgotten it. However, he and his aides were active in the summer of '59. I kept hearing this. Joe Houghteling was very active on his behalf and Joe's a good friend of mine. Also, Ed Heller. He was out and visited the Hellers at their place at Lake Tahoe. I was told--though I don't know what the fact is--that Mr. Joseph Kennedy came out at one point and visited with Norman H. Biltz up in Nevada and the Hellers. I don't know about it from my own knowledge. But a very concerted effort was made on his behalf by those people.

I was in line on account of my prior activities in the Democratic party to be a delegate so they talked a great deal about his capabilities and qualities with me long prior to the convention.

HACKMAN: What was your own position by the time in early '60? When you again have some contact with him, what is your position?

ORRICK: In the Democratic party?

HACKMAN: Your position on who the nominee should be or did you have a strong feeling by the spring of '60?

ORRICK: Well, I was very much concerned in the spring of '60 that if I was going to be a delegate, which I pretty surely was, I wanted to cast my vote for the man I thought would make the best president of the United States. Having campaigned for eleven solid months with Adlai Stevenson, I was very much impressed by him. I held him in the highest regard, considered him as a good friend and it appeared to me that the choice would be, as far as I was concerned, between Senator Kennedy and Adlai Stevenson. The other candidates. . . . I believe Lyndon Johnson was out here for a time and I wasn't much taken by him.

HACKMAN: [Stuart] Symington? No?



ORRICK: He was here just very, very briefly. I don't think he really made a bona fide run at it beyond getting a campaign biography published, as I recollect. Although I now remember that Clair Engle voted for him. Clair was a good friend of mine and I talked to Clair at some length about that.

But in my mind it was between Adlai Stevenson and John Kennedy. I had difficulty choosing between them and finally decided that much as I loved Adlai that he would not make a good president, would make a fine secretary of state and that I would support John Kennedy. I did that in April, I think, of 1960.

HACKMAN: Can you remember efforts on your part or on the part of people you were associated with to get some kind of feeling from Adlai Stevenson as to where he stood on possibly running in '60?

ORRICK: Yes. I remember making one rather inconclusive telephone call to him. He hadn't made up his mind and that was one of his difficulties. So, after that I didn't pay too much attention although I knew full well that many of my Democratic friends in the Central Valley with whom I had been so closely associated during his campaign would surely go for him and would not buy an eastern Roman Catholic.

HACKMAN: What brought you around to John Kennedy at that point? Were there personal contacts? You said there were some contacts in early '60 again or sometime in '60.

ORRICK: Well, my friends in whom I had some confidence as to their political judgment--Ed Heller and guys who I respected and Joe Houghteling, Bill Malone, Jack Shelley--were all very strong for him and I think that influenced me somewhat plus my own assessment of him at least as compared to Adlai.

HACKMAN: After you decide you're going to cast your ballot for Kennedy, what then happens in terms of the other Stevenson people in the state? Do you make any efforts with them and is there any success in bringing any of them off Adlai at that point and to Kennedy?

ORRICK: Yes, I made quite an effort in talking to them. Then one day, I believe it was in May, [Lawrence F.] Larry O'Brien had Senator John Kennedy in the Fairmont Hotel and he invited a good many of those who were delegates or who were influential up to see the senator and talk to him one at a time for five minutes or some such thing.

I brought a good friend of mine, Bill Roth, who was strong for Adlai and who was equally strongly against John Kennedy, to this particular interview. Roth was and is quite important because he is a leader in our community and particularly in the financial community. He has the respect of business and labor. He's a strong Democrat and contributes substantially to the party and it was quite important that he be brought around to support

John Kennedy. He was also very much interested in foreign affairs and in that brief time we had--it was perhaps at the most ten minutes--we asked Senator John F. Kennedy if he were elected president of the United States, would he appoint Adlai Stevenson secretary of state? This was a matter of considerable importance to Roth and he assured us at least twice during our interview that he most certainly would.

I was recalling that with Bill Roth today, whom I happened to see at lunch by chance. In fact, Roth brought it up, reminded me of the incident.

HACKMAN: Let's just skip ahead then. After the election are there any . . . Do you remind anyone of that kind of commitment in talking to either Robert Kennedy or anybody in that interim period?

ORRICK: I didn't seriously. I spoke of it, however, several times in a joking fashion.

HACKMAN: Later with Robert Kennedy, you mean or with . . . ?

ORRICK: I don't recall that I have ever mentioned that to Bob, I probably didn't.

HACKMAN: What were your ties to a relationship with Pat Brown in that period, say '59, '60?

ORRICK: I have known Pat Brown and worked in his campaigns since I deemed it my duty as a citizen to do something about political matters. I was in his campaign for district attorney, I guess, several times and attorney general, just to, you know, help support him. Then when he ran for governor in 1958, [Thomas C.] Tom Lynch and I were his northern California co-chairmen. In that capacity we saw a good deal of him. After he became governor, I went up to the mansion for dinner a couple of times, one time a dinner he gave for Averell Harriman. And I saw him from time to time while he was governor while I was still out here.

HACKMAN: You don't remember any conversations with him or do you in, let's say, late '59 or early '60 about what he was going to do in 1960?

ORRICK: No, I really don't.

HACKMAN: What about at the convention then? What can you remember about contacts with the Kennedys and their people and what you were trying to accomplish at the convention anyways?

ORRICK: Well, by the time the convention came around I was still trying to convince my good friend Roth that he ought to be for John Kennedy. I remember very well the Friday night before the

convention checking into the miserable hotel where the California delegation was stationed--we always get the lousiest hotel--seeing Governor Brown in the lobby. I said, "Pat, you're for John Kennedy." He said, "Oh yes." I said, "Well, let's find the rest of the delegation; where are they?" He says, "There's a meeting going on right now up in. . . ." I forget whose room it was, might have been Shelley's or someone else. It was around 5:30, and instead of being decent and helping my dear wife up to our room with the bags, I could hardly contain myself and I went up to the meeting. There were very few people in there but they said, "All the Kennedy delegates are meeting at 9 a.m. here tomorrow morning."

So, at 9 a.m. I was there in the room and we were in the room for an hour and a half or two hours and I don't think we had ten people in the room.

There was Tom Lynch, [Patricia Kennedy] Pat Lawford, Bill Malone, Jack Shelley and maybe one or two people from the south--[Clarence D., Jr.] Dan Martin might have been in there--and that's about all.

That, quite frankly, was the strength of John F. Kennedy in the delegation on that first day. Thereafter, we really started on a program to round up delegates for Kennedy. Stevenson had a great many. He had all the people from the valley headed by George Miller. George Miller was a superb politician and a great leader, and it was just uphill going. I think, even on the last day when everything was about over, why California managed to eke out a one-vote endorsement, I forget what it was, thirty-four to thirty-three or some such thing.

The only contact that I had with the Kennedy aides, I think I saw [Hyman B.] Hy Raskin a couple of times. He was supposed to be in charge of our delegation; he was always kind of disgusted with it as he was during the Stevenson campaigns. Then a couple of pretty Kennedy girls, Jane Wheeler and Kathryn Washburn, and that was about it. I phoned over several times. We didn't have any material either, like the Kennedy hats and everything else. We were really stepchildren. When they did come, very few people wore them or did anything with it. So, that was about the extent of it.

HACKMAN: How much of an effort did Pat Brown make for John Kennedy at the convention, or did he stay out of it?

ORRICK: No, he didn't stay out of it. I was up in his room when he was telephoning friends of his. We buttonholed 'm and Tom Lynch and I went up. Pat made an effort to call on the telephone various labor leaders. But how hard he went at it or if he did anything more than a usual Pat Brown job, I really wasn't able to assess. I don't know if he was tougher, how much more he could have done.

HACKMAN: Well, going into the campaign then, how does your role in the campaign come about?

ORRICK: Well, as I say, Lynch and I were again selected as northern California cochairmen. It was very good staff work done by Don Bradley. We go around and make speeches and introduce each other and other speakers. We would be a, say, front for the campaign, except if we were meeting with some formal delegations, then we'd get in if they didn't want to talk to the staff. It wasn't that we were doing nothing, we were over at headquarters every day and that kind of thing, but we weren't working all day long on it. There was plenty of able staff work done in that campaign.

HACKMAN: What can you remember about the relationship between your side of the campaign and particularly Don Bradley's operation and his staff in relation to the volunteer effort with [Thomas W.] Braden and other people involved in it?

ORRICK: Well, we were, Lynch and I were cochairmen of the northern California Kennedy-Johnson campaign and that was the so-called regular Democratic party. Prior to the time of the primaries we had been very, very insistent with what Kennedy people we talked about that John F. Kennedy not come in and run a separate campaign in California and spoil what we thought was a unified party for the first time. So, that worked out well for us. Luckily, it turned out all right for John F. Kennedy. Then, during the campaign we were equally concerned that we not have competition from this citizens organization. [Rear] Admiral [John] Harllee was sent out and Red Fay was going to organize it. So, we would meet and we talked to them, and told them that we wanted no part of their operation, that we thought it duplicated ours, that aside from the money that would come into ours and that we could handle the campaign. Well, of course, they set up a citizens organization.

Then about September first, President Kennedy flew out on his first campaign trip--he was going up to Alaska--and we had an airport meeting at the San Francisco airport. Lynch and I, as I recall, met him there--I met him, I don't remember where Lynch was and we talked to him about this, I did in the brief time I had.

Then [Robert F.] Bob Kennedy and Byron White came out and that's the first time I ever met either one of them. Lynch and I made an appointment to go call on them up in the room they had up in the Fairmont Hotel for the purpose of deciding this. We went up with a chip on our shoulder and we got Bob Kennedy and we said, "We're running. . . . "We want to run the Kennedy-Johnson campaign in northern California, and we don't want any part of this citizens campaign and you've got to decide it. Are you going to let us run it?" Bob in customary fashion said, "Yeah." And so we didn't argue with him; we turned on our heels and left and that was the end of it so far as we thought there was any dilution of our authority.

We did however, we watched the citizens campaign very closely but it was really, the one out here was just a joke in terms of effective campaigning. I remember the admiral used to. . . . He's a very nice fellow and

a good friend of mine, but he would sit up there and give orders like he was in the navy. The Kennedy campaign people thought a lot about a tabloid they had. The admiral ordered distribution of the tabloid and carloads of that foolish paper ended up on empty lots and shipped up to Alpine County where there are nine voters and things like that. I remember John Harlee announcing rather victoriously to me in the beginning of the last week of the campaign, he said, "Bill, we've now got a citizens chairman in every one of the northern California counties." And I didn't doubt him. They had bartenders up in Markleeville and so on.

But we didn't have any problem with them. And we only saw Ted [Edward M. Kennedy] maybe once during the campaign and he didn't give us any problems.

HACKMAN: Were there any other meetings? That was all you saw of Robert Kennedy or Byron White during the campaign or were there other meetings?

ORRICK: That's all. They came out here just once. I just shook hands with Byron, never saw or heard of him again during the campaign.

HACKMAN: Were there any contacts with the Washington end that you had over the phone or need for materials or for aid?

ORRICK: No, all that was done by Bradley and his people. If they got into a bind, once in a while we'd pick up the phone and call. [Frederick G.] Dutton was back there working in Byron White's operation but he didn't help much so far as that kind of thing.

HACKMAN: Were there any problems with [Jesse M.] Unruh and Unruh's people at that point in the campaign?

ORRICK: No, I don't recall that there were. If there were, I just wasn't close enough to it. We had northern California under good control. And Unruh's main base, of course, was in the south, that's one of his problems in running for governor right now. But we got a good many of our old friends in the Stevenson campaign to come on board. We had that whistle-stop, a train ride down the valley. Lynch and I took a traveling circus through there. So, we thought we did about as much for him as we could. And that's true, we did; we went to the Tehachapis with our usual lead.

HACKMAN: How much of a problem was it to raise funds for John Kennedy in '60? Can you remember how well that worked?

ORRICK: I think it worked very well indeed. I'll never forget at one of the airport meetings--and it might have been on that first one, I think maybe it was--where the plane came in, we had an outdoor rally. Then, again, we took them inside to meet with the fat cats

and we had a room jammed with fat cats. Senator Kennedy and I sat down several feet back of the microphone and my very good friend Ben Swig got up and raised money as only Ben can raise it. By this he is very, very rough on people and in public and although I've long since become inured to that, John Kennedy hadn't. He whispered to me, he said, "My God," he said, "do you have to go through this?" He says, "Do I have to stay here?" Well, Ben was shaming some fellow into raising his contribution from five to ten thousand dollars and President John Kennedy was genuinely embarrassed. I asked him, I said, "Well, don't you do this in Massachusetts?" And he said, "Why, of course not. It's the worst I've ever seen." But it was effective and we raised substantially more for him than we did for Stevenson. We had fundraising events all through the campaign. I think it went very well.

HACKMAN: Did you ever see Robert Kennedy in that same situation and how did he react, if so?

ORRICK: For fundraisers? Not, let's see, I'm trying to think, during the '68 campaign. We didn't campaign long enough but as I recall, Ben wasn't in. Ben and Adolph [Schuman], I guess Adolph Schuman came in first in Bob's campaign and Ben wasn't. Just out of last resort I was the one selected to raise the money. I tried to emulate Ben Swig but that was very difficult to do and Bob was rather humorous about it. So, I know I can't say that I ever did see him.

HACKMAN: Any other recollections of the '60 campaign before we leave that?

ORRICK: No, you gave me a schedule of John F. Kennedy's trips into California and these dates when he was. . . . The first date was September 3 and I guess that's the Alaska date. Then the ride on the train down the valley. I was on the train with him and that was a big hit. He just made a hit wherever he went, though we were a little concerned at Dunsmuir at 7:50 in the morning when there weren't fifty people there. We started out in Portland, as I recall. And I recall, of course, the Cow Palace on November 2 when people were really excited. We had a frenzied crowd there but nothing of any particular significance. Then the dates later on in '61 and '62 and '63, I wasn't out here then.

HACKMAN: Well, what about then after the election? When do you first get some kind of feel on going back to Washington?

ORRICK: Well, I had no intention of going back to Washington. I was interested in politics to get the people I thought were the best people elected. I had done the job or at least as much as I could have done. I was then in my mid-forties, mid-career if you will, trying to be a lawyer. I was living here in this house, my children were all young and in school and we were as happily situated then as we are now and I had no intention of going to Washington.

On New Year's Day, I remember, Mrs. [Marion N.] Orrick and I were down on a weekend down in Santa Barbara, and I was sitting by the pool in the nice, hot California sun when a friend of mine in Washington called me. I think it might have been Lloyd Cutler or someone like that. He said, "You really ought to come back here, they're looking for people for these jobs." I said, "You have to be out of your mind. Here I am in sunny California and that's ridiculous." However, I did start to think about it. Then I forgot. And about a week later Byron White called me up and he said, "I wish you'd come back. We'd like to look you over." I said, "Well, I appreciate your thinking of me and I'm honored but no thanks." I said, "It's expensive to go back there, and I've got a client who's going to need business at this time and I'm really not interested."

Well, then I got thinking about it and I talked with Marion about it. Having preached all my life the necessity for having people from private life go into public service, I thought that some day when I got to the ripe old age of fifty-four, which I am now, that I'd kick myself if I didn't at least go back at it and see what it was like. So, I decided that I would do it but I decided that if I went, I probably didn't want to be doing anything practicing law and that I'd take a look at the Department of Defense primarily. So, that's what I did.

I went back there. I stayed with my brother-in-law. I got on the phone to [Roswell L.] Ros Gilpatric whom I'd known slightly and went over and talked to him about being, I forget, secretary of the army or under secretary of the army. He said, "Well, I think they've got somebody lined up for secretary." And he told me that Elvis Stahr had been lined up. But he said, "We'd sure like to have you as under secretary. Why don't you talk to Stahr?" So, I called up Stahr--he was down in West Virginia--and I thought about that. Then I talked again to Gilpatric and he said, "Well, we want you. We need somebody in here." Then, I thought, well, I'll give it careful consideration.

Then I thought as a matter of courtesy I ought to stop in and see Byron White. So, I did that. Byron said, "We'd like to have you in the civil division." I said, "Well, Whizzer--I think I called him Whizzer then, he doesn't like to be called that--" "I don't have any great interest in it." And I said, "I've already got a job if I want to come back here." And he said, "Well, we'd like to have you." I said, "Well, I don't know anything about it." He said, "Well, I think you ought to talk to Bob Kennedy." It was about 7:30 or 8:00 o'clock at night and they had the office that I had in the civil division while they were there temporarily, so, I went into what was to become my office.

Byron said, "Bob, this is Bill Orrick and he's already got a job." Bob was looking out the window then and I don't know if he even shook hands with me. He said, "How'd you get a job?" I said, "I went over and I asked for it." "Well," he said, "that's impossible." Well, I said, "It isn't impossible and I got it." And it rather irked me that he didn't believe me.

He said, "Well, we want you." "Well," I said, "I'm very flattered but I just told Byron I'd like to think about it." Well, he said, "Think about it." And he said, "Take your time." And I said, "Well, thanks a lot." He said, "You're the only man in Washington that has two jobs in this administration." I said, "Well, that's good to know." He said, "Take all the time you want but could you let me know by tomorrow morning?" I said, "Yes, oh sure." And so I left. Then I spent an evening doing some real hard thinking and talking with my wife and decided that I'd take the job in the civil division. It was the best decision that I ever made but a very foolish one from a logical point of view considering what I had in San Francisco at that time.

HACKMAN: Did you get any feeling then that they had checked you out, so to speak, with anyone else in California or did you find that out later?

ORRICK: No, I did not get any such feeling. I just plain didn't know.

I came back then to California and my partners were justifiably upset. My family wasn't jumping with joy. I closed up my affairs much too quickly, but I wanted to get back and be there for the first day of business, which was the Monday after inauguration, and I did that.

HACKMAN: Did they talk to you about any other appointments in California, can you remember, at that time?

ORRICK: No, I don't recall that they did. There weren't very many from California. As you may know they appointed [J. Edward] Ed Day as postmaster general, sort of an afterthought. And I think they had one poor fellow, whose name I've happily forgotten, in the Department of Agriculture who got into trouble in the Billie Sol Estes case. That's all I remember. They had Dan Martin from the south. They were short on Californians. They did ask me about Mrs. Madeleine Hass Russell, Bob did, who was head of the local State Department operation here. I remember Red Fay wanted to get his sister, Jean Fay Webster, into that job and Bob asked me about that. And I pitched hard for Mrs. Russell, who contributed heavily to the campaign and she finally got the job.

HACKMAN: I think I'll go ahead and finish up California politics then before we come back and talk about the Justice Department. As the administration developed then, can you remember getting involved in discussions of the appointments of federal judges in California?

ORRICK: Oh, yes. Byron White, who was then the deputy attorney general and really in charge of making their operation work for the department, divided the country up, the various judicial circuits, among the assistant attorneys general. I had the Ninth Circuit which runs from the Canadian border down the Pacific slope and includes Hawaii and Alaska. So, there were a good many appointments there and my job was to



satisfy myself through contacts that I had throughout the area that persons being proposed would make competent judges. This was a check that was made in addition to the checks made by the American Bar Association and Byron properly wanted a check on that.

Of, if I might interrupt that, I do remember one other California appointment that I had something to do with. [Najeeb E.] Jeeb Halaby, who was the Federal Aviation [Agency] administrator and was really pushing for that job, asked me to help him out with Clair Engle and also with the Kennedys if I could. And I had an opportunity, I did talk to Clair about it. Clair said he was already committed to someone else but later he came to like Halaby. I did talk to Bob about it. That's the only other one. [Interruption] As for the judges in this area I remember that I did a good deal of checking and had some influence with respect to their appointments. Ben Duniway who's judge in the Ninth Circuit and an excellent judge. [Alfonso J.] Al Zirpoli who is a United States district judge in the northern district of California and an excellent judge. Stanley Weigel, United States district judge here.

HACKMAN: I've got them right here somewhere, I'm looking.

ORRICK: [Thomas J.] Tom MacBride up in northern California, I discussed him with Byron and, I think, Bob. The same with [Albert L., Jr.] Stephens, the same with [Charles A.] Carr. I was opposed to Carr. I didn't know him but my contacts told me he was very mercurial and would not make a good judge. And that's the way it's turned out.

HACKMAN: Was he one of the Republicans?

ORRICK: No. Clair Engle was very anxious to have him. Judge [Jesse W.] Curtis, Judge [E. Avery] Crary, I checked those out. That's all that are on this list.

HACKMAN: Can you remember any that California senators wanted, particularly Engle, that the administration turned down?

ORRICK: Oh, yes. There were a good many. Really, Clair was very anxious to have, I remember, a fellow from the Hillcrest Country Club group, the Jewish group down in Los Angeles. He was very insistent and this man wasn't any good. We did a lot of work on his record and turned him down. That irritated Clair. Then there was a lot of horse trading on the next one because we turned down that one.

There were none in northern California that I recall because I think we all, the whole northern California Democratic group, were pretty strongly behind each of the ones that I'd mentioned. There were a couple in the south, I don't remember the others.

HACKMAN: Can you remember any that were put forward by Engle that were not approved of by the administration because of opposition by Unruh

or by Brown or by. . .?

ORRICK: No, no, I do not. As I recall, at least so far as California went, it was on merit. It was on merit except for Carr.

HACKMAN: What about problems over appointments of either the United States attorneys or United States marshals? Can you remember any of those? I had heard that there were some problems with Unruh on that. I don't know whether you got involved at all or not.

ORRICK: No. I did not get involved. I don't know. . . . Surely, for northern California I don't think Unruh would have had much reason to oppose Cecil Poole. I don't know how it went in southern California.

HACKMAN: What about then the '62 governor's race? Can you remember getting involved in any discussions back in Washington about how it was going to be run?

ORRICK: No, I was not involved in that at all.

HACKMAN: Can you remember, after the president's assassination when [Pierre E.] Salinger was running in '64, having any conversations with Robert Kennedy about that?

ORRICK: Only of a general kind. In the department, we had lunch together twice a week--we, being the assistant attorneys general and the solicitor general--and I think we may have discussed it generally there, but I don't recall any specific things. I think once Bob asked me if I thought he was going to win and I told him no and then he did win, the primary.

HACKMAN: Just the primary.

ORRICK: Yeah.

HACKMAN: About the '66 campaign then, when, you know, some people have said he was lending help to Braden's effort in '66, did you know anything about that?

ORRICK: That Bob was?

HACKMAN: Yes, at least until Lloyd Hand got in.

ORRICK: No, my recollection is he had doubts about doing that. I felt then that he shouldn't and I don't think that he did, as I recall. I think he came out here just once during the campaign. I campaigned with him one day in northern California on the airplane and then those airport stops and so on, and he drew tremendous crowds. But the Brown

campaign looked to be in very tough shape at that time. And although Bob made really good pitches on each occasion for Brown, and I remember in particular the auditorium in Sacramento and the Greek Theater at the University of California and the San Jose playground place and so on, I don't think he helped his campaign very much.

HACKMAN: Can you remember any of his own thoughts about. . . . Did he have strong feelings about how Brown was running his campaign at that point? Can you remember any observations?

ORRICK: No, he didn't except he knew--I asked him about it--and he knew pretty well he was gone.

HACKMAN: Can you remember in that '64 to '68 period ever talking to him about other matters relating to California politics or whether he should come in and make certain appearances or anything? The Berkeley speech or the. . . ?

ORRICK: Let's see. . . .

HACKMAN: About coming out for Cesar Chavez or anything?

ORRICK: Well, he certainly didn't ask me about that. I was in his apartment in New York, I think, let's see, on election night in '68 or maybe it was in the afternoon. It was a day when he had the Russian poet [Yevgeny] Yevtushenko there.

HACKMAN: Couldn't have been '68.

ORRICK: Was it '6-. . . ? What year was he there?

HACKMAN: It was probably '66. Sixty-eight is the. . . . [Frank D.] O'Connor is running against [Nelson A.] Rockefeller in '66.

ORRICK: Oh, yeah, right, '66. Then, after that, I remember we talked a little bit about it but not very much. And then he'd ask me just generally about it but he knew that I wasn't well-connected politically. I'd see him in Washington when I'd go back and he'd say, "What are you doing?" and "You think I should come out there?" and that kind of business.

HACKMAN: Can you remember any subjects during '64 to '68 that you got into in any detail with him in those times that you would see him in Washington or New York or. . . ?

ORRICK: No, I really can't. I couldn't, not to any detail. I discussed his campaign with him out here but just in general. No, I really can't.

HACKMAN: Why don't we talk about that campaign then, the last one. Can you remember, were there any contacts, let's say, in late '67 or

early '68 before he announces concerning whether he should run or not, any memos or phone calls or anything like that?

ORRICK: Well, he came out here on January 4, I think, and he was out to give a speech at the Commonwealth Club. I wanted to talk to him about running here and I had him here for breakfast to talk with Tom Lynch. He and I and Tom talked for an hour and a half or so about the pros and cons of getting into it. Tom is, of course, a professional politician and he had some pretty good insight. Then I drove him over and he was meeting with the Indian committee. Then I introduced him, he was talking at the Commonwealth Club and I was chairman at that time, I introduced him there. That was about all.

I talked with [Joseph F.] Joe Dolan a couple of times on the telephone. Joe said, "Do you think he ought to get into it?"--this was all pre-New Hampshire--and I said, "No." And that's about all.

HACKMAN: I'd like to hear more about that conversation when he and you and Lynch talked, if you can remember the things. Where was Lynch at that point, what advice was Lynch giving him?

ORRICK: Lynch, I think, was telling him to stay out. Lynch thought that President Johnson would. The [Lyndon B.] Johnson delegation had already been selected and Lynch, as I recall, was on the delegation. I was on it too, as an alternate. He felt that there just wasn't that much interest; it'd be too hard to crank up a campaign.

HACKMAN: Did he talk about advice he was receiving from other important people around the country? What kind of tests he'd made or anything?

ORRICK: No, no. Bob usually kept his knowledge in his own computer. He just generally asked questions to which he liked clear answers.

HACKMAN: He didn't talk about Unruh at all at that point and any advice he was giving?

ORRICK: No.

HACKMAN: Did he talk about what his own feelings were at that point, where he stood?

ORRICK: He talked. . . . He was never very high on President Johnson. I indicated that he didn't like, I think, what the president was doing, but there didn't seem to be quite much he could do about it. [Interruption]

HACKMAN: When then is the next contact? When is there contact after he announces, with him or with his aides, with his office?

ORRICK: Well, as soon as he. . . I'll never forget it. I was over at our place on the beach and watched. We were about to build a new house over there and, as soon as he announced it, I told Marion we'd have to give up building the house because I was sure he'd win and that even if I wanted to stay out, why, he wouldn't let me. So, we did stop all our plans for that.

He announced on Saturday and I guess he called me on Monday or shortly thereafter and he said, "I want four months." I said, "I can't give it, Bob. I'm practicing law, I've got a couple of cases set for trial and I've got" this and this. He said, "That's not too much." I said, "At the moment it is," and I said, "I'll help you all I can and I'll get a campaign, something going out here." "Well," he said, "I need you very badly." I said, "Well, I appreciate it and I thank you but I just cannot sign on full-time." Of course that was very hard to convince him of inasmuch as most of my former colleagues did exactly that. So, that was the next time that I heard from him.

HACKMAN: At that point did you get into any kind of discussion of how things should operate in California?

ORRICK: No. Then started, in the typical Kennedy fashion, a stream of aides is the right way to characterize them, coming out from Washington, all very nice guys, all good friends of mine and none of whom had any authority. [Charles] Chuck Spalding came out several times and John Nolan I think John Seigenthaler early on, just to look at it and go home. They all came here and they had dinner with me and I laid it out to them cold turkey how I thought the campaign should have been run.

HACKMAN: Which was how?

ORRICK: Which was to set up a citizens committee. Unruh had apparently got a very broad charter from Bob and he was going to run the California campaign. He had employed PR [public relations] people in the south and he'd employed Ray King up here. He put it really in charge of a fellow called [Josiah H.] Joe Beeman and the rest of the [Phillip] Burton group, Congressman Phil Burton, who's got a district here and a very active group in his district, mostly south of Market. Burton is not particularly well liked nor well respected by a lot of other Democrats in this area and it would have been next to impossible to get a decent campaign going run by the Burton group--who now are getting the patina of the Kennedys--and nobody would show up. The sad fact is they never did get a campaign going in northern California.

So, I told them that I thought I could get the old nucleus of people that I'd worked with here. I told them that I thought I could get a first-rate pro and that we could line up our old standbys in the valley and we could have at least, the trappings of a first-rate campaign and get . . .

BEGIN TAPE I SIDE II

ORRICK: . . . the names, which is what they needed, into it. I told them all that.

HACKMAN: You told Nolan and these people?

ORRICK: Yeah. You know, John Nolan and I are very good friends. Nolan understood it, I'm absolutely certain, because he understood Bob and campaigning and he understood me. I told that to Chuck here by the hour on several occasions but he never understood it, but there's no reason why he should, he hadn't had any experience. He'd go down and try and make peace with these people. I've learned for years that's impossible. You set up your own operation, which is what they wanted to do.

I talked to [Stephen E.] Steve Smith on the phone about this. When I was in Washington, I saw him and I told him. Then, at one point, when I had all these people corralled and I had convinced Bradley, Bradley had agreed with me he'd do it . . .

HACKMAN: Don Bradley?

ORRICK: . . . yeah, and we'd set up a new organization and we were ready to go, and it could have blossomed just like that. I talked to Steve on the phone and he said, "No, absolutely not. You work with these other people." I said, "Steve, as far as I'm concerned, that's the end of it." I really felt that I probably should have talked to Bob who would have, I think he had confidence in my judgment but he was so busy campaigning and he, also, he had the benefit of Dutton's counsel, Dutton knows the situation. So, I figured that they'd decided that at the top and that was the end of it, which, indeed, it was.

Then about two or three weeks later, why, Steve called me and he said, "Can you put that thing together?" And I said, "Nope." I said, "Bradley's gone off and these other guys have gone off and we can't do it." So then at that point they sent out John Seigenthaler who worked like a dog and he got something going. Marion worked all day and night with them. He got something but just not much. He had Paul Corbin, for example, down in Salinas. Well, the local people, they didn't know who Paul Corbin was. He was posing as a former lieutenant commander.

HACKMAN: Yes, another alias, huh?

ORRICK: Yeah, and just nothing, nothing happened. We gave him a small majority down to the Tehachapis again, but it should have been much larger. The victory celebration should have been sooner.

HACKMAN: When you talked to Nolan and Spalding in the very early going, did they understand what agreement there was between Robert Kennedy and

Unruh as to how much independence Unruh was supposed to have or whatever? How things were going to work? Or didn't they know?

ORRICK: I know that certainly Chuck Spalding didn't know. I don't think John did. John is a clear thinker and he knows what he's about and he's a doer. I have the highest admiration for him. He picked up this picture and had it very, very clear. I had it taped; well, I should have, I've been through it all.

But I don't think anybody knew exactly what Jess did or how he wanted it run. Later in the campaign Jess called me and he said he wanted my further cooperation, that I was being obstreperous. So I said, "That just is not true, Jess. I'd do anything, almost, literally, anything in the world for Bob Kennedy. If he told me to jump off a cliff I'd do it. I'd ask him if he really thought it was wise but I would do anything for him." Jess said, "Well, I think we need more cooperation." I said, "I'll do whatever you want because I want Bob to win. That's the only thing I'm interested in."

And I showed up at a couple of meetings and, as I say, I did that fund-raising bit. I introduced Bob at a dinner we had at the Palace Hotel. Then I got him another shot at the Commonwealth Club when he had John Glenn with him and that was about the most that I could have done.

HACKMAN: What could you see in terms of the way Unruh and Unruh's people here, King and the other people he had, what could you see in the way they were trying to set the thing up? What kind of system were they trying to operate under? You mentioned Burton but what other kinds of people were they allying themselves with in the north and was this any differently than the way things were usually run in the north? I've heard several explanations.

ORRICK: Well, they didn't know the north. Jess, I don't know if. . . . Incidentally, I'm all for Jess for governor; I'm backing him, put in my name, he can use it any way he wants to. Get rid of what we have here. But they just didn't and they couldn't attract the people. Ray King was a very nice fellow but he didn't have any muscle, so, if you wanted to have something decided, you'd call Jess' administrative assistant.

HACKMAN: Frank Burns.

ORRICK: Yeah, Frank Burns or someone else there.

HACKMAN: Jack Crose, you mean?

ORRICK: Yeah.

HACKMAN: Crose or something like that.

ORRICK: Yeah. Meanwhile, everybody was just spinning their wheels down in that headquarters. They had a hard time getting volunteers even to staff the headquarters let alone get influential people, leaders in the various communities to drum up some activity. They just never have. Ray King doesn't know about the Blue Gum Lodge up in Willows; well I do, so does Tom Lynch. We used to go up there and make speeches and those county leaders would come down from the north and they'd go back and they'd have something to talk about. These guys simply didn't know it; they didn't have anything going. John couldn't get anything going. He got as much as he could have under the circumstances but. . . .

HACKMAN: You mean Seigenthaler?

ORRICK: Yeah, Seigenthaler.

HACKMAN: What about in the selection of the county chairman? I've read or someone has said that the way that the Unruh people intended to organize it on a county-by-county basis and using many of the state representatives as a county chairman or whatever is different than the way things are usually done in the north, is that so?

ORRICK: Well, yes, that is so. Well, my experience in working with the other counties, like say Sacramento County or Fresno County or someplace else, they don't like to be summoned to San Francisco to a meeting. They'll come maybe once or twice during the campaign if you give them enough booze and lunch and fix up something for them and talk about it. But what they like to do is what people who are interested in politics like to do, they like to work in their own area, participatory democracy at its best. They like to raise their own money. You can drain off some of it for the statewide campaign but mostly the way you'll get it is by having them buy campaign material from you--posters and pamphlets and bumper stickers and all that paraphernalia--but they've got to be running it. And that only makes sense.

Ray King or whoever was advising Jess had the idea that "We'll have a county leader" and that he will raise all the money and the money will come to one bank account in San Francisco and we'll decide how it will be spent. Well, first place, people didn't trust the guys who had charge of the money just to begin with and they won't do it that way. California is so large it's really several different states and to use Lyndon Johnson's phrase, "That dog won't hunt," and it didn't.

HACKMAN: When you were putting together your alternative group which Steve Smith then turned down, what kinds of people were these? You said they were people who'd been involved before, the names. Another group that I've heard mentioned are a lot of young people like Byron Leydecker and [D. Cameron] Baker and [Robert L.] Harmon and these people. Is that part of that group?



ORRICK: Yes, that was part. Those fellows you mentioned are decent fellows and younger and active, activists and idealists. We met together on a good many occasions but it was as one good pro who's a friend of mine, [John D.] Jack Abbott--and who, incidentally, was going to raise the money for our operation; we had a beautiful set-up there--said, "Well this is like the old Yankee infield. We're just having field practice and everybody's throwing the ball around the infield and nobody's got the muscle." And somebody had to be annointed either by Jess or by Bob Kennedy, Steve Smith if you will. Nobody was and so everybody's kind of roaring around trying to see what would happen. It just was not organized.

HACKMAN: Would Unruh and his people likely have been suspicious of your group, particularly some of the younger people as [Joseph L.] Alioto people and as a potential threat from that point of view?

ORRICK: For the people who think like that, I think that's certainly a possibility. Many of us just for geographical reasons would have been for Alioto. I explained to Jess early in the game that the mayor lives across the street from me, I've known him for years, I've worked with him for years in these things, I litigate with his law firm year after year; I can't support someone who's running against him. So, they could very well have thought that.

HACKMAN: Could you see in the way that the Ray King-Unruh operation was going about organizing things that a 1970 race was a factor in their minds in the kinds of things they were putting together?

ORRICK: In all fairness, I can't. They may have had it very much in mind, that would have probably been very wise, but that wasn't any reason for not getting in and pitching. And in the end that's precisely what everybody did. But it was too late, we couldn't get the big group coming together as we should have.

HACKMAN: When you said at the end you "couldn't get the big group coming together," does that mean in terms of an organization effort, in terms of just lending their names or in terms, primarily, of funds?

ORRICK: All three. The funds were very, very important. The campaign was very expensive. Adolph Schuman played a large part in raising what really small funds we had. We kept trying to bring in Ben Swig. I talked to Ben's best friends, a United States district judge and others, to get him. I know Ben very, very well, I know exactly how he operates and if he'd seen something coming together, he would have come in sooner. I don't know how much he did finally come in for but he would have come in sooner.

The organization, there's no question about it, would have been and should have been much better. And it wouldn't have hurt Jess, that was the thing that was clear to me. It wouldn't have hurt him a bit. It would have rubbed off on him, it would have helped him.

HACKMAN: What did lack of funds prevent the Unruh people from doing that they should have done, could have done if they had had money?

ORRICK: Well, one thing, just organization itself takes money: staff to organize in the valley, the trappings of a campaign, the cost of the trappings of the campaign. I don't know how much. . . . It didn't seem to me, though I'm no expert on it, that there was much in the way of radio spots, probably there was too much television. Bob on that talk show the night before. We had just nothing going.

HACKMAN: On the money that was raised, where did that go, how did it get used, where did it go in the campaign?

ORRICK: Well, I don't really know. I never saw a financial statement, if there ever was one prepared. It seemed there were a lot of people traveling all over, mostly out-of-state people, I don't know who paid for them. I would suppose Washington paid for them. I just wouldn't know, I don't know.

HACKMAN: I think, just thinking in terms of historians in the future in general--you may or may not want to do this--but a discussion just of how money in California politics works would be interesting. In a campaign when your big contributors come together and put up whatever they're going to put up, how is it then channeled into the campaign? Maybe you want to go back to '60 or whatever to get at that.

ORRICK: Well, in campaigns where I've been active on that side of it, we have two or three of these fundraising dinners early in the campaign. But before we even get into that we develop a budget, hopefully a realistic budget. Then we try and sell, negotiate with southern California as to how much their share of it is though, almost inevitably, we divide it up north and south. This is one thing that Jess didn't want to do, he wanted it all controlled out of the south, which, as I say, you can't do.

Then you keep to that budget if you've got a good campaign. The pros will tell you, they tell me, that the tightest and best run campaigns where you really hit your budget are sure-fire losers. That's certainly my experience. I was treasurer in the [Richard P.] Graves for governor campaign in 1954 and we came out to the penny. On election night I had a dinner party and we had most of the people in San Francisco who voted for our candidate.

But you can make some realistic estimates as to how much you're going to spend on TV and how much you're going to raise. The TV is what eats it, but also staff eats it too. But it can be done realistically and it should be done early, at the start of the campaign. Now the percentages, they're readily available. I'm sure I could lay my hands on them, I don't have them at my fingertips.

HACKMAN: You mean in terms of like the '68 campaign and what was raised?

ORRICK: Yeah.

HACKMAN: Who keeps records like this? Where will, you know, how can. . . ?

ORRICK: Well, let's take in the '60 campaign, [James F.] Jim Thacher was the treasurer. Now, let's see. I'm not sure that he, I think he was treasurer maybe of the citizens campaign because he was active on that side of it. But he had been treasurer in the Brown for governor campaign in '58 and I'm sure he's got records. I don't know where the others are.

HACKMAN: What involvement did [Elizabeth R.] Libby Smith Gatov have in '68? How much cooperation did you. . . ?

ORRICK: She was very, very helpful. As a former national committeewoman she knew all the personnel. She was, of course, sold on Bob. She was able to attract her old friends in the party to the campaign. She would have been even more effective in a citizens campaign.

HACKMAN: Let me just go back to funds for just a minute. How much of a feeling did you have or what could you see happening in terms of [Hubert H.] Humphrey supporters or Johnson supporters contributing to [Eugene J.] McCarthy, particularly the very big fund givers, in '68?

ORRICK: I don't think we ever saw that, at least in California, as a problem. I think, at least in northern California, there are few enough big fundraisers and Ben Swig, as I say, was turning to Bob, Walter Shorenstein and the other guys who were on the Humphrey delegation knew they were licked the minute Bob got in the race.

HACKMAN: Did the organization that you were putting together ever take over one part of the campaign? I mean, I have read, I guess in books that we have back in Washington, that at least the young lawyers part, the Byron Leydecker group, were given charge of one of the galas, the northern California gala that was supposed to raise money. Is that true or accurate? And, if so, how did it come about?

ORRICK: Although it was not too long ago, my recollection on it is hazy. I think maybe they were and simply, you know, sold tickets or some such thing with the understanding that the money go into the common pot. I think that's just about the extent of it.

HACKMAN: Because the Unruh people look at that, you know, and they consider that very much a flop, so that's their view of letting those people run something. And I just wondered what your understanding of how much responsibility was clearly with those people or with you or whoever?

- ORRICK: There was none with me, I didn't have anything to do with that nor did I even attend it. My recollection is we always thought it would be a flop. I don't know how much money they made out of it.
- HACKMAN: Any contacts with [Frank F.] Mankiewicz or Dutton or Salinger during the campaign at all?
- ORRICK: I had none. Oh, I talked to them all, I think, on the phone but nothing significant.
- HACKMAN: That's all I've got on '68 unless you can remember. . . . Any conversations at all with Robert Kennedy after the thing gets going? You said he was busy and hard to get to.
- ORRICK: Yes. No, I didn't have any. I saw him just briefly on his campaign trips and, outside of those, introducing him at those functions, I really didn't have any talk with him.
- HACKMAN: Well, back to the civil division then.
- ORRICK: Very good.
- HACKMAN: After you decided you were going to take the job or maybe in that first interview, I think, even, what conversation took place between you and Robert Kennedy or between you and Byron White about what they wanted from the civil division, what their conception of it was?
- ORRICK: I don't believe I had any conversations with them early on that because I don't think they knew any more about the civil division than I did. In fact, I'm sure they didn't. All I wanted to do was be on hand on the first working day and I was. Byron and I walked into the Justice Department that Monday morning and looked around.
- HACKMAN: Did you spend any time during the interim period with your predecessor?
- ORRICK: George Doub was a partner in a Baltimore firm and he had left the civil division in about October. He didn't stay through until the transition, so he wasn't available.

But one of the first things I did was walk over to see Warren Burger, who was then judge of the court of appeals and who had had the civil division during President [Dwight D.] Eisenhower's administration. We had a long lunch together, I recall, one snowy day. He told me that there were no Communists that he knew of in the civil division--he volunteered that, I remember. When they'd first come to Washington, why, [Herbert, Jr.] Herb Brownell, who was then attorney general, had told him that he wanted him to check each person out there and to fire 10 percent or something like that. So he told me that

he'd gone over the roster very carefully and fired six or eight. And he advised me not to fire anyone when I was there because those six or eight went up on the Hill when he was being confirmed for judge of the court of appeals and he says they gave him all kinds of trouble there.

But then, I did have to fire somebody and he brought an action entitled G. S. Leonard v. R. F. Kennedy and W. H. Orrick.

HACKMAN: I've seen that listed somewhere.

Can you remember just from your first days on the job anything that really hit you that obviously had to be changed?

ORRICK: No, I didn't know what had to be changed. I was overwhelmed, even bewildered by the job. I was and am a practicing lawyer and I know how to handle my own cases. Now I was senior partner in one of the largest law firms in the world. I had three hundred lawyers in the civil division and I had six or seven sections and they had literally thousands of cases, like three or four thousand cases.

Bob was interested to know and he'd say, "Well, what do your people do?" I said, "I don't know, we've got three thousand cases down there." He said, "Well, aren't you going to find out?" I said, "Yes," but I said, "you've got to give me some time." And he said, "You better get with it." "Well," I said, "do you know how to run your part of the operation?" He said, "Yes." He said, "I found out." He said, "I could come here every day or I could go skiing and nobody would know and nobody would care. "But," he said, "you're supposed to do something." Well, I said, "give me time, let me find out."

HACKMAN: How early was that, was that right at the beginning?

ORRICK: Right at the beginning or after we'd been there a couple of weeks. I tried to find out by ordering all mail addressed to me to be brought to my office. My staff said, "You can't do it." I said, "I just did it." So they brought in crate after crate after crate of mail and they were right, it couldn't be done. I sat there until midnight for a couple of nights reading all the incoming mail and at least it served to orient me somewhat as to what they were doing. However, all work in the division came to a halt while I was doing that.

So I gradually got on top of it. I interviewed the various section heads and tried to find out from them what they were doing, interviewed some of the individual lawyers. I devised a number of systems for keeping track of important cases, for keeping this enormous bulk of litigation going and to try to make some sense out of it, and gradually it did.

HACKMAN: You said your predecessor, Doub, had left in October. Could you see that from that point on or maybe even earlier because there

was an election coming up, that things had been let slide or that tough cases had been set aside and waited until you came on?

ORRICK: No, I did not. Probably, because everybody runs his operation differently, I was told that . . .

BEGIN TAPE II, SIDE I

ORRICK: Everybody has his own system and does it his own way and I was told by lawyers in the division that George Doub was interested, primarily, in making speeches and arguing cases and so on. And I found, in the course of my Washington tour, that the bureaucracy works very, very well indeed and, in the vernacular of the day, everybody does his own thing and that people coming in from outside are really powerless to do anything unless they can call the--at least from that sub-cabinet job--unless they can get to the president of the United States. And if they can do that, then they can get hold of their division and the longtime civil servants will pay attention to them. But, otherwise, it is very difficult to make that reorganization.

Now, in this case, I certainly didn't know that then, but I did know that the president's brother was the attorney general and that he was not only anxious for performance but he was willing to assist wherever it was necessary and, more than that, he was willing to come down and dig, come down and roam the halls and go in and call on individual attorneys. That kept everybody on their toes, including his assistant attorneys general. I used to tell him he ought to keep out of the halls. I must say he didn't do it very often, but, boy, when he did, you'd know right away. There was just buzzing all over the division.

So, when I first came, after I'd found out what they were doing, I tried to get hold of it and devise various systems for getting hold of it, none of them particularly bright. I insisted on meeting with my section chiefs every morning. Nobody would even talk to me for months. Some liked it and some didn't and I'd make them report on what they were doing and then I made them have a meeting with me individually, once a week for an hour or so and we'd go over what they were doing in their division. Then I'd go over to their section and I'd go over and sometimes talk to their section. Then I'd talk to the lawyers that had the important cases. So that's the way it went at the start. I found that there were some very good lawyers in the division who are readily identifiable, there were some very poor lawyers who are likewise identifiable, and, as in most places in the world, a great middle group. So that was at the first. We were all very much excited about what we were doing. We all had different problems.

One of the hallmarks of the Kennedys was that they expected you to do everything. They didn't expect necessarily expertise; they expected you to be involved in their problems, no matter in what area they lay. And at our lunch meetings, and that was a first-rate law firm, we would bring up our

problems and discuss them and Bob would bring up his problems.

He was always worried about [James R.] Hoffa and how we were going to get to Hoffa and then he'd ask you, "What do you think?" I remember one time I said, "Well, you can take his deposition to get that." And he said, "You can't get to him." And I said, "Eventually, you can." And he said, "Well, how would you do it?" And I said, "All right. You be Hoffa and I'll be the lawyer. State your name." He could hardly gag out, "James Hoffa." We went through this little charade which was rather amusing but it was necessary to consider these problems.

We'd consider whether we'd butt into [Archibald] Archie Cox's business, whether such and such a case should go to the Supreme Court. Archie was very jealous of his prerogative as befits a first-class solicitor general, which he was, and the last thing that he wanted to get into was a controversy with the attorney general over whether a particular case should go. So he never fully appreciated those discussions.

I once went to the attorney general after he wouldn't let a case which we lost--it involved about five million dollars and it's outrageous and it should have gone to the Supreme Court and we finally did take it. But most of the time, he was very, very firm. He would listen but . . .

HACKMAN: Which case? Can you remember?

ORRICK: It had to do with a French shipping line and it was a . . . I should remember it but I just don't. I can. . . .

HACKMAN: It was a case that the civil division had handled?

ORRICK: Yes.

HACKMAN: And then that the solicitor general did not want to take to the Supreme Court?

ORRICK: That's right. I don't see it in this particular list but I've got some old briefs and I can find it. And so, as I remember it was there that Lee Loevinger made his final statement about businessmen and the antitrust laws and he said, "Well, let them come in and prove their innocence!" That shocked everybody. He never lived that one down.

HACKMAN: Did Robert Kennedy respond to that that day?

ORRICK: I don't recall. Everybody gasped.

HACKMAN: What, in those kinds of discussions, what issues or what kinds of things would seem to fascinate him or attract his interest? You mentioned Hoffa. What else?

ORRICK: Yes. Oh, he was genuinely interested in the criminal side of it, organized crime. That was mainly it and then. . . . And he would listen more than take an active part. Byron would, Byron almost conducted it like a seminar sometimes and, of course, we used to take our problems to Byron primarily, certainly in the civil division. And if we ever, and we were, we wanted to be on the team. We were fiercely loyal to the attorney general and to the team. As--President Kennedy was fond of that quotation--we were in fact "we few, we happy few, we band of brothers." We wanted to support each other and did to a surprising degree.

I remember, for example, one of the first problems I had was [New York, New Haven & Hartford Railroad Co.] New Haven Railroad. For goodness sakes, the matter's just being concluded now and that was ten years ago when it got into trouble more and the question. . . . It's hard to get into a railroad reorganization case, it's complex. I didn't know, I was coming into the middle of it. It's always hard to get into the middle of a litigation and there was a big to-do about getting money to keep the New Haven going. The question was whether the government should pour some millions of dollars down the drain or whether we should move the court for an order, I don't know, compelling bondholders to do something. I forgot the detail. It was a lawyer's decision really to advise the client.

So somebody over at the White House called me up and. . . . I should preface this by saying that the president, President Kennedy had had everybody in the campaign over there right after the inauguration or sometime for some function and there too you saw all your friends you worked with on the campaign and, boy, it was great and we were all going to stay in together and work like a team and so on. So, it was one of his aides--it might have been [Myer] Mike . . .

HACKMAN: Feldman?

ORRICK: . . . Feldman. And he said, "Bill, I think we've got this New Haven Railroad thing and it looks like we're going to pour some more money down it." Well, I said, "Mike, that's in my division and we haven't made any recommendation on it." "Well, the president says he wants to get right on to it and that's what we're going to do." So, I hung up and I got my first lesson then in the importance of being able to talk to the president. And I had decided that that was not the wise course, so I was really puzzled. But here, you've gotten it from a fellow in the White House, on his staff. You know he works over there and he's been in talking to him.

So, I went up to Byron and explained it to him and I said, "Byron, I don't think this is the wise thing." He said, "Have you looked at it?" And I said, "Yes, the best I can," and I outlined it. He said, "You better go over and see him." I said, "Do what? Go see the president of the United States?" He said, "You don't believe Feldman, do you?" I said, "Well, sure,



I guess so." He said, "Let's go see him." So he called up Mike. He said, "Fix us up an appointment. Any time the president can see us, fine." So, over we went.

We explained the situation to the president. Mike was in there and the president said, "Well, what do you recommend?" Well, we recommended whatever my thing was and he looked at Mike and he said, "I guess that's where it'll have to be, eh, Mike?" And that was it.

Well, that taught me a very, very good lesson. Thereafter, when we got those "the president says" things--and then they stopped doing it, too when they know you're on to that. And it also enables you to run the division because you don't have to tell anybody that's what happened. Every guy in that division knew that we'd made a recommendation, our division, and the president had backed it. And so, from then on, it was smooth sailing.

HACKMAN: Can you remember, did Robert Kennedy get at all involved in that issue of the New Haven reorganization?

ORRICK: No, no he didn't. I worked out a system which he had the other attorneys general follow which worked pretty well for me and, I think, well for him and the others which was to make a brief daily report to him of the things that I thought he ought to know about. I recognized fully that it'd be hard enough for him to understand what it was all about, even written in the clearest English, but I wanted it for my own peace of mind. I wanted him to know what I felt was important. Now, from where he was sitting, he just had to have, and he did have, confidence that I'd let him in in case there was something really very big and important which I, of course, always did. But, otherwise, he would satisfy--whether he'd read them or not, I don't know, but, a lot of them would come back with notes.

HACKMAN: A little bitty scratch. I've seen some of those with his notes on them.

ORRICK: Yes. "Why?" and, "Talk to me about this." He did follow up. I never tested him by not talking to him because he always had some reason. That was particularly true when I was in the antitrust division where there were businessmen calling on him and so on.

In the civil division, other than, I forget when I started it, about, maybe after we'd been there a couple of months . . .

HACKMAN: That's on the microfilm and I was looking on the roll where those daily reports should be and I couldn't find any before September of '61 and I'd wondered whether they didn't exist before that or whether someone had missed them in the microfilm? Does that late make sense to you?

ORRICK: It could. I thought it was earlier than that but it could have been that late. The . . .

HACKMAN: Did . . .

ORRICK: Go ahead.

HACKMAN: Did he ever spell out to you in the early going or after you began to send him those reports, I mean, did you get a reaction in terms of what he was interested in seeing and what he wasn't at all interested in?

ORRICK: In any. . . . Do you mean speaking generally now for both civil division and antitrust?

HACKMAN: Well, let's just stick with civil first.

ORRICK: He was, as I recollect, interested first in anything that had come to him from outside, the flags of convenience cases, and he'd say, "Just keep me advised" or something like that "on it." If it appeared an injustice had been done, he would be interested in that. "How did you handle this?" Those were rare cases.

I had an argument once with Archie Cox. Out in Yellowstone National Park, the United States ran a hotel, a part of a hotel and hired employees. At the place where the employees slept, which was right below a hill, there were big signs, "Do not go on the hill. Bears. Beware!" And when the employee had his first interview and was accepted, he was given a lecture, "Don't go up on that hill; there are bears." And he was given a pamphlet saying that on this particular hill by the shack there are bears. All right, the plaintiff's decedent goes to work as a dishwasher. And the first afternoon off, he goes with a friend up on the hill and they sit down on the hill and they see a bear. His friend runs like hell but this unfortunate person remembers that his mother told him if you sit perfectly still, well, the bear will go away. So he sits perfectly still. The bear comes up to him, claws him horribly, kills him, and his wife sues the United States for negligence.

It's in my area under the Federal Tort Claims Act. It is perfectly clear that the United States wasn't negligent. It had done everything possible it could have done. Under no possible theory could it have won. The United States district judge out there found for the plaintiff. I wanted to appeal, to go to the Eighth Circuit and Archie Cox wouldn't let me. So, I'm a lawyer and I said, "Archie,"--one of the first things that I had and I figured I better find out how I'm going to stay in, I'm going to have a lot of these cases--and I said, "Damn it, that case should go to the Eighth Circuit, the United States, I've read the record, it is not negligence and can't recover under the Federal Tort Claims Act and the district judge is helping some local person there and that's. . . . Can't stop it. Think of what will happen on all the other national parks."

And we argued and argued and argued back and forth and finally he said, "Well, I don't think the attorney general would support you on that one." So

I said, "Is that where we're going to take these? That's all right with me. Let's go to the attorney general." And I told him the story, much as I told it to you, and he said, "And it was a real rough bear, wasn't it?" and I said, "Yes, it was." The bear looked like Brumus. He said, "Well, I can't decide it." And he said, "What do you think, Archie." He said, "I don't think that you'd like it." Well, he said, "I can't decide."

Well, he didn't decide it and he didn't decide it and it ended up I said, about the last day that you could file the appeal, I said, "Well, Archie, how about my bear case?" And he said, "I don't think the attorney general really wants to go." Well, I knew he didn't want to go for sure so we didn't. But that was the extent of that.

HACKMAN: Were certain aspects of working with him over those, let's say, both tours that you found very difficult, either just in the way he operated or in understanding what he wanted?

ORRICK: No, no. I had, from my point of view, a perfectly fine relationship with him. I got mad at him once, with good reason. I think he was kind of mad at me too with the Los Angeles Times case and when I was in the antitrust division. But I got on with him fine. I found I knew what he wanted and I knew when he wanted it and he just, above all, he didn't want any nonsense. He didn't want me to kid him or anything like that and he'd, oh, he'd back you all the way. It was just a matter of judgment in what to bring to him and what not to bring to him and Byron was the best judge of that. I saw Byron on matters that bothered me frequently and Byron would decide or he'd say, "Well, let's go talk to Bob," and so, up we'd go.

HACKMAN: Could you see in his relationship with other people in the Justice Department, other assistant attorneys general or whatever, what kinds of things particularly upset him?

ORRICK: [Well, I think he was upset by Loevinger--wasn't candid with him. Loevinger was scared to death of him, and he used to try to give him good answers and that drove him up the wall so that really disturbed him. He used to talk about that.]

But he had the utmost confidence in Burke Marshall and was really most interested in that Division, in the civil rights division. He had great confidence in Ramsey Clark which grew the more he knew him, the more Ramsey produced when he had the lands division which he did very well. He had the utmost confidence in [Louis F.] Lou Oberdorfer and in [Herbert J., Jr.] Jack Miller in the criminal division. I've seen him upset but only over the problems; I've never seen him upset with any of them.

I don't think he quite understood Archie, and I think he found Archie very difficult, but it was, there's nothing, not enough for him to do with Archie really.

HACKMAN: What about someone, take Sal Andretta as an instance, who's a, who has a different kind of a problem, administrative problem? Does he become very frustrated with administrative details and . . .

ORRICK: Yes. He was very frustrated with Sal and so was Burke Marshall and they never understood Sal. They couldn't understand what he was doing. It really used to get him just up in arms. We all had some difficulty with Sal but you had to understand Sal. I never, he used to give me all this same kind of guff he gave the other guys and I'd throw it back to him or throw him new problems and we'd work it out. But I didn't have the same, you know, I didn't need four hundred thousand dollars to pay marshals or something like that that wasn't in the budget. So my problems were insignificant along side those.

HACKMAN: You mentioned having to fire the one fellow, George Leonard who'd brought the suit. What other kind of personnel changes did you make? You mentioned that there were some good lawyers, some bad, some in between. How much of a problem was that either in terms of civil service regulations or just in terms of getting it done personally?

ORRICK: That wasn't a problem at all. People have an idea that government lawyers can't get jobs anyplace else and that's just not true. As I said, the good ones were as good as any you'd find on the outside.

My problem with Leonard was this: Leonard was first assistant which is your alter ego in the division. He'd been brought in by Warren Burger and had been made first assistant by Warren, and he'd stayed through with Doub and I had indicated that Doub had no interest in running the department so Leonard ran the department, the division. By the time I got there, he had alienated most of the lead people in the division and they came in a stream to my room. I tried to evaluate all that. And, another thing, Bob was very, very queer that he did not want any politics in the Department of Justice and he was--quite a contrast from today I might say in passing--so hipped on it that even to the extent where I would normally contribute to the Democratic Party, he'd say, "Well, don't ask anybody in your division to contribute. If you're going to contribute, just do it at home but I don't want any politics, none of that stuff in the department." And so, I felt I was on very ginger ground with Leonard because I didn't want to be accused of firing a guy on account of politics.

There are a lot of good guys who wanted the job who came to see me. John Nolan was one. I hadn't known John and Byron White said--he had worked with Byron during the campaign--Byron sent him down and said, "Look him over for that." Well, I talked at length to John and asked not to fire him, frankly, uh, not to hire him . . .

HACKMAN: Hire him.

ORRICK: But I thought, in my judgment, he was too young. He hadn't had enough experience. He'd just been a year out of the Marine Corps or something like that. I was completely mistaken; he would have been ideal. But I didn't and I had this Leonard thing in the back of my mind.

I talked at length with Leonard, tried to find out. . . . I didn't like him at all, but I didn't want that to enter into it. But he was your alter ego; when you were away, he was going to run the department. I couldn't see what useful things he was doing there and, finally, I made an agreement with him. I went to great lengths to do this. I said, "I'm going out to California on a vacation in August" or sometime. "I'll be gone for a week and when I get back, I want you to move. I've worked out a system where you'll get about the same salary and I've got you a nice office and is that o.k.?" We'd had a lot of talks about it. So he thought about it and we worried about it and he said, "All right, I'll move." So we shook hands on it.

When I got back, after vacation, I walked into his office and there he was. I said, "I thought you were going to move," and he said, "Well I've decided not to." And I said, "George, you leave me only one alternative." And "That's to fire you." And I said, "You're fired!" And he said, "You can't fire me." Well, that really irritated me so much. And he was right; I couldn't fire him without a hearing before the attorney general.

So I hotfooted it upstairs to see Bob and I told him this and he said, "Well, we have to give him a hearing." I said, "Look, either you get rid of Leonard or I'm going back to San Francisco. That's how easy it is." He said, "I know but I don't want to go all through this stuff with a hearing." I said, "It can be a very simple hearing."

And so it was indeed a very simple hearing and a very short hearing and he listened to Leonard for about five minutes. I'm not even sure. . . . I wasn't there. I was told about it afterwards. I sent a civil division lawyer up who was an expert on the civil service rules and then he said, "You're fired." Leonard walked out (I don't know if he even went back to his desk) and went across the street to the United States Courthouse and he had the complaint all drafted and he filed G.S. Leonard v. R.F. Kennedy and W.H. Orrick.

That was September of '61 and I went to the State Department and back to the antitrust division and when I was in the antitrust division, that case was going to the court of appeals for the second time and it was on a technical, legal point that under the Veterans Act, you couldn't fire a veteran who was a captain in the navy or some fool thing like that. Finally, he was fired. He was out of the department in September and the case was still there. So Warren Burger was right in not firing him.

But, outside of that, I had no trouble at all on the personnel.

HACKMAN: Can you think of anything else on the New Haven Railroad in terms of relationships with any other government agencies or any differences on what policy to pursue there within the Justice Department?

ORRICK: Well, I think our experience with the New Haven Railroad problem was very useful for the Department of Justice. Byron White, who was then deputy attorney general, as I indicated earlier, got actively interested in it. He and I went to New Haven. We met with the judge, the officials of the railroad, Professor [James W.] J.W. Moore who was representing the railroad, and we worked out a proposed program. We then dealt with the under secretary of commerce for transportation who was Dan Martin so that we got the views of the Department of Commerce. We then arranged a joint meeting with Governor Rockefeller's representative who was William Ronan, trying to get the state of New York involved. We had Governor [John] Dempsey with us at a meeting. He was governor of Connecticut. It was, I thought, a remarkably good example of cooperation between the United States and the states in handling what was a very important problem. And that's about all I recall on that.

HACKMAN: I've seen the memo written in June of '63 by Barrett Prettyman who apparently Robert Kennedy had assigned to study the whole transportation merger area, I guess it is . . .

ORRICK: Yes.

HACKMAN: . . . and one of the points he makes at that time is the problem in getting the Commerce Department to even move on a number of things. Was that a problem in the New Haven Railroad reorganization or not?

ORRICK: No, because I think that we moved the Department of Commerce. We were all in accord. This first effort in the Kennedy administration at trying for cooperation, not only between the various agencies of the United States government, but with other states, set the background for what was later to become the interdepartmental committee--I've forgotten the exact name--on railroad consolidation, railroad mergers [Interagency Committee on Transportation Mergers], throughout the country. Barrett got a good start on that and then it was turned over to me when I came back in the antitrust division. I thought we had a very good interagency relationship working with the Department of Commerce and the Department of Labor and the Bureau of the Budget and that we worked out a very--and the Interstate Commerce Commission--that we worked out a very sensible program.

HACKMAN: Did the White House get at all involved in that issue?

ORRICK: Yes, it did indeed. It got involved particularly in connection with the Penn Central [Pennsylvania New York Central Transportation Co.] merger later on.

HACKMAN: Can you remember anything specific on the White House in the New Haven reorganization?

ORRICK: Not after that one meeting with President Kennedy. Thereafter, it was left up to the Department of Justice and, as I say,

Byron White and I went up on several occasions and stayed in close touch with it. I got a particularly good lawyer in the civil division who was familiar with these matters handling it and we kept in very close touch with it while I was in the division.

HACKMAN: How concerned was Robert Kennedy with statistics on, maybe you can carry this civil division and the antitrust division in terms of cases handled, cases solved, money coming to the government, whatever?

ORRICK: He never got into it deeply. His primary concern was "Are you doing the job?" "What do these figures mean anyway?" In the civil division, the figures were particularly large because there were many, many small claims that the government had that weren't being attended to by United States attorney's office.

I literally found under the cushions in the United States attorney's office for the northern district of Illinois--that's in Chicago--files of my division. I was furious about this and I remember the time very accurately because Bob Kennedy sent me out to attend the swearing-in of the United States attorney. I flew out from Washington that morning and I remember Judge [William J.] Campbell who was the chief judge of the district called on me for a few remarks and I said the attorney general had sent me out. The judge interrupted me and he said, "You mean Robert F. Kennedy?" and I said, "Indeed, I do, Judge Campbell, and I'm sure we're going to have a great United States attorney here and hopefully we won't find any more files under the cushions." And the courtroom was crowded and Judge Campbell made a remark which put me down--I've forgotten what it was but it was quite an order. But I do remember that Bob wanted to know "Why were they there?" So I formed a task force, headed by a man in the division who was supposed to be good on closing these things. I might add, incidentally, that Byron called me the other day and asked me if that man would make a good clerk to the Supreme Court and, after I'd insulted Byron, I assured him that he would. But he was very good on getting rid of cases and we sent a team around the country to where these cases had piled up and pulled them out and processed them and got rid of them. Bob was pleased with that because he wanted to get rid of those numbers. And we cut the caseload way down very fast in the first days of his administration.

HACKMAN: What were the usual reasons for those cases sitting around?

ORRICK: They involved small amounts of money, no great issues, and the United States attorney's offices, in general, were overburdened with criminal prosecutions. They had little time to work on these small claims things. When we would send a team around, we'd leave one or two fellows and we'd process them through the courts and see that the complaints were served and then follow them up from Washington. You could only do this every so often but we did it very effectively with a team of about five fellows.

HACKMAN: Is that a problem of a caseload that existed from the Eisenhower administration or is that a continuing problem with new things coming up during the Kennedy administration?

ORRICK: Well, I think, in all fairness, it's a continuing problem. A system will work just so long as the people who have to carry out the things are required to do what they're supposed to do, and it's inevitable that it'll lapse into the rather complete collapse that we saw with respect to these small claims as it was when we came in. But the system was rehabilitated. I think that's a natural thing.

HACKMAN: Is that at all a political problem either in the sense of touchy cases that might, that a politician from the area might be reluctant to see carried through or in the sense of--I've forgotten what the second one was--but is that at all a problem?

ORRICK: Well, on occasion, there is no question that, particularly where the claim isn't visible so to speak, that a local politician may indeed have a good deal to say about the disposition of it. But I would say that those cases, well, I'm sure of it, they're the exception rather than the rule. As I say, I think the main reason is that, certainly in the big metropolitan areas, the United States attorney's office has got just more than it can handle just handling the important things.

HACKMAN: In September of '61 in the civil division, you put through a reorganization. Can you remember that? Can you remember what was involved?

ORRICK: Yes.

HACKMAN: How did that reorganization come about? Was it completely yours or had any of it been in the works before?

ORRICK: No, that was completely mine and it was simply my way of trying to get hold of what we had in the division. I'd worry about it as I indicated to you. And it wasn't anything, as I said, that great management concerns would love to have, nothing patentable, but I reorganized the division so it would suit the way I wanted to do it and every guy does it differently.

HACKMAN: Any problem in getting support for that or agreement for that from either Byron White or from Robert Kennedy?

ORRICK: None at all. They were both very much interested in it. They asked me why and I told them. Byron might have said, you know, just in joking, "Suppose I said, 'No,'" and then I said, as I often did, "Well then, go run your own division." But they fully recognized that this was something that I wanted, that I thought it would work better



and they had confidence in me. So I did it. There wouldn't be any real reason for them to veto it.

HACKMAN: In terms of those backlogs and attorney's offices around the country, was there ever any point when you either had to involve Byron White or Robert Kennedy in that?

ORRICK: No, never.

HACKMAN: Maybe we can look at a few specific cases then and you can remember which ones Robert Kennedy got involved in or Byron White and how. And the first one in reading through those daily reports that you sent to the attorney general that popped up at me was the one in terms of Pennsylvania where Governor [David L.] Lawrence and the attorney general and this food distribution program. What can you remember about how that worked out?

ORRICK: Well, I certainly remember Governor Lawrence coming to talk to me and, I think in all fairness, that was the main reason that Bob Kennedy was interested because he had gone obviously to Bob first and then he came down to see me at Bob's suggestion. Then, after I'd talked with the governor, then naturally I reported to Bob and wanted to do the right thing and what was in the public interest. I'm not, I really don't recall either what the problem was or what our solution was except that we did it in the public interest and it satisfied Governor Lawrence. I think that was Bob's main interest. He was always interested to see. . . . He would never give you directions on what to do. He'd want to. . . . "Just do it right." But he always wanted to hear how it came out.

HACKMAN: From reading your daily reports to the attorney general initially, the attorney general in Pennsylvania was saying to the department, "Don't litigate." But he wasn't really offering to compromise and make a settlement out of court and that. Can you remember at all how a settlement was arrived at or what brought him around? Did Robert Kennedy ever get on the phone with either Lawrence or, this guy's name was [David] Stahl I believe, in Pennsylvania?

ORRICK: Oh yes. That's right. I just don't know that. I would guess and bet 99 to 1 that if Bob wasn't on the phone to Governor Lawrence, Governor Lawrence was on the phone to Bob. I don't have any problem about that.

And I'm equally sure that--as Bob did as far as I know in everything that affected at least the divisions that I've had--he'd refer it down to me. He never took anything out of either the civil division or the antitrust division and handle it upstairs as was so often done, most notably by Attorney General Brownell when they settled the A.T.& T. [American Telephone and Telegraph Co., Inc.] case, where nobody in the antitrust division would sign

the decree. Bob never, ever did that. He'd argue with it, your decision and everything else; he wanted to be sure you were right and then he'd exercise whatever his power as attorney general to make the decision and that was proper. That's what he should have done. He never took it out of your hands. On the other hand, he certainly didn't send me records of his daily phone calls. But he expected me to do my job and advise him.

I've forgotten. . . . I remember Governor Lawrence. As I say, I've truly forgotten what the issue was that we were concerned about.

HACKMAN: From what I can understand from reading your daily reports, a fellow had gotten, somehow had requested more surplus food for the county than the county was allotted and then he had sold some of it for personal profit.

ORRICK: Oh, I see. It was a fraud case.

HACKMAN: Right. It was a fraud case.

ORRICK: Yes. I don't know, I don't remember how we settled it. I do remember this that . . . [Interruption]

[Frederick N.] Fred Curley, who was fairly bright and a pretty good lawyer and a very self-righteous man, had a hard-working and good group of lawyers making these investigations. Fred was very, very tough and we never, on any fraud case that I know of, made any kind of a settlement where the United States came out second. And I'm sure as I'm sitting here because I wouldn't have dared, having the respect I have for Fred, take even Governor Lawrence to him. I think that we, that Bob wisely dealt with Governor Lawrence, that he sent him down to me and we had all kinds of high level discussions. But I think, I don't have any doubt, knowing Fred, that in the end the case was settled to the benefit of the United States, as sure as I'm sitting here.

HACKMAN: Maybe you could look in that annual report at other fraud cases in fiscal '62 and see whether you can recall any other cases that the attorney general got involved in?

ORRICK: In this particular year, I can think of several other cases in which he was involved. But you're now limiting it to fraud cases?

HACKMAN: Yes.

ORRICK: Well, I don't see any. I just don't remember. There was this egg rating service at the Department of Agriculture. Oh, here it is.

I remember one other case and you've given me the part of Assistant Attorney General William H. Orrick, Jr. in charge of the civil division for . . .

HACKMAN: That's fiscal '62.

ORRICK: . . . fiscal '62. The Billie Sol Estes case . . .

HACKMAN: Right.

ORRICK . . . was in here though I don't see it reported. He was very much involved in that in that he wanted to know what happened and we forever kept reporting to him on what happened. That was around in May. Again, as I say, I don't see it.

HACKMAN: No, I don't think it is listed in there because I looked and.....

ORRICK: Yes. I remember the Billie Sol Estes case very well because in about May of '62 I got a call from the White House that I should come over to the White House at 10 o'clock the next morning or something like that. The Billie Sol Estes case was very much in the newspapers and I thought that I was being called to present the facts to the president. So I stayed up late that night and I worried about the case and I got all the lawyers and I made them stay around and brief me until I was a real expert on this very controversial case. I went over there the next morning and the president said, "Bill, I'd like you to go to the State Department." I was taken aback. I said, "Well, Mr. President, you don't want to know about the Billie Sol Estes case?" And I said, "I don't want to go to the State Department. It's like selling Willie Mays off the Giants. I'm with the Department of Justice." No, no, it was [Ralph A.] Dungan, it was Dungan that I saw. And he said, "Well, that's the way the president wants you to do it and you go over and see Dean Rusk this afternoon." And I said, "I'm not going to see Dean Rusk. I'm going back and see Horace Stoneham and find out why he sold me." So I went back to see Bob Kennedy and I said, "What's the idea of selling me?" And he said, "Well, we want you to go over there." And I said, "Well, I don't want to go. I'm like Willie Mays; I'm part of the team over here." So then he talked to me about this.

But that's my main recollection of the Billie Sol Estes case.

HACKMAN: Any concern on the part of Robert Kennedy on the Billie Sol Estes case? You said he wanted to know the background.

ORRICK: Well, he wanted to know and I mentioned earlier that young Californian who is an assistant secretary of agriculture, whose name I do not recall and Billie Sol Estes had taken him into Neiman-Marcus in Dallas and offered to buy him, you know, sixty dollar shoes and new, probably light blue suits and . . .

HACKMAN: Boots?

ORRICK: . . . boots and the works. And this poor guy did that and he walked out of there with about a thousand dollars worth of

clothes. Then, in the end, why they hung that on him as part of the fraud and the fellow resigned, I think.

HACKMAN: That's not Jerry Holleman?

ORRICK: No, no, no.

HACKMAN: That's the Labor Department.

ORRICK: No, it was Richardson or something like that. [Emery E. Jacobs.] But I don't know whatever happened to him. This happened early in the game. That was the first one but he was out, the first man out.

HACKMAN: Did you get at all involved in talking to members of the press about the way the press was covering that case because there were a lot of . . . ?

ORRICK: No, I did not.

HACKMAN: What about the foreign flag cases then? Can you remember those?

ORRICK: I remember those. I remember the tremendous interest throughout the government. I remember meeting after meeting. The then general counsel of the Department of Defense, [Cyrus R.] Cy Vance was very much interested in it, and so was the Department of Agriculture. And we held countless meetings in my office. Then it got to the point "What was going to be the position of the United States and the Supreme Court?" and Archie Cox held the meetings then.

I recall one meeting after we'd been there. Archie was a professor and he'd go around the room and comment on our answers to his very difficult questions. So when we left the meeting, I said to Cy Vance, I said, "Cy, I hope you'll do your homework a little better next time because the professor's a little disappointed in you." And so he said, "He's seen the last of me." He said, "I'm cutting the next class, and all other classes." Which he did. Cy took the firm position of the Defense Department.

I don't recall that Bob was interested in that other than as a matter of importance that he wanted to be sure was being handled right. We reported on it in great detail to him but I don't recall that he had any particular input. He just wanted to be sure it was being attended to.

HACKMAN: What could you see as time passed about Robert Kennedy's own ability to understand the issues you brought to him, either in terms of points of law or just in terms of being sophisticated enough to understand all the implications? Was there ever any problem getting him to see things?

ORRICK: No. I don't think so. I thought he always understood the big picture, that he was impatient with details which didn't concern him, sort of relieved that somebody else was doing them and satisfied if you told him that somebody else was doing them. But where there were important things, he always got it and you didn't always have to agree with him, and I didn't on a number of matters, but I never had any problem in my own mind but that he understood what the problem was and, as far as I was concerned, he was the boss.

HACKMAN: What about General Aniline [and Film Corp.] and when do you first come in contact with that as a problem on your desk?

ORRICK: Bob and Byron were concerned about a separate office, the office of alien property which had been established at the end of the First World War and had continued through the Second World War to dispose of property of aliens that had been confiscated by the United States Government. By the time we were in office, the war had been over twenty, going on twenty-five years and the office of alien property had dwindled to, I forget, maybe, forty lawyers, or something like that, and they wondered what to do with it. They asked me what I thought ought to be done with it, and they asked me to go study it.

So I went over and studied it, and I talked to the personnel involved then and ascertained quickly, which anybody could have done, that they only had one case which was the General Aniline case. The other matters could be readily disposed of. The General Aniline case just really hadn't been handled properly, in my view at least, from the beginning. That was the big thing. I recommended that they merge the office with the civil division. I didn't do it enthusiastically; I had enough to do at that time. But they made the decision, and I think this was primarily Byron, to merge the office of alien property in with the civil division. That was done and at that time the General Aniline case came across my desk in cards and spades.

I found that the case had been on file for fourteen years; that there'd been two depositions taken in the case in that time; that it'd been to the world court [International Court of Justice]; that it'd been to the Supreme Court of the United States, I think, twice; that just nothing was happening in the case. And so I determined to treat it, because my only training is as a lawyer, to treat it as a law suit which it was supposed to be. And how do you handle a big law suit? Well, there are two ways: you get it ready for trial, that's one thing, and the other way is you try to settle it. And this was so big and so complex that I decided I'd get the best lawyers I could to work on it from a settlement point of view and the best lawyers I could to work on it from a trial point of view.

Preparing it for trial was far more difficult and complex than anything that I'd ever attempted beforehand because, not only did you have thousands upon thousands of documents, but they were written in German. You had to deal with the laws of Switzerland, you had to deal with the laws of Germany,

with treaties. It was just a big problem. So we started in. We took off on it. I sent investigators abroad again, they'd been there again, to determine whose depositions we ought to be taking. I worried about the laws of Switzerland.

I made or had our guys make a motion in court to inspect documents in Switzerland which had never been done before and, to our surprise, whatever . . .

BEGIN TAPE II, DISC II:

ORRICK: I made, I had our guys make a motion in court to inspect documents in Switzerland which had never been done before and, to our surprise, whatever internal machinations the Swiss go, they said, "You could look at any document we have except those that are confidential," and it turned out that they were all confidential. So I insisted that we look at the books in which the documents were bound and they said, "That's all right. You can do that." And then they put paper over the books and I said, "We're doing this like we're making a motion under rule 34 of the federal rules for inspection and copying and we'll copy the pertinent parts." And that's what we did and we sent over a team of FBI [Federal Bureau of Investigation] guys and they copied the pertinent parts but most of it covered over. Then they brought it back and they x-rayed the documents and we got all our information. So we were going along this way, getting it ready to go to trial. There were many, many obstacles to getting a favorable position for the United States, not the least of which was the inaccessibility or the death of important witnesses.

So, while all this was going on with an enthusiastic trial team, many of them had spent the best years of their lives, ten and fifteen and going up to twenty years doing this, I also looked at it from the point of view of settling the case. To do that, I thought I needed somebody who is far better than I was in negotiating and that could do this on a big scale and I worried about this for a good long time. And finally. . . . Bob and Byron had said, "You're on the right track. Do it." So I said, "I'm going to get a friend of mine to go over with me and settle it and he'll come at a dollar a year and we'll pay his expenses and all I want is the authority to do that." Then we talked about that and so they agreed to that. I got Prentis Hale who's a good friend of mine, lives here in San Francisco, best negotiator that I've ever seen and I'd worked with him closely in the 1960 Olympic Winter Games and he was willing to do this. So then we, I got some other bright guys in our division and we worked up a program for settling it.

I discussed the broad details with Bob and with Byron and we were in general agreement to make a big effort and that's what we did. Hale and I first went to New York. We went to the brokerage, the big underwriters there, Blyth and Co., the Williams firm, about three or four, to see what they thought the company was worth. They'd all been eyeing it for fourteen years so they had some knowledge about it. We had our own estimates. Then we went over to Munich.

HACKMAN: This was about how early in the game?

ORRICK: This was in . . .

HACKMAN: Still in '61?

ORRICK: No, '62.

MRS. ORRICK: April.

ORRICK: That's right. April of '62.

MRS. ORRICK: Then I joined you.

ORRICK: Yes. And, at Munich, we met with Alfred Schaefer and Mr. [Edmund] Vehrli, their lawyer and Mr. Bukbacher, some other character. The civil division had an office in Munich, or the office of alien property did, of the civil division, going back to the office of alien property days. We met in that office for two or three days there and discussed all facets of it and we were well prepared and they were well prepared. We argued it back and forth and I recall so distinctly we finally reached a point where, by my figures, the United States was about sixty million dollars ahead of where it should have been and I was ready to accept it. At that point, my friend Hale slammed down on our book and he said, "If that's the way you're going to play, forget it and we're through."

I walked back with him and I said "Prentis, I can't even believe it. You've balled it up worse than I imagined. I'm sorry I asked you. We were so far ahead and you'd been great right up to today." He said, "Now calm down. You're going to come out all right." I said, "I'm going to come out? You better come out. I'm going to wreck your reputation. You're the greatest negotiator and you've blown it. You really blew it." He said, "By the time we get through lunch, these fellows will want to talk again." I said, "I don't believe it. You were discourteous, rude and we were winning."

So we went back and we had dinner, I mean lunch, in a corner of the dining room with a little nice Rhine wine, and before we were through lunch, Mr. Schaefer, who's the leading Swiss, came over. He said, "I think we can have one more meeting." I almost jumped up and loved him.

So we went back and, by the time we walked out of there, in the afternoon we were about a hundred million dollars ahead. I lay this, give full credit to Prentis Hale and I explained that very carefully to Bob Kennedy when we got back there.

But I've missed a couple of steps in there if I may retract. As soon as the news got out. . . . The reason I want to retract it is this: only six weeks ago I went to Washington at my own expense to testify in a case

that the Swiss had brought which, had I not testified, would have thrown a lot of dirt on the Kennedy family. It was an action brought by the son of one of the I. G. Farber [Industry] people--this is rather complicated but I think it's worth stating--his name escapes me just for the moment. But during President Eisenhower's regime, the Swiss had employed Mr. Charles Wilson, "Electric" Charlie Wilson, to negotiate a settlement of the General Aniline case. I should say that when Tom Clark was attorney general, he had turned down a settlement of eleven million dollars of the case which was a very bad error in judgment, and it was forever thereafter a political football. Mr. Charles Wilson had done his level best to try and bring about an agreement between the United States and Switzerland and he had taken the tack that there should be a treaty between the United States and Switzerland.

So, when I got into the case, as soon as the word got around that the office of alien property was now under me, I had a visit from [Charles N.] Chuck Spofford who was a distinguished lawyer in New York in the Davis and Polk [Davis, Polk, Wardwell, Sunderland & Kiendl] firm who represented Mr. Charles Wilson and he came down and asked me what I intended to do about the case. I told him that I didn't know anything about the case, that I'd just gotten the case and I was a lawyer from San Francisco and I didn't understand these international cases and I'd have to get into it but it seemed to me that it ought to be treated like a law suit. And he said, "Well, possibly it could be worked out as a treaty," and I said, "Possibly it could. We'll have to explore it. But we'll start it as a law suit and we ought to continue it as a law suit." And that was my thinking at that time.

In the meantime, Mr. Alfred Schaefer of the Union Bank in Switzerland had obtained a letter of introduction or means of introduction to the attorney general, Bob Kennedy, through an acquaintance of his, Prince [Stanislas] Radziwill who was Mrs. Kennedy's, Jacqueline Kennedy's brother-in-law. And Bob asked me, just as a routine thing, would I see Mr. Schaefer. I said, "Of course."

The office of alien property was in where the Federal Home Loan Bank building now is in that old temporary building and I had an office over there so I met him over there. He came in with his lawyer, John Wilson. I met Mr. Schaefer. He was a very pompous, real Swiss-like Swiss with a high stiff collar and pince-nez glasses. He introduced himself and his lawyer did, and then he started to talk about the case. The more he talked about the case, the angrier he got; he got angry at the conduct of the United States. Finally he started pacing up and down this large office that I had there and turning on his heels and talking about the perfidiousness of officers of the United States and how they conspired to cheat the Swiss out of their money, and so on. I sat there, I just got finally so mad I couldn't stand it any more and I said, "You get out of my office!" And he stopped and drew himself up. He said, "What did you say, sir?" I said, "You get out of my office!" I said, "Nobody's going to walk around my office and criticize the United States government," and, "Good-bye." And John Wilson



got up. He was a little shaken and I said, "Good-bye, Mr. Wilson." They went out and I slammed the door. I was furious with them.

Then I heard from the attorney general. He said, "What did you do?" Well, I told him about this and he was interested. I said, "I'm sorry but you wouldn't have sat there for it and I sure didn't." So that was my introduction to the General Aniline case.

Thereafter, and this is all prior to this Munich meeting, thereafter I was called on regularly by Chuck Spofford who represented Mr. Wilson and, as I say, is a fine man, thorough gentleman, good lawyer. And we would discuss the legal aspects of it, and John Wilson who represented Mr. Schaefer. At some point in there, Spofford handed me a power of attorney that the Swiss had given to "Electric" Charlie Wilson and it was an all-inclusive power of attorney that he represented all the owners of General Aniline and Film and he could do anything with it. And I can read and I'm a lawyer and I understand about powers of attorney, so I handed this to John Wilson and when he asked me I said, "You don't speak for the Swiss. Mr. Wilson, Mr. "Electric" Charlie Wilson does." And John said, "I'll fix that." And he did fix it and Mr. [Charles] Wilson was much incensed about that, but the Swiss through the Union Bank withdrew their power of appointment to Mr. [Charles] Wilson.

I then visited Schaefer one dark December day in his office in Zurich. I was over there on something else. All of this led me to this process of going to the Munich meeting which I set up and the Swiss didn't. I say that because a lot of people say, "Well, you went to Munich and sold out." Well, quite the contrary in my view.

And so we returned from Munich with the bare bones of an agreement. It was at that point, because there were going to be a great many problems-- we were going to have to register with the SEC [Securities and Exchange Commission], we were going to have to negotiate many, many important details--at that point, I got in, recommended to Bob and Byron, and they agreed, the Cutler firm, Wilmer, Cutler and Pickering, to help prepare the settlement documents, to arrange for the registration of the securities and so on.

And then, and it was in about that posture, I went over to the State Department. Let's see, that was in May of '62 and on December 31st of 1962-- I remember this, it was on New Year's Eve, late in the afternoon--Bob called up and he said, "I'm kicking your settlement over." And I said, "O.K. I'm not in the Department of Justice. That's your settlement." And he said, "Well, aren't you interested?" I said, "Yes." He said, "Am I right?" I said, "Nope." Then he said, "What do you think I should do?" I said, "I think you ought to settle it. I think you're just foolish." He said, "Well, nobody else agrees with you." I said, "O.K."

HACKMAN: Who specifically? Did he say?

ORRICK: Yes. Just everybody beginning with Nick [Nicholas deB. Katzenbach] and he said, "I wonder if you'd come over here and talk to us." I knew he would say that and I went over. I think maybe I had a couple of hours or something but, you know, the thing had gone out of my head, the details had gone out of my head. I hadn't thought about it since the day I went to Justice, so I had some materials there and Murray Bring who had helped me, was my special assistant, he remembered a good deal about it and we got out the old briefing books. Then I went over there.

Bob prepared what they call in the local jails almost a blanket party for me. I was the only guy. . . . Nick was there, John Wolf who was the trial lawyer that I'd taken off something else to put in charge of it and a couple of guys on his staff, the trial staff, and then myself, and there we were. So Bob asked the question, "Do you mind telling them what you told me over the phone?" And I said, "Well, look, let me. . . ." So I told them and I said, "Now, Jack Wolf, I put in charge of this," and I thought to myself--I was very mad--I thought, "I'm sure Bob didn't plan it this way but here's the whole trial staff and if you're a lawyer, I don't care whether you're in or out of the government, and you get a case ready for trial, you want to try it. That's just human nature. In or out of the government and particularly in the government because you try it and everybody knows you're trying a case, all kinds of things can happen." Here's the whole trial staff sitting there and Nick.

So then I went over the points and the reasons why I had recommended this earlier to Bob. By this time, of course, Byron was out of the picture. He was on the [Supreme] Court. I remembered through the help that Murray gave me each defect there was in our trial position, the death of this witness and we couldn't get this document and so on. Then again, thanks to good preparation, Lou Oberdorfer was very, very helpful in this, on our tax claim which built that way up which is why we got so much more. I made those same points all over again. I said, "What's happened to change it? Who changed it?" Nobody answered. Then I asked Bob. I said, "Look, you're the attorney general. You've already made the decision once. You decided to settle it. What changed your mind?" Well, then he pointed out to all of them, Nick and Wolf and the others, "I think I've made a mistake." I said, "Well, make up your own mind." So that was the end of that and then he did make up his mind and then when I got back in the antitrust division, which was about six months later, they were in the throes of closing it. Nick held a big press conference. It was a real big deal then. But I think he did the right thing. He knew, for a certainty, then that he would be in political trouble with the Jews and, indeed he did get into trouble with them when he ran for senator. I was in Paris at the OECD [Organization of Economic Cooperation and Development] meeting--when I was in the antitrust division, I was chairman of the United States delegation to that Committee. Five--and I remember getting that phone call at 4 o'clock in the morning. "Can't you get some papers out of Frankfurt?" Only because I'd been in the State Department, I called up dear old Henry Ford and he got some papers out of Frankfurt which were helpful in putting down Senator [Kenneth B.] Keating's charges. They had plagued him all the way but it isn't anything

that he didn't anticipate then, that he was going to run for United States senator, but he did know the political consequences to himself or to his brother. And he always did the right thing according to his own lights which were the highest. This was a particular case in point because the easy thing to do was to dog it. The easy thing to do was try the case, then nobody can fault you. But that wasn't in the public interest, and he knew it and he didn't do it.

HACKMAN: Why did he say at that one point, "I think I've made a mistake"?

ORRICK: Well, I think he was convinced by his staff and all with. . . . Let me say I impute no bad motives here, that I definitely don't do. But I think the trial staff. . . . When I say these guys whom I knew very, very well indeed because we'd started with it, particularly Jack Wolf who became a, really a fixture with him. He was just crazy to try it. As I said earlier, everybody does it differently. I wouldn't have brought that whole trial staff up to the attorney general in this, but Nick who was a deputy then, did do it, and I think Nick was convinced by the trial staff. I don't think. . . . [He wasn't thorough as he wasn't in a lot of things.] He never went into it.

HACKMAN: Did he ever talk about the role of Radziwill?

ORRICK: Bob?

HACKMAN: Yes.

ORRICK: Yes. He said it was very embarrassing to him. The thing that I. . . . I testified for two hours in this case back in Washington. The case was brought by--I started in on it earlier--the son of this Lieder Schmitz, Schmitz it was in I.G. Farben. He wanted a finder's fee, if you please, for finding "Electric" Charlie Wilson and his finder's fee was relatively modest. It was 3 percent of the total settlement, which came to eleven million dollars for him for having found "Electric" Charlie, who's a fine man, a very fine man, who was working for the good of the United States, worked for nothing and accomplished nothing. So Schmitz claimed and the case was tried before Judge [Joseph C.] McGarraghy, and Schmitz claimed that Wilson would have made this same deal but for the fact that the attorney general had this Polish brother-in-law who introduced Schaefer into the picture and that the Pole was responsible for settling the case.

Well, not only was this bad history, you might say, but there were nasty allegations in the pleadings about Bob Kennedy and the Kennedy family. I took great pleasure in knocking that out of the part in this one particular law suit because Radziwill had nothing to do with it. I think it's almost fair to say that Bob hardly knew him. At least that's the way he certainly talked. I never laid eyes on him. The case was in my hands the entire time right up till we got the settlement agreement except when these guys started to kick it.

HACKMAN: Can you remember in the very early part of the Administration getting involved in this whole matter of the new board of directors and this [J.I., Jr.] Snyder who then resigned, and then, you remember, Senator [Carl T.] Curtis made those charges in '62, I guess, about the accounting contract going to a firm that [Carmine S.] Bellino was associated with and the advertising going through LeMoyné Billings' firm and all that?

ORRICK: Yes. I remember the charges. Those were, of course, facts. I wasn't in the case then and I didn't have anything to do with the board of directors other than in connection with the settlement of the case. I met a couple of them. There's a lawyer on the board whose name I can't remember. I don't know if you remember who was the Kennedy family lawyer. I think it's quite clear that the Kennedys did indeed put their trusted confidant into that operation. His name was Bill . . .

HACKMAN: The name is right here and I know . . .

ORRICK: Yes, well, he's one and Carmine was indeed put in as the accountant supplanting Touche & Ross or Ernst & Ernst or someone like that and that's a fact and [Andred F.] Andy Oehmann was put on the board. That's the way it was operated. There wasn't any secret about it.

HACKMAN: Yes.

ORRICK: And none of them did anything wrong, that's for sure. LeMoyné Billings, I remember very well, was given the advertising.

HACKMAN: Can you remember then, at the time, I guess Congress had to take action to allow the settlement, didn't they? To allow the exception from the Alien Property Act?

ORRICK: Well, they had to, yes. They had to amend the act and John Wilson, who represented Schaefer, had a death lock on that committee. It was only after he saw we were going to be fair about it that he let the committee enact this amendment. Senator Keating, whom I'd always liked up to the time he ran against Bob when he lied, was fully informed as to everything that was going on and I say that because I did it. He knew all about what was going on and then during the campaign, he just lied in the campaign and lowered my regard for him very, very much because I always liked him. I thought he was a decent, fine fellow but he got like a rat, he behaved like a rat.

HACKMAN: Can you remember any congressional problems on getting that through? Any of the other people on the Hill that you had to work with to clear that?

ORRICK: No, because it's the legislative. . . . I wonder if Joe Dolan remembered anything about that.

HACKMAN: We didn't talk about it because we didn't get to that on the Justice Department.

ORRICK: No. They handled the legislative functions and I didn't get into it, I guess primarily because I was advised that unless Wilson withdrew his bloc that we couldn't get anyplace with it and he had it locked up.

HACKMAN: Can you remember any of the Taft-Hartley emergency cases? One is that west coast maritime strike, I know, that you got involved in. Can you remember any of those cases that Robert Kennedy and you conferred on?

ORRICK: Yes. Very, very well. I remember two of them. The first was on the east coast and this was my first experience at representing the United States of America and I was scared to death. I wanted to get it done right and Arthur Goldberg was an old hand at all this and on the other side. And we got up the affidavits and everything and it was really. . . . Bob said, "Just go do it," and that was the end of it as far as he was concerned. Arthur wanted to do it right. So Arthur and I . . .

BEGIN TAPE III, SIDE I

HACKMAN: . . . the first Taft-Hartley case and Goldberg was being the experienced guy and really wanting to do it right, you know . . .

ORRICK: Yes. And so Arthur said that we should--the president was up in Hyannis Port--go up to Hyannis Port and that he would sign a document there and that I would fly back down to New York and file it, that this is what we should do. Well, I agreed with that but at the last minute I figured, "No, sir," that I'd better be in New York and I could file that paper if I heard on the telephone that the president had approved it. So, Arthur and I went up. He was going up to Hyannis Port.

We went up in the Caroline to LaGuardia, or Newark--it was over in New Jersey--and I got off there. The reason I remember it was because Arthur had taken the precautions of having [Samuel I.] Sam Rosenman come out. So Sam got on the plane and briefed us both. Then Arthur went on alone as I recall up to Hyannis Port. I got off and I drove back into town with Sam Rosenman and, being interested in history, having been in Yale University when he was advising President [Franklin D.] Roosevelt to deny that he ever sent the fifty destroyers and during the campaign I just was anxious to talk to him, but first I was anxious to talk to him about this Taft-Hartley business.

He gave me a very good briefing, indeed a horse shedding about how the matter ought to be handled and I was grateful to him for that because the next morning I went with [Robert M.] Bob Morgenthau to see the chief judge, Sylvester Ryan. I thought this was highly inappropriate, to see a judge in his chambers before the trial and so on, but I learned awful fast on this.

We explained the situation to Judge Ryan. He's a very wise man and he understood it and he said, "No problem." I kept remembering that all day long from 10 o'clock until 5:30 as I tried to handle the case in a courtroom filled with, jammed with waterfront union members and leftwing types and being called all kinds of names. Finally at 5:30 or quarter to six, why, Judge Ryan ruled in favor of the United States and there was a . . . Darn it, the lawyer wasn't [Louis B.] Boudin, however a guy that far out, real leftwing lawyer from New Deal days whom I can't remember. Morgenthau was with me and he said, "Follow that man!"

So we dashed out and he had made--Lee somebody well--he had made arrangements to go right away to the court of appeals and we literally, we literally followed him. Morgenthau was driving. We didn't even know where we were going till we got booming up the highway. Of course--I don't say of course--I wouldn't have known. But he was going up to New Haven to where Judge [Charles E.] Charlie Clark lived and file the already arranged--he'd worked this out and we hadn't. He was just ahead of us on all this and filed his papers with the clerk so he could rush out of the courtroom and filed his notice of appeal there and was charging up to New Haven. Finally, we got up there and arrived at the residence, it was sort of like a cops and robbers thing.

HACKMAN: You went all the way to New Haven?

ORRICK: Yes, and arrived at Judge Clark's residence and breathlessly followed him in. He wanted to get a stay from the judge and that was the last thing that we wanted. Judge Clark--it was about 7:30--and he said, "All right. I'll hear your arguments." He said, "Come back at 8:30."

So Morgenthau and I went back at 8:30 and Judge Clark set up two card tables in his living room and he had this Lee--what's his name? Adler or something like that--I don't know, but he was sitting over there with another guy. Morgenthau and I were sitting over here. And Judge Clark was sitting in front of the fireplace. Then he got up and argued and then I stood up and argued. It was as if we were in a courtroom. You'd say, "If the court please," except we didn't have a bailiff and I don't think he had a flag. We argued and we finished about 11 o'clock. Then we paced up and down outside and finally at 11:30 Judge Clark poked his head out and said, "I deny the stay."

So I remember that very, very well indeed because it was headlines in New York's papers. It was the first thing from my division that the Kennedy administration had to do. I didn't want to goof that one. And that worked out fine.

And the second one . . .

HACKMAN: Let me just ask you: Did Robert Kennedy get at all involved in that one?

ORRICK: No. He just said, "Do it."

And on the second one, Marion had flown. . . . It was after our meeting in Munich and it was about Eastertime. She was going to meet me over there after we finished the meeting with the Swiss and we were going to take a week's vacation, go down and drive through Salzburg and so on. So we left the hotel, rented a car, piled our baggage in and we were driving merrily down the highway. We turned on the radio and we heard over the armed forces radio about the west coast strike.

So we stopped at Berchtesgaden and I went in and telephoned Arthur Goldberg. I said, "Arthur, what about this?" He said, "This is it and we need another Taft-Hartley and we're going two days from now," or something like that. So I didn't dare leave that to somebody else and so we went back and got on an airplane and came home and then flew almost directly--I did--out to California to be in Judge [George B.] Harris' court.

I remember that one particularly because we had to get up affidavits that the economy of the area would be ruined and it was a national emergency and so on. I got [William F.] Bill Quinn who was the governor of Hawaii and I said, "Now you get up an affidavit and tell me how this is going to affect the economy of Hawaii," which it would have substantially.

He did that and he included in his affidavit another allegation that it'd cut off entirely the shipment of sanitary napkins to the state, to the territory of Hawaii. So I called the governor on the phone. I said, "Governor, what's all this about sanitary napkins? We can stand anything but that we can't do." I said, "I can hear these guys. . . ." "Well," he said, that's the fact, the absolute fact." And I said, "Well, I'm taking it out of the affidavit. I need, want your permission and want you to initial another copy." And he said, "Well, I don't know how Hawaii's going to continue here if we don't have a continuing supply of sanitary napkins."

HACKMAN: You should have raised that one with Robert Kennedy.

ORRICK: Yes. So, I remember that. Judge George Harris tried the case for two days here but I wasn't, I had a little seasoning by then and you can't lose one of those cases so I had calmed down by that time.

HACKMAN: You were speaking earlier of Robert Kennedy's concern with Hoffa. Can you remember at all that case of the Teamsters versus Goldberg? It was a request for information from the Teamsters in Detroit, two local truckers versus Goldberg is what it was. Can you remember Robert Kennedy getting in on that at all?

ORRICK: I don't remember specifically. He put up, he had a number of--and all of them good--causes of action against Hoffa. He used quite properly the resources of the Department of Justice in finding out all about it; not just within criminal statutes, he wanted to know what civil

statutes had been violated. We did work on several of those things in fraud cases. The use of Teamsters' funds in those apartments in Florida, I remember, was one. The work had to be done very carefully and thoroughly for him because he really zeroed in on that. We did some of that. It all eventually went back to the Criminal Division.

HACKMAN: Did you have much contact with Walter Sheridan, the people working with him or did things come to you that route?

ORRICK: No, not really. We would meet sometimes with Jack Miller and Walter Sheridan in the office of the attorney general but it was usually a sort of direct order. You know, "Why don't you look into this."

HACKMAN: Those are the specifics I've got on the civil division. You might want to look at that annual report, just running through, to see if there are other cases that bring something to mind in terms of Robert Kennedy's involvement.

ORRICK: Well, there are one or two others that I made note of when I was looking through your questions.

One of them which is on the list is the Bahia de Nipe. The Bahia de Nipe was a Cuban ship which was hijacked and headed for Miami and then was brought under the control of the Coast Guard and brought into Norfolk. This occurred early in the spring of 1961 at a time when the Cubans were hijacking our planes and the president wanted a stop to this. There was an Eastern Air Lines plane, as I recall, that had been hijacked and he didn't want us in the position of hijacking Cuban ships. So, as soon as she got into Norfolk, I got a call from the president asking me if I knew about this and when the ship could be returned. I said I didn't know about it and I'd find out and I'd let him know promptly.

Well, I didn't know about it but every single lawyer, admiralty lawyer, on the gulf coast and the east coast knew about it and they flew down there to attach the ship because they had all represented clients to whom the Cuban government owed money. The ship had a big cargo on her. The first thing that I did was call the Coast Guard and tell them not to let anybody attach . . . [Interruption]

. . . call the president and tell him that I thought it would be a matter of thirty days before she left and he was very impatient about that. Then he had [McGeorge] Mac Bundy call me and Mac said, "Now explain to me, the president doesn't understand this at all." I explained to him, "These guys, they're down there and they're filing petitions right now and it's going to take a lot of doing." He said, "Well, get the ship out. The president wants it out." Mac is an old friend and I said, "Mac, just grow up. We've got the law." He said, "Well, do anything that's necessary." He said, "We'll help."



So he got Secretary Rusk to sign a letter, along the old Tait letter theory, that this was an international matter and the ship belonged to a foreign government and the courts didn't have jurisdiction. We filed that down there. Day in and day out I got calls from Mac after that asking when the ship was going to go. That was important in the civil division.

To make a long story short, at the end of ten days the judge reluctantly ruled in our favor. They took an appeal and we got it through the fourth circuit and to the Supreme Court in twenty-five days. Good old Chief Justice [Earl] Warren denied certiorari petitions so we got her out in thirty days. That was an important case from the civil division point of view.

HACKMAN: Let me just ask you. In terms of, in the civil division, in relationship with other government agencies, just, in general, what can you remember about any problems you had with other government agencies? But, particularly, what impact does having Robert Kennedy, the president's brother, as attorney general have on any of these relationships?

ORRICK: Well, the relationships would have been impossible without having the president's brother there.

HACKMAN: Which ones particularly?

ORRICK: Well, for example, getting affidavits under the Taft-Hartley Act. Lawyers would come over from the Department of Defense and say, "Well, we can't do this and we couldn't possibly get an affidavit to you in less than two weeks time." I just knew differently and I'd say, "Well, why not?" "Well, it's too complex and too detailed." I said, "We'll draw it and you sign it." "No, we can't do that." And then you'd say, "Well, the president's very much interested in this and so is the attorney general," and it just made a great deal of difference. There isn't any question about that. And it made a great deal of difference in the antitrust division too.

HACKMAN: Any other cases then of other. . . . Can you remember any Supreme Court cases or court of appeals cases that he got, he made a judgment on?

ORRICK: Well, I mentioned during dinnertime, we were talking about that Long Beach case.

HACKMAN: Yes, why don't you go into that because that's not yet on tape.

ORRICK: The Long Beach [Federal] Savings and Loan case had been rotting in the civil division when I first came there. It was a very complicated fraud case which had been further complicated by six months of congressional investigation and testimony; there were some twenty thick printed volumes of testimony taken before Congressman [John E.] Moss'

committee. There were also concerted efforts being made by the principals in the case to settle it with the United States government. The principals had employed expert lobbyists and they had several congressmen, particularly Congressman Chet Holifield who was chairman of the Atomic Energy Committee and Congressman John Moss who was a very important leader in the House, a whip and who's now chairman of a committee. They were personally interested in this matter. They were also friends of mine from political days in California.

When I first took over the civil division, I was made aware of the case by having all three members of the Federal Home Loan Bank Board come to my office to tell me about the case plus their lawyers and then I was invited to talk to John Moss and Chet Holifield about it. In fact, as I recall, they came down to my office, which was rather unusual for congressmen to do, again urging me to settle the case. I was unable to have any opinion on it at that time because I hadn't even looked at it. I didn't know a thing about it. When I did get into it, it was so complex and it didn't look to me like the government could reasonably settle it, that I urged and finally decided that the case should be tried.

At this juncture, John Moss and Chet Holifield said that they thought the case should be settled and if I didn't think so that I could come up and explain it to their committees and that I might spend the next year of my life up there testifying. I said to them, "That's fine, whatever's right and whatever's in the public interest." And we were, as I deemed it then, sparring. I thought they were trying to push me and I just didn't want to give into them although who. . . . I felt very strongly the case should be tried.

I mentioned all this in passing to Bob and, in particular, I mentioned to him that they were going to investigate the Department of Justice. He, to my surprise because I was kind of kidding with him about it, he said, "Get them down here." And I said to him I thought that was a mistake, that he ought to let me handle the case, that that's why I came all the way from California was to handle the case and that this was just a ploy on their part and nothing more. But he was adamant on that and he said, "Get them down here."

So, I invited them down and we met one evening in the attorney general's office about 7:30. He'd been there all day long and was irritated but he set up the appointment. As soon as Moss and Holifield and I walked in, why, we started in to argue. We were arguing about who said what to whom when, all of a sudden, Bob said, "Stop it!" And we all looked up. We were rather shocked and he then proceeded, right out of the blue sky as it were, to deliver a long lecture on our country and on the duties of people representing the country and he was really scolding all three of us. He was talking about, in the language of the West Point motto, "duty, honor, country." He was quoting Abraham Lincoln. He quoted George Washington. He pointed out some "profiles in courage" as it were and generally berated us for quarreling about this thing. All this took, perhaps, forty-five minutes.

So, about 8:30--we had been arguing for about fifteen minutes when he got tired of hearing us--they left and I asked him why in the world he had come forth with this lecture on "duty, honor, country." I pointed out to him we'd offended two of the most important Democrats in the House and surely the two most important in the California delegation and I said, "They'll be really after you." And he said, "Well, they'll get you first."

I never heard him do that before or since but he really, I think, was tired of all of our machinations over this Long Beach case and, as I said earlier, I think one of the few things I ever did for him was to beg him not to--and he didn't--sign the settlement of that case which was a rotten settlement. The government got taken and the litigation erupted again to the great discredit of the government. The department had nothing to do with the settlement of that Long Beach case.

HACKMAN: Can you remember other cases on which there was congressional involvement that he got involved, attempted to settle or advise or whatever?

ORRICK: No, I do not. No, I really don't.

HACKMAN: Can you remember just other problems that you had in relation to Congress either with your appropriations committee, Justice Department appropriations committee, or on other matters generally to you?

ORRICK: Well, in the, I had all kinds of settlement problems with the distinguished members of Congress. When I was in the antitrust division and I had quite a few in the civil division. I don't mean this as any criticism of the Congress because I think it's a congressman's, not only his right but his duty to make inquiry on behalf of his constituents concerning the status of cases and, indeed, to urge on behalf of a constituent a particular settlement. Some do it more than others.

I remember there was one case. Senator [Lee] Metcalf, when I was in the civil division, was very, very insistent that we settle on his terms. We didn't and nothing ever came of it, but I think he was just pressing his point. So it was the rule, rather than the exception to the rule, that we heard from them.

HACKMAN: Is this a case--I was reading in one of your daily reports to the attorney general something about a case that Metcalf and, I believe [Michael J.] Mansfield, but I'm not sure, were involved in and his answer is, "Do what is best in interests of the government," or something like that?

ORRICK: That's right.

HACKMAN: That's the same case?

ORRICK: Yes, indeed it is the same case. That's right and Mike Mansfield was in that.

HACKMAN: I found that part . . .

ORRICK: Yes.

HACKMAN: . . . nice to read.

ORRICK: That was characteristic of Bob Kennedy.

HACKMAN: Any other cases then that you can recall from that period?

ORRICK: Not in the civil division but, on that thing, when I would bring him a case in the antitrust division--I didn't have authority to file the case, the attorney general had to sign the complaint--and he wasn't interested really in antitrust but he would say, "Must I sign it?" And I'd say, "No, it's just a recommendation." And he said, "Well, do you always have to sue our largest contributors?" And I said, "I don't have to. I can't do it, you have to do it. You make up your own mind."

But the point that I want to emphasize is that--as far as I know, never did he fail to do what was right. That was for always. I don't recall, I'm sure. . . .

He wasn't really interested in the civil division and I don't see any other cases that I had in mind on this.

HACKMAN: You'd mentioned at dinner, and maybe we could put down here then, your conversation with the president and with Robert Kennedy about going to the State Department. How did that come up?

ORRICK: Well, that came up in May of 1962 when I got a call to go to the White House. It was at a time when we were considering the Billie Sol Estes case and I thought surely that the White House was interested in it. So I spent a lot of effort, stayed up to acquaint myself with all the facts so I could present them. I got over there, and I'm not sure whether I saw the president that time--I saw him afterwards with Bob, I might have seen him that time, I'm not sure--but I know that I saw Ralph Dungan. I was told that "You're going over to the State Department." I said, "I'm going to do nothing of the kind. I belong in the Department of Justice. It's like the Giants selling Willie Mays." It was Ralph at this point and he said, "Well, we've made an appointment for you to see Dean Rusk this afternoon." I said, "Well, I don't want to see him."

I walked out and I went right back to the attorney general, about 1 o'clock, I remember, and he was in his office. I said, "What's all this about selling me to the State Department?" He said, "Well, I should have told you. We want you to go over there." And I said, "And do what?" And he said, "Be deputy under secretary for administration." I said, "Well, I don't know anything about that." He said, "Well, can't you do it?" I said, "I can do

it if you back me and if the president backs me and if Dean Rusk"--who's my old friend from law school days--"will agree and George Ball." He said, "Well, would you give it a try?" I said, "Yes, that's what I came back here to do obviously is to help out."

So then I can't remember whether, what the time sequence was. I think that maybe then Bob and I went to talk to the president. The president asked me if I'd do it and I said, "Yes, Mr. President. I think I can do it but I need to be backed by you and be sure that Rusk and Ball will back me all the way." Yes, I think that's the way it went. Then he said, "Well, I think you should go over and talk to them."

So I went over. They were both there. I had known George Ball, not well nor had I known the secretary well either, but I had known them both. I explained it to them just as I've explained it to you. And I said, "If you don't think it'll work, please let me know because this is nothing that I want to do and what I would like to do is have this agreement with you that I'll meet with, preferably with both of you, at least with the secretary, once a week for an hour to tell him what I'm doing. That's terribly important to me because I'm going to be doing a lot of things and I want to do that. I think it would help you but it's a necessity for me. And if there's anything that I'm doing that you disagree, you tell me but don't go over my head. And I'll tell you everything that I do with the president and with Bob Kennedy, who's interested, and that way, I think it'll work." And, of course, they agreed.

And so, then I had another talk with the president and told him about this and asked him what he thought, what was important to him that I should be doing over there. He really didn't know enough about the organization of the State Department to state with any particularity but he said he was bothered by two things: number one, he could not understand the Foreign Service. He wanted me, if I could, to interpret in effect the Foreign Service to him by whatever means I could. And, secondly, it just annoyed him beyond measure that he couldn't get answers out of the State Department and would I see what I could do about getting answers. With those rather sketchy guidelines, I agreed to take the job.

He said, "The first thing you ought to do is talk to [Charles E.] Chip Bohlen." So--Bob was at the second conversation--we went out and got in his limousine and drove back. He said, "You can find all about how it works from Bohlen." And he said, "I don't think it's going to be too difficult." And I said, "You have to be kidding." I didn't say that but in effect.

Then he said, "There's a friend of ours that I think you should have on your staff." I said, "Bob, I'm going over to another department and I've got to run my operation the way I see it." He said, "I didn't say you had to hire him. Would you interview him?" And that was Brandon Grove who is just one of our dearest friends, just a superb human being and a great Foreign

Service officer and happily fit in the Kennedy mold. Bob had gotten to know him on his trip over to French West Africa right at the outset. Brandon was there in the Ivory Coast as a young officer and Bob took a great shine to him and they became fast friends. I took a shine to Brandon who's very, very proper and has good ideas and everything. So we got along very, very well.

Then I took my special assistant over there, Murray Bring. I put him with Brandon. You couldn't have. . . . They were so far different. Murray was a very bright lawyer who, when we went over there, he wore yellow socks and yellow ties and it really tickled me. Brandon was always very properly dressed. I used to laugh. Those guys. . . . Murray pretty soon changed his dress on us. This amused Bob. He said, "You're a very bad influence over them."

And so that's how I got started over there.

HACKMAN: Can you remember at the time you went over having any feeling for the kind of job that Roger Jones had done and the kinds of dissatisfactions there were at the way things were going in that end of things?

ORRICK: No, I wasn't. I just, I hadn't been close to it at all, of course, while I was in the Department of Justice. Roger was a fine guy. He was very good. He wanted to do everything he could to help me. But in talking to him, it was immediately apparent that he really, that he was on the outs the entire time he was there. It wasn't his fault.

So I didn't know what the deal was at all when I went there but I found out awfully fast because the day I was appointed I, almost the day that they told me about it, which was six weeks before I was appointed, I started, I took a little office over there and I lived there twelve hours a day, just talking to people and everything. I talked to Chip Bohlen and Chet Bowles had been contemptuous of Roger. They just hadn't used him. Then George Ball was forever trying to improve his position in there and this made it awful tough on Roger, just impossible.

HACKMAN: Was the, from the White House end, was it evident that there was dissatisfaction with the quality of appointments that were being recommended because I know the deputy under secretary does get involved in the appointment process in some way or another?

ORRICK: Yes, very, very definitely. They were concerned that the ambassadors didn't have enough imagination and the Kennedys were nothing if they weren't activists and they held no brief for the time-honored traditions of diplomacy exemplified by Talleyrand [Charles Maurice de Talleyrand-Perigord]: you must be patient and listen and do anything but get involved. They were really getting, they wanted to get involved every place. They were much. . . . I'm being awful cavalier about this but I think it's fair. Make up a good ambassador was [Edmund A.]

Ed Gullion. Ed Guillion set the whole Congo thing in motion. That's what they thought was great. For a few, perhaps, for a few underdeveloped countries where you don't have problems with the Chinese or the Russians that might be desirable, but, mostly, it isn't. It just isn't. And they never understood that. Now I shouldn't be talking as a foreign relations expert but that was certainly, after a year there my judgment.

HACKMAN: You said they told you that you could get some good advice possibly from Chip Bohlen. Can you remember any conversation with him, what advice he gave you and how he saw the problem?

ORRICK: Yes, Chip was very helpful. That very day I, like a good Kennedy man, I moved. We had lunch at the Metropolitan Club and Chip told me. . . . I told him what the president had told me. He understood it perfectly. The president had great confidence in him and, like the good diplomat that he is, right away he reacted. He told me how to go about it and I followed his advice and his advice, as I recall, was that I'd better get to know the bell wethers in the service. Perfectly sound, sensible advice. I set about doing that.

When I came to the department, they were all, to a man, very suspicious of me. There were few Kennedy activists in the department that rejoiced which made the problem all the more difficult. But, just to a man, they were suspicious and I spent a lot of time talking to them. I talked to [Chester] Chet Bowles and he had all kinds of, he wanted to be much more active, had lists of ambassadors for 110 countries, unbelievable things. Then I talked to my colleague, [U. Alexis] Alex Johnson, and Alex is a fine Foreign Service officer and a real pro and he was so suspicious of me. He and I became very good friends. But I spent hours listening to him about what the Foreign Service really is and how you have to take, arrive at Ch'ingtao and take that junk up the Yangtze River in order to surely know, to your first post, to know what being in the Foreign Service is. If you haven't been to Mukden, why. . . . Later on, I found out that U. Alexis Johnson, the top, one of the top, ranking Foreign Service officers when I was in the department, had never been to London. That killed me! When he told me, he explained how it happened. He was always going to Geneva or Warsaw or someplace else so he just never did go to London. So I spent a lot of time listening to that and it was very helpful to me. They told me all about it. I thought it was. . . .

I talked to Bob about this. He said, "Well, you better get out to the undeveloped countries, so, before I was confirmed, I did that. I went to Africa and to Ouagadougou and Niamey with Brandon. We had just a very concentrated course in that part of the Foreign Service.

Then we went back to Paris and Cecil Lyon had a lunch there and he had about six ambassadors there and they all looked at me like I was something that should be in a zoo, that here was a live Kennedy infiltrator. I was very self-conscious about that, as I recall, but I got on with them well and I had really no problems with the bell wethers. They all had problems with Bob. There wasn't anything about that. When I'd say something nice about them, Bob would say, "Well, you don't really know them." But I did know them pretty well.

HACKMAN: That early, what were their dissatisfactions with Robert Kennedy?

ORRICK: Oh, they didn't like the first trip. They were very critical. And, of course, Bob was in their business. Bob was in their business beginning with first Cuba and, by the time I went over there, they were starting the counterinsurgency. They didn't like the hat he wore when he was over, I guess it was at the Ivory Coast. You know, they were scared to death of him.

HACKMAN: Did he talk to you at the time when you went over about counterinsurgency and trying to get something going on that side of things at State?

ORRICK: No. At the outset, he listened when the president told me what he wanted and then he added his own views about getting with it. But after I'd been there much too short a time, then he began to talk to me about getting things and "Why can't we get this going and do that?" I'd explain why not and he said, "You're just like the rest of them." Well, he was always on my back. Then he got those counterinsurgency, those special groups going and General [Maxwell D.] Taylor was head of one.

I had found on an inspection trip that I'd taken to South America that it was very, very useful for me to go on these backbreaking trips but to go with a younger man and maybe with the area business guy, administrative guy. We would go into a post and then, before we'd go, we'd get thoroughly briefed. I'd go over and talk to the people over in the CIA and I'd talk to the AID [Agency for International Development] people and our own substantive people and so on. So I knew what was going on in the country and who the personnel were and what the problems were. And then go in and spend, maybe, two days or something like that. But, when I had it planned, I'd talk with the B.P.M. . . . [Interruption] . . . talk with the younger guys in the embassy and you got an instant feel for what was going on and what they needed and what they were doing wrong and you match this up with what was in the cables.

I'd change a lot of things on the spot or I'd help them out by cables back to the department just right from there. In several instances where the station chief thought he was the ambassador or vice versa, I'd go over and talk to John McCone or [Lyman B., Jr.] Bill Kirkpatrick and we'd get the personnel thing fixed up and this was very, very good, very, very useful.

I reported on this fully. I reported to the secretary. I reported to George Ball. When I came back from the Latin American trip, Bob took me over to see the president and I told him in each country what we'd done and he was very much interested. Bob was interested in it. Then Bob had me, he said, "Well, we ought to develop this further and you ought to get higher level inspection teams." This one and the one that I did in Europe were, as I say, very, very successful.

Well, George Ball didn't like it. I never knew why. I think he might have thought, oh, this showed that he wasn't paying enough attention to this



kind of thing or it was undercutting him or something else although I reported fully and faithfully to my superiors in the department as I did to Bob. I told them. They knew what I was doing. I told them when I came over.

So I couldn't get, I got no support for this higher level inspection team. Really none. On one side, I had nothing from the secretary or Ball. We used to meet every single morning in life at 9 a.m. Three times a week we'd meet for forty-five minutes and twice a week we'd meet for twenty minutes, then meet another hour with the assistant secretaries.

The pressure I had on the other side was from General Taylor and Bob and this [counterinsurgency] group to get it going. I'll tell you, we got, I don't know how many teams we had at lift-off, as they might say, four at a maximum, maybe there were only, well four, I think four. But I had to put those together. They were all mine. That irritated me right down to the ground, and it irritated them that I got them flying. But I had to get them flying, or I had Bob on my back. They did, I thought they did, useful work as far as I could tell. But Bob had a hand in all of that.

HACKMAN: When you say "getting these four off the ground" or whatever number it was, you're talking about the inspection teams or you're talking about the CI programs themselves?

ORRICK: I'm talking about the high level inspection teams. The department has a regular inspection program which we tried to spruce up but it's not. . . . It's all right if they pay attention to it, but this was on a high level. We had ambassadors going on this. Like we had, I remember one that [Henry A.] Hank Byroade and [William J.] Bill Handley, I think, was on it; it was really a high level team. They went in to, well, we sent one into Liberia, I think, and another one into South America. They did useful work and if there were ambassadors, they could do it. It was work in the Kennedy activist style, "Let's go in and find out what programs are good and what programs are no good and then we'll change them," but it was a. . . .

So that's fine and, as I say, I think it worked. But it was disturbing to the ambassador on the job who wasn't clued in, and it didn't help a darned bit not to be backed by the secretary or the under secretary.

HACKMAN: You mentioned Rusk and Ball. What about [George C.] McGhee who at that point was number three there? Did he get into these kind of things at all?

ORRICK: George [McGhee] always tried to get in, but George was never, he was never a factor there. George [McGhee] was the secretary's good friend. Ball was ready to eat him alive to many people. George never really knew what was going on. I think he was happy to go to Bonn finally.

HACKMAN: Were there other people in State who gave you a lot of help, particularly people who the White House looked to as strong, White House

loyalists in the State Department?

ORRICK: No. I got, just on looking back from a perspective now of four years, darn little help. [Lucius D.] Luke Battle helped tremendously wherever he could, and he could in ideas like on reorganization and so on. But it was, as far as I was concerned, it was uphill all the way. I just really can't think.

I got on well with, as I thought, with most of them when I first came to State and I wanted to think. . . . I asked the secretary, I said, "No fair having somebody come to you running my end. That just won't wash." Well, they'd always done that. They'd done that with Roger, and so when I was there, they continued to do it to me.

One day I was kind of whining about this to Byron White and Byron said, "Well, I know what you mean." He said, "That happened to me when I started playing professional football. I was with the Steelers, and after the whistle was blown, they were kicking me in here and I asked the coach, 'What'll I do?' and he said, 'Wait till you catch one of them out of bounds and after the whistle's blown, then you kick him there and kick him in the face but be sure you kick him in both places and be sure the whistle's blown and everybody sees you. It'll cost the team twenty-five yards, but I'll be able to keep you for a couple of seasons.'" So Byron said he did just exactly that. He said he did a very good job of it. It did cost the team twenty-five yards, and he said he never had any trouble after that.

Well, I had a chance to do that figuratively, with Harlan Cleveland. I caught him, and it was something he really wanted, and he had to get it from me. He went to the secretary, and I really fixed his wagon for fair on that. Then I had them all coming to me. So, my relations with the assistant secretaries was, from my point of view, at least, it was fine, and I did my level best to work with them and help them in every possible way that I could.

HACKMAN: What kinds of things in the early period would they try to go around you on, going back to it?

ORRICK: Getting an ambassador appointed. With Harlan getting a special kind of communications equipment. Oh, they just wanted to bypass that. The secretary agreed. The secretary would always agree with you; you'd have a firm agreement with the secretary. But in his heart of hearts, he never had an agreement; he just never stayed by them, any of them, though I liked him. There wasn't a guy who had more ideas. He truly didn't understand Bob Kennedy, just didn't. Bob had no use for him. They made no effort to get along with each other or even to understand each other.]

HACKMAN: I believe I sent you a list of ambassadors, and maybe, first, just to start off, how did appointments of ambassadors work basically in that period when you were there? There were a number of changes.

ORRICK: I made, that was one of the important tasks that the deputy under secretary had or should have had and I said that he, that that was his duty and it was particularly important in interpreting the Foreign Service to the president. So, I used to meet with Ralph Dungan at least weekly, sometimes more often. We'd have lunch over there and the agreement was, when there was a vacancy, he would put up the best pol that he had and I'd put up the best that the Foreign Service had. We'd argue it out among ourselves and, if we differed, we'd go to the president. Now, this was not a good way to select the ambassadors. I had a better way which I developed later on but I'll come to that. But when we first started in, this is what I was anxious to do. So, the director general was under me, Tyler Thompson, and I said, "Now, Tyler, we want the best that the Foreign Service has. I don't care what the post is." I'd get those dossiers and I'd read them and work over them and sometimes call the guy in from Peru or wherever he was and then put him up. Ralph and I would argue it out and, most of the time, it worked out all right.

So that worked all right but the vice of it was that it really cut out in many, many instances, and shouldn't have cut out, the secretary of state, the under secretary of state and they didn't like that. Eventually it would get around to them but there wasn't any good channel. So that wasn't a very good way of doing things.

I studied that and I talked with my counterpart in the French foreign service and also in the British foreign service and suggested that we develop what the British had which was a sensible senior board with. . . . I think the foreign secretary might have come in on it just as sort of a rubber stamp at the end, but the guys who were considering it were senior diplomats from different areas in the world and the permanent under secretary. And then I discussed this at great length with Averell [Harriman]. Averell had the idea, in fact, I think we wrote it up. . . .

This is one of many, many things that with good staff work I wrote up and presented. The secretary always signed and then destroyed what I left there. But that would have made good sense. But I think that's the way most of them work.

So far as the best in the service went in retrospect, I don't know that, I don't really know that they were. We had the man with the most unlikely name I ever heard of . . .

HACKMAN: Outerbridge Horsey.

ORRICK: Right.

HACKMAN: I mean, you had to say that.

ORRICK: Yes, that's right. I pushed him very, very strongly to be ambassador, I believe, in Czechoslovakia. I'd met him, met him in Rome and, at the time that he was pressed, that I pressed for him, he was ideal.

for the job. He only had a staff of twelve. The Czechs were worse, well, about as bad then as they are today. The government was. Arthur Schlesinger was outraged by this but he had had a prior run-in with Outerbridge Horsey or Outer as his friends called him. And I never. . . . Arthur criticized me about that. As near as I could tell, that one was all right.

Then there was another one, John Wesley Jones, I think that was his name, in Peru.

HACKMAN: To replace [James] Loeb. He replaced Loeb down there after that coup d'etat.

ORRICK: Yes, yes, that's right. Loeb had gotten into politics there which is just about the last thing an ambassador is supposed to do.

HACKMAN: Do you know if Robert Kennedy or the president definitely felt that was so? Can you remember there being a discussion of whether you'd possibly send Loeb back or whether he has to be removed?

BEGIN TAPE III, SIDE II:

ORRICK: I remember that, at the time, he had to be removed. Then he was on the, he was dying for another post and because he had really misbehaved down there. . . . They might not have thought so. That wasn't their. . . . They were activists, they were really activists. They had to get in and change things. I don't think, I really think they were wrong in that.

In any event, Jones was the career type so he didn't do anything as far as I know while he was down there, one way or the other. So I think you could question whether or not that was a good appointment. I don't defend that.

One of the others. . . .

HACKMAN: What kinds of people were, was Dungan looking for? Did he ever explain what he was looking for?

ORRICK: Well, Dungan had, Dungan rode close herd on AID and he was terribly interested in the Foreign Service. He was also under terrific pressure from the Irish mafia in the White House to reward the pols. He had a very difficult task which he performed very well, I think. He tended to be an activist and when he was ambassador was, I think maybe too much so.

But these at the top. . . . I've forgotten about [William J.] Bill Porter who'd been working for [William J.] Crockett in Algiers. But [James W.] Jimmy Riddleberger in Austria, that was my fellow. He was good, good for the, you know, career ambassador, good for Austria. [Donald A.] Don Dumont was in the inspection corps and he was good for Burundi. Philip Sprouse couldn't

have been better for Cambodia as long as he was able to stay there.

[W. Walton] Butterworth was ideal for Canada. Butterworth looked like an ambassador, looked like he, as Brandon said, "burst out of his mother's womb looking like an ambassador." He was an excellent ambassador in Canada.

Brester Morris, I asked him to go to Libya, and he wouldn't do it--he was the DCM [Deputy Chief of Mission] in Germany--so I sent him to Chad which he never really got over.

Then to China, Admiral [Jerould] Wright, that was out of the White House. As far as I know, he was fine there. He still talks about it. I just saw him a couple of months ago.

Then Outerbridge Horsey in Czechoslovakia. [Edward M.] Ed Korry, of course, was right out of the White House, in Ethiopia on his second post there. Bohlen, that was the White House entirely and so was McGhee and so was Bowles to India. I had nothing to do with those.

HACKMAN: Can you remember getting involved in the replacement of McGhee with Harriman, exactly why that change was made, and when it was?

ORRICK: Oh, yes. I remember very clearly. It was in the spring of '63.

We'd go in there 9 o'clock on the button, Ball, Fowler Hamilton when he was there, and later [David E.] Dave Bell, Luke Battle when he was there and, later on, [William H.] Brubeck, Alex Johnson and myself. President Kennedy would have. . . .

We'd all read the [New York] Times, the [Herald] Tribune, the Wall Street Journal, the [Washington] Post and the night's cables, so we were all up, the radar was up. Someone would have been called before we got in there. It was always interesting. I think I was once, actually, which pleased me. The president wouldn't call me about a revolution in Burundi, but he would have called someone in there. Then he would have called someone in the rest of that great department, an assistant secretary or more, or as likely, a desk officer. Nobody knew who had been called.

Well, what do you think's the most important matter of business? The most important matter is what the president of the United States is interested in. So, there'd be a lot of sparring going on between the secretary and the under secretary and the under secretary for political affairs about the problems of the day and what was important. Then someone would let the name drop, "As a matter of fact, the president called me just a few moments ago." Oof. Everybody looks at it and, if the president hadn't called him, there was a loose ball on the field which would be eyed suspiciously, everybody wondering whether the replacement of Olympia in whichever one of those--well, I can't

get it--in Gambia or someone like that, whether that was likely to excite curiosity in the White House. Finally someone would say, "Well I'll take that," and he'd fall on the ball. But there was always a loose ball on the field.

Then there were a lot of good, very good players when we'd go in and talk to the assistant secretaries and the secretary would go around the table. So some fellow sitting, "Yes, as a matter of fact, the president did call me on that this morning and we have that." But it was more often than not a desk officer loose with the ball whom no one knew about who would be in direct contact with Mac Bundy, though Mac was very good about this. But the problem was on the seventh floor and there was continuous distrust, distressing really, and lack of confidence in one another and always they had those knives out. It was unbelievable.

HACKMAN: How interested as time developed was Secretary Rusk in your problem and ideas? Someone has said that he was, either because he was busy or just because of what he was interested in, that he wasn't very interested in administrative problems and listening to those kinds of problems?

ORRICK: I found the secretary. . . . I said earlier that I asked, as a condition, that I get an hour a week with him and his lovely secretary, Phyllis Bernau, who's now married to [William B., Jr.] Macomber who now has my job, faithfully kept that for me. I brought to him a myriad of problems and he gave me problems and I can truthfully say that he listened attentively, he was imaginative, he did know the department, he had suggestions on it, on each and every problem and then he'd give me problems.

He gave me the John Paton Davies problem the day I walked in. I worked out a code for. . . . That guy who wrote the so-called definitive article in the New York Times magazine a couple of weeks ago on it left out my program which rather annoyed me, but it was one of the many things that went down the drain. But I worked out a system within the department so we could get, we could restore John Paton Davies and I worked out a system to get rid of security cripples. The secretary was very pleased with that.

I asked the secretary if he would talk to the, if I could bring in the new Foreign Service officers, the FSO-8's, and he was delighted with that. He asked them what they'd do if they were secretary of state and he went around the table. Couldn't have been better.

I said--he loved to be called, "Mr. Secretary," the old General [George C.] Marshall business--I said, "Mr. Secretary, you should be interested in the State Department budget." I said, "I'm having a terrible time with it and I'd be much better off and you'd be much better off and those assistant secretaries would if you understood the budget. And to do that, I propose that we have a budget committee and that you and I and the under secretary and the under secretary for political affairs be members of the budget committee and that we

make these assistant secretaries come up--I know how busy everybody is--and we'll do it every Saturday." To which the secretary agreed. They came, one at a time. We had, you know, eleven or twelve Saturdays there. It's a big bore in a sense, but, on the other hand, the secretary got very much interested in it. When [William R.] Bill Tyler, the assistant secretary for EUR [European affairs], is up there explaining about why he needs the train--and I acted as sort of the interlocutor, the monitor, the prosecuting attorney, if you will--I said, "Why do you need the train?" Then I'd ask him, I'd say, "Now, Mr. Secretary, I don't think that's a good justification for the train," and we'd start in to argue. It was great. It really was. It brought him right into the middle of it. He knew about it. I'll say this, he stopped it as soon as I left. He did that.

I worked out a system for country teams and country directors and all kinds of stuff. I worked out a system to implement the [Christian A.] Herter report. We had long staff studies and so on. The secretary signed every single one of those and approved them but nothing ever happened to them. I think I can illustrate best. . . . I like this man. I was in law school with him and I had great admiration for him and really liked him. I used to defend him to Bob Kennedy. He'd just rather not hear any more about him, he couldn't understand how I could be such a lost soul. But I think I can best illustrate my relationship with him was when Mike Mansfield wanted to go to Saigon and he wanted a Foreign Service officer called Henry Ford. Henry Ford was one of the best guys on communications that we had and the president had asked me--this was during second Cuba--to be head of this great Orrick committee to form the National, the NCS, the National Communications Service, and to report to him and the National Security Council. I didn't know anything about communications, I was concerned about it. [Robert S.] McNamara and Bundy gave me my instructions and I was to report to them. We were starting on this terribly important work of the country's communications, a situation where the president of the United States was physically unable to communicate with the Russians at the height of the Cuban crisis, where the military had grabbed all the available channels. It was just a horrendous mess. I had carte blanche authority and I was scared to death. I wanted to do it right and I needed Henry Ford as one of the staff people. So, Pedro . . .

HACKMAN: Sanjuan?

ORRICK: No, that's not Bobby. That's another story.

What's his name? [Francis R.] Valeo, Mansfield's AA [administrative assistant] said, "The senator wants Henry Ford. He likes him. He's been on trips." I said, "Well, he can't have him." Well, he said, "He really wants him." I said, "Well, I'll send you a better guy, a guy that knows much more about Vietnam than Henry does but I cannot let Henry go."

So then the senator called and he said, "Bill, I don't think you understood." He said, "I want Henry Ford to go." I said, "Senator, well, we really have got

this very, very important job and I'll give you these more important people." "That's not enough," he says, "I want Henry." I said, "Well, let me look into it." He said, "Look into it. I want Henry."

So I went down to see the secretary and I explained it. I said, "Mike Mansfield wants Henry Ford and I cannot get along without him. I need him to carry out this task and it's far more important than sending him off on a junket with these senators and will you back me?" Just like that and he said, "Yes, of course." He said, "I understand."

So I went back to my office and I got hold of Mike. He was out in Montana. It was later in the day and he was campaigning. He was out in Helena. I said, "Mike, I'm sorry but I've got a better guy." He says, "You're sorry! I'm getting Henry Ford!" in this very un-Mansfield way. He said, "You forget you're talking to the majority leader of the Senate and I'm going to the president of the United States. But I want Henry!" He just had a hard day, that's the only way I can put it because it's so unlike him. He remembers that. He's laughed about that with me since.

So, as soon as he hung up, I beat it down the hall again to see the secretary. I said, "Phyllis, can I see the secretary?" She said, "He's on the phone but you go in." So I went in and he said, "Yes, Mike." I knew it was. I couldn't even beat him down the hall. "Yes, Mike, of course." I got, I was nervous, I blew my. . . . He hung up and I said, "You gave him Henry Ford." And he said, "Yes." I just blew my stack. I said, "That's damned unfair." I said, "It wasn't two hours ago I was down here and you said you'd back me. You haven't kept your word with me." He said, "Now, Bill, calm down." I said, "Why should I?" I said, "I think it's absolutely outrageous! I've never been treated like this, ever. You and I had an agreement. You broke it." He said, "Now sit down, sit down."

So we went over. I sat down on the couch and he sat down in his usual chair. He said, "Bill, I want to tell you a story." He always related everything. He worshipped General Marshall and he always relates everything to the military. So he said, "I remember when I was a captain, a young captain, during World War II. I was at Fort Benning doing infantry training. We were out on the rifle range. I was sitting on the bleachers up in the top row and it was hot as Hades. We were all there waiting to fire and down on the first row were the senior officers, including a fat, obese National Guard general whose shirt was all sweated through, and lieutenant." He always remembered their ranks too. A lieutenant whispered to me but in a loud whisper and he said, 'Rusk,' he said, 'how do you think that fat old bastard ever got to be a general?' Everybody in the bleachers could hear it and the general turned around to him and said, 'Politics, my boy, just politics. That's all it was.'"

Well, you know, it made me so mad. I said, "I could have done that, Mr. Secretary. I understood it. If somebody's going to give it away. . . ." "Well," he said, "that's the way it was, Bill." Well, that indeed was the



way it was. I really didn't realize it until then.

Nonetheless I kept putting up these plans, and they were approved, and nothing ever happened to them. Luke Battle helped me, advising me, Herman Pollack, and these other guys, but it was politics.

HACKMAN: What was it that Robert Kennedy couldn't understand about Rusk or then appreciate your defense?

ORRICK: Well . . .

HACKMAN: Now I'm just following just like you said.

ORRICK: Well, that's right.

[ But on looking at a problem, he had, he did ]  
have ideas on every problem.

HACKMAN: One appointment that's not down there that was made after you left, and that's the appointment of [Frederick E., Jr.] Nolting in Vietnam. Can you remember anything on the consideration as to whether to replace Nolting?

ORRICK: No, I don't. I really don't. Vietnam was always treated specially and that never came up.

HACKMAN: What about the . . . You said you got involved in some plans or suggestions on the country team idea. Now, country team idea, as I understand it, was being pushed earlier, in '61 at least. What had to be done at the point when you came in on that? What was your . . .

ORRICK: To see that the country team worked, that, in fact, the ambassador was the leader of the country team, and that there was some useful input from the AID guy and the [Central Intelligence] Agency guy and so on. That special group, whatever it was, group one, CI group, one, they thought this was, that if you set out a high level inspection team, it would scrub up the country team, and it's true; it did.

HACKMAN: Where was that a particular problem? Can you remember which, where were the other elements running around, the ambassador and what . . .

ORRICK: Oh, Brazil. There are darn few places where it really worked. There was always some weak link. In one place, I think, in, maybe it was in Paraguay where the, of all places, where we changed the station chief there who thought he was the ambassador. I'm not sure that's right. There was in one of those in South America.

HACKMAN: Can you remember embassies where either the CIA or the MAAG [military assistance advisory group] groups were a particular

problem--military advisory assistance groups?

ORRICK: No. I remember in our commuciations work that the general. . . .

HACKMAN: What's the country?

ORRICK: He was the, he had the southern command and he commanded all South America, in fact. He used to regard it as part of his back yard and he'd fly in and out daily there. I can't. . . . He was a marvelous general, just the kind of guy you'd want to have protect you. But he treated them, they were all like little parts of his backyard. He said, "I could grow a little parsley down there, know just what it's all about." He was great. [Clarence A.] Clar Boonstra was his Foreign Service counsel or, whatever you call it. I just can't remember.

HACKMAN: Do you remember anything about Laos because that's one where I've seen there are rumors, that there are problems with the CIA and military people but I've never really been able to pin that down?

ORRICK: No, I don't remember anything about Laos except, let's see, was it, well, except what I mentioned earlier, that thing in the civil division that we were trying to enjoin a bank from honoring . . .

HACKMAN: Yes, you didn't put that down on tape. What . . .

ORRICK: . . . Prince Souvanna Phouma's draft. Some such thing as that.

HACKMAN: What was Harriman's concern?

ORRICK: Harriman thought that the Prince was going to withdraw the money and put it into Swiss banks and he wanted to prevent that. Our job in the civil division was to go over and get an order enjoining the bank from honoring a draft from either of the princes.

HACKMAN: Was Harriman around as under secretary long enough while you were there for you to get a feel of how things changed when he took McGhee's place?

ORRICK: Yes. He was. The service had great confidence in him and the tasks forces that would not report to McGhee, delighted in reporting to Averell Harriman. They had confidence in his judgment and experience and he was very popular in the department, much more so than George Ball, for example.

HACKMAN: You said Ball was, that you could see that Ball was concerned in what, carving out new areas of responsibility for himself? How would you define that?

ORRICK: Well, Ball was a hard-working, conscientious, very bright, very able man. He was anxious to be in the forefront of everything,

which is quite understandable, and was, but he wouldn't follow through on a lot of things that he'd start. He was sort of like a baby with a rattle. As soon as something new came along, he'd jump in because he thought that was his job. But the result of it wasn't very productive and it certainly wasn't well thought of in the department.

HACKMAN: What kind of a relationship did he have with Secretary Rusk?

ORRICK: Well, I really don't know. I'm told that they had difficult times and George McGhee was the secretary's very close friend and George McGhee didn't like George Ball at all and it was vice versa. I just, I really don't know to be useful in this.

HACKMAN: You mentioned the Herter report. What can you remember about how you tried to carry that on and what kind of response you had?

ORRICK: Well, the Herter report was a very important series, consisted of an important series of recommendations on the reorganization of the Foreign Service. It was prepared by a high level group who were thoroughly conversant with the State Department and the service. [Carlisle H.] Carl Humelsine was on it, among others. It was financed by the Carnegie foundation [Carnegie Corporation of New York]. Whitney Seymour was interested in it, Clare Boothe Luce, and they all knew what was going on.

And so what we did was to set up a task force, you can call it, to study it and to see what parts of it we could implement. We had two levels. We had a group, some people from within the department and some with. . . . Then we got our own staff and the staff would report to the people within the department. John Macy from Civil Service [Commission] was on it. I was the chairman of it and we had about five or six people on it and we studied their, the staff, recommendations. We worked out means of implementing the important parts of the Herter report and it, again, was another package that was approved by the secretary and nothing was done. Then, after I left, I think that Crockett who destroyed about everything that I ever did there, then resurrected this thing and it finally was put into effect. That was useful.

One of the best committees that I've ever been on was with Averell Harri- man and [Edward R.] Ed Murrow which resulted, which grew out of a complaint at a staff meeting by Ed Murrow that Americans couldn't travel freely. We were discussing passport restrictions and he said he'd always been in favor of free travel. So the secretary, I think more to appease him, appointed me chairman of a committee and appointed Averell and Ed Murrow as members of the committee. We only had about two meetings. We had one staff memorandum. We came out with a ringing denunciation of our present policy of restricting travel. We went on the Supreme Court's dicta in Kent against Dulles, I think the case is, where a citizen has a right to travel wherever he can and his government, and surely the United States government, shouldn't stop him. I remember Murrow, he was great on this and, of course, Averell was. We talked about this but that was another one. We put that up, a unanimous recommendation. It was all approved and scuttled.

HACKMAN: We're just about to run out of tape.

ORRICK: O.K. Well, it's been. . . .