Milton S. Gwirtzman Oral History Interview – RFK#2, 02/10/1972
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(1933 - 2011). Chief speech writer, Robert F. Kennedy Senate Campaign, 1964; director or public affairs, Robert F. Kennedy for President, 1968; author (with William vanden Heuvel), *On His Own: Robert F. Kennedy, 1964-1968* (1970), discusses working on RFK's senate staff, working with Edward M. Kennedy's senate staff, and assisting on New York state campaigns, among other issues.

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Milton S. Gwirtzman – RFK#2

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Second Oral History Interview

With

Milton S. Gwirtzman

February 10, 1972
Washington, D.C.

By Roberta W. Greene

For the Robert F. Kennedy Oral History Project
of the John F. Kennedy Library

GREENE: The first thing you had suggested that we begin with was the setting up of the Senate office. You said you had some knowledge and insight into that. Do you remember anything specific?

GWIRTZMAN: Well, I met with Robert Kennedy [Robert F. Kennedy] about two weeks after he was elected—a very informal meeting in the office of the doctor who was treating him for a sprained leg. He was in a whirlpool bath. He discussed the memo I had sent him about setting up the office in which I discussed the categories of personnel that you have to have in a Senate office; how it differed, for example, from an attorney general's office. He already knew most of that from the experience he had had in the Senate, and from observing his brother's Senate office. He was more interested in getting my views on what his relationship would be with the New York State congressional delegation and in particular with Senator Javits [Jacob K. Javits]. I reminded him of the very good relationship that Senator Saltonstall [Leverett Saltonstall] and Senator John Kennedy [John F. Kennedy] had established. I said, "I hope you can have that sort of relationship with Javits." He said, "I don't think I can because we're different kind of people." He indicated that while he liked and respected Javits, there wasn't the sort of chemistry that would lead to a close relationship.

In organizing his Senate office, he set it up along the traditional lines, beginning with a strong emphasis on New York State matters, because he was still conscious of the criticisms that had been made of him during the campaign about not being from the state

and not caring about the state. He wanted to do as much as he could in order to lay those criticisms to rest. That's why almost as soon as—in fact even before—he was sworn in he made a trip to upstate New York to talk about the problems of the cities with the civic leaders. I was with him during the Rochester meeting. He was amazed at that time how little the power structure of that city, as represented at that meeting, understood about the federal programs that were designed to help them. There were one or two people in the local government who were aware of them, but the Chamber of Commerce president, the business leaders, people like that, who were at that meeting and whose support was necessary to the effective operations of those programs, were not really aware that they existed or could do any good.

GREENE: Was there any question as far as personnel went for his office or was that fairly obvious to him?

GWIRTZMAN: I don't know. I had sent him a memo strongly recommending that he hire Adam Walinsky, telling him all the fine things he had done in the latter stages of the campaign. I think at the same time Bill vanden Heuvel [William J. vanden Heuvel] strongly recommended he hire Peter Edelman [Peter B. Edelman]. I know that he had Joe Dolan [Joseph F. Dolan] in mind to be in overall charge of the administration of the office; and some people who had worked with him in the attorney general's office came over. As I remember, he started with a small staff, built it up and tried to put new people into the areas where there was a need.

GREENE: Excuse me, I'll get back to what you said before. The meeting that you went to in Rochester, do you remember who was involved?

GWIRTZMAN: Who was at the meeting?

GREENE: Yes, and what the specific nature was.

GWIRTZMAN: Well, the mayor, Frank Lamb [Frank T. Lamb]; a couple members of the city council; fellow named Scher [Seymour Scher], who was the city manager at that time and is now city manager of a city in the New York City area; Sol Linowitz [Sol M. Linowitz]; other people from the business community; some blacks, for example, Reverend Frank Florence [Franklin Florence] who was the head of the FIGHT [Freedom, Integration, God, Honor, Today] organization which was formed after the 1964 riots in Rochester; and others. It was a select group but in that represented a broad spectrum of the city. The meeting was held behind closed doors. The local newspaper didn't

like the fact their reporter couldn't attend. They tried to overhear what was going on, and took pictures of everyone who went in and out, including a picture of Officer Jensen [Henry H. Jensen], who was a veteran

member of the Rochester police force, and was the truant officer when I was in high school, standing outside in order to guard the door against uninvited guests. They made it sound very sinister.

GREENE: Was there any specific reason for that? Was anything that was being discussed so….

GWIRTZMAN: Well, it was a private meeting not a public meeting—that was in the days before the fad to open up all meetings. Whoever set it up felt that everyone could speak more frankly if they could talk confidentially. Otherwise, some would be bound to put on a show for the public and the press. Rochester was in a difficult situation. It had had the first urban riots of 1964. They were widespread riots, growing out of the oppressed conditions of the steadily growing number of black residents. When I was in high school in the late 1940s, the handful of blacks in the school segregated themselves completely. Fifteen years later, almost no blacks could get jobs at Eastman Kodak [Company], the city's largest employer. Blacks were confined to two small sections of the inner city. Only a few months before the meeting the riots had taken place. That was an enormous shock to the white community there, as it was in other cities. It was a shock that was needed to wake them up to the facts of the economic and social situation of the black community in the city. Only after those riots did the large, prestigious industries in the city start making a real effort to hire blacks. This was the kind of thing Kennedy wanted to discuss and they felt it was better that they be discussed privately.

GREENE: Was he satisfied with the outcome of that meeting, that you remember?

GWIRTZMAN: Bill could probably fill you in better than I, but I think he was surprised at the lack of knowledge and understanding of the problems of the minority communities on the part of the white establishment in Rochester.

GREENE: Did he mark that out as a result of this tour—not just the Rochester meeting but others—as an area of emphasis for himself, to try to bring about a greater understanding? Did you get the feeling?

GWIRTZMAN: I think so. While the initial purpose of these meetings was to inform these leaders about federal programs that could be helpful to them generally, in terms of getting money from the government; he quickly

saw that there was an even greater problem there. He had been aware of it before. He had met with members of the white establishment in many cities when he was attorney

general; I don't think what he saw in Rochester was much different than what he had seen in other places, and his response to the Rochester group was quite similar to the response he had made in similar meetings with the establishment of other cities around the country, North and South. As to whether he decided to make the problem of the blacks a special cause because of those meetings, I don't think it was just that. It was a series of things. That may have been the first of them, but a series of things that happened over a period of a year or two that sent him in that direction.

GREENE: Did you say that you were present at the meeting in New York City, or at a meeting in New York City?

GWIRTZMAN: This one was in Rochester.

GREENE: Yes, I know, but I thought you mentioned another meeting in….

GWIRTZMAN: This was the only one I went to.

GREENE: Oh. What about the way the Senate staff operated once it did get going, in terms of personal relationships and the degree of his satisfaction or dissatisfaction with the way things went? Were you aware of that at all?

GWIRTZMAN: He wasn't satisfied with his press setup because he made a change there. He substituted Frank Mankiewicz [Frank F. Mankiewicz] for Wes Barthelmes [A. Wesley Barthelmes, Jr.]. The fact that a lot of mail was going unanswered made them reorganize their activities there.

GREENE: Are you speaking now of Ed Guthman's [Edwin O. Guthman] operation? I'll get back to that.

GWIRTZMAN: No. He made a change…

GREENE: To Wes Barthelmes.

GWIRTZMAN: Yeah, from Wes to Frank. Ed was just there for a short interim period. He had announced his intention of leaving for California. But the change I'm talking about is the other one.

GREENE: Had he ever discussed that specifically with you?

GWIRTZMAN: No. The only dissatisfaction I knew went the other way. Some members of the staff were dissatisfied with the very low salaries they were getting considering the amount of work they were doing, the long hours, weekends and the like. While they were not working for Robert Kennedy to make money, they still found they were grossly underpaid compared with other Senate staffers.

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GREENE: Why would that have been? It was my understanding that there's a specific breakdown of staff salaries, maximums.

GWIRTZMAN: No. You get a budget for the whole staff, depending on the size of your state. And if you have a large number of people, you have to spread that among all of them. In Kennedy's case, some were even paid, at least in part, from his personal funds.

GREENE: There are maximums but no minimums, is that what it is?

GWIRTZMAN: That's right.

GREENE: Well, what about the working and personal relationships between his staff and Senator Ted Kennedy's [Edward M. Kennedy] staff? I've heard there was a lot of competition.

GWIRTZMAN: There was competition, but it was of a friendly nature. It was a very Kennedy kind of competition. Each staffer was out to outdo the other in terms of getting attention for their senator. When a critical article about the work of one staff appeared, the other staff made humorous references to it. But there was no antagonism at all.

GREENE: You mention, sort of in passing, in the book about an unspoken agreement between the two senators that they would not work in the same area. Could you…

GWIRTZMAN: Senator Edward Kennedy's talked about that several times. Robert Kennedy, although he'd been attorney general, turned down the [Senate] Judiciary Committee because Edward Kennedy was on it. He did not turn down the labor committee [Senate Committee on Labor and Public Welfare] however, but they made sure to be on different subcommittees. As the Vietnam issue developed, Edward Kennedy tended to the refugee aspect, and pretty much left the rest to Robert Kennedy until well into late 1967. I think they separated assignments to maximize the influence that they could have on legislation and on the public. Insofar as the fact that one Kennedy was working in an area was automatically a reason for that area to suddenly

become the focus of press attention, they felt you didn't need two of them working on the same thing, that there were so many different areas that needed attention that it would be good for them to spread themselves out, for the purpose of bringing attention to problems, in order to get steam behind them.

GREENE: Is there anything else on the Senate staffs?

GWIRTZMAN: No, not at that time. It was a sort of staff in which

there is no clear delineation of responsibility and not too much competition between the people. They could accomplish this—quite an accomplishment—because they had all worked together before, either in the campaign or in the Justice Department, or both. They were in very, very close proximity. It was a small office, and quite crowded. As something came up, they were able to talk to one another immediately. And when people are that close in a Senate office or in any other organization, you don't need memos and organization charts with clear paper delineations of responsibilities. The Kennedys were always avoiding these things anyway.

GREENE: Were you aware of any problems of access to the senator because of a sense of possessiveness? I think….

GWIRTZMAN: No. If there was, I wouldn't have known about it because I just went in and out of there from time to time, to see him or others. I was not a part of the day-to-day activity.

GREENE: One other thing that you mentioned in the early period was Robert Kennedy's fortieth birthday party, I think you said at Edward Kennedy's home?

GWIRTZMAN: Yes.

GREENE: What are your recollections of that?

GWIRTZMAN: Well, this was a party that had long been scheduled. Most of the Democratic members of the Senate, and others who had been friendly with Robert Kennedy and who worked for the media, in law firms, and in other walks of life in Washington were invited, along with several former members of the Kennedy administration. The party became sort of a cause célèbre before it was held, because shortly after the invitations came out, it turned out that Senator Mansfield [Mike Mansfield] was having a party the same night. Let me correct that. It was a party <u>for</u> Senator Mansfield, given by Perle Mesta, the "hostess with the mostest". It made the social pages, which are very important in Washington. The existence of the two parties the same night was made to

seem, by the social commentators as part of the Kennedy versus Johnson [Lyndon B. Johnson] conflict. It shows how eager some people were to create this kind of conflict long before there was any real substantive ground for it in terms of public policies.

Art Buchwald [Arthur Buchwald] wrote a column saying he really had a problem, should he go to the Kennedy party or go to the Mansfield party. People were found to snub one or the other. Articles like his intimated that all of social Washington was being forced to choose up sides. Well,

Senator Mansfield with his usual grace, managed to take care of the problem by starting his party much earlier. This allowed people to come to his and then go to Kennedy's.

The party was held up on 28th Street in Washington, above Q Street in the home Edward Kennedy rented before he built his own home in McLean [Va.] It was a very good party, but it lasted quite late into the wee hours. Toward the end of it, the band was still playing outside. It was a lovely spring night. The air was very still, and the music carried. Evidently some of the neighbors, at about 2 o'clock, got upset by the noise and music and called the police. A couple of policemen dropped by just to see what was going on and to urge a little quiet; they were not about to make a bust in view of who the hosts and guests were. But as soon as Robert Kennedy saw a policeman walk in, he left, and didn't come back. He might have just been looking for an excuse to leave because he was tired; on the other hand, he might have felt that if anyone was going to tangle with the police over keeping the neighborhood up for the party, it should be his brother, and not he. Anyway, he said, "Goodnight, Teddy", just as the police made their appearance.

GREENE: But he disappeared. Would his staff have been invited to a party like that, do you remember?

GWIRTZMAN: Not that early in his term. Later, yes, but not then. I do remember there was some feeling about that. Adam Walinsky's wife, June [Jane Walinsky], said to me: "My friends say to me, 'Well, I take it you are close to the Kennedys socially, and the fact is that we aren't." Perhaps he must have sensed this after a year or so, because he soon took pains to invite his staff to some of his parties after that. Or perhaps he did so just because he got to know them better, realized they were working so hard for him, and wanted to give them that kind of reward.

GREENE: Because there was always a lot made of the fact that the president kept his staff and his social lives very separate. Was it less of a delineation?

GWIRTZMAN: I don't think so. The staff people were never among Robert Kennedy's very close friends. I think what he did do was, when he had a large party or gathering, make sure they were invited, mostly, out of recognition of their own personal feelings and prestige. They were putting out an awful lot of work for him, very long hours, weekends, too. Very often, if they came over to his house in the after office hours on business matters, he'd ask them to stay for dinner. I'm talking about

the top staff people. And they were there on a Sunday morning. The top Senate office staff saw a good deal of the family life of the

Kennedys, but none of them were what one would number his close personal friends.

GREENE: Was there anyone who was an exception to this?

GWIRTZMAN: On the Senate staff?

GREENE: Yes.

GWIRTZMAN: Not that I know of.

GREENE: Well, the next thing I have is the mayoral race. Is there anything before that?

GWIRTZMAN: You want to do that before the Morrissey [Francis X. Morrissey] thing?

GREENE: Either way, it doesn't matter.

GWIRTZMAN: Putting it off? Well, yes. We can….

GREENE: Which would you prefer?

GWIRTZMAN: Let's do the mayor race. I know less about it.

GREENE: At what point did you get involved, for one thing?

GWIRTZMAN: After Beame [Abraham D. Beame] had won the nomination. That would have been….

GREENE: It was a primary, so it would have been the summer of May or June, I don't remember the exact date.

GWIRTZMAN: Yes. Of '65.

GREENE: Yes, right. And what part did you take? Were you providing material for the candidate or for Robert Kennedy or….

GWIRTZMAN: For the candidate. Robert Kennedy did not participate publicly to a great extent. He had this problem: as the leading democrat he, of course, had some obligation to support the Democratic nominee for mayor, an obligation to the political people in the city, and an obligation arising out of the fact that if he didn't, it would be interpreted as if he were against Beame and it would hurt him. On the other hand, he didn't know Beame very well and he didn't have much respect for the people behind Beame, so he didn't really care. I don't think he really cared too much whether Lindsay [John V. Lindsay] or Beame would be mayor, except to the ex-

tent that he saw Lindsay as a possible threat to him. I don't think he was pro-Lindsay. I don't think he voted for Lindsay, as some have said. I think he saw the Beame nomination, and the possibility of Beame's election, as a prolongation of the sort of Democratic urban political organizations he felt were disintegrating. Yet as the Democratic senator, he had to support the ticket. He did offer some of his staff people, as a way of indicating the seriousness of his support for Beame while not getting terribly involved himself. He offered Steve Smith's [Stephen E. Smith] help, and some of the staff people's help—almost as hostages. I was one of them. I went to New York for a while, and worked primarily on helping improve Beame's public statements, and helping him prepare for the debate he had with Lindsay and Buckley [William F. Buckley, Jr.]. Also in preparing some of the television commercials although they didn't have the money for a lot of them.

The Beame campaign was just one of a long, dreary list of New York Democratic city or state campaigns—John J. Bennett in 1942, Mead [James M. Mead] in 1946, John Lynch [John J. Lynch] in 1950, Frank O'Connor [Frank D. O'Connor] in 1966, et cetera—in which the candidate started with two strikes against him because there is a liberal Republican as his opponent; and because the contributors didn't think he could win. He didn't have much money, and couldn't buy much television time, and so he started falling behind in the polls, and this caused a loss of morale among his followers; and this resulted in even more difficulty raising funds and less television, and so on. This was the cycle of depressing occurrences through which these campaigns passed, on the way to their inevitable doom. Although in Beame's case, if Buckley hadn't drained votes from him, I think he would have won. But, remember, he starts out with 75 percent of the city registered Democrats. It wasn't so easy to lose.

GREENE: And wasn't this the race where, well, maybe the day before or a few days before the campaign, the Daily News poll, the infallible Daily News poll showed him….

GWIRTZMAN: No, it was the O'Connor….

GREENE: Oh, was that O'Connor? Excuse me. Because he was very strong to start out with. How did you and other staff members—and Steve Smith too—who were lent to this effort feel about it, particularly since it was

such an uninspired kind of a campaign?

GWIRTZMAN: It was all part of a day's work. A campaign in itself has interest to me, whether it's going well or badly. It's a challenge to try to do as well as possible. This one certainly was a challenge, because Abe Beame was a most unimposing

person, even though personally very able. He lacked stature. And the problem was he was up against two very articulate, attractive, telegenic opponents, Lindsay and Buckley. Both of them were interesting and dramatic. So what do you do in that situation? How do you try to project Abe Beame? That, I think, was the real challenge. I remember a couple of days of meetings with representatives of Beame's campaign and the advertising agency that they had retained, concerning themes and slogans. I can't remember what we came up with.

GREENE: Could you get much of a feeling at this point for how Robert Kennedy regarded Lindsay? You know, some people have traced their rivalry or animosity, whatever you want to call it, back to his days in Congress. Was it obvious then?

GWIRTZMAN: I don't know. I never talked to him about it. I know that the more liberal members of his staff were opposed to Beame because they thought he was a hack. They were for Lindsay quite openly. They even urged the senator to vote for Lindsay. Even in '65 a number of reform Democrats and liberal Democrats worked for Lindsay. It was the chic thing to do, in those circles, at that time. I don't know what his previous relationship had been with Lindsay, or even whether he'd had any at all. But, as a new titular leader of the state Democratic party, he couldn't very well endorse Lindsay. How could he explain that to Charlie Buckley [Charles A. Buckley], who was still alive, or to other people like that?

GREENE: Can you remember complaints from Beame's people that Kennedy didn't do enough?

GWIRTZMAN: Oh, sure. They came from Beame's people just as they came from O'Connor's people in 1966. I think they'd come from any Democrat running in New York State, even for minor offices, because they knew that Kennedy could do a lot to help them if he wanted to; and they know that a squeaky wheel gets greased. So they all complained. Throughout the period that he was a senator, he was asked to endorse people in primaries in upstate counties; he was continually being asked to lend his prestige to local elections. Only in rare cases did he do so. But the Beame people didn't have too much to complain about. They had an endorsement from Kennedy. And Kennedy campaigned with Beame several times. He got his support across.

GREENE: He did, yes.

GWIRTZMAN: Johnson didn't give them as much as they wanted either. In the context of the campaign, that was much more

embarrassing. Johnson delayed long enough for an article to appear in the New York Times that said, "Johnson holds back from endorsing Beame." People wanted to know why the national leader was not endorsing the party's candidate for mayor of the country's largest city.

GREENE: At the last minute they finally got Humphrey [Hubert H. Humphrey], I think—wasn't it?—to say that he favored the election of all Democrats? There was no effort that you know of on the part of Kennedy's people to get Johnson to do more than that?

GWIRTZMAN: No.

GREENE: Do you know anything besides what's in your book about Roy Cohn [Roy M. Cohn] and that incident during the campaign?

GWIRTZMAN: No. Bill vanden Heuvel can probably tell you about that. I remember the meeting that we had at the apartment of Adolph Toigo [Adolph J. Toigo] at the Waldorf and the lunch that Kennedy attended afterwards. He got very enthused about the challenge of Beame's candidacy. He started telling Beame how to campaign and what to say. He always became excited about campaigns once he's drawn into them. He gave Beame some very good speech lines. He committed himself to campaign with Beame. But of course, when he did so everyone ignored Beame and crowded around Kennedy. Kennedy didn't know whether that had been such a good idea. The alleged Roy Cohn incident happened after that meeting had broke up, I didn't see Cohn around.

GREENE: But you know that Robert Kennedy was aware.

GWIRTZMAN: Well, Bill would know about that.

GREENE: Okay.

GWIRTZMAN: One thing that did occur in that campaign, which was fairly typical, was the issue of whether or not political club leaders could be appointed to city office in New York. Lindsay who was running on a reform platform, said, "I will not appoint any political people to city offices," and he asked Beame to "take the pledge"—i.e. do the same. Beame had to refuse, because the whole nature of the organization in which he had grown up and which had put Beame where he

was, was one in which political work had always been rewarded with city jobs. Lindsay became the "white knight" on that issue. Of course, once he was elected, he observed it only in the breach. He had to honor the pledge not to appoint Republican district leaders or Democratic district leaders. So, instead, he's created the John V. Lindsay association, and appointed their officials to city jobs.

GREENE: I didn't realize that that was the origin of the Lindsay association.

GWIRTZMAN: Yes. Lindsay associations took the place of the political clubs as a political device because Lindsay had pledged not to appoint political club people for city jobs.

GREENE: A rose by any other name.

GWIRTZMAN: That's right.

GREENE: Is there anything else on the Beame campaign?

GWIRTZMAN: When confronted directly with the question of whether he voted for Beame—I think he was asked the day of his election in his suite at the Carlyle [Hotel]—he didn't answer. He wouldn't say. He just smiled. But that was because both people who wanted him to vote for Beame and people who wanted him to vote for Lindsay were in the room at the time.

GREENE: He was probably just teasing.

GWIRTZMAN: I think he was very happy that that campaign was over. But if he could have foreseen the campaigns to come in New York, I think would have agreed this was his easiest.

GREENE: Well, I had lumped all the campaigns together, the next being Silverman [Samuel J. Silverman], but why don't we….

GWIRTZMAN: We should do the Morrissey thing.

GREENE: Yes, we can go in chronological order to the Morrissey.

GWIRTZMAN: Which is at the same time as the Beame campaign.

GREENE: Right. I have a timetable here if you should want to refer to it. You said on the phone that you knew quite a bit about what happened with Morrissey and when he was first considered in 1961. How did you

happen to be in on that and what do you know, I guess, are the questions.

GWIRTZMAN: I was working for Senator Ben Smith [Benjamin A. Smith, II] from Massachusetts officially. He was the man who would have had to put forward the name for any Massachusetts district judge. He was informed that Morrissey was under serious consideration and he was ready to propose him, when some publicity appeared in the Boston Globe which caused President

Kennedy to change his mind and to drop the nomination. At that time it was clear that if Morrissey were nominated he would face a fight from Dirksen [Everett M. Dirksen], who was a member of the Senate Judiciary Committee, which is quite powerful.

GREENE: And it was also rumored at that time, I think, that both the ABA [American Bar Association] and the Massachusetts bar would oppose him.

GWIRTZMAN: Was this 1961?

GREENE: Yes.

GWIPTZMAN: Probably.

GREENE: They were never official on it. It was kind of assumed. Do you know, maybe in retrospect, what Robert Kennedy's role would have been? Was he really the one that put the axe to the nomination?

GWIRTZMAN: I don't know.

GREENE: I know Navasky [Victor S. Navasky] talks about that is his book [Kennedy Justice].

GWIRTZMAN: I just saw it from the Senate end, in which a fight for which Ted Kennedy was ready to make and make hard was suddenly called off.

GREENE: Well then, I don't know if you can answer this, but most people assume that, from the information that came out at the time in '65, the nomination was Edward Kennedy's, but I've also heard that it was actually proposed to Johnson by Robert Kennedy during his last meeting with the president before he left the attorney generalship. Do you know which of those is accurate?

GWIRTZMAN: I don't know about the second. I do know that Edward Kennedy proposed it, but not under normal circumstances. Let me explain: When President Kennedy was killed it was assumed that one of the many things that had changed—and it was one of the least important—was Frank Morrissey's chance of becoming a federal judge. It was assumed by everyone that that was dead, because Johnson would never do it. He had absolutely no obligation to Morrissey, and no reason to take the heat such a nomination would cause. However, two things happened in 1964. First, Judge Morrissey continued to discuss his desire for a judgeship with

former Ambassador Kennedy [Joseph P. Kennedy, Sr.]. Since Ambassador Kennedy had a very warm feeling for Morrissey he continued to bring the subject up with Edward Kennedy as something he thought should be done. I don't know whether he also asked Robert Kennedy to push the nomination. At this point, Ambassador Kennedy was still debilitated by his 1961 stroke. He stayed at home and he had very few visitors. One person who came to see him regularly was Frank Morrissey; he was very faithful in that respect. He came to see him almost every week. He didn't do it to ask him to propose his nomination. He came to see the ambassador as a longtime friend, as someone with whom he'd worked a good part of his life. But the ambassador appreciated that. When considering how he could express his appreciation, he thought the best way would be to ask at least one, and perhaps both his surviving sons to push that nomination.

The other thing that happened in this period was that President Johnson developed a closer relationship with, and a growing respect for Senator Edward Kennedy because of things that Edward Kennedy was doing in the Senate in behalf of Johnson administration bills. One example was the Immigration Reform Act of 1965, of which Ted was the floor manager. In my opinion Johnson, started to look around for a way to show his appreciation for what Edward Kennedy was doing. He saw the proposal that Morrissey be given a judgeship. Edward Kennedy made the recommendation in 1964, in my opinion, on the assumption that it wouldn't get anywhere because of the change that had taken place in the White House. So he could go back to his father…

GREENE: Just pro forma.

GWIRTZMAN: …and say, "Look, we tried and, well, you know, Johnson is not interested in it." Johnson, on the other hand, received the recommendation and said, "Here's something I can do to show my gratitude toward Edward Kennedy." This was not really a meeting of the minds between the two of them. The press said that Johnson proposed the nomination to embarrass Edward Kennedy. That's wrong. He did it to show appreciation for him. Neither he nor Edward Kennedy realized the magnitude of the furor that would cause.

GREENE: Was Edward Kennedy's initial reaction positive or was he….

GWIRTZMAN: He was amazed when the nomination was submitted. He had thought it was dead, he assumed his recommendation was just pro forma. He might have mentioned it a couple of times, say, to Nick Katzenbach [Nicholas deB. Katzenbach]; but there

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was no campaign on his part to get a nomination for Frank Morrissey.

GREENE: But on the contrary, there was no….

GWIRTZMAN: I remember when it was submitted to the Senate by the White House. I was in his office…. He called me in and said, "I don't believe it. Johnson's just nominated Frank Morrissey for district judge." He was absolutely dumbfounded.

GREENE: Uh-huh. But you didn't sense any concern on his part at that point that it was going to be….

GWIRTZMAN: Well, he knew there would be a fight, because the Boston Globe had made it very clear in 1961—and so had the American Bar Association—that they would fight it. And Morrissey was the same guy with the same record in 1965 that he had been in 1961, when the threat of this kind of opposition prevented John Kennedy from proposing it. So all of the antagonistic forces that had been lined up to do battle in 1961 were still ready in 1965. The only difference was that there was a different president. But when the Senate considers the nomination of a judge, that's not terribly important.

GREENE: Well, how much did you have to do with the preparation of material to counteract it?

GWIRTZMAN: A great deal because all of Edward Kennedy's staff had to be activated to defend this nomination. They had to make sure that the senators had the arguments in favor of it, that senators who indicated their support would be there to vote when they had to vote both in committee and on the floor. It was largely a defensive operation, because they found themselves forced to answer a large number of critical editorials and comments. This was a case where the opposition began in the press, was continued and was given prestige by the bar associations and so senators had a real incentive, in terms of publicity and prestige support, to oppose it. First there were strong denunciations of the nomination in the New York Times and the Washington Post, which Senator Kennedy went on the floor to reply to. He asked that senators suspend judgment until the hearings, and that Morrissey not be tried and convicted in the papers before he had had the chance to testify.

Now, during this initial period Robert Kennedy was not active or visible on the matter. I'm sure that he was advising his brother on how to handle it, but he considered it Edward Kennedy's problem, because the judgeship was in his state and he was a member of the

Judiciary Committee which would first vote on it. I think the nomination was assured until Frank Morrissey came to testify. His testimony, and some later stories in the Boston Globe about his prior legal training or lack of it, combined with the way he let Senator Dirksen make mincemeat of him, created a doubt about his qualifications in the minds of many senators on the committee. His testimony was unfortunate. He allowed Senator Dirksen to lead him down the garden path. Frank felt that if he could show the senators that he was a nice obliging fellow, that they would confirm him. He regarded it sort of like being interviewed for admission to a Boston club. And so he agreed with all the things Senator Dirksen said. Senator Dirksen, a very wily man, was making a record with which to ensnare Morrissey. I remember warning Morrissey that Dirksen would be his chief foe, and suggesting to the senator that if Dirksen's opposition could be somehow diluted, Frank could be nominated. But that was not to be. Dirksen was very tough in his questions and here was Morrissey agreeing with him, even when the agreement meant contradicting things he had said previously. So he did badly at that hearing. Even so, the committee approved him.

GREENE: How much of what came out in the course of this whole thing was anticipated? Were you all caught by surprise on a number of things?

GWIRTZMAN: Oh, on some of these…. On the things about his law.

GREENE: Law training.

GWIRTZMAN: We were ready with a strong defense of his record as a judge, which we thought was the most significant thing. And he had a pretty good record as a judge—stronger in some areas than in others. But the main thing his record showed is that as a municipal judge, he had been very hardworking as well as compassionate. No one said he was a brilliant judge. We were not at all prepared, and knew nothing, about the fact that he had gotten a funny law degree.

GREENE: Quicky degree.

GWIRTZMAN: Quicky degree. And, in fact, we thought that was unfair, since he had, later on, gotten another law degree, a very legitimate one as well as a master's degree in law in Boston, and had passed the Massachusetts bar.

GREENE: He failed the Georgia bar twice, or he failed…. Now I've forgotten.

GWIRTZMAN: He failed the Massachusetts bar a couple times, but that's not unusual.

GREENE: Massachusetts bar twice, yes.

GWIRTZMAN: That's not unusual. Only about one person in three passes it the first time.

GREENE: What about the committee? Had you thought it was going to be close enough to keep taking headcounts?

GWIRTZMAN: Yes. I didn't, Dave Burke [David W. Burke] did most of that, along with Jim Flug [James F. Flug]. But it was handled in Kennedy's office as a major vote. They made continual headcounts of who was for and who against him, and continual lists of senators who needed follow-up attention. The only difference between that and the other major votes that Senator Edward Kennedy had worked on was that, in this one, where you had somebody weak, you couldn't call in a representative of the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] or other important interest groups to speak for you, because no one else cared about it. A number of senators who said they would vote for Morrissey were nonetheless embarrassed by it, because it was a situation where the press, even in their own states, was unanimously opposed to the nomination. There was nothing in it for any of these senators, except adherence to the tradition that a senator should have support for the judges from his own state that he recommends. And there was also whatever friendship they had, or favors they might have owed Edward Kennedy, because he was making it a personal matter with them. Just a few months before, he had made a personal crusade over his amendment to eliminate the poll tax as a requirement for voting. In that fight, he was on the popular side, and had a strong case on the merits. It was a little sad to see him having to lobby the same senators so soon afterwards for something that was not popular.

GREENE: I was wondering particularly on Tydings [Joseph D. Tydings], and Bayh [Birch Bayh] perhaps to a somewhat lesser extent: they both abstained, but Tydings particularly was very much opposed.

GWIRTZMAN: With Tydings Teddy had to put it on a personal basis, and Robert Kennedy, too, because Tydings….

GREENE: Is that how he managed to get abstentions?

GWIRTZMAN: Tydings was head of the subcommittee of judiciary that dealt with the American Bar Association. He had very close relationships with the bar association and he was

under a lot of pressure from them. The bar association conducted a lobbying campaign, too. They had the most prominent lawyers and the most prominent friends of senators call them and say, "You know, you have to vote against the Morrissey nomination. Your prestige among the legal community in your own state is in jeopardy." So all these senators were pulled one way or the other. The stronger pulls were against Morrissey.

GREENE: Negative.

GWIRTZMAN: Tydings was an example of that. Both Senators Kennedy resented the Tydings abstention because of the fact that their brother had made him eligible for big-time politics. And the president had personally attended Tydings' announcement for the Senate at his estate in Maryland, and by doing so had given him the blessing in a Democratic primary, a very unusual thing to do. So they thought he had received a big favor from the Kennedys and he was not reciprocating very well.

GREENE: Well, was his abstention in deference to Kennedy? Did they have to bargain for that or would he….

GWIRTZMAN: I think finally he voted against…

GREENE: Well, it never came to a vote on the floor.

GWIRTZMAN: …or he announced. I think he announced he would oppose Morrissey.

GREENE: He said he would have….

GWIRTZMAN: Yeah. That might have been Tydings' way of handling the conflict.

GREENE: I was going to ask you, in a situation like that where a man's conscience—sense of duty, let's say—conflicts with a personal loyalty to the Kennedys, how much understanding they showed or was it expected that they would go along despite….

GWIRTZMAN: I think that Senator Edward Kennedy showed more understanding of their difficulty than Senator Robert Kennedy. Robert Kennedy tended to put it on the basis of loyalty, although in the end, with Morrissey himself he didn't, because when all was said and done with Frank Morrissey…. Well, ask that when we're through with the narrative and I'll tell you what I mean.

GREENE: Okay. I was going to ask you if you had any knowledge

of the arrangements or preparations for Speaker McCormack's [John William McCormack] appearance, which was kind of unusual.

GWIRTZMAN: No.

GREENE: Okay. Now, what about contacts with the White House once the pressure to withdraw the nomination began?

GWIRTZMAN: Well, there were other things that happened first. First of all, the FBI [Federal Bureau of Investigation] was asked to investigate the Georgia degree situation. Now, that fact alone injures your position, because once people hear the FBI's investigating a man, you think that the man's a criminal. But they investigated it and they found that this was considered a legitimate degree at the time. But since FBI reports are never made public, Senator Edward Kennedy asked Attorney General Katzenbach if he would review the FBI report and make a statement of his own on the basis of it. The attorney general agreed to do so. I went down to his office to represent Senator Edward Kennedy during the preparation of the statement, which Katzenbach was writing himself. Katzenbach was also in a very difficult position. He also has a bar association constituency. I'm sure that he would rather have had a less controversial appointee than Judge Morrissey. But the president had nominated Judge Morrissey and Robert Kennedy wanted him, so once the FBI cleared him, he was bound to support him. It was not a comfortable position for Katzenbach. I'm sure that he didn't like the fact that I was down there looking over his shoulder while he was writing his statement, supposedly to keep him honest, but really to make the statement as strong as it possibly could be, given the facts and the circumstances.

GREENE: Did you have access to the FBI report?

GWIRTZMAN: Yes, through Senator Edward Kennedy.

GREENE: So you were aware that it would work in his favor if it worked.

GWIRTZMAN: Yes.

GREENE: What happened with Katzenbach?

GWIRTZMAN: Well, he issued a statement which was strong. But then the issue got beyond that, because having raised initial questions through the Georgia incident, and through conflicts between Morrissey's testimony

and some of the facts about the Georgia incident, Morrissey was vulnerable. Because of that, he became vulnerable for any kind of charge, and the next one that came in was that he had consorted with the Mafia.

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GREENE: That was towards the end.

GWIRTZMAN: There was absolutely no truth in that. It was a very irresponsible and inflammatory charge. It did come pretty much toward the end. Robert Kennedy finally felt he had to confront Dirksen personally about that.

GREENE: Where does that charge come from? Is that directly from Dirksen?

GWIRTZMAN: No. About eight years before when Edward Kennedy, who was a private citizen at that time, had been on the island of Capri in Italy as a tourist, Judge Morrissey was with him. They had been attending some meeting in Rome. A man came up to them who spoke English and offered to show them around the island. They went around with him and they had a drink with him. They didn't know who he was, but they knew that his English was good. That guy, who happened to have been a deported American and a Mafia member took advantage of that meeting from then on. He would say, "You know, my good friend Judge Morrissey and…."

GREENE: That was Spinella [Michael Spinella].

GWIRTZMAN: Spinella, that's right. The initial news report came from Rome, in the form of a resurrection of an old article that had appeared in an Italian paper, and which mentioned Morrissey, and the Mafia man's name. The report was a result of this man's intrusion into their private tour—uninvited and unknown to them—plus whatever elaboration the Italian imagination can put on such a tame occurrence in a new situation six or eight years later, and ending up as an article in some Italian paper. Now, this was the sole basis on which Senator Dirksen threatened to level his charge that Frank Morrissey had consorted with the Mafia. But in a climate where Morrissey had already been wounded by the Georgia theory, and the editorial campaign against him, people were ready to believe the worst about him. The charge was such that without formally making it, Dirksen could threaten to make it, and characterize it generally, and make it seem like a potential "bombshell."

GREENE: That seems to have been decisive as far as…. Well, before I go on to that, because I don't want to miss this: I wanted to ask you if you had had any contact with Katzenbach before he appeared before the Massachusetts legislature. And that gets back to this meeting in his office. Was that before he appeared before the legislature?

GWIRTZMAN: I don't know that he had appeared.

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GREENE: Well, this is from the New York Times, that on October 18 he appeared before the legislature and, according to the Times, failed to clarify the question for them.

GWIRTZMAN: What question?

GREENE: The question about Morrissey's nomination. You don't remember that?

GWIRTZMAN: No.

GREENE: And you wouldn't remember the date of your meeting?

GWIRTZMAN: No, the date of our meeting would have been the date of, or the day before, the issuance of his statement concerning the Georgia incident.

GREENE: Okay, I'll check that. The other thing which was right around that time was when Moyers [William D. Moyers], being pressed on what the president's reaction was, said that Johnson did not intend to withdraw the nomination at this time, and, you know, the "at this time" became the clue that it was under consideration. Do you remember contact with the White House at this point, or with Moyers?

GWIRTZMAN: There might have been but I wasn't involved in it.

GREENE: Oh. Because Johnson was in the hospital, as I remember, through this whole thing and personally was kind of kept out of it.

GWIRTZMAN: Well, one of the reasons Johnson knew…. I should have said that before. I mentioned that he felt he was doing Senator Kennedy a favor. And I'm sure that he honestly felt that, because not only did he submit the nomination, but he did it when the Senate was out of session. He made it over a weekend, so there couldn't be any immediate reaction to it in the Senate. He realized that there would be some opposition. He made it from Texas instead of from Washington because fewer reporters were in Texas. And he made it in the fall—right toward the end of the session he sent it in—when the Senate was rushing to adjourn. For all those reasons, I think there was a deliberate strategy on his part to try to slip this nomination through as quickly and comfortably as possible. And he did that for Senator Kennedy.

GREENE: That's very interesting. I had never heard that….

GWIRTZMAN: Sometimes these controversies have a way of building, no matter how carefully timed they are, or what anyone tries to do.

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GREENE: At the time that Edward Kennedy withdrew the nomination he said that they could have won on the floor. Is that accurate or was that a bluff?

GWIRTZMAN: That was a bluff.

GREENE: You really just didn't have the votes?

GWIRTZMAN: No, the votes started to slip after the Spinella thing and after Senator Javits announced that he was going to move to recommit it. And he had the votes. Enough people had switched. So the question only became how to find a face-saving way of killing it. I believe that it was Katzenbach who suggested to both Senators Kennedy that they move to recommit, in order to clear up the questions that had arisen. That was it.

GREENE: Right, that's what happened.

GWIRTZMAN: Both Senators Kennedy had talked to Katzenbach on the phone about this. They reported to Katzenbach that they didn't have the votes. Katzenbach and Robert Kennedy, worked out the way to save face. At the time, Ted's staff people were in an adjoining room, looking at the vote totals, looking at the situation. Senator Edward Kennedy called me alone into his office where he and his brother were, and told me of the strategy. He asked me what I thought of it. I said, "It's a fine strategy, but how about your commitment to Frank Morrissey?" And Robert Kennedy said, "I think we've more than fulfilled our commitment to Frank Morrissey." In other words his mind had changed concerning their commitment. I'd not realized it. I thought that they wanted to go all out because of their father. But at some point in the thing, in terms of Robert Kennedy's own values, all the work and loyalty that Frank Morrissey had shown to the Kennedy family had been wiped out by the fact that he had insisted upon this nomination for himself and had not offered to withdraw voluntarily despite the increasing embarrassment that it was causing him and his brother. In Morrissey's defense, I don't think he realized the difficulties it was causing.

GREENE: Do you know if Morrissey was consulted at all at this point and told about the….

GWIRTZMAN: Not yet.

GREENE: Not yet.

GWIRTZMAN: He was told later what they were going to do. By that time he was so shell-shocked—he was a beaten man. All

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this publicity, all these personal charges that had been made against him, you know, he realized the worst had come to pass for him. He had been pilloried and he had not achieved his long-sought goal, and I think at that point, he just wanted out, and to go back to the municipal court, because among other things…. Remember the judiciary committee vote was 6 to 3 and after it was taken, it was again widely assumed—in fact the Globe printed—that Morrissey would be confirmed, and so the opponents of Morrissey had their backs to the wall. Shortly after that, Senator Edward Kennedy was informed by Tom Winship [Thomas Winship] of the Boston Globe that the Globe was not going to stop their campaign even if Morrissey was confirmed. They were going to continue to write stories about him and berate him, and make his life unlivable even if he were a federal judge. So Morrissey, seeing all this and seeing that even if he got it, it was still going to be…

GREENE: Why were they so vindictive?

GWIRTZMAN: Because they didn't think he was worthy of being a judge. It was a really very important cause célèbre for them. They had stopped it in 1961; it'd come up again. They were sure that Edward Kennedy had connived to bring it about. To them it represented the worst kind of bad politics from Massachusetts. Also, they know a good story; they won a Pulitzer Prize for this story.

GREENE: I didn't realize that.

GWIRTZMAN: The only one they had ever won, up to that time.

GREENE: Was Robert Kennedy very sensitive at this point to the criticism leveled at him personally as a champion of judicial excellence?

GWIRTZMAN: For supporting this?

GREENE: Yes.

GWIRTZMAN: I don't know. Again, most of the heat on this was taken by Teddy Kennedy and I think it was more in terms of, "Well, you know Teddy, he doesn't quite have the same standards as his brother." Now, it is true that…

GREENE: But Robert Kennedy….

GWIRTZMANT: …the press did use, as I remember, the excellence thing, but I don't know. I didn't see Robert Kennedy's personal public involvement in the fight until right

toward the end, when he felt that only he could try to talk Dirksen out of doing what he did. I think Robert Kennedy let it be primarily Teddy's for as long as possible, and then when he saw that it was deteriorating badly, he felt that he had to involve himself personally.

GREENE: Uh-huh. Because he also did speak publicly. I remember at least one college appearance where he talked in favor of the nomination at the height.

GWIRTZMAN: Probably. But you know, he didn't carry the burden of it. After the decision was made to move to recommit, we then retired to Edward Kennedy's house to discuss how it was going to be implemented on the floor of the Senate, because the debate was set for the next day. Dirksen was ready to explode his bombshell and everything else, so it was going to be a very close vote, and the possibility…. [Interruption]

[BEGIN SIDE II TAPE I]

GREENE: You were telling about the design of the strategy.

GWIRTZMAN: Well, Senator Edward Kennedy decided that as long as he was going to go down, he might as well have some fun with it. And also because he felt that Morrissey had been unduly maligned. So he decided he would prepare a strong defense of Morrissey. And only in the last paragraph would he tell what he was going to do, which was to ask that the nomination…. [Interruption]

Adam and Peter were there to help on this, because by that time Robert Kennedy had been more and more impressed with their ability to put statements together and thought that Teddy could use their help. So we put together a statement, first of all, which defended Morrissey's qualifications; secondly, which replied to the charges which had been made against him; and thirdly, which ended with sort of a very eloquent section, which Adam wrote, about how, if you look at it, Morrissey was really an example of the consequences of poverty. You remember that the War on Poverty was a major new program at the time. The reason, as Adam wrote it, that Morrissey couldn't get a good legal education was because he was poor, because when he was a child his father had died and his mother used to have to put wooden pegs in the shoes of the children. This was why he didn't go to a fancy New England law school. So Morrissey became an illustration of the effects of poverty. But anyway, all of that came in the speech before Senator Edward Kennedy said, "However, because of the charges that have been raised, the questions that have been raised, I feel that even though this

man could be confirmed today, I wouldn't want to see him take his seat on the court with all these questions unresolved. And so, in order for them to be resolved, I move the motion be recommitted to committee."

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GREENE: Everybody agreed with a sigh of relief.

GWIRTZMAN: Well, everyone was quite surprised. It was a bluff, but he felt that he wanted to get a lot of attention, because no one had really had a chance to get up on the floor and speak about the misinterpretations and charges and downright lies that were being spread about Morrissey. He didn't want to start by saying, "I move to recommit," because then no one would care about the other points. But if he did it at the end of what looked virtually like the opening of a debate on the merits of the nomination, everyone would have to listen to these points.

GREENE: Yes. This is interesting. I don't know if it's the same meeting, but I had heard that there was a midnight, or at least a very late night, meeting at Edward Kennedy's to discuss what should be done about the nomination—whether or not to withdraw—and then after all of this debate went back and forth and everybody expressed themselves, you walked in with the withdrawal statement all written, saying, in other words, that it was all decided beforehand. But that conflicts with what you've just said, doesn't it?

GWIRTZMAN: Well, now, it might have been that at the time that Adam and Peter and I were working on Ted's floor speech, the members of Ted's staff were meeting elsewhere and probably had not been told about the decision. And so it could well be that that meeting—it would have been of Burke and Flug and that group?

GREENE: No, I know Peter was there.

GWIRTZMAN: Peter was there? No, Peter was at ours. Well, wait a minute. It might have been—I can't remember—that they were asked to work on the first part of the statement without being told…

GREENE: About the decision.

GWIRTZMAN: …what the decision was. But I doubt it. I stand by my recollections.

GREENE: I just wondered, you know, how people would react to something like that. You know, if a decision is made and they're working in the….

GWIRTZMAN: I'd be very upset; I'm sure they were. It didn't help my reputation for teamwork.

GREENE: Yes.

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GWIRTZMAN: But on the other hand, I'm sure they were relieved. Now, here's another thing: Neither Adam or Peter held any brief for Frank Morrissey; they thought it was a terrible appointment. They did not work on it initially; when it was Edward Kennedy's problem, it was his staff's problem not theirs. But once Robert Kennedy became involved in it, they put aside whatever doubts they had and worked very hard on the statement. So actually, I'm sure they were delighted to hear the nomination was to be withdrawn, even if it was a surprise to them. Basically I think Robert Kennedy didn't want Dirksen and the other forces who were against Morrissey to have the satisfaction of knowing they had won, without at least being surprised, kept in suspense to the last minute. It was that sort of a thing.

GREENE: You said before, when we were talking about the conflict that arose in a situation like this with people like Tydings, whose sense of loyalty conflicted with their sense that this was not a good nomination and would hurt them with the bar and other people, and you said that Robert Kennedy tended to be less compassionate about things like that than Edward, and then you said we'll talk more about that after we discuss the chronology of it. I wonder what you had in mind?

GWIRTZMAN: Well, the ending of the obligation to Frank Morrissey was what I meant. Frank Morrissey had been intimately involved with the Kennedy family as long as anyone—he was John Kennedy's first aide in the Senate. There was a great deal of loyalty there. The man had literally given his life for the success of that family, first, with Jack Kennedy—he was his only aide for a long time—and then to the ambassador. So I assumed—because I read about how highly the Kennedys value loyalty, too—that Robert Kennedy would be loyal to Frank Morrissey to the end. To me, this was the Irish loyalty system. Yet at some point it stopped.

GREENE: Yes. It was kind of an awkward situation as I remember, too, because the day after the nomination was recommitted Tydings and Edward Kennedy left on an earlier planned trip to Vietnam. I understand there was some strain from that.

GWIRTZMAN: Oh, I'm sure there was.

GREENE: Did it continue, as far as you could tell?

GWIRTZMAN: Because they felt Tydings was one of their own. Bobby had made him the U.S. attorney in Maryland; and they'd gone out of their way to endorse him in the primary by their presence at his debut in the race for the Senate nomination; and he was one of the four or five senators who were considered

personal friends of Robert Kennedy. So for that sort of guy to put something else above that kind of loyalties, to put the temporary embarrassment of voting for a bad nomination above it, was something Robert Kennedy resented.

GREENE: They didn't think it was too much,

GWIRTZMAN: It's interesting, they didn't at all resent the fact that Leverett Saltonstall, having first supported the nomination as a senator from Massachusetts—he could have stopped it immediately by opposing it—later withdrew his support. They didn't resent that because Leverett Saltonstall has his own independent base. They didn't help to make Leverett Saltonstall's political career, but they had the feeling that they did with Tydings, and that he was the kind of person who should not have left them on this issue.

GREENE: Would something; like this leave a permanent trace of resentment, do you think? Could you sense anything?

GWIRTZMAN: I don't know. With Tydings?

GREENE: Yes.

GWIRTZMAN: I don't know. I don't think permanent. Probably a period of time. How long, I don't know. But I have a feeling that the relations were standoffish for quite a while. In 1968 Tydings was the first senator to endorse Robert Kennedy for president wasn't he?

GREENE: Yes, and for a long time, I think, the only one. Yes, and he did go all out.

GWIRTZMAN: Well, that might have been expiation.

GREENE: Well, there was one other minor legislative impasse but otherwise Tydings really did go down the line with Kennedy on every single issue that came up. If there's nothing else on this, it's kind of an interesting transition from that to Silverman, which is to improve the judiciary—do away with, you know….

GWIRTZMAN: Well, it wasn't primarily to improve the judiciary. It was basically, to assert authority in Manhattan over the one political leader who was really giving Robert Kennedy a hard time.

GREENE: You mean Jones [J. Raymond Jones].

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GWIRTZMAN: Ray Jones, yes. This was an opportunity….

GREENE: But the public thinks it was to raise the….

GWIRTZMAN: Yes, but we're talking as historians now.

GREENE: Yes.

GWIRTZMAN: Robert Kennedy told me at the time that he got into the Silverman primary because Ray Jones was "a thorn in his side." Those were his exact words. Ray Jones had made a political blunder. He had backed the wrong man for surrogate. So this was a chance for Robert Kennedy to be on the side of the forces of right against the forces of evil, and at the same time take down Jones. It's another example of how the political motives and good causes sometimes come together. It can happen on the right side or on the wrong side. Here was a time where he did accomplish his political purpose, while the forces of good government did not accomplish theirs, they got a temporary lift from the election of Silverman. Silverman was not able to change the court, and the way the other judges use their powers of appointment as political rewards. But it was a great campaign. It had some effect inside of Manhattan. it also created expectations of political leadership for Kennedy in New York statewide that he didn't want to fulfill.

GREENE: At what point did you first get involved in that?

GWIRTZMAN: Very early. Just after the meeting, when the reformers had decided not to endorse Klein [Arthur G. Klein], Jones' candidate…. Do you have a chronology of that campaign?

GREENS: Well, no, but I know sort of what happened.

GWIRTZMAN: I think I can remember it.

GREENE: After the meeting with Rose [Alex Rose], then he had the meeting with the reformers. He already had selected Silverman by that time and he was really asking for their approval, and there was dissension and he stood up and said that they wanted….

GWIRTZMAN: I got a call from vanden Heuvel saying, "You have to come up to New York to save the judiciary." He explained why, but I knew absolutely nothing about it. Kennedy was going to Africa.

GREENE: Right, South Africa.

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GWIRTZMAN: So I went up, and we met before he went. He had gotten very turned on by the possibilities of this campaign, seeing the opportunities which I've mentioned. And also the fact that it was a campaign where there was some financial help from people who were interested in better government, so he wouldn't have to spend a lot of his own money. So we put a campaign together very quickly, with basically the same people who had worked in the Senate campaign plus—and this is very important—all the reformers, a lot of them who hadn't supported him in 1964. The Silverman race was his first real opportunity to join with them in a campaign. It really got them over to his side, from their opposition, or their lukewarm position toward him in 1964.

GREENE: Did it change his view at all, do you think, about working with the reformers?

GWIRTZMAN: He had known that they were the most effective political group in the city. It made him more able to call upon their support. It got him people like Kretchmer [Jerome Kretchmer], Eldridge [Ronnie M. Eldridge], and Blumenthal [Albert H. Blumenthal], all West Side reform leaders who worked hard for him from then on.

GREENE: And Feldman [Justin Newton Feldman]?

GWIRTZMAN: Far more actively than in 1964, because they also saw…. You see, he wasn't the only one who saw it in terms of strengthening political power. The reformers wanted to overthrow Ray Jones, too, and they felt that if they were able to win the Silverman race in the late spring of 1966, they would maximize their influence on the governorship nomination later that year.

GREENE: But you're talking, in terms of the reformers, about the three plus maybe Justin Feldman that he really always after that maintained good relations with. But did it change his opinion about the reform movement in general and their desire to, you know, "lose for the cause" kind of thing rather than be an effective force?

GWIRTZMAN: I don't know. When did he have that opinion? In '64?

GREENE: Yeah, I think even in ‘60 when he let loose at the reformers for what they’d done.

GWIRTZMAN: I don’t know.

GREENE: Anyway, you were again in charge of the research end, is that right?

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GWIRTZMAN: Yes. The first thing you had to do in that campaign was to explain what the contest was all about. The voters didn’t know what a surrogate’s court was. You had to explain who Silverman was, and it had to be done in the context of a judicial campaign in New York State, in which the limitations are far more strict. Usually when a man runs for judge in New York State he just passes out his cards, or if he’s endorsed by a bar association, his endorsement, and lawyers take an ad in his behalf, and that’s it. Very little partisan politics. No street campaigning, or until Jacob Fuchsberg [Jacob D. Fuchsberg] ran for chief judge of the state’s highest court, no television commercials. That’s the extent of a judge’s campaign. This is not true in other states. In Michigan, for example, where judges are also elected, all of them debate public issues in campaigns, broad public issues, economic and social policy. A judge says he will vote this way or that because of the social or economic issues at stake. But what do you do in a case like this where you have to have more than a traditional judicial campaign but you have to stay within the framework of good taste because it is a contest for a judicial office? Well, we decided to approach that by talking about the surrogate’s court and the judicial issues raised by some of its patronage practices, and try to make them as understandable as possible to the public. The first thing we did was have a meeting of some lawyers who practiced before the surrogate’s court to tell us what was wrong. Out of that, we tried to develop a program for reform of the court that Silverman could introduce.

GREENE: Is that where his idea of combining the two courts came from, or was that one of his own?

GWIRTZMAN: A little later. He had his own ideas. He had not practiced before the surrogate’s court, but he had talked to people. We had that meeting of some of the active reform Democrats who were also lawyers, and myself and vanden Heuvel. And then later, Peter Fishbein got involved in it. He had known Silverman for a long time, used to work with him at his law firm. He helped Silverman fashion the proposal. I then did some research on surrogate courts in general. I found out that there was scandal involved in them in other states, and that there were delays and overly large fees paid to favored lawyers in New York State. We gave that material to Kennedy. At the same time, we felt we had to help fashion some sort of a campaign for Silverman himself, as a person, because neither Silverman nor Klein was known to the voters. What was there that you could say about Silverman to show that he was the right sort of person to hold this job as opposed to Klein? So one Sunday I went over and talked at length to Silverman in his

apartment about his life, his career, his background, and I found him to be a very delightful, informed, intelligent person, quite shy, not at all used to the campaign hurly-burly, and not really aware of what he was getting into.

[-78-]

GREENE: He was sort of overwhelmed, I think.

GWIRTZMAN: Yeah. But he was tough and flexible. I asked him, "How long have you been married? How many children do you have?" What prior public services had he done as a lawyer? I was seeking to discover what we could do to give Sam Silverman charisma? Out of those two elements—his reform proposals and his record—we started getting some material up. We didn't use television, and I don't even know if we even used radio; there were some brochures and things. And this time, the newspapers were with us. You could see the difference that having the Times and the Post with you makes in a New York City campaign because….

GREENE: It was a novelty.

GWIRTZMAN: They couldn't do enough. Editorials and favorable coverage.

GREENE: Were you alone at this point on the research end?

GWIRTZMAN: Well, I think Peter came up. Peter came in and out of New York. He had some responsibilities in the Washington office that he had to attend to. But I always felt better when Peter was around. Bill was working more in the politics of it, because he had been very instrumental in getting Kennedy involved and in choosing Silverman over others who had been suggested to oppose Klein.

GREENE: Right. Is it your understanding that Silverman….

GWIRTZMAN: Haddad [William F. Haddad] was working on it, too, and was very important in the discovery of the actual scandals involving the court itself.

GREENE: Yes. This is jumping ahead a bit, but in your book you said it was very difficult to turn up evidence because people would….

GWIRTZMAN: It was. You see, a group of guys under Haddad said, "We'll find out about the surrogate's court." They went over there. The court officials wouldn't let them in. They wouldn't let them into the files. They wouldn't give them any information at all. So when Kennedy was campaigning and talking about the concept of a surrogate's court "shot through with scandals," he was talking about the system itself and about specific examples in other counties and other states, but nothing

about the New York County surrogate court. And what finally happened was that one of the old-time West Side reformers, who had run for office before—I forget his name—went over and somehow got a guard to let him into the surrogate's court file office, or to give him a key, or at least to agree to let in a couple reporters. I think that was it.

[-79-]

GREENE: Because it came out, as far as I can tell in the Post rather than through your office.

GWIRTZMAN: Well, then, Eddie Katcher [Edward Katcher] went in there on a Friday and didn't come out till Sunday. He didn't eat. It was his Sabbath—he was a very orthodox Jew. He went in, I think alone, and spent two days and nights going through the files. The key question was, who was getting the guardianship appointments, and how much were they making? This was not public knowledge. Katcher went through all these files and found the names of relatives of judges appearing as recipients of the guardianships, including a relative of the other surrogate, deFalco [Carmine G. deFalco], and including relatives of a district political leader. The records showed quite clearly that the court was used by deFalco as a source of patronage. When Katcher got out, on a Monday, he could not just run a story saying, "These are the records" because he had, in effect, broken the law by breaking into the office. So instead….

GREENE: It was a question of legal lack of admission to the premises rather than their just trying to keep him out to prevent the information getting out. He really had no right to go in, is that right?

GWIRTZMAN: Not the way he did.

GREENE: Yes. But did they have the right to keep the files from the public?

GWIRTZMAN: Yes, under the regulations in effect at the time.

GREENE: They did.

GWIRTZMAN: Uh-huh. There was no sunshine law in New York State at that time, and these were judicial files.

GREENE: Yes.

GWIRTZMAN: Instead of just running the records, the Post hit on a very clever device. They called the recipients and they said, "We understand that in such and such a case—a guardianship—you received so much money, Was it because you're the nephew of judge so and so? And the guy said, "Absolutely not. It's because I'm an expert in this field and I'm a good lawyer and I'm good to my wards and

everything." So they ran it this way: Mr. so and so denied today that he had received the money because he was the nephew of judge so and so. "It's because I'm a good lawyer," he said. Well, of course, this sounds very strange. They ran two days of such stories, just before…

[-80-]

GREENE: That was just before, right.

GWIRTZMAN: …the primary election as the lead story. It created all the sensation that was needed.

GREENE: Did you know about this ahead of time, or did you find this out only afterwards?

GWIRTZMAN: Well, this was arranged with this West Side guy Haddad knew. We did know once Katcher had gotten in there. Silverman never knew and was not told, because he might have ordered it stopped had he known. His campaign manager, deWind [Adrian W. deWind], didn't know, and he probably would not have allowed it had he known. [Interruption]

GREENE: Anyway, one other thing which you mentioned in your book that kind of surprised me was, you said that 85 percent of the campaign money was personal Robert Kennedy money, and you had said before that one of the considerations of going into this was that they thought there was money.

GWIRTZMAN: Well, they thought they could raise money from others. It turned out they couldn't. They had a fund raising reception—afterwards, six months afterwards.

GREENE: To cover the debt.

GWIRTZMAN: Yes, and nobody showed up.

GREEENE: Yes. How and at what point is a decision like this made, that he's going to put private funds into it? Was it only when there was just nothing forthcoming?

GWIRTZMAN: He thought he could put it in and have it repaid, I guess. I don't really know. I don't know how much it cost; I don't think it was an expensive campaign. There wasn't a lot of media and, as I say, the newspapers did most of it themselves. There was the office expenses, and I don't even think there was much salary because everybody….

GREENE: Well, there was that professional telephone campaign.

GWIRTZMAN: Well, that might have come to ten, twelve thousand dollars.

GREENE: Okay. In the course of the campaign, Jones got very vicious towards Robert Kennedy, calling him a racist, et cetera. Were you prepared for this kind of thing?

[-81-]

GWIRTZMAN: Yes. Before Kennedy left for Africa lie had said, "It won't be bad, my being in Africa if you know, the Jones thing comes up." What he meant was that black voters could not think too unkindly toward him if he was visiting the black African nations at the time, and this was in the papers. So he was prepared. I mean it just died, that charge. The charge that Robert Kennedy was a racist in 1966 just had no credibility in view of his record as a senator and as attorney general.

GREENE: Did you have anything to do with bringing Meredith [James Howard Meredith] and Farmer [James Farmer] in to try to….

GWIRTZMAN: Thank you for reminding me of that. I did go to Meredith's apartment to help acquaint him with the issues of the campaign and, in fact, with a statement of support for Silverman in hand. James Meredith, a student at Columbia Law School, supporting Silverman. Obviously the reason we were interested in his endorsing Silverman was because Jones was trying to stir up the black community to vote for Klein. Looking backwards the vote in Harlem on this primary was very low. I don't think the ordinary black cared whether a Silverman or a Klein was surrogate if, in fact, he even knew what a surrogate was. Why should he go out on a hot day in late June to vote in a primary on this issue? But they tried, and we tried. So James Meredith had decided to support Silverman. I brought the statement to his apartment. There were some people there, friends of his. He took the statement into another room, alone. We waited and waited, and then he came out and he looked at it, and he said, "Well, look," he says, "I'm just a Mississippi boy and I have to put this in my own language so let me work it over." So he took it back and we waited another hour and a half. The clock was ticking, getting farther and farther toward the newspaper deadlines. Then he brought it out and said, "Here," and he handed me back his handwritten version, of exactly the same statement I had given him, almost word for word, and that was put out as his statement. And then he went down to the South and was shot, was wounded, just after that.

GREENE: That's right, it was the same, right after that. One thing that I had heard was that there was a shortage of men and materials in this campaign, any more than usual? Was that a problem that you remember?

GWIRTZMAN: Not that I can remember.

GREENE: No. That John English [John F. English] was called for reinforcements?

[-82-]

GWIRTZMAN: Oh, John English's trucks from Nassau County. I saw them outside the headquarters, so it could have been, whether he was asked to do it or whether he volunteered. Because, you know politicians could very quickly see that this was going to be an important election in New York State. In fact, the first forum of the governorship candidates took place at the beginning of this campaign, and the question all of them were asked was, "How do you stand on Silverman and Klein?" As if, to say: Are you a liberal or a conservative, are you good or bad? They all were forced to answer that question. And they had to make a choice between Kennedy on the one hand and some of the traditional Manhattan political leaders on the other. The leaders didn't like the fact that Kennedy was coming in and supporting an insurgent in a primary. What business was that of a United States Senator? They thought, "If he can do it in Manhattan, he can do it in Brooklyn, Buffalo." So it was hard for them, it was hard for O'Connor. It wasn't hard for Roosevelt [Franklin D. Roosevelt, Jr.], he was for Silverman. But it was a big thing to them.

GREENE: Yes. Did Robert Kennedy, beyond saying, "You know, it's not going to be too bad while I'm in South Africa," did he leave instructions or…

GWIRTZMAN: No.

GREENE: …anything like that before he went to South Africa?

GWIRTZMAN: No. He started the whole thing, and then he left for three weeks. We used to joke about that. In fact, when things were not going well, I committed a blunder: when he got back, in his press conference where the first thing he said was, "Everyone in Africa is asking about Sam Silverman." After that, I flew back to Washington with him. Things were not going well, because very little work was being done. Everybody was waiting for him to come back and jazz up the campaign. I sat down with him on the plane and said, "You know, if you lose this one, you're really going to hurt." And he says, "Now wait a minute, you can't tell me that this little primary is that important. I mean, is it really <u>that</u> important? Don't try to scare me, by saying that this is the greatest crisis of my life." He had the ability to see it in context. I didn't because I had become too close to it. It was a special campaign, special circumstances that had no real impact afterwards, one way or the other.

GREENE: But people were predicting that it would.

GWIRTZMAN: Oh, yes, they were predicting it. They always do. Whatever is taking place now is always the most significant thing in politics.

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GREENE: How was Smith in this campaign when Robert Kennedy was out? Could he fill in effectively?

GWIRTZMAN: Oh, sure. The one thing he couldn't do was to go out on the street and campaign, which is what we needed to get the campaign going.

GREENE: How would you describe his relationship at this point with Robert Kennedy in terms of…

GWIRTZMAN: Smith's?

GREENE: Yes. …their working relationship?

GWIRTZMAN: Well, since '64, he had been the chief honcho in every respect. So it just continued. That way, Kennedy relied completely on Steve to make sure any particular campaign was organized, managed and financed. A lot of these campaigns started in Steve's office at 200 Park Avenue, and then went to a campaign headquarters. Because you didn't have a campaign headquarters yet, so everyone came into Steve's office. And the people who work out of that office handling the financial matters of the Kennedy family—real estate, securities matters—always knew a campaign was starting when all these people came in and started using their libraries and their phones, and created chaos. So there was one guy there—Sal Catale—who always used to go out and find us a headquarters, just to get rid of us. So, both for the '64 campaign, this campaign…

GREENE: O'Connor, I think.

GWIRTZMAN …the '68 campaign, the O'Connor campaign, the funeral train, the funeral arrangements—all started in that office.

GREENE: I'm getting this all out of order. Anyway, when he does come back and starts personal campaigning, does it become obvious that things are picking up right away?

GWIRTZMAN: Well, insofar as you could gage it without knowing how large a vote there was going to be in Harlem and in Klein's area. Klein used to represent the Lower East Side as a congressman. That was a large part of the vote. A heavy vote out of Harlem and Klein's district and a moderate vote in other places would have given the victory to Klein. Instead, you actually had a heavy vote out of

the West Side and a low vote everywhere else, which gave a big victory to Silverman. But Bobby

did go into street campaigning, and had rallies. Again, this was unprecedented for a judicial office in New York. He got up and said, "Sam Silverman is an honest man, he won't steal your money." I don't think anyone's ever campaigned for a judge in New York on that basis. I think the nice story that comes out of that is, when he's talking to the kids and asking them if everybody knows who the surrogate is and they're going to go home and tell their parents to vote for the surrogate, and when all is said and done, they all think that they're supposed to go home and tell their parents to vote for Kennedy.

GWIRTZMAN: Yes.

GREENE: Is there anything else on that campaign?

GWIRTZMAN: Well, not outside of what we wrote in our book, and Silverman's reaction, his change from an indifferent campaigner to somebody who really liked campaigning. He was a marvelous man. Gentle, honest, smart and tough.

GREENE: And Kennedy seemed to like him.

GWIRTZMAN: Oh, yes, very much. And I think—I don't know, but you can probably find out—you should find out whether there was a commitment made there for him to be appointed to a federal judgeship, and when it was made.

GREENE: Yes. We do. It wasn't made at that point, but not long after. One campaign after another. Do you have anything between then and the beginning of—well, sort of all overlapping now—the governor's race?

GWIRTZMAN: Yes, it does overlap. [Interruption]

[END OF INTERVIEW]

Milton S. Gwirtzman Oral History Transcript – RFK #2
Name List