

Ramsey Clark Oral History Interview—RFK #4, 7/28/1970
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Biographical Note

Clark, Assistant Attorney General (1961-1965), Deputy Attorney General (1965-1966), Acting Attorney General (1966-1967), and Attorney General of the United States (1967-1969), discusses the New York federal judgeship appointments, the Lands division study of federal policy on public lands, and the 1963 White House meeting on federal land ownership, among other issues.

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Ramsey Clark—RFK #4

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Fourth of Four Oral History Interviews

with

Ramsey Clark

July 28, 1970
Washington, D.C.

By Larry J. Hackman

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

HACKMAN: I'd wanted to ask you whether you can recall talking with Robert Kennedy [Robert F. Kennedy] or whether you can recall anything about after Robert Kennedy goes to the Senate, discussions with him or his office on appointments of federal judges in New York. I put together a list of them.

CLARK: That'll help because I don't.... I had the theory, I guess, because I wanted to, that as populations got bigger, that we could move more toward merit appointment. The old political holds and the buddy system just wouldn't survive in huge populations. I think exhibit one in support of my theory was New York after Bob became senator up there. He not only was very anxious to get the highest quality appointments, but he'd work hard at it and was able to get some men to accept the judiciary when, in earlier years, even when he was attorney general, we hadn't been able to get some guys. See, we didn't have any Democratic senators up there which, in a sense, gave us a fairly free hand. What we'd find was that the salaries were so poor for New York lawyers the successful ones had established a level of living that couldn't be supported. So that unless you had a wealthy man or a man who had reached an age where he had accumulated a lot of money, you couldn't get them to accept.

He got people like Walter Mansfield [Walter R. Mansfield], who just looked as good as anybody you'd find on paper. I remember talking to him one time about Mansfield. It seems to me it had something to do

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with a little problem about Mansfield's wife [Gertrude Rient Mansfield], but nothing, it never really bothered anybody. I think his wife may have been born in Russia, or something. The Bureau [Federal Bureau of Investigation] may have had a little problem, and I discussed it with Bob.

Weinstein [Jack B. Weinstein] and Motley [Constance B. Motley] were considered, at Justice [Department of Justice], to be really outstanding appointments. Feinberg [Wilfred Feinberg], to the Circuit [Circuit Court] in '65, was one the President [Lyndon B. Johnson] really wanted. I can't say that Bob didn't want it, too, but at Justice, we were.... When I say "at Justice" I mean the guys who work on it, and that tends to be centered in the Deputy Attorney General's office. When I was A.G. [Attorney General], I didn't get into it very often.

We were very anxious in '65 to elevate Judge Weinfeld [Edward Weinfeld], who was considered, I think, by the Bar to be one of the really great district judges, not only of New York or even of today, but of the last twenty years. We thought that elevation would be very meaningful to the judiciary, that men would say, "Well, if you do good, you might get promoted." We also felt that to take Feinberg over Weinfeld, Weinfeld, being by that time probably in his early sixties already, would hurt because Feinberg just hadn't proved himself. He didn't have the great record that Weinfeld had.

HACKMAN: Where was pressure coming from to appoint Feinberg over Weinfeld? Was there much?

CLARK: I know that President Johnson wanted it, and I think it came from political backing and interest in New York and, probably, from Judge Feinberg's brother [Abraham Feinberg], in part, but I don't know that. I know this: Bob was a tough guy and he wouldn't have accepted Feinberg if he hadn't, he either wanted to or, at least, thought it wasn't harmful. Curtin [John T. Curtin], in the Western district, had been our U.S. attorney and was just a fine young guy. Lasker [Morris E. Lasker], I don't have a strong recollection of. Travia [Anthony J. Travia] was one of those who was just deeply and intricately involved in New York politics, who's going to head up the Assembly. I didn't work on it closely though, because it was such a politically sensitive one and because we were trying so hard to keep politics out of the judicial appointment process. That is, we really wanted to just have it purely professional, if we could. You'd get calls and letters from everybody you could imagine. It just affected every political interest in New York it seemed like.

HACKMAN: You don't remember Robert Kennedy or Joe Dolan [Joseph F. Dolan]?

CLARK: I talked to Bob about Travia several times.

HACKMAN: Was it a question of timing or was it a question of whether he would be appointed or what?

CLARK: I think it was a little of both. It was obviously the kind that you'd have to talk about fairly carefully. Nobody would want the word to be that he was opposing Travia. Bob was concerned about it. There was some important activity in the

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New York Assembly that year. Maybe it had something to do with the Constitutional Convention or something, I'm not sure.

HACKMAN: There was that and then there would have been a struggle over leadership if Travia would have left, between Steingut [Stanley Steingut] and a guy named Moe Weinstein [Moses M. Weinstein]. This had a lot to do with the timing as to whether Steingut....

CLARK: My recollection is we finally waited till the Assembly had adjourned, but I'm not positive of that. From all I hear, Travia is doing okay. He wasn't one that our standards at Justice would have sought, certainly, and if they were purely applicable, maybe not even accepted. I don't know. Primarily because he hadn't spent a lot of time, really, at the law, so that you could be sure that he would be able to move fairly and effectively as a district judge. That's a pretty hard job, it's a tough job.

HACKMAN: Did you ever talk to Robert Kennedy about the possibility of Joe Crangle [Joseph F. Crangle] becoming a judge?

CLARK: There's a possibility of it, but I don't remember it because Crangle just became a name that I identified, in my own mind, this year. Sometimes, of course, there's a name that's kind of floating around in your mind and you don't really fix on it. There was somebody that Bob was interested in up at Buffalo.

HACKMAN: Peter Crotty [Peter J. Crotty], maybe?

CLARK: Yes. That's who it was. My recollection is, but this is very vague and I really couldn't be sure, that Bob would kind of like that but didn't quite think it was real. I think Warren Christopher would remember because he's very good at remembering, and he handled it directly. My guess is that we probably ran an A.B.A. [American Bar Association] on him...

HACKMAN: I believe there was one run on him.

CLARK: ...and that he was probably found not qualified by the A.B.A. although I never put great stock in that. It had a lot of political implications, too. Then we liked Curtin. We'd worked with him since '61, he'd been an U.S. attorney with Bob and all of us. That makes me a little surer that I didn't hear anything about Crangle in those days. Judd [Orrin G. Judd], I just don't remember, I just kind of draw a blank on that, I think that just must have come through fairly routinely.

By the late sixties, in contrast with the early sixties—I think I mentioned once before how Byron White and Bill Geoghegan [William A. Geoghegan] and I had gone up there one day to try and find some judges—there was a fairly substantial group of aspirants to the judiciary who just had no qualifications. They would have been very unfortunate appointments. The major part of

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our burden by those years was to avoid those. They would invariably have some quite powerful political backing. It may have been a John Rooney [John James Rooney] or may have been an Italian group or Chairman Celler [Emanuel Celler] or somebody. I think we avoided all of those. I wouldn't consider Travia to be in that group at all, nor Feinberg. The thing with Feinberg was he just hadn't had time on the district bench to demonstrate that he could be capable of greatness and Weinfeld had already shown his greatness as a judge.

HACKMAN: On appointments that Robert Kennedy was recommending in that period for New York, who would primarily, in New York, go to the White House to try to get, or would there be people going to the White House to try to get those turned around? I'm thinking particularly, I guess, of Ed Weisl [Edwin L. Weisl, Sr.] in New York. Would that happen a lot? Would he go to the White House to try....

CLARK: I never could be sure. Now that you raise it, I'm almost sure that I called him several times at the request of the White House to discuss judgeships.

Basically, I'd just kind of sit there and hear him out, get his ideas, which were always fairly presented as far as I was concerned. In other words, in his presentations to me they would always be on the merits as he saw the merits as distinguished from political considerations. It may be that that had to do primarily with the Travia thing because that was—whether you consider Travia to be just extremely well qualified or poorly qualified—an exceptionally delicate political thing. You could mess up things that you wouldn't understand that had importance beyond just the state politics or the functioning of the Assembly or anything like that. It may be that that was one of the reasons I was asked—it may have been the only reason I was asked—to call Weisl. I would also check that with Chairman Celler, who, as I recall, was anxious for Travia to be appointed, although he never pushed on anything, but he thought that the timing was important, too.

I don't recall anybody else from up there. We got very little and discouraged, every time we could, political approaches to the department. You know, it's hard enough to work with the senators. Also, the input that you got politically tended to be of not a very high quality, it didn't really generally have a quality appointment for its primary purpose, but political. In other words, as a coincidence it happened to be a great person. So, we tried to discourage it. In addition, it got you into a mess because you had to deal with the Senators. If political powers in the state were coming around them to you, it made it harder to maneuver.

HACKMAN: Okay, let me ask you about something else. While you were Deputy and then after you became Attorney General did you ever feel you had a problem because people that Robert Kennedy had brought into the Justice Department were ever dealing with the Senate office or were paying attention to what he wanted done within the department?

CLARK: No, not at all, never. I just don't think that that was, in fact, a problem or would have ever been seen by me as a problem. I just don't think that was a problem at all.

HACKMAN: Okay. Did you ever have any conversations with Robert Kennedy about a possible

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run for the presidency in '68?

CLARK: No. He had this whimsy about him and he may have said something in that vein about it, perhaps, to test the water, so to speak, although there was not any reason for him to test the water with me except to see what I thought because I couldn't add anything or subtract anything. I imagine he knew pretty much what I thought. I have a feeling that I saw him shortly before his announcement and that comes primarily from.... You know, I virtually never watched television; it was one of the bigger mistakes I made, probably. I thought I was busy and in addition I don't particularly like it, it's so slow. But I did sit and watch Bob's announcement from the Senate, I guess it was that room in the Old Senate Office Building. Is that where it was in the Capitol?

HACKMAN: I was thinking it's the Old Senate Building.

CLARK: I think it was that big room, yes, that big old room that we testified on gun control in. I'm almost sure that I had talked to him within a week before that and he'd said something kind of joking about it. By that time there had been a lot of talk about it. I'm almost sure that I didn't have a strong guess as to what he was going to do, whether he was going to turn off or move in.

HACKMAN: Do you remember any conversations with President Johnson in late '67 or the spring of '68 about what Robert Kennedy was going to do, what he expected he would do?

CLARK: Certainly, there was no studied conversation. It may have been, but I really don't know. One of my peculiarities is I don't really, I just try and go forward, you know. Some people mull about these things, but when you just go forward you don't take clear fixes on little pieces of history that might be important to hold on to. Also, when you try and look back at what you've heard in between you can sometimes color what you think you knew. I don't really know. I think it's possible that, on one or two occasions, in passing, the President might have asked me what I thought or suggested what he thought. If that happened, I would be pretty sure that I told him I didn't think Bob was going to do it. There's just nothing there that would be substantial.

HACKMAN: Any conversations then after Robert Kennedy announces at all, with Robert Kennedy, the time say of the Martin Luther King [Martin Luther King, Jr.] assassination, about the Poor People's March, any events that are going on? The wiretap columns again?

CLARK: If any happened in connection with any of those, it would be of this character that I have described, no serious discussion or fix on it at all. I can't remember the timing. Was it mid-March when Bob announced?

HACKMAN: March 16th.

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CLARK: The President withdrew on the 31st. Dr. King was killed about the 4th or 5th of April. I know the March 31st withdrawal announcement of the President was just a complete surprise to me and would have seemed impossible in the light of my understanding of the man. So, I just couldn't have been more surprised. I mean I don't think the thought had ever occurred to me.

HACKMAN: Okay. I'll go back and finish up the Lands Division then. What can you remember about how the study of federal policy on public lands came about which you recommended to Robert Kennedy at some point in '62, September of '62, I think? Was there much resistance to it?

CLARK: I'd say lethargy would be the chief resistance. It's a lot of work. The case for importance was very difficult to make then, you know. The *Silent Spring* was out, but it was a pretty book, I mean, it was an interesting, nice book, it wasn't one—although it probably began the process—that immediately caused the grave concern we have today about ecology and conservation, that sort of thing. So, the main problem was

motivating people to think that it was important enough to address with the energies that would be required. I guess, in addition, you could see a combination of opposition. Virtually every vested interest that was dominating the Bureaus of Interior [Department of the Interior] and Agriculture [Department of Agriculture] would oppose it, the grazing industry, the mining industry, the oil industry, and the lumber industry because they liked thing the way they were better than they thought they'd like any change that would come from such an effort. I don't mean to say that this was an ardent opposition with them, but it was certainly what a person in the field would predict and what came. There was a combination of opposition and infiltration, so to speak, "If you can't stop it, try to control it."

HACKMAN: When could you begin to see evidence of that? Can you remember after you made the initial proposal to Robert Kennedy sort of what happened when your opposition mounted?

CLARK: Well, I don't think that any opposition mounted in House at all. I don't remember any and I'd be almost sure there was none. Once the idea got going, and certainly once it approached a legislative consideration, why then you began the struggle for control, who would control it. We thought that it fell into alien hands. That's one reason we were so interested in the staff. We tried to help put some public interest people onto the staff.

HACKMAN: What about before it got to the legislative process though? Your first proposal was for an executive branch proposal. Can you remember?

CLARK: I think that was the way to do it. I thought so then and I think so now. We had undertaken it in a very general way in Lands Division, but we didn't begin to have the resources to do it. In a sense, we didn't have the authorization. Then, what have you done when you do it? To take that on without some specific authorization would

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probably create opposition in any end result you might come up with, any conclusions, because you can't change the law there. You're going to have to have Congress change it and that was the rationalization for a legislative dominance of the Review Commission. We couldn't get the interest and concern of Interior, Defense [Department of Defense] didn't want it at all. You know, they like to have a two-million-acre missile range that you can't grow grass on or anything else. They don't want anybody else fooling around with it. Agriculture has always been terribly concerned it would lose the Forest Service, they didn't want it in the Lands Division. In the world of natural resources, natural resource law is just a cipher, you can barely see it. You've got fewer than a hundred lawyers there compared with twice that many in the Solicitor's office [Solicitor General] alone and thousands and thousands of operating personnel. I don't remember ever getting the legislative staff at the

White House fired up about it.

HACKMAN: That would have been primarily Lee White [Lee C. White] on it because I know he was involved in some meetings on it in early '63.

CLARK: Lee's instincts on all these things were just excellent. He was always on board and anxious to go, but from their standpoint, they had all these huge problems they were grappling with, and this one was a little hard to see as an urgent matter. There was an antipathy to the codification process. I think there was a sophisticated view that that tends to be a detail. I remember Archie Cox [Archibald Cox] had proposed a criminal law provision which was awfully important, but to the Criminal Division it's a waste of time. You're supposed to be out getting crooks, you know, and here these academics up there want to tinker with the statutes. What they wanted was immunity in other authorizations. So, while that was one of the recommendations that was made to Bob in the spring of '64, if I haven't mentioned that, that would be something that you ought to look at pretty carefully. I think maybe we have some papers on it. In the spring of '64 Bob said that he wanted to.... I think we've been through this, but you tell me.

HACKMAN: You just mentioned that he asked you to put this together. I'd like to hear more about what interest he took in it personally through the rest of '64.

CLARK: Big interest.

HACKMAN: What parts especially? In terms of legislation or in terms of....

CLARK: In terms of the whole range. He wanted to know that we had pulled out all of the significant ideas from all of our resources, really just drained them out and got them there where we sorted them out and distilled them and could look at them. They fell into several categories but one major demarcation was what you'd call short-range and long-range. In a sense, we were in a sprint and we wanted to do as much of the short-range stuff as we could. We didn't want to start long-range things that were fragile for fear that you would start something and lose an opportunity or waste an opportunity that you wouldn't be able to pick up later. Even so, we did start some, the Office of Criminal Justice would be an illustration of

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that. Bob would.... I would be sure that he was more concerned about that project, so to speak, from May through August than any other long-range project that I was engaged in. That would have been number one. Now, of course, what I was engaged in wouldn't be ten percent of all the things he was engaged in in the Department, but that would have been number one that I was engaged in and surely a very high priority among all the things. I wouldn't see him at a lunch or something but what he wouldn't ask about it, talk about it.

HACKMAN: What point was the final report sort of completed, given to him, or is that the way it happened?

CLARK: It didn't happen quite that way. We had a flood of memos coming in from people. John Douglas [John W. Douglas] must have had thirty-six really good incisive recommendations, little things, big things, all kinds of things. I'm sure that John, like most of us, reached beyond his own experience by talking to people and pulled it together. Archie Cox had some great ones. I felt like Dave Hackett [David L. Hackett] came up with, I'm not sure Dave realized it, but he came up with the genesis, I think, of the movement that culminated in the Office of Criminal Justice, not that that idea hadn't been around and pushed a number of ways, but I think it was a memo that Dave sent that gave it the final push that got it over. Lou Oberdorfer [Louis F. Oberdorfer] had some good ones.

Well, these memos came and they'd be six inches thick, something like that, unmanageable. So then we needed to follow up, sort out and sift and that's what we were doing. I think there were several memos from me to Bob during that time, but I think most of the work would have been review and discussion.

HACKMAN: On the things that you were considering in the short run, was his concern or his reason for doing this because they were things he hoped to get done before he left or because he felt that with the Johnson Administration and its strength on the Hill and everything that these things could be done after, over the next year or so or whatever?

CLARK: I think it was a combination of things. I thought it reflected more than anything else a concern for the Department of Justice and the desire to give it everything you could before you left. See, Bob hadn't said by this time that he was leaving, at least he hadn't said it in a way that anybody would repeat it. A lot of it was some people were a little cynical and said, well—trying to build up a line of credit or something—"Look at all of these things I did." But there's no credit in it, they're housekeeping things, good little things that nobody really cares about except they perfect the performance of the Department and they make a difference in the lives of, perhaps, a dozen lawyers who are working in this little area. He just wanted to do that. The truth of the matter is it is something that should be done every year, it should be done every year in the Department, and it should be constantly refined and it really lent into our effort and that's what we were doing when we tried to set up a planning office that would be ongoing.

When we got there, there wasn't anything. You'd just come in and there's a bunch of empty furniture and you start living there and you start learning and growing and trying to do

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things. Some of it had high visibility, and some of it we tried to give some visibility to.

Realistically, it didn't add to Bob's stature as former attorney general, it was a do-good effort. I don't think it had to do with a belief. I think it was almost the opposite of what you say. I think that he probably felt that there would be a period of indecisiveness and uncertainty at Justice for a while and things might not get done. There are a lot of things. It takes a long time to do things in the Department and a lot of it involved things that we had begun on and hadn't finished. We didn't have final decisions, regulations or orders from the Attorney General on it and we were trying to wind that stuff up too.

HACKMAN: Did he ever show concern later? Did he ever inquire as to what was happening to some of those things that you remember?

CLARK: Well, yes. I don't think we ever had a lot of time after that. There's a long time after Bob left. I think I might have gone almost a year. I flew up to New York and went to the Armory when he was nominated. My recollection is that was a Thursday, although I'm not positive. After that we went to a hotel down on 33rd Street. This was the first week of September '64. I'm not sure I saw Bob for a year. There's a period there where I think he felt that he shouldn't be very close to us. It's a decent thing, I mean, guys worry about what it means. I remember discussing the Office of Criminal Justice and our miseries with trying to keep it alive, things like that.

HACKMAN: I'm going to be a little sneaky with you and quote something back at you that you wrote in '62 when you were writing this memo to Robert Kennedy proposing that Lands study. One of the things you said in there was, "It should be possible to initiate and accomplish a review of existing laws without incurring opposition from the various interests opposed to change." Do you remember that you then found the opposition surprising? I mean, before that in the memo you had listed some of the interests that you'd listed before that would be opposed to it. Can you remember that you were surprised at the opposition then or that....

CLARK: Oh, no. I knew the opposition was there. It was very forceful and effective. I felt that the Bureau of Reclamation wasn't run by the Secretary of the Interior [Stewart L. Udall], he couldn't lay a glove on it, you know. I've forgotten what they call it, the "Reclamation Association," or something like that. These bureaus and even the so-called independent agencies tend to become captives of their constituency because the supervisors are busy and the interchange of personnel back and forth and then just finally.... Of course I haven't read or thought about that in years, but I think I was saying that if the executive branch would perform this, if it would set aside the resources, we would have to pull people from the major bureaus for at the least the Solicitor's and General Counsel's offices because we could never get into all that stuff in Justice. It was just too remote and diffused, but that we could do it and put it together before these other interests would know what it was you were doing and opposition could rise. Even when they heard that you were doing it, you could keep it pretty vague and you could certainly cover decisions. Nobody would have to know what your decisions were. They

might know the area that you were studying and they would know quickly what their interests were.

Take competitive leasing on mineral land, it's just sick when you think about it that we let people lease hundreds of thousands of valuable acres for fifty cents an acre. If the north slope of Alaska last year had not happened to fall on what you call legally a known geologic structure, somebody would have gotten that land for two hundred and fifteen thousand bucks, fifty cents an acre, instead of nearly nine hundred million. And only this year for the first time since the Mineral Leasing Act of 1920, I think, have we been able to expand competitive leasing on federal lands, and that was in this Alaskan native bill [Bill to provide for the settlement of certain land claims of Alaskan natives and for other purposes]. Scoop Jackson [Henry M. Jackson] got it through on the floor and he got it through with about thirty-five votes against it, a tough fight. He got it through because it came as a floor amendment and not as a Committee recommendation, even though the Committee Chairman was pushing on it and it came without a big build up. It came in a very good vehicle and it came at a time when you could make Teapot Dome look like a teapot because here you just had this eight hundred or nine hundred million dollar bonus and you could show that it would have brought two hundred and fifteen thousand dollars under a non-competitive leasing. So, you knew that you would have a tremendous fight there, but you knew that you could perfect your viewpoints and develop statutes without building up opposition in advance.

HACKMAN: I believe your memo to Robert Kennedy proposing this was in September, and in October Congressman Aspinall [Wayne N. Aspinall] writes a letter to the President [John F. Kennedy]. Can you remember this? Then the letter was answered in January with.... Can you remember that being an important factor in slowing down your efforts?

CLARK: Yes. I don't know this, but I think that we felt that this reflected an awareness of our study and our proposal for an expanded study. See, we had been studying it for a year. I'd pulled a couple of guys off, that's awfully hard to do in a bureau like that. You're talking about two percent of your manpower and you're trying to produce in a bunch of areas. We had no authority for it, really. As we did that, we would have to make inquiries and we'd have to pick up information. So talk had been going around for six, nine months perhaps, about it. I looked on this as an effort of special interest to head it off, to capture it, so to speak, make it their own.

HACKMAN: Did you feel anyone in the executive branch was going to the Hill and alerting them as to what was going on? Did you ever remember tracking that down?

CLARK: Well, I thought there might have been some opportunism in it, but I don't remember ever thinking that there was anything unethical or devious, it was

just some guy trying to.... That's my feeling generally. I'm sure you could go back decades and decades and find proposals for.... The irony is that here we found, when we started counting these statutes, that we had thousands, and that the great majority were put on the books before 1900 and a substantial proportion before the Civil War. Well, their whole purpose was exploitation. The national policy was, "Now, we've got to get these guys out West and we've got

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to cut those trees down and we've got to dig up that iron ore and everything because we want to develop that country." So, here we were, fifty years after conservation should have been the dominant theme, still operating under federal laws that had a purpose of exploitation.

HACKMAN: Do you remember getting involved in drafting the President's [Kennedy] reply to that letter from Aspinall? Or was that done at the White House?

CLARK: I don't recall. It's possible, but I doubt it. You know, it's very rare that.... Maybe Lee called or chatted about it or something, but they would go, if they went outside the White House, to Interior or something like that.

HACKMAN: Do you remember any involvement then through '63, before that legislation is actually passed, in setting up the study—I believe it was in August or September '63—trying to change the direction of it or anything? Talking to anyone on the Hill or....

CLARK: Well, I had a very, very limited participation in legislative matters. I don't recall being used by the Deputy's office three times in the years that Bob was A.G. Once in a while we would have a matter, we had one that just seemed in a minor way very important to us that had to do with federal legislative jurisdiction. They said, "Well, you handle it." I didn't even feel like David [King David] up there. An Assistant Attorney General for Lands can't begin to cope with the problem of legislation. You've got these major centers of responsibility, the Deputy's office at Justice, which is minor compared to some others; the Bureau of the Budget; the White House legislative staff, if some little Assistant Attorney General is fooling around with it, it just creates havoc. They let us have the legislative jurisdiction because it seemed impossible, because Congressman Dawson [William L. Dawson] opposed it, and because it had an adverse civil rights implication. My theory was that you can't walk away from things because they may have those implications. If it's important, you've got to tackle it.

They helped. Burke [Burke Marshall] came up and talked to Dawson with me a couple of times. Dawson wasn't about to do anything. I don't remember even talking to Geoghegan or Nick [Nicholas deB. Katzenbach] about it. My guess is that if I had, they would have felt, "Jeez, we've got this crime legislation, we've got this civil rights bill we're coming up with, and we don't want to fight Udall [Morris K. Udall] and all these other guys.

That's just not our cup of tea."

I found the same thing. I worked over at the White House for two months in December of '64 and January of '65, and at that time I tried to get a reorganization plan to create a Department of Natural Resources, which, as my experience told me, we needed desperately. You could just make a magnificent case for it.

HACKMAN: You included that idea on that memo proposing that study.

CLARK: Is that right?

HACKMAN: You say, "A study might well envision a Department of Natural Resources in

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juxtaposition to a Department of Urban Affairs.

CLARK: Yes. That's exactly what I tried to do when I got over to the White House. The force of an idea whose time has come may be irresistible but, by God, it's hard for an individual to generate that force and make the time come. It was just like bumping your head against a bunch of big buildings or something. Nothing happened. One thing is that people never look at Justice as having a legitimate interest, so to speak, in this area. You're just supposed to be the courthouse lawyer in these interests. The President [Johnson], at that time, was interested enough to say, "Well, talk to..." I think Kermit Gordon was still the Bureau of the Budget man and Udall. But Udall had gotten out of town. He was a busy guy that year. He was undecided, I think, as to whether to stay in the Cabinet or not and he turned it over to Carver [John A. Carver, Jr.], who was the Under Secretary, and Carver's interests were just diametrically opposed to this idea.

HACKMAN: Do you remember ever getting any response from Robert Kennedy on that idea at the time you proposed it in this memo?

CLARK: Yes, I think so. I think Bob liked it, that's the type of thing he liked. Of course, that's the type of thing I loved. I just thought that has to be some day. It's pathetic. What's happened now, you see, they've got these interests so fragmented they can't hold them down, they're all over the place. Some of them are really outrageous. You'll never get them straightened out until you get them concentrated in one house. Bob liked it. It obviously wasn't one that we could swing from Justice before he left.

HACKMAN: What about that meeting? We didn't talk about that White House meeting in '63 over the lead box. Was that a decision-making meeting or what was the focus, do you remember?

CLARK: No really. The only thing I remember is sitting on those couches there and

making an ardent plea for a position that I thought was right. I may be chronologically out of line. I know that the President [Kennedy] did not say anything that was of decision-making import. My recollection is that the next thing that happened was Archie Cox was delegated the responsibility to handle it. A hard decision to fault in many ways. Archie's a magnificent lawyer, he had handled *Arizona v California* and the Tidelands cases. Those were original jurisdiction cases. They weren't really in Justice although Justice had done the technical work on it—I don't mean in Justice, I mean in Lands—those were cases that were housed in the Solicitor General's office. I think that Archie's decision—with which I disagreed—legally a tough one, you know.... I think not only the public policy beyond question, from the standpoint of the federal interest, was the other way with the law, too. We could make a gloriously powerful legal case for federal ownership and an important one. This, extended, goes to who owns the resources of the sea and the idea of extending state interest, little old slices of pie from Mobile, Alabama—and things like that—is just an abomination to me. I think it's bad enough to extend national interest, I think national interest ought to stop right off the shore there, just outside the breakers, and then it

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ought to be international from there on out because we're going to have to do that and stop fooling around with it.

But this was just a monster for the White House apparently. I don't know what all the interests were because the interests never fooled around with us, I think, because we were too insignificant. They knew what we were doing. Every once in a while I'd feel a knife between the shoulder blades about it, so to speak. A guy like Long [Russell B. Long], this was religion with him. You're just like fooling around with his wife or something to talk about more than one....

Everybody knew what the Tidelands had done to Adlai Stevenson [Adlai E. Stevenson]. See, Archie Cox wrote the opinion and it is entered in the opinions of the Attorney General, over Archie Cox's signature as Solicitor General, I believe, not as acting Attorney General. You'll find acting Attorneys General who are in fact the Deputy or perhaps even the Solicitor General or perhaps even an Assistant Attorney General. I think this is the only opinion in history that you'll find that's an opinion of the Solicitor General.

HACKMAN: Did Robert Kennedy speak out at that meeting that you can recall or did he more or less let you speak for the department on that?

CLARK: You know, I don't believe that Archie was there. Do you know?

HACKMAN: No, I don't know. I'm asking you about Robert Kennedy. Yes, Cox was there...

CLARK: Was Cox there?

HACKMAN: ...Frank Berry [Frank J. Berry], Udall.

CLARK: Bob and the President [Kennedy] had something outside and they were getting ready to go out there and they walked out together. My guess is that Bob didn't even say anything. I had the feeling he was a little bemused and he wondered what was itching me because I'd gotten uptight about that matter. Maybe I was prejudiced because I'd come from Texas. The Tidelands were a big thing with me and the mud lands were a part of it.

HACKMAN: What kind of reaction would you get from him about your efforts in the Lands Division on administrative changes and particularly on saving money, turning money back at the end of the year or, in one instance, I guess, telling Congress that you didn't need as many personnel as you were funded for or whatever? Would he talk about those things, ever get any reaction?

CLARK: Bob was a reserved person essentially, you know. I liked that. I never saw him buttering anybody up or anything like that. I think he liked it or I think he took it for what I wanted it to be, and that is just an effort at effective government. I know one thing that he appreciated—it was either he or Burke, I think it was Bob—one day he said, "You've done more for civil rights than any man in the Department of Justice." And I said, "Well, what do you mean?" because that sounded like a ridiculous statement. He said, "How do

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you think we're financing all these lawyers?" Actually, some of it went to the Criminal Division and some of it went to Civil Rights. God, you have to do that, I mean you've got to tighten up where you don't need it. This is the way you really develop priorities, too. If everybody just clung to what he had, you could never change things very much.

Bob was an activist, you know, and he wanted action. If we hadn't shown that we were producing, if it had just been a negative quality—we'll do with less, we'll tighten our belts, something like that—I don't think he would have respected it, particularly. I think he liked it because, I think we demonstrated we were doing more, cleaning things up a little bit and at the same time were willing to cut back. We weren't empire builders or anything like that.

HACKMAN: Can you remember any efforts toward changes in the Lands Division that he did not go along with like the small tracts, major tracts program or just other things?

CLARK: I know he worried some about the small tracts program. It bothered him a little bit because it had a quality of roughness, you know. It seemed like you

were being rough, perhaps, with little people because they were little pieces of land. Actually, they weren't necessarily little people, they just happened to be a little piece of land, might be a big landowner and generally was. It was very rare that we had any poor people. If there are small pieces of land, it's because it might be an easement for a minuteman missile thing going across a huge Kansas farm, or something.

But, what we were saying in a sense is, that it makes no sense for the government to spend more to take land than the land's worth. You ought to just give it to the owner. That has a roughshodness to it that bothered him a little bit. He'd say, "Be sure that...." We got a tremendous amount of complaints about slowness. When we came in, there were stacks of mail that said, "I've been waiting for four years to get money for my land." Therefore, when all of a sudden you start moving thousands through, you'd find some who would complain they didn't think they got enough money for their land and stuff like that.

I think there was one reorganization that he may have held me up on. I abolished a section down there and I think he just wanted to be sure it was right. Some guy, some jerk went to some Senator or somebody and said, "He's abolishing my section." And I think that held us up for a little while but not very long.

Bob never rejected a settlement that I sent up. With Tax they probably rejected a third, maybe, and with Civil they rejected some. There were some that he'd hold a long time. I think I mentioned one time we had the meeting up there and there was one that had been up there for a long time. Byron rejected one, one time within his jurisdiction, which was a hundred thousand dollars as I recall. Later, I had to get up to him to discuss it, and then he decided not to reject it. So we didn't. I guess one reason is I don't know what it all is.

The Indian ones were very hard, very obscure, the standards very vague and big money. They were by far the biggest that came through the Attorney General's office in terms of dollars. Just complex, with all this history and all these peculiar little rules that you'd never see anyplace else in legal life. It took a long time to prove some of them, which was hard because everybody had been waiting so long. Finally, they'd know when we approved. We'd try not to get it out, but they'd know. Then there'd be two months while it was upstairs.

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HACKMAN: How far did you go with this idea of possibly consolidating land acquisition maybe into G.S.A. [General Services Administration] on one side and to the Bureau of Reclamation and Corps of Engineers on the rural, urban-rural side?

CLARK: Yes. Well, we did some good. See, I didn't think we could let go of it until there were the consolidations because I thought it meant inefficiency and waste and inequality. Some of the acquisition departments would really worry you because they'd almost try to cheat people, they'd try to get land for nothing. That's wrong and we just didn't want to have any part of that. Others were so careless, they'd just go out there, they'd be "old money bags," and they'd just try to buy up everything, you know, like the last of the great spenders or something. So, you wouldn't ever have equality

unless you had it centralized.

What we did do and with great effectiveness, I think, is we would pick out what we thought was a good agency, what from our experience was doing a good job, and we would get them to take on where they could, where the agencies would agree. This nearly always involved vested interest, the business of others. So, the Corps of Engineers, which had a long history and which in some parts of the country had been very poor and other parts was quite good, we'd get them to take on Air Force work and we'd get them to take on, I think NASA [National Aeronautics and Space Administration]. I think they took on NASA. They did take on NASA.

One of the big things was they took on Cape Canaveral expansion in September '66, before it was called Cape Kennedy, and did a magnificent job. The President announced that himself for us. It was a huge acquisition. I can't remember how many thousands of acres, but just a tremendous piece of land up there in Brevard County. It took thousands of acres of orange groves, it took ten miles of beach front, maybe twelve miles. I remember there were five miles in one ownership, can you imagine, magnificent property. We went down there for the announcement, not the President, but I went down and I think the general in charge of the Corps of Engineers went down. We brought some special lawyers in, set up a special office and it went beautifully. It was a well-done project.

On the other hand, we had some miserable failures: Cape Cod, just lousy. The National Park Service hadn't done any acquisition up there for years and they didn't know how and they'd do the most stupid things. They went to an appraisal unit that had been involved in road scandals in Massachusetts and they didn't know the difference, hadn't even been reading the newspapers or hadn't lived there. So that was just miserable. Bob was upset as the devil about it, and I don't blame him. It was a lousy job. Justice didn't have anything to do with it. We didn't even know about it till they started doing it because the responsibility under the statutes is theirs. I tried to get that one under the Corps and my recollection is it never succeeded. It made Bob very sympathetic to his consolidation idea because here was an experience right in his own backyard.

Another rough one we had that made me feel bad was the home over here of Mrs. Kennedy [Jacqueline Bouvier Kennedy], the childhood home on the Potomac River, can't remember the name of it, one of those romantic names. But Secretary Udall was doing something I didn't really think was too wise and that is trying to put on scenic easements. The reason I didn't think it was wise because I thought you'd wind up paying as much money for the scenic easements as you would for the fee, which isn't a very good use of public money because if you could own the land you'd have a lot more than scenery going there. You'd have a place that people could roast

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hotdogs and swim and do all other kind of stuff. Otherwise, all you'd have is a bunch of air that would keep people from building tall buildings.

The negotiation in Interior for that was pretty sloppy and it's right here around town, and it got in the gossip columns. The President went down to Miami for some reason in

September '63 and somebody showed him one of the columns that came out. It was Saturday and he called Bob about it. I don't know why he called Bob because it didn't have anything to do with the Department of Justice, it was Interior. The only time it is in the Justice Department is after a secretary says, "I want you to take this land," and the statute says we have thirty days, it's a mandatory statute to do it. The President was quite unhappy about it. It implied that there was some special treatment for Mrs. Kennedy's family or something like that.

HACKMAN: Can you remember, on the idea of consolidation, did that ever go.... Did Robert Kennedy ever try to carry the ball on that one in the Administration, and finally getting it approved or how far did it go?

CLARK: I think that we got the number of agencies that did acquisition work consolidated down to half the number that were acquiring land when we came in. And I think it was basically by feeling through the personalities to get it done. I think the major....

[TAPE 1, SIDE 2]

HACKMAN: Ever any problems in getting along with Guthman [Edwin O. Guthman] on how to handle the press or getting along with individual members of the press, stories that created particular problems? You just mentioned one, I guess.

CLARK: Well, basically, we had no press relations from the Lands Division and no knowledge or experience or desire to have. I think the major concern there was that we didn't give them enough to tell the public what we were doing. I think that's probably true. It was my fault, I just didn't like it, frankly. I mean, it just seemed artificial or something to me. I think I told you about that story about Indians that appeared in *Life*. It was a disaster, a minor disaster, but a disaster. And Bob was really a little upset about it. It was uncharacteristic of him, I thought. I'm not sure that he had the whole picture, but Ralph Barney [Ralph A. Barney] and I had written a draft. Ralph was the head of the Indian Claims section and Bob like him, feisty little Oklahoma lawyer, looked like he'd just come off the frontier, had a big mustache and well into his sixties, tremendous knowledge, just all of the history of Indian affairs in America in his mind. We had done a magnificent draft, but *Life Magazine* had absolutely no interest in our draft because it had all this history and stuff in there. So Ed took it and probably got a professional write—but maybe somebody upstairs did it, I don't know—and rewrote it. And they really rewrote it. I mean you couldn't even tell it was the same story. Ralph and I were both, not only kind of hacked because we thought we had such a good one that was totally unacceptable to *Life*, but because we thought it would upset the Indians and told Ed that it would upset the Indians. It had some little jokes in there that were in poor taste from an Indian standpoint. The Indians are every

bit as sensitive as, say the Italians, about the Cosa Nostra or something. It went in and it came out and Bob got swallowed by letters from Indian people about it. He loved the Indians, you know, he really wanted to help them and here he'd written this story in *Life* and he was getting all of this bad reaction.

I remember, it was probably his anniversary party in '62 out at Hickory Hill, and everybody was down around the pool, but we were just coming down from the house with some drinks or something and Bob made a rather sharp remark about that magazine article. He said, "Thanks a lot. My God, is that the best we can do?" He was mad, and I don't blame him. It was unfortunate, the story was a crummy story, and they put some pictures in that were terrible, some cartoon type things, as I recall, of Indians in a canoe or something. They were kind of demeaning. It was a bad story, bad article.

That's about all. I remember that, I guess, both at Ole Miss [University of Mississippi] and I guess even more at Birmingham.... I think I was probably more in error than Ed because I have great respect for Ed. He had gotten to where he was having press briefings almost constantly. I literally think they were almost once an hour at times. Well, he knows the press and I guess he knows they go berserk and also they'd be making up stuff if he didn't keep feeding them things. But one of the results was the raising of real emotional hostility in the area because these stories just keep coming out and coming out. And it looked like you were trying to make a big thing out of it. And then they'd have Ed on television—particularly at Birmingham, I don't remember this part at Ole Miss—because he would do the briefings himself a good part of the time. I felt we ought to cut them way back. I just thought they created problems and added to tensions that we ought to cut them way back. I guess I didn't have an answer on how you handle the press, but Ed and I had a few discussions about it, and my views were pretty clear, and I'm pretty sure I discussed it with Bob when I got back up here because I was afraid that it was really exacerbating the situation down there.

HACKMAN: What can you remember about relationships with other, we've talked about Interior, but what about G.S.A., V.A. [Veteran's Administration], H.H.F.A. [Housing and Home Finance Agency], anything that stands out that Robert Kennedy got involved in on your behalf?

CLARK: I just have the vaguest recollection of this, but we'd had some difficulties with slum clearance, so to speak, in southwest Washington [District of Columbia]. This had started back in the mid-fifties and when we came in, here's all this land and all still down there and it was a mess. A lot of the cases hadn't been cleared. Bob gave us a hand on it. I have a vague recollection of going down there and looking at it with him one time. I doubt that really, but I can almost remember there were some old railroad track sort of things down there and we were looking, here all this rubble laying around where they had torn things down and hadn't started redevelopment.

We had awfully close relations with G.S.A. One day we had a little crisis that Bob got into, I think. They were building the new federal building, and it turned out that when you

looked at maps two hundred years ago there had been a pond there, so they didn't have an adequate foundation. They'd started the excavation on three or four big buildings, million dollar type

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structures—I don't mean an Empire State building or anything—one of those, about a twelve-story building. It was full of lawyers, every office in it was lawyers. Well, they started caving in, and we suddenly had to evacuate some of the buildings. One moved about three inches or something and everybody said it was dangerous, so we condemned it immediately. It was not in the project or anything else and this was the one that had all the lawyers in it and they were furious because this happened over a weekend, and we tried to get the word out to everybody, but we wouldn't let them go back in, none of them, to get their secret belongings and all that kind of stuff. We just sent professional wrecking crews in there with steel helmets on to get that out because we really thought it was dangerous.

HACKMAN: Where was this?

CLARK: This was in Manhattan. It's the federal building that's now there, that great big one down at Foley Square, beautiful building. They had to redesign the foundation. This is a forty-two story tower, roughly, I think, that's on a slab, if you can imagine, because they couldn't get the piers down to.... They'd just stick these things down fifty feet and they'd just kind of bob around. There had been a pond there, must have been a big one. I think we finally had to condemn four buildings that weren't in the project because we had damaged them. We decided we'd just take the fee.

Bob got involved from several standpoints. First, it was a very controversial thing. It made a lot of people unhappy, and it couldn't be helped. They'd dug this hole and there you went. But, by and large, Lands was a quiet place and Bob, he gave us more support than we could use. It's the truth. He was just always extending it, "What can I do to help?" You can't beat that.

HACKMAN: That's really all I've got.

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