

J. Walter Yeagley Oral History Interview –RFK #4, 12/29/1970
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Biographical Note

Yeagley, J. Walter; Deputy Assistant Attorney General, 1953-1959, Assistant Attorney General, Department of Justice, 1959-1970; Chairman, Personnel Security Advisory Board, 1958-1961. Yeagley discusses various cases he handled while in the Internal Security Division, covering issues such as espionage and communist groups, and his responsibilities taking on the functions of the former Personal Security Advisory Committee. He touches upon Robert F. Kennedy's [RFK] role as Attorney General and briefly discusses his assassination and funeral, among other issues.

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Oral History Interview

Of

J. Walter Yeagley

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J. Walter Yeagley – RFK #4

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Fourth Oral History Interview

with

J. WALTER YEAGLEY

December 29, 1970
Washington, D.C.

by

James A. Oesterle

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

OESTERLE: Judge Yeagley, we left off reviewing some of the cases that were handled by your division in 1961. Perhaps we can proceed by getting into 1962 and '63, or at least those cases that your division spent some time on during that period. I wonder if you just might once again review the report of your division and see if you just might once again review the report of your division and see if any of the cases bring anything to mind.

YEAGLEY: Well, I've glanced through these. We mentioned the [Irvin C.] Scarbeck case, I believe, didn't we?

OESTERLE: Yes.

YEAGLEY: There was the George John Gessner espionage trial. Nothing comes to mind in that, regarding my meetings with the attorney general about, for example, such as bringing the indictment. Because of the nature of the case, I'm quite certain that that's one I

would have discussed with him or at least with his deputy. He would have had knowledge of it certainly, I just have no recollection of it. It involved nuclear weapons. The defendant had been a nuclear weapon specialist, I believe, in the Army. But I don't recall any discussion with Bobby Kennedy on that. All I can say is that I know he certainly knew about it. I just don't see anything.

OESTERLE: How about the . . .

YEAGLEY: I notice it was in July '61 that William Worthy, Jr. travelled to Cuba without a passport, and then returned to the U.S. and was later indicted for violating Title 8, United States Code Section 1185(b). I know that I talked to Bobby about that. Worthy, being in the newspaper business, there was some question as to whether or not he was pursuing his news activities in the course of the trip, and whether he should be indicted. I know Bobby authorized the indictment. It so happens, as I recall now, the court held that we indicted him under the wrong charge.

We thought, under the language of the statute, we had a choice of indicting him for returning to the U.S. without a valid passport or for departing from the U.S. without a valid passport. And the court held that we should have charged him with having departed, as I recall, the principal reason being that Worthy, being a citizen, could not, or should not, be charged for returning home, regardless of the circumstances. But, although I know that I talked to the attorney general himself on that case, I don't

have any recollection of anything unusual that occurred in the course of the discussion, other than to discuss Worthy, who he was. Bobby, as I recall, knew him; at least, he certainly knew of him. Worthy had been openly friendly to the [Fidel] Castro government. And I think the decision was made based on the fact that if the trip had been made by John Doe, he would have prosecuted him. Bobby felt that Worthy wasn't entitled to any special consideration, any more than any other citizen should be, and that it was merely, not Worthy, but a citizen who had done it, and he should be prosecuted.

OESTERLE: Did the State Department take any interest in this, do you recall?

YEAGLEY: Well, we would have talked to State about it, but I don't remember who we talked to there. It wouldn't have been of any particular interest to them, I don't think, other than the fact that they have always had an interest in passport cases. They had an interest in us trying to sustain the validity of this section of the act. Because of the nature of the charge, I would assume that I talked to the legal advisor, and I don't recall now who the legal advisor would have been. It was probably this New York lawyer--forgotten his name--used to know him quite well.

OESTERLE: I guess students travelling to Cuba became an issue afterwards also, after the Worthy case.

YEAGLEY: Yes. There were two student trips to Cuba. They must have been in '63 and '64. I don't see anything here that pinpoints the date. And, oddly enough, this doesn't raise anything in my mind

involving Bobby Kennedy. For some reasons, I associate those trips with--as far as the department's concerned--with [Nicholas deB.] Nick Katzenbach. I can't say why. They must have come later.

I see here, in the Attorney General's Annual Report of 1963, a reference to the Robert K. Baltch and Ivan Egorov case--espionage case. There's one point of interest there that I might mention. They were arrested on July 2, 1963, and charged in the Eastern District of New York, for having conspired to commit espionage. Both Mr. and Mrs. Baltch and Mr. and Mrs. Egorov were involved and I believe all four were arrested. There'd been two other persons involved too, whom I believe had been associated with the Soviet mission to the United Nations, and as I recall, were either, declared persona non grata and returned to Russia or more likely, I believe they left of their own volition within twenty-four hours before the State Department took any action at all. I think they merely packed up and went back to the Soviet Union.

Sometime after this--I don't remember whether there'd been any motions filed or arguments on motions by the defense, I suppose there had been--an arrangement was made by the State Department, with the approval of the administration, to exchange the Egorov's--in other words, to release them and dismiss the charges against them--in return for the release of two Americans in the Soviet Union. As I recall, the two Americans involved

in this exchange were--one was a priest, I believe he was a Catholic priest who had been in the Soviet Union a good many years and apparently in some prison or some sort of detention for the whole period, although I don't recall ever having known a great deal about him until just a few weeks or maybe months before this exchange came about. It broke into the press at that time, some stories about him. The second man was a young man, as I recall, who had been arrested for espionage by the Soviets while in the course of a pleasure trip through the Soviet Union. Apparently he'd been taking pictures with his camera, and was arrested and charged, I believe, a few months before the Egorovs were arrested. Seems to me his name was [Marvin W.] Makinen--I may be mistaken there. If I have the right man, it seems to me his name was Makinen.

Anyway, the principal witness to this case had been involved also in Soviet espionage in this country, and had been persuaded by an FBI [Federal Bureau of Investigation] agent to become a double agent--in other words, to continue his assignment for the Soviets but to keep the FBI informed of what his activities were and who he knew or could identify in this country as being connected with the espionage network. I don't know his true name. I met him prior to the trial. I may have met him before the indictment, I don't recall when it was I met him. I met him under--he was using an assumed name--I was told that it wasn't his true name.

It didn't make any difference to me. But he would have been a spectacular witness in the sense that he had himself worked for the Soviets. He was a European--I've forgotten what his nationality was now. He was not a Soviet as I recall. But the mere fact that he had worked for them, and had worked here for them and, you might say, defected there--doubled--would have been rather spectacular.

I think as I recall, he would have had a very interesting and perhaps useful story to tell about some of the operations of the Soviet espionage network in this country. However, when the Egorovs were released and discharged, a major link in the proof in the case against the Baltches was lost. And we realized that at once, or even before their release, we knew that would cause a problem. They were the connecting link.

I think, as I recall now, one of the principal pieces of evidence that was lost was a clandestine meeting of the Egorovs with their Soviet principal in the espionage operation who were either--the principal was either in the Soviet mission to the UN [United Nations] or in the Soviet Embassy in Washington. I think they were connected with the mission. It involved, as I recall, either a direct meeting with them or the placing of material in a drop by the one party and the picking up of it from the drop by the other. This part of the story would have been inadmissible against the Baltches alone unless the Egorovs were co-defendants. Eventually the case was dismissed, but I think

it went to trial maybe one day.

I know that just as the trial was about to begin at least, somehow I discovered that I had made a mistake in evaluating the evidence or in understanding the evidence as it had been presented to me prior to trial. And one surveillance linking, as I recall, the Baltches and the Egorovs with the Soviets or at least the Baltches with the Soviets, it developed, was inadmissible--not because of wiretapping, as was so often speculated in the publicity in the papers, although there may have been some wiretapping at one stage or another in the case, I'm not sure of that. This particular evidence was unaffected by wiretapping. But it turned out that it would be inadmissible because the information that led the FBI to conclude that there was going to be a meeting that day, or on that occasion, came from what is known as a mail cover, and it had not been court-authorized. It, in our opinion, was information that you might say was tainted, and therefore all the information that was obtained from that mail cover--in other words, the written communication between the parties, showing names and address on the outside of the envelope--tainted the resulting surveillance information that came from them.

So when we discovered, or I discovered, at the very last minute that it looked like this evidence would be out, I went to Brooklyn right away to see the U.S. attorney. They were either in an argument or motion at the time or just starting the trial. And we went through what the evidence would be--you know, an

effort to determine what was left in the case without that--and concluded that we just didn't have a case that we could go to the jury on. We'd be wasting our time and the defendant's time in trying to get to the jury. And I called the attorney general-- it was Nick Katzenbach at that time--and he agreed wholeheartedly and instructed me that I have the case dismissed at once, which we did, I believe right then, by oral motion.

OESTERLE: Just as a sidelight, how is a mail cover used, other than to record who is writing . . .

YEAGLEY: Well, I think in this particular case, oddly enough--this would be surprising--but I think this was a post card. And it revealed the names of the parties, and something in double-talk indicating the possible meeting that was going to take place, which it in fact did. And the bureau figured it out what it was.

OESTERLE: Is mail . . .

YEAGLEY: But that tip is something that--getting it in that manner that--
[Interruption on tape]

OESTERLE: In a mail cover generally is the letter read and then the envelope resealed?

YEAGLEY: All of them. I don't believe it is that they read the letters any more. I do believe that in years past the mail cover ostensibly was to find out what is on the outside of the envelope; in other words, find out who was contacting whom. In other words, if it was a mail cover on me, they could learn from the return address who I'm hearing from or who I'm in correspondence

with, and it might be a new link, it might be a new name in the so-called conspiracy.

I don't have much doubt in my own mind, however, that on an occasion when an FBI or other agent obtained a letter like that, if they had enough time and if they had reason to think that the particular letter was an important letter, the agent might take it upon his own to go home and put it over the tea kettle and open it to see what was in it and reseal it and put it back in the mail. But ordinarily, mail cover means just that--to get the information off the cover.

OESTERLE: How about the [John W.] Butenko case?

YEAGLEY: Well, Butenko, as I recall, worked for the International Electric Corporation or something like that in New Jersey. And the Bureau apparently identified him as a man who'd met with some Soviets and they put him under surveillance and covered--actually they covered two or three meetings--I don't know how many with the Soviets. I think the trial only involved one meeting, but they had covered him at other meetings.

One of the men arrested was a Soviet chauffeur, name of [Igor A.] Ivanov. That case is still in the courts although there was a conviction and the conviction was sustained on appeal even in the same court. The Supreme Court remanded it without reversing, as I recall, for further proceedings at the trial court to determine what, if any part, electronic surveillances may have played in the case, and if there were electronic

surveillances, whether or not the evidence used was tainted thereby--were the surveillances illegal and did any of the evidence in the case come from the surveillance? If the surveillances did not result in any evidence, why, I would assume the conviction would be affirmed. But the trial judge handed down an opinion a few months ago on a substantial part of that, and sustained the government's position.

As I recall, he has one more problem that he hasn't resolved yet; I don't recall the exact problem in the surveillance though that he has left to decide. There was a--I would think that this would have to be restricted for some time, I don't know when, or for how long--as I recall, the Soviets were extremely anxious always to get Ivanov released and to arrange a trade with somebody to get him back to Russia. Although he was only a chauffeur and this particular network didn't seem to play a really important role, it appeared from the interest of the Soviet embassy after his arrest that he was more than a routine espionage agent, or it could be that he had great political influence in Moscow, I don't know, but it's quite clear, and it has been ever since, that the Soviets have a great interest in getting his release--more than the usual case. It has not occurred as yet; I don't think the Soviets ever came up with a reasonable proposition, although they were indicating their desire frequently to make some exchange.

As I recall, the only Americans they had over there were in the nature of tourists who had been arrested for traffic offenses

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or misdemeanors of one sort or another unrelated to espionage. Butenko, we had always hoped would talk before trial, and tell the American government what he knew about Soviet espionage in an effort to reduce the severity of his sentence. But he never did and he never even hinted that he was ever interested in talking. He fought the case all the way through. I don't see any reference to Butenko here; I don't know what year that indictment came down. That could have been after--I think that was after Kennedy anyway. I have '63 here, I don't see it listed.

OESTERLE: I think you were working on it through '63.

YEAGLEY: That could be. That could be.

OESTERLE: It didn't reach the courts until '64.

YEAGLEY: Yeah. No, apparently they were not indicted in '63, but I guess we may have been working on it at that time. I'm not sure what the date of that was. I see the [Nelson C.] Drummond espionage case broke on October 5th, 1962. That's another man who we thought would prefer to talk to the government and tell a story rather than to risk the trial on such a serious charge. He'd been and was a yeoman in the United States Navy but he never indicated any desire either to tell what he knew, and we think that he knew a good many people in the Soviet network. I believe that Drummond was the one who had been stationed in England for quite a while, and there were indications that he was connected with the Soviets at that time. But he never did confess or tell his role.

He had an interesting manner of, I suppose, trying to avoid a surveillance when he was meeting the Soviets. Usually the meeting place would be anywhere from twenty miles to eighty or a hundred miles away from where he was then residing. And he would use the device of speeding his car as fast as it would go, and frequently, according to the bureau, he would hit a hundred miles an hour at night on the way to the point of the meeting with the Soviets. Obviously this was so that if anybody would follow him, why, he would cancel the meeting. He wouldn't show up, he would be too fearful of a surveillance. To find somebody who'd go a hundred miles an hour behind him would certainly indicate to him it was probably a surveillance. The bureau nonetheless was able to maintain surveillance on him during this period. I assume they lost him once in a while, but they were able to survey him without him knowing it, and that's how they made the case. And he was convicted and the conviction sustained.

OESTERLE: Do you recall his sentence?

YEAGLEY: No. I do recall this, he was a colored man--Negro--and we thought we had one of the strongest cases we'd put on in an espionage case in some time. The trial went off without incident, went off very smoothly, and there was a hung jury. And there was a colored man on the jury. I never knew whether he was the one that caused the jury to be hung, but people in the U.S. attorney's office in New York said they had determined that it had been an 11 to 1 vote. We retried him and he was convicted, and I don't know what the

sentence was now. I might say that's the only time that's ever happened in the cases which I've been involved in.

OESTERLE: Hung jury?

YEAGLEY: That's right.

OESTERLE: How about the Archie Brown case?

YEAGLEY: I don't know that there's anything of great interest there. As I recall, he was charged with having filed a false non-Communist affidavit under the Taft-Hartley Act, and I believe he was convicted and the conviction reversed by the Ninth Circuit Court of Appeals. It doesn't ring a bell with me in any way with Bobby Kennedy or the administration. What year was. . . . That must have been '62, wasn't it?

[Interruption]

OESTERLE: Was that '61?

YEAGLEY: Yes. He was indicted on May 24, 1961. And it was not what we called the Taft-Hartley Act; it was the successor law which was enacted in 1959, known as the Labor-Management Reporting and Disclosure Act of 1959--sometimes, I believe, it was called the Landrum-Griffin Act. But as far as our proof was concerned, as far as the nature of our case was concerned, it was a similar provision and it served a similar function to the Taft-Hartley non-Communist affidavit. This was Section 504 of that act. He was sentenced to six months in jail according to this--this must be right. And I know later, in the appeal to the ninth circuit, the case was reversed. I don't remember the exact reason for

the decision in the court, but it stems from its interpretation of the Landrum-Griffin Act. It was the first time we'd had an indictment under this new section of the law.

OESTERLE: Do you remember any other cases that were brought up under this section?

YEAGLEY: No, I don't.

OESTERLE: Now the Gus Hall case is separate from the U.S. Communist party.

YEAGLEY: Yes.

OESTERLE: Do you recall anything about that?

YEAGLEY: Well, when the party did not register in the fall of '61, and there was an indictment brought against the party as I recall-- and that was probably in December--a further grand jury proceeding took place in March, and on March 15, '62, the grand jury returned an indictment against Gus Hall, who was then general secretary of the party, and also Benjamin J. Davis, national secretary, who later died. And this indictment charged them with failing to register and to file a registration statement on behalf of the Communist party as an officer, as required by Section 7(h) of the act. I don't remember that trial, they both pled "not guilty" and the trial--that wasn't '62--let me see if there's anything in '63 on that. No, they didn't go to trial in '63 either. Although this indicates that there was a trial scheduled for October '63, there's no indication that it ever came off at that time. Strange, I don't remember that.

Seems to me that that's the case in which we had an FBI

informant, who had been a member of the party for a great many years, and who had had a passing acquaintance with Gus Hall over the years, go to New York--no, that would have been the Communist party criminal trial--he went to New York and confronted Gus Hall at the request of the FBI, in order to offer to the party his services to register the party as an agent, saying that he would be willing to register the party. This was to sustain another government theory, thought hopefully it would eliminate the Fifth Amendment portion of self-incrimination; in other words, a party officer would not have to himself sign anything or register, but could do it through an agent.

But the court viewed it as not eliminating the Fifth Amendment danger of some party, person, or officer with the records and with the knowledge and information and skill to convey it to the agent who offered to register him. I don't believe the Gus Hall case ever went to trial. I think that's why I don't remember it. I think when we lost the party case on Fifth Amendment grounds that that automatically disposed of any chance to successfully prosecute Gus Hall, and at a later time, probably in '64, we dismissed him.

There's one case in here that may be of interest, that I'm unable to recall the details that would make it meaningful but I might make note of it here, at least, because of the nature of the case and the timing of it. This involved Roberto Santiesteban and Marino Esteban, and José Garcia Orellana who were indicted

November 21, 1962 for conspiring to commit sabotage and to unlawfully act as agents of the revolutionary government of Cuba-- that is, to act in this country.

I know I talked to Attorney General Kennedy about this case at the time, and also with the State Department. And I know we were quite careful about planning the arrests. When they were arrested, they were found to be in possession of hand grenades and firearms and other incendiary devices which they were planning to use in their pro-Cuban activities.

Another couple were involved in this case but they were Cuban diplomats to the United Nations and were not indicated. I believe that these are the people that were finally released to return to Cuba. Yes. These three defendants were released for return to Cuba in exchange for the Cuban release of twenty-seven Americans who were being held there by the Cuban government. And we dismissed the indictment. According to this, the date was April 22, 1963. I mention this as of possible interest. I suppose it was during this time that such an effort was being put on by the Kennedy administration to get Americans out of Cuba, and there were many negotiations with the Cuban government at that time, and I think the airlift had probably started by then--I'm not sure whether it had at this juncture or not. [Interruption]

OESTERLE: The Bay of Pigs was March. . . . Or rather, April 15, 1961 and the Cuban Missile Crisis was October 21, 1962.

YEAGLEY: Right.

OESTERLE: This case came up in November '62.

YEAGLEY: Right. November 16, '62, the indictment was brought. And we dismissed the indictment April 22, '63. I would assume that the defendants were returned, either on that date or shortly before that date, to Cuba, in exchange for the twenty-seven Americans. Santiesteban was attached to the Cuban mission to the UN but did not have diplomatic immunity. Does that cover that? Unfortunately I don't recall anything further on that, but I noticed the timing there. It must have had a bearing [inaudible] relationship.

I might generally comment that there were, of course, a good many other criminal cases brought by the government during the period '61 through '63 in the internal security field. And I suppose it should be noted that these were not brought independently or without the knowledge or approval of the attorney general or his deputy. They were brought either with the approval of one or the other or both, and the cases of lesser importance would have been brought on my authority but within the policy of the administration as I understood it, and I don't believe that I was ever criticized by the attorney general or his deputy for having authorized a case that they would not have wanted me to bring.

I think that all the cases that are listed here in the reports of the attorney general during that period were within the policy of the administration at that time. And I mention

that because I think some people may wonder about it, in view of what their opinion may be as to what Bobby Kennedy as a senator might have believed or felt as a presidential candidate. I merely want to observe here that as far as I know, all of these prosecutions at this time were clearly within the policy of the administration. There have been many cases that were directly authorized by the attorney general.

OESTERLE: Do you recall any particular case that was brought up during the run for the Senate or the presidency--the presidential nomination?

YEAGLEY: No. No, no. I merely feel, and I think it's been suggested to me, that some people may think that some of these cases might have been brought without the knowledge of the administration, without their approval. That's just not the way--anyone inside would know that's not the way we operate. And it's not for me to comment that the attorney general had a different political philosophy at this time than he had at a later time. That's something for someone else to research and study, and come to a more intelligent conclusion perhaps.

But, for this period, I do know that he was a law enforcement man; as attorney general, he felt it was his responsibility indeed to enforce the laws that were on the book, and he didn't have any hesitancy or any problem in doing that. I don't think he ever would have felt, later on as a senator and as a candidate, that he had not handled his job properly. I think some people might

raise the question as to, is this consistent? All I'm saying is that--for what it's worth--these prosecutions were within the policy of the administration. I'm not saying that he liked all of them at all, that his heart was in all of them; I don't know the answer to that. But he never had a problem, as far as I know. The only problem that I recall is, were the facts there? Did we have the evidence? Did we have sufficient evidence to carry our burden of proving guilt beyond a reasonable doubt. As he said, after the Supreme Court opinion came down sustaining the Subversive Activities Control Act, June 5, '61--within two or three days there was either an oral comment by the attorney general or a press statement--that that law still being on the books, that he intended to authorize that further proceedings as required by the law would enforce the law against the party and its officers and members, as long as they--until the courts held some part of it unconstitutional. And that was generally the position on our cases--to proceed if we had the evidence.

OESTERLE: Did [Edwin O.] Ed Guthman work directly with you when he was preparing a release for the press?

YEAGLEY: Oh, yes.

OESTERLE: Preparing one of your cases.

YEAGLEY: Either with me or with the section chief, who would be handling the case. That's right. Ed was an excellent man, very able in that job, easy to work with.

OESTERLE: What does the Senate Committee on Foreign Relations study bring to mind?

YEAGLEY: Well, that was what some call the [James W.] Fulbright investigation of the Foreign Agents Registration Act, and the administration of the act resulted in a good many amendments being drafted by the committee staff and eventually becoming law. I'm not clear as to what the date was when this investigation began. I know that when it got into the legislative stage, Nick Katzenbach who was then either attorney general or acting attorney general, testified for the department. I think I appeared before the committee at some occasion too, but I think the major testimony was this appearance of Nick Katzenbach.

The investigation began because I think Senator Fulbright did not feel that the Registration Act had been enforced as vigorously as he might have wanted it to be. I think he changed his mind somewhat by the time the hearings were over. I think the record of enforcement was fairly good. I think there were examples where supplemental registration statements may have been filed; in other words, the six-month follow-up statement concerning operations after the original registration. Where some information would appear in these statements to have been a little vague or unclear, the lawyers in the registration section had not, as often as Senator Fulbright would have wanted them to, gone back to the registrant for further clarification or for further details. And they left, occasionally, a vague answer on these statements.

He also had some concern about the responsibility of lawyers to register. We had a good many lawyers that were registered,

not just for doing legal work, but because part of the work they're involved in, we believed, fell in the area of political activities; for example, lawyers were very often involved in testifying before the Senate Agriculture [and Forestry] Committee on sugar quotas. And because the economy of the sugar countries and the method that they often used to get their fair quota, involved political activity in our judgment, and no one ever contested this in the courts, as I recall. Anyway, that was one of the amendments he put in the act, a provision that isn't intended to exclude lawyers completely from the act, but it resulted in many of them cancelling their registration. Of course, if a lawyer gets out and clearly conducts political activities in this country for a foreign political party or a government, he would still have to register.

I think part of that may have grown out of a case when we solicited the registration of Victor Rabinowitz and his partner. This was about the Kennedy time too, I believe. Rabinowitz was, and had been for over a year, the lawyer in this country both for Castro and for the government of Cuba. And as far as we know, I believe most of the work was legal in nature--not necessarily court work, but advisory as to the law. We felt some of it went beyond that. And to preclude a subsequent criminal trial, Victor Rabinowitz brought a suit for declaratory judgment against the government--against the attorney general--to enjoin the enforcement of the law as to him, on the theory that his activities did

not come within the intent or meaning of the act. He lost. We won that case, and he had to register. And the Fulbright hearings eventually brought about an amendment, in an effort to define what sort of legal activity should be exempt from registration.

OESTERLE: How about the abolishing of the Personnel Security Advisory Committee?

YEAGLEY: Well, that occurred early in the Kennedy administration--I don't know the date--and it was a part of the general study. I believe there was a special committee or a group set up to examine the functioning and the role of all committees in government. I don't think any committees were excluded. They were all studied and examined by this group, to determine whether there was a continued need for them--whether they were still useful, or whether their functions might better be carried out by some department or agency rather than by a committee.

I should remember who was on the committee but I don't. I know that Bobby Kennedy talked to me about the Personnel Security Advisory Committee and ended up at a later time by saying, "Well, we'll abolish the committee, but we want you to continue, in your individual capacity as an assistant attorney general, in carrying out the functions of the committee," which in effect was practically the same thing because the function was really coined together--the general counsels of the different agencies with their security officers--for the purposes of straightening out

misunderstandings on administration policy in the security area--usually personnel security area--or for resolving conflicting actions or decisions of two different agencies where they might have similar cases and be taking a different course.

So Bobby was saying, "Well, we'll keep the function but we'll not call it a committee; you just see that the job is done." And at that time, I think we were encountering fewer problems, very few problems, in this field at the time, whereas when the committee was set up, there were a good many meetings in any given year. But things got rolling more smoothly, and the policy was pretty well understood. The administration of the personnel security program was going more smoothly, there was a better understanding of it in the different departments and agencies, and there wasn't a need to have the meetings. I can't say now how many we had after that, but I know it would have been very few. Today, for example, there are no such meetings, and there haven't been for a few years.

OESTERLE: Does the liaison, though, continue on an interagency basis?

YEAGLEY: Yes. This liaison informally is now between general counsels and security officers all the time, the same as personnel officers have liaison on an informal basis. That's continued and it used to be encouraged; I suppose if there was any need for it, it would be today, but there's no problem with communications between departments in that area, as far as I know. And we always have someone in the Internal Security Division that tries to keep posted

on--more or less in a loose way--what personnel security problems any particular agency may be having, so that we have a general feel for it as to whether or not it's maintaining a rather even keel or whether there seems to be any particular trend one way or the other.

It isn't anything that requires much action at all; it's merely being alert to what's going on, and with personnel security you have some central point--some one person has a general feel for the whole situation throughout the government because the responsibility for the administration of this program is not on any one person, it's on each department head. And you can develop gradually without realizing it, an uneven administration of the policy or even a gradual drifting into a change of policy in one agency, without the administration knowing it or realizing it. This is one means, or the principal means of following the developments to make sure that there are no trends or deviations from accepted policy.

OESTERLE: Do you recall anything about the Mine, Mill and Smelters' Union [International Union of Mine, Mill and Smelter Workers]?

YEAGLEY: Well, the government proceeded against them as an infiltrated union before the Subversive Activities Control Board, I recall. And there was also a criminal indictment brought--I believe that was under the Taft-Hartley Act--conspiracy to defraud the government by filing false non-Communist affidavits--both very prolonged hearings and trials. I don't recall the details.

I was not present at any of those. I associate those more with my predecessor than with myself. I don't know who was more directly involved. I did become involved later on, but this doesn't ring a bell with me. Do you know what year we're talking about now? [Interruption]

OESTERLE: The board report was May 4th, 1962 but the hearings had been going on from February '57 through May '61.

YEAGLEY: Yes, they were interrupted several times apparently, and I think two of the interruptions--or rather, prolonged interruptions--were due to remand of the Communist party case by the court of appeals to the board for further proceedings. The board would then interrupt the Mine, Mill case to, as I recall, have rather prolonged proceedings on the Communist party case. As you indicated, there was finally a board decision in the government's favor in 1962.

Later on, I think the union filed a petition for redetermination, as provided in the act--it must be here someplace--a redetermination that the union is no longer a Communist-infiltrated organization. I presume the union did because the original petition had been filed back in 1956 or '57, and then all this time had elapsed up to '62 and they were asking for a redetermination, which was held. There were hearings on that, as I recall.

You were mentioning the indictment of the officers of Mine, Mill; that was back in November of 1956. But the trial was much

later than that. Let me see here. I don't see the date of the trial here. Oh, yes. Nine were convicted, and I think three entered pleas of nolo contendere; two were acquitted December 17th, 1959. But then the appeal went on later in the Tenth Circuit, and the court reversed the convictions of seven on the basis of a question of admissibility on one item of evidence. They dismissed the indictment as to two of the defendants and ordered a new trial. I don't remember the outcome; I don't think that new trial ever came off. Eliminating that evidence, I think it left the government with very little evidence--either one or two witnesses had died meanwhile, and there was some other problem arose. I don't think there was ever another trial. I don't have the answer here.

OESTERLE: How about the Igor Cassini case?

YEAGLEY: Well, that was brought under the Foreign Agents Registration Act. As you recall, he was still a columnist in New York City. And the government noted that he was quite pro-Trujillo [Rafael L. Trujillo]-Dominican Republic. I don't recall now how the case developed, but we thought we obtained rather convincing proof that Cassini had made either one or two secret contracts with the Trujillo government, totalling I think, \$195,000 to be paid to him and his co-conspirator, whose name I've now forgotten, for services to be performed in this country in behalf of the Trujillo government, which we considered to be in violation of the Foreign Agents Registration Act.

That case did not go to trial--maybe it did go to trial a

day or two; I think it did. The trial started and Louis Nizer was his lawyer. I remember we had many meetings with him, pretrial, and on this occasion he finally agreed to file a plea of nolo contendere--I think the judge was William Jones here in the District of Columbia--which was done. I don't remember the date on that either, but that would be during this period, I believe. [Interruption]

OESTERLE: . . . that's mentioned in the '63 report?

YEAGLEY: Right. The indictment was returned on February 8, 1963 after a two months grand jury investigation involving twenty-six witnesses and 110 exhibits, and charged Igor Cassini and R. Paul Englander, a New York attorney, with failure to register as agents of the Dominican Republic. Charged the two of them with conducting a public relations program for the Dominican Republic in return for approximately \$195,000. So the matter of the trial and plea of nolo contendere would have come, apparently then, in 1964 I believe.

OESTERLE: Do you recall that the attorney general took any particular interest in that case?

YEAGLEY: Well, I know that I talked to him because I knew something about his connections in New York City and that he would have some sort of an interest. I don't recall specifically the conversation; I'm just certain in my own mind that I did talk to him before I authorized an indictment, and I believe even before authorizing the grand jury. As a matter of fact, grand jury

authorizations for departmental lawyers are signed by the deputy attorney general, based upon a memorandum requesting it signed by the assistant attorney general. So I know that, just for the grand jury authorization, in a routine manner it would have gone to Nick Katzenbach who I believe was the deputy at that time. I can't recall a specific conversation, I know that I did talk to him, I know that he was interested. I have the feeling--and I can't speak specifically--that Bobby's reaction was both one of surprise and great interest. And I believe, as time went on, not without some little bit of amusement. But the basic reaction, I think, was one of surprise to the case when it broke, when the facts developed.

OESTERLE: Amusement?

YEAGLEY: Well, I wouldn't want to go into that because my memory's not clear enough on it, but I think it was that Cassini's position later on . . . [Interruption]

Perhaps I shouldn't be so definite on the use of the word "amusement," but what I was referring to, as I recall, after the indictment and over the next few months before the case was finally disposed of--it appeared to us that Cassini was taking some surprising positions which I cannot specify now. It seems to me that we were getting reports back, if not from the newspapers, at least indirectly, of some surprising statements being made by Mr. Cassini. I didn't mean to imply that the attorney general found any amusement in the indictment or in the situation

of the case, but I think eventually there were developments-- regarding activity or action on Cassini's part--that were rather surprising. I don't see anything else or recall anything during this period involving these cases.

OESTERLE: How about the Prensa Latina [Agencia Informativa Latino Americana, Sociedad Anomina, and Francis V. Portela] case? Does that bring anything to mind?

YEAGLEY: No, I don't recall much from that. That was a Foreign Agents Registration case. As I recall, we had rather clear evidence of their activities on behalf of the Cuban government.

OESTERLE: The [Elizabeth G.] Flynn and [Herbert] Aptheker passport cases?

YEAGLEY: No, those were, as I recall, merely indictments brought under the Internal Security Act, which had a provision regarding the use of passports by members of the Communist party. We had some question about whether the courts would sustain its constitutionality, but the law was on the books and it had never been tested. We thought that it wasn't for us to rule the law unconstitutional and not enforce it. The Congress had passed the law, and the constitutional issue, though clear--how it would be resolved, was not so clear. They were brought more or less as test cases, and the Supreme Court did hold the law unconstitutional--or it could have been the court of appeals as a matter of fact, I don't recall now. But both Flynn and Aptheker were party officers and leaders.

OESTERLE: Are there any other cases, or anything else that you can think of that you might comment on at this point?

YEAGLEY: No, I think we've covered those that would be of any particular interest. Nothing comes to mind that it would be worthwhile noting now, I don't believe.

OESTERLE: Do you recall the last time that you saw the attorney general?

YEAGLEY: I don't. Do you mean as attorney general?

OESTERLE: Well, prior to leaving Justice.

YEAGLEY: No, I don't recall the last time I saw him at Justice or after he became a senator. I suppose the last time I saw him at Justice would have been some sort of a farewell party. I am rather certain--after the assassination of his brother when Bobby returned to work--that I think I made it pretty much a point of not trying to take my problems or cases to him for resolution. I don't know that I had any of any great moment at that time, and if I did, I discussed them with Nick Katzenbach. I don't recall Nick saying, "Well, let's go see Bobby about it." I just don't recall, after that point, taking up business with him, though he was in the office.

They still had the usual office, for occasional functions I believe, and I think I saw him at lunch a few times during that period, but I have no definite recollection of any particular occasion from that time on to his resignation. After he left the department, I didn't see him at all except perhaps by chance. There was a cocktail party at Hickory Hill. I think it must have been after the assassination of Jack Kennedy and after Bobby was elected senator; it was probably the first winter after he was

elected senator--probably that first winter after he became a senator. I don't remember anything unusual about the . . .

OESTERLE: Winter '64.

YEAGLEY: . . . party. Yeah, that would be my guess, I think that's probably when it was.

OESTERLE: Were some other Justice Department people there?

YEAGLEY: My recollection--my impression--of the party was that it was not what I would call a political group. I know there were several neighbors there and people from the McLean area in addition to some of their other friends from around town and some from Justice. But it seems to me--I had the impression at the time--that the so-called political people really weren't at the party. I imagine they probably had several cocktail parties that month or during that season, and this was just one group. I don't remember anything, there was nothing unusual about the party that I recall. The children were in and out of the house at the time. It was a rather crowded house; it was a pretty good-size group. But it was just another cocktail party with a buffet.

OESTERLE: Then through the Senate period I don't imagine you had too many contacts with . . .

YEAGLEY: No, I can remember his office calling a couple of times at least, I don't even know what about now. I don't recall ever talking to him on the phone. I suppose they were trying to check back with me on either some things that may have happened during the time he was at the department or perhaps they were trying to get

information in reference to action on various bills pending in the Congress.

OESTERLE: You didn't get involved in any way in the wiretapping and bugging issue that came up in this period, did you?

YEAGLEY: No. Fortunately I did not. I don't suppose I had anything to contribute anyway, but I did not become involved in that. Neither one side nor the other tried to involve me. I just didn't have a part in it.

OESTERLE: How did you learn about Robert Kennedy's assassination and did you attend the funeral?

YEAGLEY: Yes, I attended the funeral, but I don't remember how I learned about the assassination. As I recall, I was listening to the radio at the time--quite sure I was; listening to the radio at the time, was my means of learning of the shooting. And I did attend the funeral. Apparently I almost missed it; there was some misdirecting of the telegram. And for some reason one of the volunteer girls they had working on it to try to set it up called to see if I'd received a wire about attending the funeral and I had not. So they either sent one out or arranged for me to pick it up someplace--as I recall, there wasn't much time left--so that I would have something for identification purposes to get into the church. I don't recall that I travelled up there with anyone. I think I took a regular train up. I saw people there--people I knew--but I don't have a particular recollection of others, except the ceremony and particularly of [Edward M.]

Ted Kennedy. I remember I did see [William G.] Bill Hundley, and I think we had lunch together afterwards before I returned. He stayed on up there.

OESTERLE: Okay, I guess we've pretty much covered everything. Thank you very much for your time.

YEAGLEY: You're welcome. I hope some of it may be useful.