Harold Reis Oral History Interview – RFK#1, 11/15/1974
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Reis, attorney, Office of Legal Counsel, Department of Justice (1961 - 1965), discusses RFK as an administrative leader and the quality of Department of Justice employees, among other issues.

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Oral History Interview

Of

Harold Reis

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Harold Reis – RFK #1

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Oral History Interview

with

HAROLD REIS

November 15, 1974
Washington, D.C.

By Roberta W. Greene

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

GREENE: Okay, why don't we begin? You were a civil servant who had been in the Department [United States Department of Justice] for nearly twenty years when Robert Kennedy [Robert F. Kennedy] came in.

REIS: That is correct.

GREENE: And you were, as I understand it, the highest non-appointed civil servant in the Department—is that correct?

REIS: No.

GREENE: Oh, it's not. I must reprimand my researcher.

REIS: It's a legend. I was frequently referred to as that. But the fact of the matter is that every division or office had a first assistant and they were all equal. I think there was something in the job description which is hyperbole which implied that. And that was picked up in some context.

GREENE: I'm not sure where the researcher got it from but that was her conclusion.

REIS: Okay.

GREENE: In any case that's not really…

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REIS: So I was one of the four or five.

GREENE: Highest, yes. A good place for you to begin might be by describing your expectations as the new administration came in and particularly your feelings and those of your colleagues about this young, kind of "upstart," Attorney General that you were going to get.

REIS: Well, first insofar as the new administration was concerned, I had supported it. I was kind of enthusiastic about the change. I went to the Inaugural Ball; it was the only Inaugural Ball I went to.

GREENE: You hadn't played an active role in the campaign, had you?

REIS: No. I probably contributed, but that's all. As a matter of fact I could not legally play an active role.

GREENE: Under the Hatch Act [Hatch Act of 1939], right.

REIS: I did have the typical apprehensions about Bob Kennedy; his reputation was something that did create apprehension. On the other hand, I didn't think anything drastic would happen. I figured I might get transferred or given another job. But his approach to job was somewhat realistic. He apparently was on very good terms, or reasonably good terms, with Attorney General Rogers [William P. Rogers], and I had every reason to believe that Rogers and others had spoken either to Bob or to people close to him about me. And unless they had someone they specifically wanted or had an organizational setup which simply ignored the organizational setup in the Department, I figured that Bob would probably give me a pretty fair opportunity. And that's in fact how it turned out.

GREENE: When you say you had sort of—I don't remember the word you used—traditional or…

REIS: Conventional apprehensions. Well, I imagine that's part of the myth of the Kennedys; and I guess it's not entirely a myth, that he was a hatchet man, that he was hard, that he was ruthless, that he did the unpleasant things to people that Jack Kennedy [John F. Kennedy] preferred not to do.

GREENE: It wasn't so much his age and his lack of legal experience then but more his personal reputation that concerned you.

REIS: Well, it's hard for me to go back that far. I don't think

it was his age or lack of legal reputation. I had served under and worked closely with one or two attorneys general whom neither age nor good reputation could, in my judgment, do much for. And in addition to that I was perfectly well aware that the Attorney General could be a managerial rather than a legal position. So that part of it didn't bother me. I guess what I was concerned about basically was the description of him as a hard, uncompromising—I think I've used the word ruthless too many times—fellow, together with some fear that he would come in with his own group of people and at a minimum just push aside the people who were in the Department. On the other hand, while those apprehensions were there and very real, there was also considerable hope. By the way, I'd like to make it clear that Bill Rogers was not one of the attorneys general I just…

GREENE: I really hadn't thought of that. Would you say that your concern, and that of your other senior civil servants around you, was considerably greater with the entrance of Robert Kennedy than it had been at previous changes of administration or attorneys general? Or is there always a certain amount of uncertainty?

REIS: Always. There's always a certain amount of uncertainty. I think that when the Republicans came in in '52, that was after twenty years of one party in control of the Executive Branch; and there was far more apprehension then and good cause for it. I think it was not so much the change in the administration but the picture of Bobby.

GREENE: Yeah. Well, when did you finally get to meet him, and what did that do to your expectations?

REIS: I don't recall when I finally got to meet him. It may have been—you mean when I first finally got to meet him?

GREENE: Yes, or the first significant contact that you remember.

REIS: I don't remember now whether the first contact was a working contact or a somewhat more structured thing. That is to say, he used to have units of the Department up and go over their particular problems. And I don't honestly now recall whether my first contact was in that connection or in a working context. I believe the first working contact was in connection with the Portuguese ship which had been hijacked.

GREENE: The *Santa Maria*.

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REIS: Yes. That's discussed in Ed Guthman's [Edwin O. Guthman] book, and a good portion of the material he got there, he got from me. So I think anything I'd have to say about it would be fairly repetitious. I think Warren Rogers [Warren J. Rogers, Jr.] wrote a book about the thing, too. Everytime I meet him, which is about once every three years, he keeps promising to send me a copy of the book which is now out of print. I think he did write something about it.

GREENE: I don't think I've seen that. According to Guthman—and I'm not sure whether the order he has these incidents in his book is actually the order in which they took place—he has the preparation for the Food for Peace executive order as the first work.

REIS: That is the first thing I worked on. Whether I talked—this is an example of jogging one's recollection. I don't recall talking to Bob about it.

GREENE: He says that there was an inquiry by the White House, a White House aide, to RFK and that he in turn called you when he couldn't reach anyone in the Legal Counsel's office [United States Department of Justice Office of Legal Counsel]. He apparently called you at home and you came in. And what I thought was interesting is, is this a typical chain of command, so to speak? Would a White House aide normally call directly to the Attorney General and he directly to you rather than going, you know, through a different….Why wouldn't he call Katzenbach [Nicholas deB. Katzenbach]?

REIS: There probably was no Katzenbach available at the time. Nick did not come in, I believe, on the twentieth or the twenty-first or whenever the new administration came in. I think he came in about a week later; he was in Europe teaching.

GREENE: So this really would have been a first contact?

REIS: Yes. That's my recollection, and it is my recollection that a White House aide did call me and I did go down and work on it. Now, I think you're asking two separate questions. The first is, "Was it unusual to be called at home?" And the answer is it was not. The second was, "Was it unusual for him to call me?" And I would say it was unusual to call me only in that in was unusual in the first or second day of an administration that this would happen. Usually what would happen is the Office of Legal Counsel worked with the people around the President—the President's own counsel. And where you had a new administration, it usually was a standoffish relationship at

the outset. Sometimes it would remain a standoffish relationship permanently. But quite frequently you'd

get into a good working relationship with people and we did get into a relationship with people where they called us directly about problems and pulled us in directly on problems. On the other hand, it was also usual for them to call the Attorney General. But it depended very much on the interplay of personalities and the relationship of people in the hierarchy in the government and so on.

I have a vague recollection of being presented with some legal problem—this was much later—concerning the qualification of some guy to be appointed and mentioning to Bob that I was working on it. And he was surprised that that man was being considered for the position. He called up the President in my presence and voiced some rather strong doubts. Now, unfortunately, I can't pepper this incident; I just don't remember who it was.

GREENE: Or the post?

REIS: Yes. I just can't remember, except what struck me is Bob did not know about it. This was maybe a year later.

GREENE: Do you remember where the order to go ahead and look into this came from?

REIS: I don't know whether it was an order or whether the telephone call from the—it probably came from Nick.

GREENE: Who may have gotten it directly from the White House, in other words?

REIS: Yes.

GREENE: According to Guthman, and after that incident, you said that there would be a policy that somebody would be in the Legal Counsel's office each night until the Attorney General left. Was that something new as a result of this incident or had it been the way things were before the new administration?

REIS: I'm not sure whether that's folk myth or not. I had an exchange of letters with Ed about that. And in his book I think he says I told the Attorney General that.

GREENE: Right.

REIS: And it's hard for me to believe that I was close enough to Bob at that point to simply volunteer to him that I was doing something like that. And I think Ed makes it the

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kind of business where I stuck my head in the door or something and said I was going to do that, I don't remember. First, no, it was not typical to have a duty officer around as long as the Attorney General was there. Second, I think what happened probably is that I and a couple of the senior people in my office decided things were moving so fast, the demands on us were so great, that we would have someone stick around while Bob was still in the office. But a very informal thing. And it probably petered out after a while.

GREENE: The kind of thing that becomes a myth?

REIS: Yes.

GREENE: With frequently not very much basis in fact.

REIS: We were perfectly aware that telephones worked.

GREENE: Yes, and you didn't live that far. What do you recall about when Katzenbach came in and the overall impression he made and how you felt it would be to work with him—that kind of thing?

REIS: Well, oddly enough, I had never met him although he had been in Washington on jobs where I should have met him. I would say we became friendly very quickly. His family was still in Switzerland; and as a result he spent long hours at the office. We would sometimes have dinner together, that kind of thing. We did get along well together. The job I had was one which one held at the pleasure of the Attorney General, which meant at the pleasure of the Assistant Attorney General. And obviously there was a period of trial. Yet we never spoke about it and I never got an express invitation from him to stay on. I think he was putting the matter to a test. After a while I felt there was no doubt about it.

GREENE: Was there ever any discussion as far as your feelings about the Department and the way it had run or should run? Since you had been there so long and he was a newcomer, was he….

REIS: That happens all the time. Every new government appointee, Cabinet officer, especially if he's been outside government or been inside it for the first time thinks that one innovative thing he'll do is ask the permanent people what they think should be done. And I had enough—I was fairly cynical about that, frankly. As I recall I would write a memo each time and then I'd

keep it, so I had a check list of things. And it usually was headed by "come out against capital punishment, if you want to really do something distinctive as an Attorney General." That was universally passed over. And the only one who ever did come out against capital punishment was Ramsey [Ramsey Clark] who never asked me for such a memorandum.

GREENE: Anyway, perhaps you could outline, as you remember it, the way attitudes toward Robert Kennedy changed as time went on and his conduct in the office became better known.

REIS: Well, Bob was either a good executive or a good leader—I don't know which. He had very little regard for organizational niceties. He was a good executive in the sense that he delegated a great deal of responsibility and he left opportunities for people to undertake more, to run with the ball themselves. I kind of regret that, either because of my own character or because of the length of time I had spent in a more tightly structured department, I was more responsive than innovative. I don't think I took advantage of the opportunities he was really supplying. A good thing about his leadership was, although he delegated authority, when he got into a problem that was serious which required his attention, he went into it in very great detail. And I think that combination is quite good.

GREENE: Did your feelings about competence when he did get into this kind of situation—did you feel that he was competent?

REIS: Oh, no question about it. Let's go back to what I was saying. One of the things he did was call together people on the things that were important to him. And naturally enough, he'd usually end up working with the same core of people so that a fair number of people in the Department—I don't know whether twenty-five, fifty, or a hundred people—over the period of the time he was there really had an opportunity to work very closely with him. And he was, generally speaking, a very good person to work with. I haven't read any of, what do you call it, historical revisionism, the new stuff on the Kennedy Administration. I have the Fairlie [Henry Fairlie] book at home but I haven't read that. I think Burke Marshall put it very well when he said that Bob brought out the best in you. Now, I saw warts, but by the time he left, I was very deeply devoted to him. And that's something that stuck. I think Burke put it in terms of, at the farewell party, he brought out the best in us. I think that's been written about someplace. Burke is a combination of principle and cynical acid, so that's quite a compliment.

GREENE: Do you think most of the people, particularly I'm thinking of career people, rose to the opportunity that was available;

that they saw that he was putting a lot of confidence in them and giving them a lot of freedom and that they welcomed it, or did it intimidate some people to have that much responsibility? And were they weeded out accordingly?

REIS: I would say that—well, when you say "weeded out accordingly," it indicates some kind of selective process or selecting process, and I don't know whether that happened or not.

GREENE: I don't mean that people were dismissed but rather those that rose to the opportunity were given more and more responsibility and those who didn't kind of…

REIS: Well, there was a certain amount of chance and arbitrariness involved but there were a number of people who really rose to the opportunity and felt very, very strongly about Bob and who certainly gave more than they had ever given before.

GREENE: Who are you thinking of?

REIS: Well, there's a guy in the Criminal Division [United States Department of Justice Criminal Division] who just retired—not Harold Kofsky, although he did. I wish I could remember his name. [Interruption] The man's name is Robert Rosthal [Robert J. Rosthal]. Another person is Bob Saloschin [Robert L. Saloschin] who is still in the Office of Legal Counsel; he wrote a kind of memorial to Bob or about Bob which he showed me. I don't know whether he's done anything else with it or not. His name is Robert Saloschin.

GREENE: He wrote it for his own…

REIS: Yes. Well, I suspect that he had publication pretty much in mind. Now, one kind of interesting thing, there was a man in the Office of Legal Counsel then and he still is. I think he's about to retire. His name is Leon Ulman. You will recall in the bus matter, the integration of the interstate bus stations.

GREENE: The Freedom Riders?

REIS: Yes, following the Freedom Riders. One of the things that resulted from it was adoption by the ICC [Interstate Commerce Commission] of a regulation prohibiting segregation inside of buses. Now, Ulman and I, sometime later, had a discussion in which each of us claimed to have originated the idea. And I kind of thought about that and looked back at the records and so on and have now convinced myself that we were both wrong, that Bob Saloschin did. And

this was a real good example. Bob Kennedy had either put it to us himself or Nick had done it or it was just part of the atmosphere that there had to be some kind of quick resolution and litigation would be very, very slow. And as a result, this suggestion was developed—I think in the Office of Legal Counsel, but it's one of these ideas that had been coming from all kinds of places. And we then put together a group of people, one, to sell it to the ICC; two, to participate in the hearings, and so on. And those people came as I recall—you probably know better than me now—from all parts of the Department. I think Antitrust [United States Department of Justice Antitrust Division] people worked on it, Civil Rights [United States Department of Justice Civil Rights Division] people worked on it, and so on. And this goes to your question of what kind of leadership did Bob provide. Here is an example in which a substantial number of people really give their best.

GREENE: Yes. I don't know whether you can generalize on something like this, but do you think that the people he brought in were generally of a very high caliber, unusually high?

REIS: It depends on what people you're talking about. Are you talking about Paul Corbin for example?

GREENE: Okay, talk about Paul Corbin for example.

REIS: I don't really know Paul.

GREENE: Was he around the Department…

REIS: Oh, my goodness, he was haunting the place. Angie Novello [Angela M. Novello] was always throwing him out.

GREENE: That went on for a long time; Angie was always throwing him out someplace.

[TAPE II]

REIS: I think….Well, obviously he brought in very, very high caliber people.

GREENE: Unusually high, I mean compared to previous administrations, do you think?

REIS: Yes. There was one period in which I thought I could describe the Department of Justice, the caliber of the assistant attorneys general at any rate, as good as those in either the Kennedy or the Johnson [Lyndon B. Johnson] administration. That was the first years of the Eisenhower [Dwight D. Eisenhower] Administration. But when

you talk about guys like Byron White [Byron R. White] and Lou Oberdorfer [Louis F. Oberdorfer] and Jack Miller [Herbert J. Miller, Jr.] (whose talents I did not appreciate initially, but came to later), I think it was quite high. Now he had people I thought less of.

GREENE: For instance?

REIS: Well, they're pretty much around.

GREENE: That's all right, we can take it out.

REIS: The first head of the Antitrust Division, what was his name; he was from San Francisco. He seemed to me to not know very much about what he was doing.

GREENE: I should be able to think of that.

REIS: I thought that Loevinger [Lee Loevinger] was more articulate and sensible. Some of the campaign types seemed to me not particularly outstanding like John Reilly [John R. Reilly] and Bill Geoghegan [William A. Geoghegan].

GREENE: What about John Seigenthaler and John Nolan [John E. Nolan] when he came in?

REIS: By the way, as far as Archie Cox [Archibald Cox] was concerned, he was almost merely restoring a tradition until….For many years the Solicitor General's office was really filled by pretty high types. And I think Archie, when I look down to this pantheon, obviously he was first class. What was your question?

GREENE: I asked you about Seigenthaler and Nolan and Oberdorfer. Did you mention Oberdorfer?

REIS: Yes. I never really got to know Nolan and Seigenthaler very well. Obviously John's performance in history would indicate that he must have been a first-class lawyer. What he's been doing since is an indicator of that, too. I shared an office with John, the outer office there. And I would say that John was doing things that were of far more concern to Bob than I was. I guess my role at that point was basically related to routine operations in the Department. In fact, at the time I was executive assistant, I would say that I did far less interesting things than the period before that. But that was a time after his brother had been assassinated and when Bob had pretty much lost interest in being

the Attorney General. As far as Seigenthaler is concerned, somewhat in the same category as Nolan. He was obviously a close friend; he was obviously a true political adviser, but I never got to know him. I got to know Joe Dolan [Joseph F. Dolan] and had a very high opinion of him. You were asking about John Doar [John M. Doar].

GREENE: Yes.

REIS: Well, he didn't bring John in.

GREENE: John was in the Department, right.

REIS: At the outset of this talk we mentioned the people equal to me; John was one of them. Yes. John is a first-class guy. What's important is how quickly it was recognized. Burke may have had something to do with that. By the way, I left Burke out, but I think we've said enough.

GREENE: Right. What about the Attorney General's and his senior people's attitude toward the civil servants? Did you ever have any sense that they drew a line, that there was a distinction, or those of you that could prove your worth readily accepted?

REIS: Well, there are two different levels. Insofar as work was concerned, I think if you did your work, there was no question—and you performed well—of ready acceptance. There were obviously, however, close personal ties that came out of earlier and different relationships. And I would say some of the people they found in the Department probably became members of the closer group. I wouldn't be surprised if, for example, Bruce Terris did.

GREENE: Anyone else like that—well, John Doar I guess. But anyone else that comes to mind?

REIS: I don't know. Did John ever become a close friend?

GREENE: Well, I'm not so sure a personal friend, but I think he became someone that Robert Kennedy put a great deal of trust in, had a lot of confidence in.

REIS: Well, I would say John a great deal more than Bruce probably. But I was thinking of Bruce as a…

GREENE: …social friend. Yes.

REIS: And maybe Bardyl Tirana [Bardyl R. Tirana] in terms of becoming part of a coterie. I think there was a coterie, by the way. Now, I've been saying things that are generally flattering about Bob. He was a spoiled guy in many respects. I think I kind of appraised him once or twice as a prince. I didn't by that mean a prince of a fellow.

GREENE: Right.

REIS: He would assume that because you worked for him, and the family assumed it, that all their problems were your problems. And he felt at times that the loss of Ethel's [Ethel Skakel Kennedy] camera on a trip and the attempt to find it on Eastern Airlines was as significant and deserving of your time as something big that was going on in the country. And that's what I mean by a prince: he was expecting retainers to take care of this kind of thing.

GREENE: Right. And that went across-the-board, you know, for everyone in the Department, everyone that worked for him?

REIS: Well I can't see him asking Byron to do something like that.

GREENE: Was it the kind of thing that you sort of put up with, or did you come to resent it?

REIS: I suppose there was some resentment on my part, but I kind of thought it was more funny than oppressive. I think it was rather oppressive for some of the secretaries that worked in the office.

GREENE: That's what I was going to ask you. Were there other people below who feel this?

REIS: Yes, I would guess so.

GREENE: Did it ever lead to confrontations, or did people sort of bite their tongue?

REIS: What do you mean?

GREENE: Well, I mean would they make it clear that they felt put out by the thing, or did they just proceed and keep their mouths shut?

REIS: I think they proceeded and kept their mouths shut. I think they were kind of hypnotized by the Kennedy mystique.

They thought it a privilege to walk the dog.

GREENE: This, I gather from the way you're describing it, was a fairly frequent thing. It wasn't isolated incidents but rather a general attitude.

REIS: I think it was general attitude. In part it was a kind of sloppiness, a failure to separate home and professional or office or political things. Carmine Bellino [Carmine S. Bellino] apparently took care of their personal finances and accounting, I would guess, as well as the work he did in the office. Somebody from the office would go and help Ethel send out an invitation list or work on a party. Now at the same time, she was so active in social type charities that people who didn't work for them at all would chip in for this kind of thing. And they were just used to it. It was kind of being a prince and a princess.

GREENE: Do you think it interfered at all with the work that you were doing? Were there times when you had to put down what you were working on in order to do some of these personal things?

REIS: Yes. Yes, it did. But obviously you put in a ten-hour day and you put in a half an hour on the kind of problem I mentioned, then it did interfere—but not substantially.

GREENE: I was also wondering, and I was going to ask you this in connection with the *Santa Maria* incident, which involved a call late at night.

REIS: No, it didn't.

GREENE: Well, no, that's right, I think you were still in the office. I'm confusing it with the first incident.

REIS: It involved working until three or four in the morning and then meeting him in the Cabinet Room with a paper.

GREENE: Right. And the previous incident where you were home. Apparently this was not an unusual thing. Did you ever start to resent it?

REIS: The answer to your question is, I did not; my wife [Ruthanne Reis] did. But in fairness to other administrations, it should be emphasized that this was not necessarily unique to the Kennedy administration. One of the reasons he was able to find some people right in the Department who were capable of

responding immediately to an emergency is that we had been doing it before. For example, the best people in the Office of Legal Counsel had been through the whole Little Rock [Little Rock, Arkansas] emergency and had worked very hard and closely on it. And that involved emergencies as I've said and late night work and coming and going from the office and so on. And I'm sure there were other things before that.

GREENE: I was thinking more of whether everything had this sense of urgency about it and whether you could arbitrarily be called away from a personal activity unnecessarily, rather than because there was a legitimate reason for it. Were they so used to, in this princely way, having things when they wanted as they wanted, that there were no lines drawn?

REIS: No, I don't think so; not certainly so far as work is concerned. And what's more, I think my emphasis on the personal calls may be a little—may be a distortion. I didn't find that a pervasively bothersome thing.

GREENE: But was there a lot of work done late at night even if you never got home and you weren't called back, but just a lot of working late and doing things on the weekends that were not as urgent as they may have given you the impression they were?

REIS: I don't think so. You've got to remember that you're talking about a period of, what, less than three years?

GREENE: As Dave Powers [David F. Powers] would say, two years, ten months, and two days.

REIS: Okay. And one in which there are a number of rather serious emergencies. Now looking back at least, I can't remember being required to work on things unnecessarily simply to meet some kind of frantic feeling that was part of the atmosphere.

GREENE: There's been a lot written and a lot of people have talked about the informality of his operation. Do you agree with that description?

REIS: Yes.

[TAPE III]

GREENE: Was there ever a sense on the part of certain people that they needed more structure and direction than they were

actually getting, especially in the beginning while they were still feeling their way? Or did people adapt to this kind of arrangement.

REIS: When you're talking about people, I guess you've got to….I think the answer to your question is people adapted to it very quickly. One group which really swam with it were the people he brought in. They were capable, aggressive, some of them had worked with him before, many of them were very ambitious and this is exactly what they wanted. I would say that people in the Department were, on the whole, considerably slower in responding to this thing.

GREENE: You mean the career people?

REIS: Yes. The people who had been in the Department.

GREENE: Do you think it was his own personality or the fact that he was in Navasky's [Victor S. Navasky] words the "maximum Attorney General" that made this system work? Was it a transferable thing? I've heard some people that worked there say that they've tried it since in their own current jobs and that it doesn't' work very well at all. Was it because he was particularly skilled at this type of administering, or was it more that he was such a unique figure?

REIS: In the administration, his relationship with the President and so on?

GREENE: Right.

REIS: Obviously there is no….

GREENE: General answer.

REIS: There certainly is no accurate answer. I'm inclined to think that his own personality was peculiarly well adapted to this and there's no question that his effectiveness made people even more responsive and that went to being a maximum Attorney General. If you had an idea and he heard it, you knew you had a pretty important audience. What's more, I don't think there's any blinking of it. People were aware that their future could well be determined by Bob, determined both ways. And that was much more so than any other person who was simply an Attorney General. Lots of people in the Department were anxious to become judges, [Inaudible] and were aware that Bob's influence could be very great either way.

GREENE: This incident with the *Santa Maria*, is there anything significant about it beyond the way the whole thing occurred and the urgency of it and the immediacy of your reaction that you remember? Was there anything significant about the incident itself?

REIS: When you use the word significant, I guess the answer is no. There was some color about it which you might not find elsewhere. I can't imagine a government or an Attorney General who would not respond quickly to a White House request for advice as to whether they could board the ship or not board the ship. And he would call someone in and someone would work overnight on the thing. It happened in the steel seizure thing in the Truman [Harry S. Truman] Administration; it happened in Little Rock, as I mentioned. So there was nothing particularly unique about that. The context was colorful, and I don't know that necessarily speaks well of Bob, and that is a bunch of guys sitting around a TV set—I think seven or eight of them—and calling some one guy in and saying you do it. It seemed to me a kind of disorganized way of handling it, but I suppose it wasn't disorganized. They had probably talked about it, and figured that maybe the Office of Legal Counsel is the nearest thing to what's done this kind of stuff before.

GREENE: The way Guthman describes it, Kennedy called you in and sort of questioned you on the possibilities, and you said that you hadn't done anything in this area of the law—at least not for quite some time. And I don't know if he said in your presence or when you left, White said to Kennedy, you know, you just can't expect a man to walk in here with the answers to this kind of thing. Was there very much of that where he expected immediate answers to difficult questions? Did he appreciate the complexity of some of the things that he was…

REIS: Yes, and that was increasingly so. On the other hand, he also got increasingly impatient with people's failure to respond in the areas where they should have. This picture of him is that he brought out the best in people and it was just so terribly inspiring when everything was good. Well, I remember a breakfast meeting with him before he had to testify on what became the Civil Rights Act of 1964. He had five or six lawyers who were working on the drafting of the bill, on his testimony, and he asked some rather penetrating questions—I wish I could remember what they were for your benefit, but I don't—and to which we didn't know the answers. And as I recall his words, "Well, you know, I didn't invite you fellows here just for your company." And I think he was right.

GREENE: He was.

REIS: Yes.

GREENE: In this instance his demands would have been reasonable. Were there others where he really expected things that were unreasonable?

REIS: I don't recall. But all I'm saying is that in spite of all this inspirational stuff, here were a group of guys…

GREENE: …who had fallen down on the job.

REIS: Yes.

GREENE: Did he acknowledge when a difficult task was accomplished and particularly accomplished with expediency? Was there a recognition?

REIS: Yes. I suspect that was policy. That was deliberate, I have no doubt about it.

GREENE: Because I've heard other people, including John Seigenthaler who I think has spoken about this publicly, that after spending I don't know how long down South on one of the more complicated and tedious civil rights problems getting…

REIS: His head bashed into.

GREENE: Yes. There was just nothing, no response. He was looking for some kind of recognition of a job well done and there was just none. And then some remote time in the future, Kennedy just said thank you. But you didn't feel that that was a lapse.

REIS: No. And I suspect that may have been a function of his closeness to John. You've heard this story about the thank you notes for Washington's [George Washington] birthday, for the people who came in on Washington's birthday. It's been, I think, in print. He came in in January, and there was one of those rinky-dink holidays, Washington's birthday or Lincoln's [Abraham Lincoln] birthday or something. He got a list of people whose cars were in the garage and sent them all thank you notes for working. And one fellow is supposed to have said, "I really appreciate that but the fact of the matter is I just parked there because I was going out to take advantage of the Washington's birthday sales." You've never seen this?

GREENE: No. I've never heard that one before.

REIS: It's part of the mythology. But even more significant is that there were such notes. I'm quite sure there were. I haven't preserved mine, but I'm quite sure there were. And two, the deliberateness, and obviously that had to be something planned, done deliberately and so on. And part of it was some idea about the nature of leadership—suppose it was quite deliberate—and I would guess his feeling was that it was unnecessary to stroke people he really regarded as friends or part of his organization, his real team.

GREENE: Well, maybe while we're talking about the way the Department operated, we could discuss the circumstances surrounding—this is jumping ahead a bit in time—Justice Whittaker's [Charles Evans Whittaker] departure from the Supreme Court and the search for a replacement. Did you get involved in that? I know the Office of Legal Counsel did quite a bit of investigating on the backgrounds of potential candidates. Do you remember that?

REIS: No, I don't. Who succeeded Whittaker?

GREENE: White. This would have been in the spring of '62.

REIS: That was the second appointment, right?

GREENE: No, that's the first. Goldberg [Arthur J. Goldberg] was the second. Well, maybe if I ask you a few questions some of it will come back. That one that White apparently was interested in—and I'm not sure what the source of his interest was, whether it was Robert Kennedy or the White House—was in Judge William Hastie [William Henry Hastie], do you remember that, the black judge?

REIS: I know who he is. I'm trying to remember. I remember Joe Dolan telling me it would be White. My memory of that episode is not at all clear. I guess at that point I was still in the Office of Legal Counsel and either we or the Solicitor General's office would usually do a memorandum on a judge who was well up in the running. For example, we did one on Brennan [William Joseph Brennan, Jr.] for the Eisenhower Administration but I don't recall what role, if any, that either the office played or I played.

GREENE: Yes. Because Katzenbach had said that the Office of Legal Counsel had spent most of its time investigating Hastie and he was apparently the primary candidate for a variety of reasons.

REIS: Well, either it's slipped my mind, or I was doing something else at the time, or when Nick says the Office of Legal

Counsel, he meant himself.

GREENE: Possibly. Anyway what do you remember about….Once it was decided that White would be the candidate and it was obvious that—well, maybe it wasn't obvious, but when it became apparent that Katzenbach would be moving on do you remember anything? There's a period, according to my chronology, from when White is sworn in on the sixteenth of April and Katzenbach is sworn in on May 8, so there's a small interim there. But then there's a big period, bigger

anyway, from May to August 25, when Schlei [Norbert A. Schlei] comes in. Do you remember anything about that interim period and the search for a successor and what it meant to the Department—I don't mean the Department, I mean the Office of Legal Counsel.

REIS: Well, it didn't mean very much to the Office of Legal Counsel because it was, we just simply became—we remained an arm of Nick Katzenbach.

GREENE: Oh, really?

REIS: Yes. He just ran both. I did more. I would meet with him two or three times a day on whatever the Office of Legal Counsel was doing.

GREENE: Do you know anything about the search for a successor to Katzenbach; did you get involved at all?

REIS: Yes. I think they first tried to get—I think he's a big tax lawyer in town—I forget his name. Or at least Nick was very anxious to have him. I'll think of his name some other time. He was a Yale Law School graduate or at least a Sterling fellow.[1] A first-class lawyer, a little older than most of that crowd. But apparently he couldn't give up practice. And I guess Nick found Norbert. I remember Nick writing a memo recommending Norb and quite deliberately putting in the thing that Norb was an enthusiastic skier.

GREENE: Were you consulted or simply informed that the decision had been made?

REIS: Yes, I think I was treated gingerly. I never asked for the job, but I really did want it.

GREENE: I was wondering about that, yes.

REIS: And obviously I don't know why I wasn't chosen. I didn't think there was anything I could do about it. I was right under the Attorney General's nose; he had the power to make the appointment; and he would either do it or not. There was nothing to be gained by saying either I want it or I don't want it. There might have been something to be gained by saying I don't want it if I really didn't want it, but saying I want it could only cause embarrassment. And I had assumed that I was at least fleetingly considered.

[1] Interviewee's note: It was Karl Price.

GREENE: There seems to be a sparseness if not a complete lack of promotion from career up into the appointed level in the Kennedy Administration. Is that at all unusual or is that common from your previous experience?

REIS: Let me see. Well, first of all, it's not the least bit unusual. Second, I didn't think it was all that sparse. With John Doar, who successed Lou Oberdorfer—or was that well after the Kennedy Administration had been succeeded by the Johnson Administration? I don't know the answer to that.

GREENE: Would the result of this be disappointment rather than resentment that you hadn't knowingly been considered, as far as you knew you had not, or had not been selected in any case?

REIS: There was disappointment but I didn't think my chances were very good, and I had my eye on some other things. I think Oscar Davis [Oscar H. Davis] at that point either had or had not been made a federal judge by them—a Court of Claims judge. He was first assistant in the Solicitor General's office. I thought it much more likely that I get a job in regulatory agency, perhaps as a commissioner.

GREENE: In a situation like that, do you make your interest known?

REIS: I did with respect to one job, and that was the Federal Communications Commission. Simply through Nick.

GREENE: And what became of that?

REIS: I don't know if the story is true or not. The story that heard was I was being very, very actively considered for

it, seriously considered for it. And then all of a sudden the decision was made to appoint Loevinger which I regarded as—I was disappointed, but I regarded it as less of a vote of no confidence in me than such a vote for Loevinger.

GREENE: Do they come to you after something like that? No explanation?

REIS: No.

GREENE: You just have to work it out in your own mind. Well, what kind of changes did you see in the operation of the Legal Counsel's office when Schlei took over? Was there very much difference?

REIS: No.

GREENE: Much of a period of initiation for him?

REIS: I don't remember. He was probably thrown off the dock on something. He was very active on the immigration bill, extremely so.

GREENE: Right. In fact most of the information that I have comes from his interviews. And you know, he's another one who used the Legal Counsel office generically. And I'm not sure who he's really talking about beyond himself, so it could be that it was nobody or…

REIS: No, no, no. On the immigration bill, Adam Walinsky worked on that.

GREENE: Right. And Leon Ulman.

REIS: And Leon Ulman, and probably Saloschin, I'm not sure.

GREENE: Well, let me ask you some questions on the immigration bill, and if you don't have any recollection, we'll just skip it. Do you remember any general discussions at some point—my guess would be that it wasn't until Schlei came in that it became actively an issue—about what kind of legislation they wanted and what they hoped it would accomplish, and I guess primarily the abolition of the quota system?

REIS: If you're asking me whether I remember specific discussions, the answer is no.

GREENE: Or general impressions of what they were.

REIS: The general impressions, this had been on the burner for some time and it was about time it be done and it was important in terms of our relations with many countries in the world, the South American countries and so on. It was a part of the liberal credo, "If you couldn't do that, my goodness, what could you do?"

GREENE: Do you remember at all working out the specifics of the bill and what the formula would be and how it would work, and also dealing with some of the specific nations and the problems that would arise out of it?

REIS: Just as a kibbutzer. The more we go into this… [Interruption]

GREENE: Do you remember anything about the role of Abba Schwartz [Abba P. Schwartz] in this whole thing or do you have an impression of the reaction or, as I remember it, his…

REIS: Well, as I tell you, I was not that much involved in the immigration bill nor the details of it. A couple of people thought Abba was counterproductive. I suspect Norb probably felt that way. One of the problems was—who the hell was the chairman of the Judiciary Subcommittee at the time.

GREENE: Celler, Emanuel Celler.

REIS: No, but who was the head of immigration?

GREENE: Well first it was Walter [Francis Eugene Walter] and then Walter died and Feighan [Michael A. Feighan] took over.

REIS: Yes, Feighan. Well, the whole trick which Norb and Nick were capable of was somehow pacifying Feighan; Norb was going out and playing golf with him and so on. And Feighan was about as low a product of the American culture as there could be. The only one worse was the chairmen of the Appropriations [United States House Committee on Appropriations], Rooney [John J. Rooney]. But between the two of them they represented everything petty, gross, nasty, mean that there is in American culture, as far as I'm concerned. And they despised Abba. I realize that that didn't make for political effectiveness, but I had some sneaking admiration for Abba that those guys did feel that way about him.

GREENE: In this particular dispute, what I thought was interesting, because the impression particularly I remember at the time

when Schwartz resigned or was forced to resign (I guess it was '69), he was sort of given credit as one of the prime movers of the abolition of the quota system. And according to Schlei, that is exactly the opposite of what he was doing. What he was really trying to do was to get them to drop that demand because it would not get through and because it would offend Walter, who was apparently a friend of his. And that what actually happened was Mike Feldman [Myer Feldman] came, in working very closely with the President, and mediated this dispute and Schwartz's objections were overruled and they did of course go with the quota thing. Is that accurate?

REIS: I don't know, I don't know, I just was not that close to it. And all the nice things I just said about Abba don't go for a friend of Walter's.

GREENE: Yes. Anyway, if you don't remember anything more specific about that. Maybe what we could do is finish up and then we won't have this transcribed but just as a point of discussion for next time some of the things that I've come up with as possible areas of discussion. You can either say it's worth going into or not. One was the Cuban quarantine. I know early in the game you were asked to write an opinion on the possibilities of what to do about Cuba, and this was before the final blowup. Do you remember that?

REIS: Was it?

GREENE: Well, I mean it preceded the presidential statement.

REIS: I or the Office of Legal Counsel?

GREENE: The Office of Legal Counsel, but I believe you name was at least mentioned in passing as one of those who worked on it.

REIS: I know I did work on it. I know I did work on Cuban problems. I know I worked on the quarantine; I don't remember working on this thing—maybe I did and maybe I didn't. You were talking about a pre-quarantine, pre-crisis paper.

GREENE: Yes, but with the crisis sort of looming, before it had actually come to a head…

REIS: Well, it's a possibility. I think I need my memory jogged. The time sequences, I do remember…

GREENE: August, I believe it was August of '62 that this began.

[-23-]

REIS: That would make sense. That would be before; the crisis took place in October.

GREENE: Right. Well, maybe it's worth a few questions. What about aid to parochial schools?

REIS: Yes. I worked with Byron White on that. And Leon did a lot of work on that, Leon Ulman did a lot of work on that, too.

GREENE: Okay, and what aspect of it were you…

REIS: We were always struggling with legislation providing aid to parochial schools.

[TAPE IV]

GREENE: You know, part of the problem seemed to come from an offhand remark the President made in a press conference, do you remember that?

REIS: No. What did he say, yes or no?

GREENE: It was more complicated than that, and he sort of got the Department in a bind because he had put himself out on a limb and they had to come up with some kind of justification for his response to the question. I don't remember the details; it's one of those things that I leafed through but didn't study in any depth. Anyway we can go over that.

Now, the anti-crime legislation and the wire tap legislation you mentioned in your letter to Larry Hackman [Larry J. Hackman] ages ago. Is that something you worked closely on?

REIS: I worked pretty closely on the wiretapping legislation, but I don't remember whether it was a separate bill or not.

GREENE: I think it was part of an overall…

REIS: Yes, I think it was part of an omnibus bill; I probably just worked on the wiretapping part of it.

GREENE: And also you mentioned in passing conflict of interest legislation. What did that involve?

REIS: Former government employees, what they can do. That whole statue was revised while Nick was still, I think, in the

Office of Legal Counsel. That was a pretty active problem. Also, what incumbent employees could do: could they continue to take money from their law firms, so on.

GREENE: Okay. And then there's the civil rights which seems to…

REIS: That's probably pretty well cultivated ground.

GREENE: But would still be working going over. I have the memorandum you did on Oxford. I see evidence that you worked at least in a peripheral way in the campaign in '68. How much was really involved in that?

REIS: I would guess I knew very little about what was going on there. I worked in the boiler room, and I was the only one not invited to Chappaquiddick [Chappaquiddick Island, Massachusetts], I guess, me and Dave Hackett [David L. Hackett]. That's worth talking about a little bit. It had to do with legal problems related to primaries?

GREENE: Eligibility and deadlines.

REIS: Yes. You had this bunch of girls who were keeping books on all the candidates and they were politically hep. And you'd get into all kinds of legal problems with respect to the primaries. For example, what made McCarthy [Eugene J. McCarthy] was his showing in New Hampshire. Johnson then gave up. Now were these delegates free or weren't they, that kind of problem.

GREENE: Which were binding primaries.

REIS: Yes.

GREENE: Now, in terms of time, were you still working?

REIS: No, I had left the government in '67.

GREENE: And you were here already?

REIS: I was in another law firm.

GREENE: So how much time was actually devoted to the campaign or were you more or less a consultant?

REIS: No, I would guess I gave anywhere between eight and thirteen hours a week.

GREENE: Did some of your activity precede the actual campaign, the period when he was making up his mind?

[Interruption]

REIS: One piece of political savvy that I made a legend out of, which I think is true, is I think I was probably one of the first persons to think that Bob Kennedy ought to run for the Senate in New York. I have a very vivid recollection of the incident and what happened. Nick was Deputy Attorney General. I suspect this was probably before—yes, I know, it was before Johnson pushed Bob over the

ship's side. I got up one morning and told my wife that I'd been thinking about it and I thought that the vice presidency was out, that Bob could obviously not stay on as Attorney General, and I thought the sensible thing for him to do was to run for Governor from New York if it was legally possible for him to do so. I then went down to the Department a lot earlier than usual and checked the law. It was no big research job. It probably took me an hour. Then around five after nine, I went down to Nick's office and threw the idea at him. He was kind of fascinated with it. He apparently hadn't given it any thought at all. He called in Joe Dolan. Joe said, "Nope," and then, "Yeah. What we want to do is keep our eye on the vice presidency." In addition to that, Nick called Kenny O'Donnell [Kenneth P. O'Donnell], who was still at the White House, and O'Donnell told him that it was simply politically impossible, that Kennedy would so obviously be a carpetbagger, that he would be unacceptable in New York and once more Keating [Kenneth B. Keating] would be hard to beat.

GREENE: You said Governor, but you meant Senator, didn't you?

REIS: Senator. Did I say Governor?

GREENE: Yes, okay. I assumed that you meant Senator.

REIS: I meant Senator. Keating. As far as I know, the idea went no further at that point. Anyway, I did have this interest. The fact that I would think of something like this and go to the small effort that was involved kind of indicated the feeling I had for him and also my own interest in politics, I guess. Joe Dolan, I believe, remembers the incident. I don't know if Nick does.

GREENE: I'm trying, I just can't, I've got—no, I thought I had a chronology. I'm trying to think of the date of when Johnson pulled him out. It was like July 27 or something like that

so—would you say—or was it even earlier?

REIS: No, it was much earlier

GREENE: Much earlier.

GREENE: Oh, much earlier than that.

REIS: Because Joe said we ought to keep on the vice presidency.

GREENE: I thought you said it just was not too long before that.

REIS: I started to recollect this, and I said I couldn't remember. And then what I meant to say if I didn't say is then I said it had to be before Johnson disqualified the Cabinet because of Joe's remark. Joe apparently told this to—what's the name of the fellow who wrote the book with vanden Heuvel [William J. vanden Heuvel]?

GREENE: Gwirtzman [Milton S. Gwirtzman].

REIS: Gwirtzman. Gwirtzman came around and told me the story and asked me about it.
Anyhow, going back to the campaign, to the '68 campaign, I was intensely involved emotionally. God. I guess I was tremendously shaken by how it ended. I guess also, you know, for a guy my age I felt that was probably the last thing I'd ever do in politics.

GREENE: Yes, a lot of people felt that way.

REIS: It was kind of personal, too. What other subjects?

GREENE: Well, what other subjects would you suggest?

REIS: Prisons.

GREENE: Prison reform kind of things? Yeah. Do you have papers of your own on—you didn't take files with you?

REIS: I guess I have a little to throw on the Hoover-Kennedy [J. Edgar Hoover] wiretapping controversy. That might be something we could talk about a little.

GREENE: Perhaps would you say you have much to say on that relationship in general or just on this?

REIS: I don't really have much to say on the relationship. I just was not that close to Bob and certainly not that close to Hoover. When Bob was Senator, I was kind of involved with Nick in his attempts to mediate the dispute and probably have nothing to tell you that Nick hasn't told you. I might be able to corroborate some things.

GREENE: Okay, let's see where we can go from here…

REIS: Okay.

GREENE: …next time.

REIS: That would be next year.

[END OF INTERVIEW]

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