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Miller, Assistant Attorney General, Criminal Division, Department of Justice, 1961 – 1965, discusses problems with organized crime and investigative jurisdiction among government agencies, among other issues.

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Oral History Interview

Of

Herbert John Miller, Jr.

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Herbert John Miller, Jr. – RFK #1

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Oral History Interview

with

HERBERT JOHN MILLER, JR.

February 18, 1971
Washington, D.C.

By James A. Oesterle

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

OESTERLE: Mr. Miller, why don't we start out with a biographical statement about yourself.

MILLER: Well, I was born January 11th, 1924 in Minneapolis, Minnesota. I grew up there, went to public schools, and went to the University of Minnesota for just shy of two years. By then the war was on, so I got an early draft call and went in the Army, went down to Texas, Camp Barkley. I went to basic training, then went into Officers Candidate School, graduated a second lieutenant. This would be in December of '43. I was there, I guess, unassigned,

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about two or three months. Then in early March of '44, I went overseas and was overseas until I returned to the States in August of 1946. I was in the South Pacific and my last assignment was adjutant of the two-hundred-and-fifty-bed station hospital. I came back to the United States, came to Washington D.C., went a year undergraduate, two years law school, graduated, went with a large firm founded by Colonel Robert R. McCormick of the *Chicago Tribune*.

OESTERLE: By the way, you said that you stayed overseas until 1966. You mean

'46?

MILLER: Oh, '46. Yeah. I was engaged in the general practice of law in the District from 1949 until 1961 when I went down to the Department of Justice. I went down; I was appointed Assistant Attorney General, Criminal Division [Department of Justice Criminal Division], in I guess it was February—January or February—of '61, and stayed in that position until April or May of 1965. Thereafter I left and started my own law firm along with Courtney Evans [Courtney A. Evans] who has been an Assistant Director of the FBI [Federal Bureau of Investigation].

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And sometime in '65, about June or July, President Johnson [Lyndon B. Johnson] appointed me Chairman of the President's Commission on Crime in the District of Columbia. This was a non-pay commission. I guess probably our budget ran about five hundred thousand dollars, and we eventually put out a report on January 1, 1967. And there I was practicing law all the time and running the Crime Commission during that period. Then subsequent thereto, let's see.... Well, I guess now I'm President of the Bar Association of the District of Columbia. I ran as Republican candidate for Lieutenant Governor of the state of Maryland last year, unsuccessfully, I'm happy to say. I mean I can't say I'm happy to say, but it may be what I'm thinking. And I guess that's generally what....

OESTERLE: Brings us pretty much up to date.

MILLER: Yeah.

OESTERLE: How did you first go to the Justice Department? What led you to Justice?

MILLER: Well, specifically what led me there: I came home

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one night and found my wife practically in tears—I love to tell this story because I think it's so funny—and she told me that the family had to stick together and she knew that I was in very serious trouble. I immediately started trying to figure out what I'd done wrong, and then I realized I must be in serious trouble with all the things I had done wrong. I asked her what the problem was and she said, "The Attorney General of the United States wants to talk to you right now." So then I got quite concerned.

I called up the Department of Justice. By this time it must have been 7:30, quarter of 8. I didn't think anybody would be there. I get put through, and the Attorney General, Robert Kennedy [Robert F. Kennedy] comes on the phone and says, "Jack." "Yes." He says, "I want you to be the head of the Criminal Division." And I responded with a great flow of oratory, to wit, "Who me?" And he said, "Yup," and then he said, "Will you do it?" I hesitated, I

guess, and I said, "Yeah. Sure." And he said, "Well, how long will it take?" I said, "Well, I'd like a month

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or two to get rid of my practice. He said, "No, no, no, no, no. You've got to come down right away." I said, "Well, how much time can I have?" And he said, "Well, four or five days." So I said, "Well, I'll see what I can do, but, you know, you may be making a very serious mistake. I've been a Republican precinct chairman out in Chevy Chase and been a long-time Republican and, you know, really don't have much in the way of background in the criminal law field. And the firm I'm with has represented the *Chicago Tribune*, Standard Oil of Indiana." I just felt but what I might not be quite a political liability. He said something to the effect that he didn't give a damn, so I said, "Well, I better come down and talk to you." He said, "Okay, come on down tomorrow afternoon."

I went down the next afternoon and explained to him the reasons why I thought I would be a serious political liability to him, and he said, "None of that bothers me. The only question I want to know: Can you do the job?" I

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said, "Well, I've been able to do every job I've ever undertaken." He said, "Fine, I want you to come aboard as quickly as you can." And that's how I came to the Department of Justice.

OESTERLE: When did you first meet Robert Kennedy? Does this go back quite...

MILLER: No, maybe a year. Let's see, '61. I probably met him in 1960. I was up at the McClellan Committee [United States Senate Select Committee on Improper Activities in Labor and Management] trying to get some information. I forget who was with me at the time, but Robert Kennedy was walking down the corridor outside and this fellow saw him and said, "Have you ever met the General Counsel of the Committee?" And I said no. So we went up and we introduced and chatted for about thirty seconds, I guess, and then we went our respective ways.

I did have a meeting with him subsequently. He came up to the law office. He was concerned. There was a Board of Monitors [Board of Monitors of the Teamsters] proceeding going on. He was concerned about the fact that the Chairman of the Board of Monitors was going to resign. And we had a discussion of the pros and cons and what

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the problems were. There were several people at that meeting, and for the life of me I can't remember who they were. I do know that he was there. And to the best of my knowledge, those were the only two times that we had met prior to the time I received that phone call.

You didn't ask the question, but I'll give you a little vignette. A very close friend of his called me up, oh, I guess maybe in December of '60 and asked me what I thought about Robert Kennedy becoming the Attorney General of the United States. I think I spent at least

forty-five minutes to an hour explaining in great detail why I thought it would be a big mistake, which shows you how competent a judge of character I am, because I think that he's got to be the greatest Attorney General this country ever had. And I spoke at length and very emotionally against why he should be Attorney General.

OESTERLE: Would you mind mentioning who that was and perhaps even...

MILLER: I think it was Walter Sheridan [Walter J. Sheridan]. Yeah, it had to have

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been. It was Walter Sheridan.

OESTERLE: Can you capture that conversation? Why...

MILLER: No, it would be reconstruction. Except that I do know I felt very strongly. See, I was a practicing lawyer. I knew that Bob was not. So I felt very strongly that the Attorney General of the United States should have long experience in private practice and be a highly competent lawyer. I felt that his lack of experience in private practice was a definite drawback. I thought—and I suppose this was based on my Republican philosophy, to a certain extent—that it would be wrong to appoint a campaign manager, which Bob was, to the post of Attorney General. I mean I looked upon the post of Attorney General as what really should be beyond the scope of politics, above and beyond the hurly-burly, if you will, and all the bad connotation that goes with the term "politics." Those were the....

The other thing I probably complained about: I thought he was too young and that, again going back to his lack of experience as a lawyer, the only thing

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that I had seen that he had done in public life was to act as General Counsel for an investigating committee on the Hill [Capitol Hill], and I just didn't think that he had.... His background was just not that prestigious as far as I was concerned. All of those things put together—it seemed to me that want to be able to choose the finest candidate in the United States to be Attorney General, and I just didn't think he should be it.

OESTERLE: What was your impression of...

MILLER: Oh, well, you know—do you want me to break in?

OESTERLE: Sure. Go ahead.

MILLER: I just remembered another thing now that you mentioned it. You know, you asked me if I ever met him before. I got a call one day—this must have been in January of 1961—and I went down to a meeting in the Department of Justice. It was in the back room off the Attorney General's office.

OESTERLE: The little office?

MILLER: Yeah, the little office behind the big one. I'd forgotten about that. Let's see. Bill

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Hundley [William G. Hundley] was there. Tully Kossack [Nathaniel E. Kossack] from the Department of Justice. And a guy named Dowd was there, Jim Dowd [James Dowd]. He was a lawyer in the Criminal Division.

OESTERLE: Did you know these people?

MILLER: Hundley I'd met once, I think. Kossack I don't think I'd ever met before. I might have but it seems to me that was.... And I can remember there was this fairly tall, rather lean fellow sitting on my right. And we sat in this conference, we discussed the.... I had learned quite a bit about the merits or the demerits of the so-called Sun Valley case which involved, I thought, the improper use of union funds to finance a private development down there. And the question has always been whether Hoffa [Jimmy Hoffa] had had an interest in it or not. So anyway, there was a discussion as to whether or not this was a viable law suit. Yeah, an indictment had been returned before Bob got into office. I think it was returned right after the election. The Republicans returned the indictment in—oh, I don't know—October of 1960,

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I guess. And the question basically was: Was it a lawsuit, and should it proceed? I'd had some knowledge about it and studied the case and knew about one or more options that Hoffa had to purchase the stock and that type of thing. So I was invited over there to participate in this discussion based on that. I remember when we finally broke for lunch—somebody sent out and got some hamburgers—I went over to Hundley and I said, "Who's this guy sitting on my right?" He said, "That's Byron White [Byron R. White]." [Laughter]

OESTERLE: And that was the first time?

MILLER: The first time I'd ever laid eyes on him in person. You know, I was quite surprised that I would be sitting next to such a prestigious football player and, you know, the Deputy Attorney General of the

United States. I didn't even know who he was. That shows how naïve one can be, I suppose. But anyway, there was quite a discussion about that case and it went on back and forth. I volunteered my ideas, and my advice was solicited. I really had forgotten

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about that meeting. So that would make a third meeting. And it was after that, obviously, that I received the phone call. It must have been fairly soon after that, as a matter of fact.

OESTERLE: Do you have any insight to why you were appointed at that time, or how you...

MILLER: You know, I never really have discussed this. I think there are several reasons why. One, I don't think they could get anybody to take the job that they wanted. In other words, I'm sure I was not the first choice. I've heard names and I've even forgotten who they are now. They approached one or more lawyers around who just didn't want to have any part of the Criminal Division. Now, they'd be glad to take the Antitrust [Department of Justice Antitrust Division] or Tax [Department of Justice Tax Division] or something like that. But I guess their attitude was, in effect, "Who wants to be head of the Criminal Division?" How many contacts were made and how many refusals given, I don't know. I had gotten to know Walter Sheridan pretty well and I assume that he probably spoke to Bob about it.

I think Bob was concerned, as were the

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people around him, with this problem that he had been a campaign manager, that his brother [John F. Kennedy] was the President of the United States. I think they felt it would be a good idea to have a Republican in that job because of the—you know, somebody of the opposite political party. And I don't mean some Republican who's gone out and campaigned for Kennedy, but some guy who could demonstrate, as I could, that, you know, I had not been a participant, and you know, I really was an outsider. I think that element went into it. I think also probably the element was that I had gotten to know a substantial amount about the Teamsters union [International Brother of Teamsters], how it operated, the name of the players and that type of thing. And I hope one of the reasons was that they thought that I was a hell of a good lawyer [Laughter] and that I had some capabilities and might be able to do the job.

OESTERLE: Do you think Byron White played a part in the decision to make you the offer and that at the meeting that you attended at which Byron White was present you had created a very favorable impression?

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MILLER: I don't know. You know, I don't know that I created a favorable impression. I mean I wasn't over there.... I mean I was over there because they asked me to come discuss something I knew something about. I was no candidate. So I would assume that, just knowing how Bob worked, he talked to Byron about it. And I'm sure he probably talked to some other guys in the Department about it, you know, people that he knew. But you know, what part Byron played, I've never asked and he's never volunteered. I just don't know.

OESTERLE: Can you recall your first impression of Robert Kennedy, apart from judging him as a potential attorney general?

MILLER: Yeah. I mean my impression.... Well, after I had met him to talk to him, you know, I liked him. My first impression, I suppose, was seeing television clips of interrogations of witnesses for the McClellan Committee—you know, the Hoffa bit. And although he got better as he got going along, I remember my first impression was that he was not much on interrogation from a lawyer's standpoint.

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That's probably my first impression, but you know, beyond that I really didn't have.... Then, of course, that was a part of my talk with Sheridan about why he shouldn't be Attorney General.

OESTERLE: What was your mandate as you cleared up your private practice within five or six days or so? How long did it take?

MILLER: Well, actually, I had dumped the whole thing in it must have been four or five days and I went down there before I'd finally wrapped up loose ends. I'm just trying to remember when I went down there. I was thinking end of January, but you know, it must have been the end of February because I can remember going in—I used to go in a couple times. You know, I wasn't on the payroll or anything, I was just going in to meet some of the people, try to get an idea of what was going on. Then I was formally appointed as a special assistant to the Attorney General and I went down there.

I can remember I worked, oh, Washington's Birthday, I guess it was. And I can remember that the following day—it was a holiday, of

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course—that I received a letter from the Attorney General commending the fact that I was working on a holiday. I then subsequently found out that several other people in the Department whose cars had been parked in the garage had received letters. Some of them were quite embarrassed because they'd been out shopping. [Laughter] They'd used the Department of Justice garage as a place to park their cars.

OESTERLE: You were named Assistant Attorney General on February 17th and your appointment was confirmed on March 3rd, and you were sworn in on March 7th, just to capture the dates.

MILLER: Yeah. Well, this must have been during the period then when—the 17th I was...

OESTERLE: Yes. February the 17th you were first named Assistant Attorney General.

MILLER: Yeah. Well, I think, I must have gone on the payroll about that time as a special assistant to the Attorney General because I had to be confirmed by the Senate before....

OESTERLE: How did you go about beginning your work and getting

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a hold of the job?

MILLER: Well, some of it I didn't have to go about because, obviously, as soon as I walked in the door all of the daily problems were thrust at me. So I had a long period of time in there when I was trying to resolve the problems that arose, having no background in how the Department of Justice operated, and at the same time trying to branch out and find out what the Criminal Division was all about, who the top-flight personnel were, who the responsible people in the Division were, who you could rely on professionally, who you couldn't.

I guess probably the first big issue that I got into was the legislative proposals, the so-called organized crime package. In other words, I didn't start going about to learn how the Department operated; that was thrust at me. I can remember sitting around a table and, oh, drafting up or modifying some of this legislation. And I mean that was one thing. The second thing was to find out what was going on in the Organized Crime Section [Organized Crime and Racketeering Section] and then also to find out what's going on in

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the various other sections and then to sit back and try to figure out, you know, What are we going to accomplish, and how are we going to accomplish it? It's very difficult for me, looking back, to figure out what I thought goals were or how I set about learning my job.

OESTERLE: Did the Attorney General verbalize his goals or a mandate for you early on?

MILLER: You know, he must have, and yet for the life of me, I can't recall that.... I'm just trying to think. Well, for example, I mean Bob had a much different way of doing things than the normal Cabinet officer would. For example, he would, instead of having me report to him what was going on—although, I mean that was one of the things he wanted to know. First of all, he wanted to be kept informed, and of course, Byron White wanted to be kept informed of any crises, problems and what-have-you. But what Bob would do was to have these large meetings at which he'd have several lawyers. You know, each lawyer would specify what he was doing, what was involved, and this

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type thing. And that's how he began to understand, you know, what the scope of the problem was in the particular field.

Take the organized crime field, for example. You'd have a guy assigned to, well, say, New Jersey. Maybe you'd have two lawyers and these two lawyers would indicate in the course of their—they would verbalize what was going on in New Jersey, what the problems were: Did you have a narcotics problem? Did you have a gambling problem? Was there political corruption? Was the Italian syndicate in operation up there? If do, where? And of course, initially, we didn't have much in terms of intelligence or information. So basically, I don't know whether Bob set these goals or whether they grew out of a knowledge that this was required. But I think, for example, the legislative program turned out to be highly significant in terms of what eventually was going to happen to the organized crime field, much more so than I realized that first. Although as I learned investigative jurisdiction of the FBI and some of these

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agencies, I began to understand the dichotomy and where conduct grossly illegal in nature could fall within the intricacies of these various investigative jurisdictions.

One way that was solved, and in some respects probably one of the biggest pluses for that legislation, was that it got the FBI jurisdictionally, investigational wise, into an area which they'd stayed out of before. And of course, once they did this, then you had a flow of information which permitted you to understand what the problem was. But like anything else in law enforcement, the first difficulty you have is to find out what is the problem. Are you worried about kids smoking marijuana cigarettes? Are you worried about the biggest gambler in Reading paying off the mayor to appoint his buddy, the police chief? I mean, what are you talking....What are the problems in law?

In order to find that out, you have to try to get a good picture as to what's going on, and that's where the information was really severely limited for the first few months. The intelligence

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data, if it existed, we just didn't get it. The only way you could get it—if you can't get it from the investigative agency, then try to have the lawyers go out and try to get it through utilization of grand juries, and also trying to pull the various investigative agencies, other than the FBI, into some semblance of an organized group.

Most people don't realize the Treasury Department is the biggest law enforcement agency in the United States. I mean the Secretary of the Treasury has got substantially more investigative manpower than the Department of Justice ever had. You have Secret [Secret Service]—and you've got over twenty-six investigative agencies strewn throughout the United States government which operated with varying degrees of efficiency and dedication. So one of the things that we did was to try to coordinate the efforts of these twenty-six and try to find out what they knew. I know we used to kid about it, but I remember this hood out in Chicago got picked up because he had some dead doves in the trunk of his car. In other words, it was an attempt,

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first of all, to find out what were the crises in law enforcement and in government around the United States. In order to do that, you had to get the intelligence. In order to get the intelligence, you had to get the Bureau beyond where they were in terms of investigative jurisdiction, and you had to pull in the information that these twenty-six agencies had. Oh, we started an intelligence unit in our Organized Crime Section.

OESTERLE: What was the position of the twenty-six investigative agencies in regard to your efforts to coordinate their intelligence and information? Was there a little bureaucratic problem there?

MILLER: Oh, yeah. Very much so. Frankly, I don't know where to start, and, frankly, it also depended on the agency involved. For example, there were strong feelings among some people over in the Internal Revenue Service that they should not become a part of any type of an organized crime effort. Their job was solely to make sure that the revenue was collected and that they should go not one step further. There

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were strong views to the contrary, and the latter views eventually won out. But there was, and I suppose probably still is, a lot of jealous among the various investigative agencies.

I know, for example, Customs [Bureau of Customs] and Narcotics [Bureau of Narcotics] used to fight all the time over.... One thing that used to cause a problem was....I forget the terminology they used for this. If Customs would know of a shipment of heroin, let's say, coming into the United States illegally and they would let it go through customs and then they would follow the purveyor of the heroin maybe many, many miles, maybe halfway across the United States, let him meet with the confederates, effect a sale, and then Customs agents would move in, well, Narcotics felt that Customs was moving into their field. So you had this type of jurisdictional problem.

You also had initially, I think, a real reluctance to refocus, if you will, efforts towards what we conceived then to be and ultimately were able to prove was a very serious crime problem in this country. I think one of the problems was, obviously,

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the gambling business. I mean most people have no moral compunction about gambling, and certainly I have not. What the problem was is that it was illegal. The laws were not enforced, and it was a source of financing for underworld operation. Now, IRS [Internal Revenue Service] was the only federal agency, back in early '61, that had any jurisdiction over gambling from a federal law enforcement standpoint, and that was on the basis of the 10 percent wagering excise tax. In the FBI, I think their only jurisdiction had to do with gambling ships, and unless the gambling ship came within—or maybe gambling on federal reservations.

The IRS traditionally would conduct one or two big raids every year, and they'd pick up a lot of small-time gamblers, pick up so much cash, and there would be headlines all over the United States. That would be the extent of the enforcement of the law. So one of the things that had to be changed, of course, was that concept. That was changed, and it, I must say, had a substantial impact.

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I don't think it was ever a very popular approach because, as I say, most people like to gamble and they don't see anything wrong with it. But of course, our problem was that we could see fifty and a hundred thousand dollars going out of the gambling take and finding its way into the police department or the board of commissioners or something of that nature. And it was an evil that.... And also we found out that they were using gambling profits to finance the heroin traffic, as you had to have a lot of cash up front if you got a big shipment of many kilos. They generate the money through gambling and then they could step up their importation of heroin. So that was the move there.

OESTERLE: Can you recall the position of any of the other investigative agencies in regard to the pooling of information and interagency cooperation?

MILLER: Well, the FBI traditionally has been extremely leery of disseminating any meaningful information. IRS was reluctant at first, but they then began to do it. Narcotics was, with some exception. In other words,

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they would be very careful about their confidential informants, things of that nature, but they were very helpful. In other agencies, there were varying degrees of cooperation. Some of them, in effect, didn't want to be bothered and others wanted very much to participate.

The problem always revolved around the FBI because that, if not the biggest, at least was, shall we say, in the mainstream of general law enforcement. The Bureau is a highly

disciplined, very tightly knit organization, and it's exceedingly difficult to get information out of the Bureau that they don't want to give. I mean that was a constant problem. The Bureau also would not, to the same extent as other agencies, entire into cooperative adventures, if you want to call it that, in the investigative field. In other words, if the Bureau was in it and some other agency got into the field, the Bureau would pull out. So that was a constant problem. I don't even know if that's been changed yet.

OESTERLE: Was IRS then the most helpful in assisting you in

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getting this going?

MILLER: Oh, yeah. Yeah. IRS and the Bureau of Narcotics. Of course, I suppose I should say, in defense of the Bureau, although they don't need any, that those two agencies were the only ones that had any real expertise in two of the major fields that organized crime operated in. Of course, that takes you back to whether or not there was a Mafia or not. The Bureau of Narcotics had gone up for years before the McClellan Committee and testified that there was. And the FBI had always sort of dodged the question, but basically had taken the position that there was not.

It was not until I got a phone call from this assistant U.S. Attorney down in—what was it—Atlanta, Georgia saying, they had some fellow that killed a prisoner and he didn't want the death sentence. He'd plead guilty to get life imprisonment, but in exchange he had quite a story to tell about some kind of mob operation up in New York. He was in on a narcotics rap, so I called the Bureau of Narcotics and they went down and interviewed him—Joseph Valachi—

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came up in a couple of weeks with a report that I must say surprised me. Then eventually, McClellan [John L. McClellan] wanted Valachi to testify, and I wanted Valachi to testify publicly because there was always this problem about, you know, is there an organized criminal element? Everybody talks about organized crime, but what is it? Valachi knew what it was. He testified from the inside. He testified firsthand. And as soon as he testified, with all of the [giggles] from the press and the like, from then on, I don't know of any responsible law enforcement official since who has [not] taken the position that the organized crime problem in this country is focused around this so-called Costa Nostra or Mafia or whatever you want to call it. That's jumping ahead chronologically speaking.

OESTERLE: Well, how did you go about organizing this cooperative effort? Go into some of the problems in detail.

MILLER: Gosh, it's really tough to remember. Well, the first thing we had to do was get additional personnel.

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I recall one of the very first things I did was go down and testify about an increase in the number of attorneys from the Criminal Division. And that came through. Then we were...

OESTERLE: This is for the Appropriations Committee [United States House of Representatives Committee on Appropriations]?

MILLER: Yeah, it was before John Rooney [John J. Rooney], Congressman John Rooney. I think I also testified in the Senate side shortly thereafter, although I can't remember. When I got there, I think there were 108 lawyers in the Criminal Division, or at least 108 positions; I don't think they were all filled. We got a substantial increase in the appropriation, five hundred thousand dollars or more—doesn't sound like much today—and we were able then to go out and hire additional lawyers.

I must say that this is where Bob's influence was exceedingly important, because I think it's fair to say that traditionally the Criminal Division was not able, by and large, to attract a very high caliber of lawyer. The bright young lawyers on the outside would want to go in and learn something that was

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salable on the outside, like tax or antitrust or civil. There are many exceptions to that, Bill Hundley being Exhibit A because he's a highly competent lawyer. But because Robert was the Attorney General, because of his known interest in law enforcement, we were able to hire really topflight young lawyers. We put together just really a very fine group of young prosecutors most of whom had had some experience either as assistant U.S. attorneys or working someplace else. We were able to hire, shall we call it, the cream of the crop of lawyers that wanted to go into government. They felt an excitement about working for the President's brother and they knew that his interest was in that field. So that is something that one doesn't plan, but this is something that was a direct outgrowth of his being Attorney General.

The second thing was, of course, he kept such close tabs and showed such a personal interest. These young lawyers when they came in, of course, were highly interested, but they knew that they would be talking

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to the Attorney General sometime in the future, and so they consequently were very.... You know, they felt that they were a part of the whole operation, and it's a great morale factor.

Bob turned out to be just an incredible executive. Lawyers, I suppose, to a certain extent are basically cynical anyway, but he was able to attract topflight talent, and then he was able to keep their interest at a high pitch so that they just weren't a nine-to-five operation. They were in it and they were doing something they felt was very important. All of this was a feeling that he had imparted to them by his interest in what was going on.

OESTERLE: How did Edwyn Silberling's appointment come about?

MILLER: I don't know. I suppose I have known in the past. Apparently he worked in the campaign up, I guess, in New York. I gather that Bob hired him—in fact, Silberling told me one time that he thought he was coming down to have my job rather than be chief of the Organized Crime Section. Whether that's true or not, I just don't know. I do know he

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told me that.

He was already there when I got there. I think he was probably one of the first appointments made.

OESTERLE: Was this at all unusual, do you think? I mean would you not normally...

MILLER: Well, normally, yeah. Normally, you would pick a guy to run the division and then he would be consulted, certainly, as to who would be running the most significant part, in terms of the public interest at least, of the Criminal Division. So to that extent, yeah, it was unusual.

OESTERLE: And Hundley, of course, had been on board and had been....

MILLER: He had been chief of the Organized Crime Section and, of course, had known Bob, I gathered, fairly well. They had had quite a bit of dealings together.

OESTERLE: But he was then appointed as Special Assistant to the Attorney General.

MILLER: Yeah.

OESTERLE: Do you recall how he regarded this new appointment?

MILLER: Well, I think—I can't.... I mean reconstructing, I

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suppose Bill sort of thought it was a kick upstairs in effect. But it was perfect for me because, you know, Bill had been there and he knew the field and he was a very capable lawyer and knew how the Department operated and how the investigative agencies operated. So it turned out he was exceedingly—you know, it was an exceedingly good break for me, because he was available without, in effect, a fulltime

assignment. I could use him on a, shall we say, ad hoc basis like the Keogh [J. Vincent Keogh] case and, oh, we had that Goldfine [Bernard Goldfine] problem, which you may or may not recall, and that type of thing.

Then, as you well know, Mr. Silberling and had some policy differences. I don't know whether he was right or I was right, but you know, it was put to Robert that probably it would have to be one or the other. [Interruption] But, well, why don't we go into that more in detail in the next interview.

OESTERLE: Fine.

[END OF INTERVIEW]

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