

**Edwyn Silberling Oral History Interview – RFK#2, 03/24/1971**  
Administrative Information

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**Interviewer:** James A. Oesterle

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**Biographical Note**

Silberling, Assistant Attorney General for Organized Crime and Racketeering, 1961 – 1963, discusses issues with particular cases in the Organized Crime Section of the Department of Justice, and Robert F. Kennedy’s working style and methods, among other issues.

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Edwyn Silberling  
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Edwyn Silberling – RFK #2

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Oral History Interview

with

EDWYN SILBERLING

March 24, 1971  
New York, New York

By James Oesterle

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

OESTERLE: I'd like to start out today by asking you if you recall a meeting with twelve U.S. attorneys in Washington over which your differences of opinion with Jack Miller [Herbert J. Miller, Jr.] in regard to the handling of cases by U. S. attorneys surfaced.

SILBERLING: Well, I don't recall any particular meeting. I do recall that there was a practice of inviting United States attorneys to Washington for conferences, primarily an orientation program for United States attorneys. And during the course of that program I would speak to them about how the Organized Crime Section was operating, what we intended to do, and how we intended to operate together with the United States attorneys. Without any specific recollection, I know that I would tell them what my plans were and what my thoughts were, and how I expected the program to operate and what kind of cooperation they could expect from me, and what I expected from them. And again, just on the basis of recollection, I would be frank and blunt and tell them that I expected that the attorneys from Washington would be coming down to work with investigators on cases where we had been receiving reports and where we were interested. And I expected those assistants would present cases to the grand jury or work together with the United States Attorney presenting cases to the grand jury and most likely trying them together with the United States Attorney.

Now, I do not know what was told to them by Jack Miller or whether he told them

something different. I gather, at this late date, that there were complaints by some of the United States attorneys right at the time of the orientation. I

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do know there were complaints by some United States attorneys while we were in the process of making cases—complaints to the effect that they did not want to have people from Organized Crime [Organized Crime Section] conducting the cases where they thought that a local United States Attorney would be better doing it or would rather be in control of the matter.

Just going through my notes here I came across something of the kind of thing I would run into. For instance, a United States Attorney called me to complain that one of my associates, one of the men on the staff, had gone into his district and had not notified the United States Attorney in advance that he was coming to the district. What's underlying a complaint like that obviously is a jealousy over jurisdiction. And I saw no problem with instructing my assistants, "By all means, call the United States Attorney before coming down."

OESTERLE: In the question-and-answer periods following a presentation that you would make to a group of attorneys visiting Washington, can you recall that any of the questions concerned themselves with the fear on the part of the U.S. attorneys that the federal government might be stepping in on their jurisdiction in some way?

SILBERLING: Well, I think, Jim, in terms of the phrasing, they are, as United States attorneys, a part of the federal government. I looked at them as a part of the overall Department of Justice. These are the local men in the field. My attitude was that here we had men from Washington who were in effect going to be beefing up local staffs and local efforts so that I saw this as a cooperative thing. I saw it clearly, and even while I saw it as support for local actions, I saw this operation clearly as one controlled by a central office in Washington dealing with organized crime which by its nature crossed jurisdictional lines. If organized crime wasn't limited to the artificial nature of a judicial district, organized crime would be organized on a regional basis. And parts of the cases would surface in one district, parts in another. That fractionalization of prosecution effort is what I was trying to avoid. So that I'd be very strong in the proposition that attorneys from Washington should be running those investigations even though it ended up being presented to a grand jury in the local United States Attorney's office.

The local United States Attorney, as I saw it, didn't have staff large enough to be able to invest the time for investigation, sitting on top of investigations. I saw local United States attorneys in a position where traditionally they would prosecute cases that were presented to them by investigative agencies as completed cases for prosecution. And that had been the custom. And it had not been the custom for local United States attorneys to work on extensive investigations with the investigative agencies.

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OESTERLE: So the only reason for any kind of feeling on the part of U.S. attorneys in the field might be that they would not get, perhaps, some of the better cases? Or that they might not be shepherding one of the better cases themselves?

SILBERLING: That might have been a fear. I never expected that to be the outcome. What I expected as the outcome—what I would have laid out to them as the outcome—would be that attorneys from Washington would be making these cases. When I use the term making the case, I mean sitting on top of the investigation, making sure that there was sufficient evidence to support prosecutions, sufficient legally admissible evidence. That kind of hard, long, laborious work I do not think could be done by a local United States Attorney. He did not have the time or the staff. But when it came to the point where an indictment was obtained, and then there was to be a prosecution—a trial—I fully expected that the trial would be conducted with the local United States Attorney and somebody from Washington. I didn't want to cut the local United States Attorney out of the glory, so to speak, because we needed him. It's dangerous sometimes to go into a local area as a stranger.

I might say on that score that one of those fears I suppose was realized in a case that was a hot potato. I think I mentioned it earlier. This was a case involving the frame-up of a reform candidate for sheriff, George Ratterman, the former professional football player, in Campbell County, Kentucky where the federal case was dreamed up in the Organized Crime Section as to what possible crime there was. Oppression, I believe we came to. And there was an indictment of the local chief of police—I think it's one of the big gambling resort hotels in Covington, Kentucky—and a number of officials. And the men who made that case were, I guess they were, Bill Lynch [William S Lynch] and Ron Goldfarb [Ronald Goldfarb]. And this was an Irishman and a Jew, both of them stemming from New York and this was supposedly Campbell County, Kentucky, hard-shelled Baptist country. Sending in two men like that who were such strangers was supposed to guarantee failure.

The answer is history of course. The case was made and made successfully. The prosecution was successful. And I think it had the effect that you always look for, and that is to where organized crime has its hooks in the government, of throwing the rascals out and turning them out of office regardless of the political party. And that did happen, I believe. Ratterman eventually was the successful reform candidate, and the reform movement in that area gathered strength. I don't know what's happened since. But that was a direct outcome of this kind of policy. It would not have been possible if there were an insistence that a local United States Attorney were completely in charge of everything that happened. There would never have been a prosecution.

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OESTERLE: Following this line of the differences with Jack Miller, did you have any differences of opinion in regard to dealing with the press?

SILBERLING: None that I'm aware of. I know this, from time to time while I was in Washington, various members of the news media, both newspapers and television, came to see me. And I would speak with them, give interviews on matters that were not confidential; in other words, how the operation was structured, how we were proceeding, what we were hoping to do. And, on the other side of it, I had information which I would receive from various media. And one specific piece of information I got turned into somewhat of a cause célèbre. This had to do with widespread and open gambling operations in Boston, Massachusetts...

OESTERLE: This was with CBS [Columbia Broadcasting System]?

SILBERLING: . . . where CBS, yeah, had an awful lot of material, according to them, that they had on camera. They were very much concerned about security of the information. They felt that they didn't want to give this information to local authorities for fear that the very local authorities they'd give it to were the same ones who were corrupt, and nothing would come of it. So they came to see me, and they wanted a commitment. The producer of that show, I gather, wanted a commitment in advance that I would let him know what I would do with this material, when things would take place, if there were raids, when they were going to take place.

OESTERLE: So that they would have an exclusive.

SILBERLING: Right. And I refused to inform them of that. Jay McMullen said if I did not give them that information they just would not give up their coverage. They would continue their coverage twenty-four hours around the clock. I told them they could do what they pleased on that score, but they'd get no advance knowledge from me.

OESTERLE: Did you get in touch with Ted Kennedy [Edward M. Kennedy] who was in Boston at that time?

SILBERLING: Oh, yes. At that time, Ted Kennedy was a Special Assistant District Attorney in Suffolk County. This was 1961. I gathered he was in the midst of a campaign for the nomination for the United States Senate. I'd made arrangements with CBS so that they would send stills of the information that they had—still pictures of what they had—that could be used for prosecution purposes by the local office. Eventually there were raids. Eventually they were covered by CBS cameras. Then I entered negotiations with CBS in connection with our prosecution in Boston. I believed that if they showed their pictures in Boston, that

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we would never be able to try the case in Boston because of the prejudice that was involved with all this kind of advance publicity. They finally agreed after negotiation with their counsel that they would black out their show in Boston. They were going to run with it

before we could move this case for trial. Since that was so, the agreement was satisfactory to me. There was no viewing by people in Boston who would be prospective jurors. Before this thing was over I ended up having to send a memo to the White House specifically on just what had happened here. Local Boston politicians claimed the Department of Justice was in cahoots to give this city a bad name, to make a lot of publicity out of this thing.

OESTERLE: Did you get any feedback from the White House on this that you can recall?

SILBERLING: Yes. There was a general unhappiness that this was taking place without their really being directly on top of it, without knowing specifically each move. I felt the feedback was kind of reduced after it was clear that early on I had been in touch with Ted Kennedy who was in an official position, who could do something about it locally.

OESTERLE: Did you talk to the Attorney General [Robert F. Kennedy] about this at all that you recall?

SILBERLING: At some stage, but I don't recall...

OESTERLE: Especially when the White House indicated that they were concerned...

SILBERLING: Well, obviously [laughter] that's what did it that time. But I don't remember when, in the course of this thing, I spoke with him. I'm sure I sent him, or gave him information that this thing was going on when it was going on. I don't remember the details on that.

OESTERLE: Were there any other highlights that stand out like the CBS filming, especially with the press?

SILBERLING: Well, I had something else happen in connection with a combination of newspapers and politics. That was with the situation in Indiana where I'd sent one of my men out to Indiana on the basis of reports he had received and had been working on in Washington. He went out to northwest Indiana to work directly with the intelligence agents of Internal Revenue [Internal Revenue Service] in making cases, presenting matters to the grand jury, questioning witnesses to assist this investigation. It resulted in evidence which showed that the mayor of Gary, Indiana, who was the strongest preconvention Kennedy supporter in the state and a likely candidate for Ambassador

to Greece, was corrupt. Not only did this attorney find that out—get that material—but he also got information indicating that the city council of Hammond, Indiana, which is not too far from Gary, was completely corrupt.

I do recall several things happened there that are kind of interesting. One was the position of the mayor. He came to Washington to complain bitterly, in his words, that he was being "crucified" by one of the attorneys from organized crime, who happened to have the name of Jay Goldberg. The other thing was that there had been all kinds of supposed leaks to the press by this attorney. The press had covered all this and knew about the investigation and were playing up the indictment. All this led to a demand that this investigation be stopped. Miller was the one who handled those complaints; they were not made directly to me. I did not meet with the mayor. I gather what happened was that there was an agreement that the attorney that I had sent out there would be recalled and not proceed further with the case. The Tax Division was then asked to take on the case because it was a case resulting in a tax evasion charge as a result of the bribe money not being reported. That was the case against the mayor. My man was recalled and the prosecution did go ahead eventually. The mayor was successfully prosecuted.

Then in connection with the city councilmen in the neighboring town, there was a discussion with the Attorney General, Bob Kennedy and myself and several others I don't recall. We were talking about the cases against a whole series of these councilmen. And he was asking me what I proposed and how this thing would go ahead. I said, well, you couldn't make one try against all the councilmen because there were individual payoffs. We'd pick and choose among those councilmen whom I thought would be the best targets and most vulnerable. Going down the list of councilmen I selected one who I said was a bartender, in fact, before he'd become a city councilman. He really had no background qualifications. At which point Bob Kennedy said, "Well, my grandfather was a bartender; what's wrong with that?" [laughter]

OESTERLE: But he did follow through on that?

SILBERLING: Well, I think the cases against the Hammond councilmen were not as effectively prosecuted as they could have been because the investigation on them had not been completed. The kind of work that my lawyers did was quite different from the kind of work that other lawyers in the Department of Justice had been accustomed to doing. I have to emphasize the difference because I don't know if it's terribly clear. Most of the attorneys in the Department of Justice and the local United States attorneys' offices acted almost conceptually as barristers. The cases would be given to them complete and total. Then they would

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just do the examination of the witnesses during the trial. They would conduct direct examination of prosecution witnesses, cross-examination of defense witnesses. That was different from my concept of an attorney working on organized crime, or in connection with these cases. My concept was that the attorney would participate in the investigative stage of the case, supervising the investigation, as well as being in a position subsequently to try the

case. However, all my attorneys were not capable of trying cases. I could not get a complete battery of first-rate trial men. I had some of them who were capable of doing it. But all of them were capable of handling the investigative kind of work.

OESTERLE: That leads to an area that I'd like to ask you a question or two about. What kinds of problems did you have in building your staff? Was there a salary problem, for instance? Were working conditions at the Department of Justice and in the field a problem? How did you handle the recruiting for this buildup?

SILBERLING: There's a very interesting thing that happened in connection with recruiting. In the first instance, my appointment and the establishment of this operation under Bob Kennedy attracted nationwide publicity. The magazine stories, the newspapers all over the country had this as front-page material. It said briefly that Robert Kennedy was interested in racket busting, had hired a racket buster to head up a special outfit that was going to be a large outfit concerned with racketeering across the country. That kind of publicity generated a substantial number of applications from lawyers across the country, men who wanted that kind of job, who thought it was challenging and exciting. So I had lawyers, mostly young, calling and coming from Colorado, California, Florida, New York, Illinois, Ohio. A substantial number of men were making applications. So I was in a position to pick and choose. In addition, I was interested in getting men who were experienced in law enforcement. So I then called a number of people I knew in law enforcement, mostly in Frank Hogan's [Frank S. Hogan] office. I wasn't going to raid his office, but I let him know that I had openings and was looking for men. I did the same with attorneys I knew in Chicago. I'm trying to think where else. Can't recall where else. But I do know, for instance, men who had been... Oh, yes, another place I looked was for men who were now in government who'd been in United States attorneys' offices across the country. I would ask them for recommendations of men who had been in prosecutors' offices locally, to get talent.

I was interested in having some black attorneys. There was interest on the part of the administration in Justice to have black lawyers. I found several who I was trying to stimulate. I didn't want people who weren't qualified. But I got one man who was a former Assistant Attorney General in Ohio, another a former Assistant United States Attorney, I believe, in the District of Columbia. That's about all.

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I interviewed a number of other black attorneys. A black attorney would walk in, and he'd tell me he had been practicing law in southern Virginia or North Carolina. And I'd ask him, "What kind of success did you have before juries?" He'd be non-committal. I said, "Well, do you think that the fact that you are black made any difference in terms of your success before a local trial jury?" And invariably from these fellows I'd get the answer, "No, it made no difference." I'd automatically scratch them as potential employees because they were either lying to me, or they were stupid in my opinion. I just couldn't picture a black

lawyer being effective in a southern white court. Now I may have been wrong but I don't think so.

The caliber of the lawyers I got was very high. I also got a number of recommendations from various members of Congress. I'll be frank to say that political sponsorship was a negative quality so far as I was concerned because I felt this increased the dangers of leaking and the dangers of having relationships which might affect the man.

OESTERLE: But you never really did have any pressure put on you, political pressure?

SILBERLING: No. Bob Kennedy, as I said before, was as good as his word on that commitment except in the one instance I think mentioned earlier. The man who came to see me who was a direct political push—somebody who'd been in the Postmaster's office as a result of having campaigned in the Kennedy campaigns. The fellow had nothing going for him that would justify putting him in at any kind of top level or top salary. I told him that if he were willing to come at the very bottom salary as a freshman, I'd start him if he was interested. He seemed bright. That's about the best he could hope for. Then I went away for a weekend, came back, discovered he was on the payroll of the Criminal Division, assigned to Organized Crime and on the payroll at a high rate of pay. I talked to him, gave him an assignment for about a week just going through reports on cases that weren't organized crime cases but were—cases involving violations of some statutes that had just been passed. I told him there'd be no change in that, that's where he'd be staying. And he left. But aside from that instance, and I don't know that....As I say I cannot picture that as Bobby Kennedy breaking his commitment. It sounded to me that this was something that had been done by Jack Miller as the politic thing to do since the Attorney General wanted this fellow to have a job. Then since the fellow wanted organized crime, he tried to put him in the back door. But that's the one and only time that happened.

OESTERLE: Did the Attorney General have any strong preconceptions about what he wanted in the way of an Organized Crime effort in terms of effectiveness?

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SILBERLING: Oh, yes. I think Bob Kennedy had a very strong desire to show successful prosecution of well-known racketeers. I think that's the way he looked at this. This is his feeling, "Okay, who are the racketeers? Now that you've got them identified, now let's convict them." And one of the early discussions I had with him, and I had them on several occasions, was that I've had experience with prosecution. I know that you have to invest sometimes years in making cases against these substantial racketeers. You've got to think of it in terms of the quality of your work rather than the quantity. You can make a whole lot of cases. You can pull this roundup nonsense if you want the publicity: "150 Arrested in Nationwide Narcotics Raid". Okay, and you've got 150 smalltime pushers, most of them who are users and selling to help their habit. You've got a great show, 150 arrests. What does that mean? That means that in a month you

could make another 150, or any other month you choose. You can get a great quantity and you will not have had any serious impact on the racketeers who are running these things. This was a constant balance. Well, let's see. How about, let's get something here, let's have something. This kind of incessant desire for immediate results. In some instances it was very good because this kind of pressure makes people work all the harder. I wasn't upset by this. I was concerned that what was happening was that the most effective kind of work was being done. This is what triggered my desire to have my own investigative force, rather than the federal agencies. You just couldn't be sure with the FBI [Federal Bureau of Investigation] just how much time they were putting in, what kind of work they were doing, couldn't control that at all. On the other hand, Internal Revenue Service was excellent. When men in the field worked with my attorneys they worked with them full time. There was a cooperation, a teamwork that was excellent.

OESTERLE: How much of the cooperation that was forthcoming from IRS was directly due to Mort Caplin's [Mortimer M. Caplin] appointment, do you think? Do you have to get this? I'll turn this off. [Interruption]

SILBERLING: Well, the amount of cooperation and effort and work done by Internal Revenue Service could be directly ascribed to Mort Caplin's attitude when he was Commissioner. He made it very clear to the top-level executives in Internal Revenue Service that they were to invest as much time and effort and energy as they possibly could in making cases against racketeers and cooperating with the Department of Justice. I know for a fact that this wasn't just something from the Attorney General to Mort Caplin, a request from the Attorney General. I know that the President himself spoke in this vein and I was present when he did speak in that vein to a class of Internal Revenue Service agents. I gather they were graduating from some kind of in-service training and the President spoke. And I had spoken prior to this taking place with the Assistant Commissioner for Investigation in Internal Revenue and the two men directly under him.

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They were opposed, at the outset, to spending so much time on racketeering cases. They felt that this would just be something for newspaper stories and would pass as something totally temporary; what was more important, worthwhile and lasting was making cases where the government could recover the largest sums of money possible in evasion cases through fines, penalties and judgments. When Caplin made his position very clear, that was translated into action without obstruction by the part of the executives in Internal Revenue and by the agents themselves because the agents themselves much preferred working on racketeer cases. They were more highly motivated in those cases. They felt that there was going to be a greater impact on society in their work. And it was a lot tougher. The concern that the regulars in Internal Revenue had was when it was time for them to go for their budget to Congress. The usual procedure would be to say, "Well, now look, you've invested so much in this agency and now this agency has turned over so many dollars in production of added income for the government through recoveries." Now, if you turn around

and get into racketeering that argument will go out the window because the amount of money recovered will never be substantial. I think this was a hardnosed attitude based upon experience before the Congress. I do not know that this effort....The organized crime effort.....OCD [Organized Crime Drive] is what the Internal Revenue Service finally called these cases—Organized Crime Drive cases. They assigned men especially to those cases throughout the country.

OESTERLE: What was the Attorney General particularly interested in in terms of cases and divisional jurisdiction? What was your...

SILBERLING: Well, I don't think that the Attorney General cared about this entire question of jurisdiction and division. That seemed to me to impress him as a matter of details that he didn't want to concern himself with. What he wanted to know were the results. He wanted to have a feeling that these results were close to accomplishment. I think this was part of the business of these meetings that all the attorneys in my section would have with the Attorney General directly, where they would tell him what was going on in particular cases. He would recognize most of the names of the top racketeers. He would recognize the name of anybody who had anything to do with labor racketeering. And he had a sense of what was hot air or baloney or what was a possibility...

OESTERLE: A quick grasp of...

SILBERLING: He did not have a quick grasp of the legal implications.

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OESTERLE: He did not?

SILBERLING: He did not and this was an area of difficulty. Part of the problem is that he was accustomed to getting reports—you know, here's John Doe, evil man, and he's supposedly doing evil things; well, why can't he be prosecuted? Now we know he's no good. I don't think he had the ability to assess what it was that would make a case for prosecution. That just hadn't been his experience or background.

OESTERLE: Did you notice a change over a period of time? Did he have the chance to become a better attorney in this role, or was he being pulled in so many directions, including areas of concern that the White House...

SILBERLING: It seemed to me that as time went on he spent more and more of his time on matters outside the Department of Justice. For instance, when I'd go up for meetings with him, it was not uncommon to meet other cabinet members on their way out, or to have meetings interrupted because he had to go to the White House. So that it was quite clear in terms of time and location that more and more of his time was spent on matters outside the department.

OESTERLE: Did you have, and were you able to maintain, a fairly ready access to the Attorney General? Could you go to Angie Novello [Angela M. Novello] and ask her to squeeze you in at some point if people were in town?

SILBERLING: Yes, although I'd say close to the end of my tenure it got to be a little stickier. I would make those requests rarely, and I'd make them on the basis of urgency. Thinking in terms of requests I think the.... Well, we'll forget it.

OESTERLE: How would you characterize your early impressions of the Attorney General's style and methods? In the last session we spoke quite a bit about this organizational problem which was perhaps indicative of a lack of understanding of the new Attorney General in organizational structure. And it presented problems for you and also for Jack Miller. Let's take it from there and draw from this. What were some of your impressions in regard to style and method?

SILBERLING: Well, I think on the basis of impressions I'd say that as time went on Bob had stronger and stronger feelings about who were the people he was going to rely upon. I would say that jurisdictional lines were not of great moment. For instance, I know I was

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called in on conferences that had to do with civil rights matters. I was in conferring with Byron White [Byron R. White], Burke Marshall, the Attorney General in problems down in Louisiana and Texas.

I would say that it seemed to me more than anything that Bob relied upon Byron White for the running of the department, of deciding structurally or organizationally who was going to be doing what. Byron, I felt, had a very strong sense of things being done by the people who were supposed to be doing the work, and knowing in advance who was going to be responsible for what. So that the impression I got, in fact, was that Byron White would have made a superior Attorney General to Robert Kennedy. I think that he would have been more concerned directly with the Department of Justice and less concerned with matters outside the department. First of all, the pressures on him would be pressures that would be exerted on somebody who was Attorney General and just that. I think he had a better grasp of the legal problems and ramifications of the various issues that arose in the various departments.

OESTERLE: And yet it was an asset, wasn't it, for the Attorney General to have a brother that was President of the United States?

SILBERLING: Oh, it's impossible to measure. The fact that the Attorney General's brother was President was something that other agencies were not allowed to forget. It was uppermost in the minds of other agencies. If

you're talking about cooperation with the Department of Justice they were thinking in terms of "My God, this is the brother of the President!"

I remember an interview that the Attorney General had with the former Commissioner of Narcotics—he stayed on under Robert Kennedy and was eventually, I guess, retired—but in that conversation the Attorney General saying, "I told my brother I wanted you to be kept on." It wasn't that I told the President, "I told my brother," and Bob was not hesitant in making that message very clear. He didn't let it go unsaid, or inferred; it was specific.

That was of tremendous value in the kind of work that I was doing which was to try to get agencies to cooperate with Justice and with each other. The big problem really wasn't so much having these agencies cooperate with Justice. It was to have them cooperate with one another and not keep information away. For instance, there was always this matter of jealousy among the agencies as to who was going to make a case. Even in the Treasury [Department of Treasury] there'd be disputes between Customs [Bureau of Customs] and Narcotics [Bureau of Narcotics] as to who was going to handle which kind of cases. Customs didn't want Narcotics getting involved in cases concerning importation from overseas. Then I think there was finally an understanding that Narcotics Division of the Treasury could handle—

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Narcotics Bureau, I mean—could handle narcotics imported from Europe, but that Customs would handle narcotics imported from Asia. Then would Narcotics take a case where Customs had been following the case from Mexico through Texas up to Illinois? Who was going to take that case? That kind of thing. It was unfortunate.

But the fact that Bob Kennedy's brother was President and that you were from Bob Kennedy's office, and the fact that you would be talking to Bob Kennedy, and the fact, translating this one step further, that the attorneys in the field would be talking with Bob Kennedy, meant that these other agencies would be quick to cooperate, with one exception. That was the FBI. Nothing moved them to change that I could see.

OESTERLE: How about in terms of everyday operational style? I've heard that the Attorney General would roll his sleeves up and stroll through the halls of the Justice Department and pop in on young attorneys and ask them what they were doing, indicate an interest in the case.

SILBERLING: That was excellent. He did that, and sometimes it was embarrassing. I remember walking through the halls with him one day and he popped into the room of an attorney—not in my operation—who had his feet on the desk and was reading a book, some novel. And then, nothing was said; just the door opened and the door closed. [Laughter] And, I remember stopping...

OESTERLE: Was there any aftermath of that? Did he say anything to this guy about...

SILBERLING: Did he say anything to him? No, he just looked at him very coldly and said nothing. I didn't follow up on it, but I can picture what must have happened from that point.

The sleeves attitude, by the way, I thought...One of the things that somewhat embarrassed me...I'd worked a deal out with the telephone company which involved a substantial expenditure on their part. I wanted to have toll records—when I say toll records, I wanted records of long distance telephone calls, toll calls—kept for a longer period than they did keep them. I don't remember whether they kept them for three months and then destroyed them. I wanted them kept for a year because they were excellent assistance in tracking down activity and reconstructing what had happened, or trying to tie together one individual with another. These toll records were really first-rate aids. So I persuaded the phone company—this is the Bell Telephone System nationally—to extend their period of time or recordkeeping, which cost them a substantial amount of money just in space and personnel. In exchange for

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that I thought the least I could do was introduce the General Counsel of the system to the Attorney General. So I made that arrangement. I came up to Bob's office with this fellow who—here he is with the great vest and the Wall Street appearance. He walks into the office to meet the Attorney General of the United States who's sitting behind his desk with his feet up, his sleeves rolled up, no coat on, his collar open, his tie askew, children's paintings on the wall, and a big dog slobbering from the mouth. And in comes General Counsel for a quick hello and a thank you from Bob Kennedy. And the entire thing must have taken, oh I don't know, forty-five seconds to a minute and a half; maybe I'm exaggerating, perhaps it lasted five to ten minutes. But it was just Bob acting as formal as possible in this totally informal appearance. It was a great contradiction between the appearance and the behavior. But it was the same way, by the way, when we had these general meetings. He made no attempt to be anything other than informal in his dress and appearance. And I've been at these conferences where the football is being tossed back and forth between Byron and Bob as we were discussing matters of life and death.

OESTERLE: In the Attorney General's office, the large office?

SILBERLING: Yes, the large office. Back to this publicity newspaper that you mentioned before. Here's a note I have on the *Gary Post Tribune*. A reporter wanted a profile and picture of the attorney that I had sent out there. I referred the matter to the Public Information Office, actually to Jake Rosenthal [Jacob Rosenthal] who was working for Ed Guthman [Edwin O. Guthman] at that time...

OSTERLE: By the way, there are several other questions that'd like to ask you. I'd like to follow through on this area of civil rights, too, but your notes are so good that, why don't you just look through them and as things come to mind comment on them. Then we can go down this list of cases at a later point.

SILBERLING: Okay. Oh, Lord. See here's something I just came across that...I guess one of the areas where I would have had a battle with Miller was where I guess he was acting more as a political animal than I thought anyone should in the Department of Justice. Here's November 15, 1961, and this is the Internal Revenue Service agent. Now, this is in connection with the case involving the mayor of Gary, Indiana. Normally, after the case is turned over to the Department of Justice, no regional conference—the IRS [Internal Revenue Service] cannot write a report of all the facts without information obtained in the grand jury. Information of the grand jury is supposed to be secret. This is my interpretation. I was advised for the first time that

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Miller had stated that he had made an oral commitment to Alex Campbell that IRS conferences would be afforded his client and that he had received a letter from Campbell requesting such conferences. Campbell was the attorney for the defendant who was indicted. Why don't I follow it up?

OESTERLE: Why don't you follow it through?

SILBERLING: Well, let's see, my next note is that Fred Folsom—he's an attorney in the Tax Division, the senior attorney there—I questioned him. He said, "Where cases are developed in the grand jury by the United States Attorney, then there are no IRS conferences. However, a resume of grand jury evidence by the attorney would be all right, but regional counsel will not divulge the evidence and the details and only the generalities. So that was the resolution that I had made of that. But you can see what was happening there, I guess, with the left hand not knowing what the right was doing.

Going through these notes it is interesting to see, page after page of talking to Detroit, Los Angeles, Newark, Chattanooga. Now, here's one of the things that happened as a result of my desire to have the investigations under the supervision and control and with the knowledge of the attorneys in the field. Some United States attorneys felt very—thought that this was an excellent idea and wanted to do it themselves. And it stimulated that kind of activity on their part.

For instance, here's Dave Satz [David M. Satz, Jr.], the United States Attorney in New Jersey. He's calling and he wants a contact with the Secret Service on counterfeiting. He now wants to get involved in a matter directly before the cases just handed to him. He wants me to get him to work on something. And he wants our men—meaning the attorneys in Organized Crime—to let him know of the facts on New Jersey matters. As they are developing, he wants to be in on it. What eventually did happen was that he and another assistant participated with some of our men in working just the way that I'm talking about, overseeing investigations and being with the agencies on matters that were being developed. Same thing happened in Detroit, by the way. I guess that United States Attorney is now a federal judge. I'm chuckling. [Laughter]

Some of the things that happened, of course, in the course of this, just were comic relief. One of the things I think back on that gives me great pleasure is that very case in

Kentucky where the frame-up was a situation where this fellow was lying—Ratterman was lying—asleep on a bed, naked. The police made the first and only raid, I think, in the history of Covington, Kentucky in his hotel room. There they found an exotic dancer with the reform candidate, the exotic dancer wearing nothing and eventually being covered by a tiger skin

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robe. Her name, I think, was April Showers. And I think Lynch and Goldfarb were telling me that when they were question her they said, “Well, how did you get into this room, how did you get there?” And she said—I think Tito Carinci was the name of the racket guy who was the hotel owner—she said, Tito told her there was a party upstairs. She had just finished her dance and she went up to the party and that there was just this fellow there. And it was kind of hot so she took her clothes off. And then the police came in. So they said to her, “Yeah, but April, you know, what kind of clothes? You just finished your act, and all you had on in your act were these two sequined pasties on your breasts and this little tiny sequin studded g-string.” So she said, “Well, Mr. Lynch, you have no idea how itchy those sequins can get to be.” [Laughter]

OESTERLE: Did they find out, too, later that this candidate had been drugged?

SILBERING: Yes, that’s how we got into it, that he’d actually been drugged and set up on this thing. The police raid we were able to prove was phony and all part of the connection between the police and the racketeers. And the jury believed it.

See, now again, here are our attorneys active in the field. For instance, one of our men down in Rhode Island stimulated action by the local United States Attorney, also now a judge, Ray Pettine [Raymond J. Pettine]. He set up a meeting with the thirty-nine police chiefs of the state of Rhode Island, and he had the phone company there. We had arranged to have the federal people there: Alcohol and Tobacco Tax Division, the FBI, the State Attorney General. The idea being to get all these people familiar with what new federal laws were in effect that could be used as the basis for prosecution now in gambling matters, and just to get the kind of joint cooperation among local and federal law enforcement agencies. Very few of the United States attorneys went to those lengths. But that had excellent results, by the way. There were good cases made.

OESTERLE: With the new laws that were put on the books did it become an increasing responsibility and was it an increasing need for the Department of Justice to set up courses and conferences for local law enforcement people so that they did understand the new laws?

SILBERING: No. I don’t think so because the fact is that the new federal laws do not have any effect upon the local people so far as the laws for which the local people could made prosecutions. It was worthwhile though telling them where there were federal violations possible in the sense that if they were on their way to making cases and thought a more effective case could be made federally, or a

more severe punishment could be made, then they could get in touch with the federal people.

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The major problem there, of course, is again this tremendous jealousy between the investigative law enforcement agencies and also a very high degree of suspicion. To some extent the FBI's complaint that the integrity of their files—not the integrity of their files, that the confidentiality of their files—was endangered because you might have corrupt people in the other agencies working on the matters and leaking the information. To some extent I could see that as true in connection with certain local police departments in the country. But those were local police departments with bad reputations which those of us in the antiracketeering field were pretty much on top of. I could not see that as an argument for keeping information, though, from any other federal investigative agency. See, the other thing that was happening, too, here in the department is that here I...I'm just looking at my notes here on a particular case that's in progress. Somebody's on board a plane, on Pan American. Now a question from the head of one of the agencies is whether or not to seize something, to search and seize. This I think, you know, excellent; the kind of thing that you rarely have on normal Department of Justice operation. Here, it's kind of interesting. I notified the fellow at the head of Customs to make the search, but not to seize and he made arrangements. This was a flight going from...I don't know where it was going from, I know where it was going to. It was going to Honolulu on December 14.

OESTERLE: That was '61.

SILBERLING: Yeah. God. Now, here I made arrangements through our agency to have an agent from one agency available to another agency for a period of time so that actually a man from one agency would be working for another agency. This is something that just never...

OESTERLE: What were the agencies?

SILBERLING: ...happened. In this particular case this happened to be Customs and Internal Revenue. So that was....

OESTERLE: Why did you get involved in that? Can you recall?

SILBERLING: Yeah. I saw that as part of the function of Organized Crime, not only the prosecution but the coordination of the investigative activities. Here, it seemed to be, the important thing that had been overlooked in the past was that agencies have narrow fields of interest and experts. Let's say an Internal Revenue man will know about a tax case. He won't know about any other crimes outside of tax crimes. Now he may be uncovering information that's valuable in another field. Or he may, in the course of a tax investigation, get to know so much about his subject that the kind of information he has is of tremendous value to another agency where, as a lawyer, I've seen that the other

agency is following what's most likely going to be the most fruitful course leading to prosecution. So, now I say, okay, here's this IRS man who really knows this man, who has all this information and savvy. Now let's have him work directly with this other agency, Customs, that does have a possibility of something specific on this man. Now I don't remember in this case....Sorry, this was the other way around. This was a Customs agent that I had made available to IRS for sixty days. That's in the case of a particular racketeer. That had come about because I'd had discussions with my men who'd been getting these reports as to who was doing what in that area.

OESTERLE: I see.

SILBERLING: Now, for the life of me, it would never be possible for me to have made an FBI agent available to the Internal Revenue Service. That could never have happened. I could never have said to Hoover [J. Edgar Hoover], you know, "Detach your agent and for sixty days have him work with Internal Revenue Services." Couldn't do it.

OESTERLE: And through your tenure at Justice this never did happen, I gather?

SILBERLING: With the FBI? Well, the only thing that ever happened with the FBI were instances where—I think in two cases—local FBI agents in charge went charging ahead together with the other investigative agencies. But they did that on their own and they never did it again. And after doing that, a man from the inspection division of the FBI came and looked at it.

But there was a joint operation I recall in Cincinnati and a joint operation in Detroit. But it was once. I was overjoyed. You know, the ultimate had occurred: FBI agents together with other agents working together and making a case where with the new legislation I could say, "Okay, now, FBI, you've got jurisdiction in interstate gambling," let's say. Internal Revenue already had jurisdiction on the tax aspect of it, so I could sell that on the ground that both of them had jurisdiction and it just so happened that....We won't know which crime which man committed till we're all through questioning the grand jury—and they made this large roundup after we had observations and surveillances and information. So we were pretty close to the case and then swept them all up at once and hauled them before the grand jury. We knocked out the Cincinnati operation effectively, I'd say, almost from top to bottom.

OESTERLE: Do the task forces that the Department of Justice set up together represent a later stage of the same kind of thing that you were trying to do?

SILBERLING: Yes, the only concern I have....There is some difference. It's the same idea that I had which was having the attorneys in the field with the investigative agencies. I don't know how close the FBI is working with the other agencies. I just don't know. I would hope they were working closer, but I doubt it. But, the idea of having the attorneys in the field is excellent. The one thing that concerns me is that I see it being done by local men in the area so that the federal task forces are being manned by men who are United States attorneys, federal attorneys, but they're local men. I think that's a mistake. I would not do it that way.

[BEGIN SIDE II, TAPE I]

SILBERLING: Here's something interesting. I was just going through my notes. The President was to speak at a hotel in Miami [Miami Beach] on March 10, 1962. Actually it was the Fontainebleau [Fontainebleau Hotel], which I was very much interested in. I thought this was a front for all kinds of racket money. I told my attorney who was sitting on top of that investigation to have Internal Revenue hold off the audit of the hotel until after 10 March 1962 when the President spoke there. And I was requested by Miller to do so. I did not even think twice about it on my own.

Here again inside the department itself, making arrangements with Lee Loevinger, who was the head of Antitrust [Antitrust Division], I was very much interested in Continental Vending [Continental Vending Machine Company] which I thought was a racket-investing corporation. This subsequently leads to the Keogh [J. Vincent Keogh] case. There I was going ahead and having my men go ahead in a possible Hobbs Act violation. And during the grand jury proceedings, Lee Loevinger would have a man available and present. And then after the comprehensive report Antitrust would look at the matter for the possibility of prosecution on antitrust violations and assign a man for that.

So I, by the way, in the course of my time in Justice, never had any problems in terms of working together with any of the other Assistant Attorneys General. Actually there were only two who were really of moment, and that would be Oberdorfer [Louis F. Oberdorfer] in Tax and Lee Loevinger in Antitrust. The only other conferences that would go in other agencies would be with, I guess Archie Cox [Archibald Cox], who was then Solicitor General, on what possible outcome there would be of cases that come to the United States Supreme Court. Archie was a very cautious man. He didn't want us to be in any position where any matter that we had wouldn't be in accord with a prospective decision by the United States Supreme Court. In other words Archie's argument was, "Well, I can anticipate that the court will go in such-and-such a way." And he would anticipate, in effect, by doing a head count. He would say, "Well, Judge

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so-and-so will most likely do this and Judge so-and-so will do that." Whereas I took a totally different position. My position was, as long as we have a respectable position as a matter of law, and something that nobody would be ashamed to argue before the Supreme Court and make as a point and hope to have as the law, then we ought to go ahead. We ought not to proceed on this basis that Cox was proposing, that possibly five of these judges might feel

that this was improper or incorrect legally. On this score I would say that I had Byron White on my side. Byron felt very strongly opposed to the in personal approach to prediction of future behavior and instead felt very strongly in terms of, well, does this make sense legally? Is there support for this in fact and precedent? Is this approach a reasonable approach?

OESTERLE: Do any cases stand out in your mind as an example of a follow-through on something that you recommended that the Solicitor General perhaps disagreed with?

SILBERLING: Oh, yes. There was one case down in New Orleans. I think I mentioned it before, where the telephone company overheard conversations by its own employees.

OESTERLE: Yes.

SILBERLING: Archie felt that was a case that could not succeed in the United States Supreme Court. Byron supported me. There were motions direction to that case, and we were upheld in the court of appeals for, I gather it was, the Fifth Circuit. The case never got beyond the Fifth Circuit. It went back down from the Fifth Circuit to the district court and trial was had. That's one in particular that stands out in my mind. I think there were several others, none of them as graphic as that because they never got past the talking stage so far as court action was concerned.

OESTERLE: You said that this other matter led into the Keogh case. How did this come about?

SILBERLING: We were interested in these coin vending machine operations. We got information that a defendant who had pleaded guilty was complaining about the fact that he'd been sentenced. This was a matter that was pending then on appeal before the United States Supreme Court. So I sent one of the lawyers from Washington down to interview this man who was out on bail, if I remember correctly, while his case was pending behind the United States Supreme Court. And nothing came of it.

Then the Supreme Court affirmed—not affirmed. I think the Supreme Court refused to consider the matter at all, which meant that the lower court decision was standing which meant that this fellow was going to go to jail. Then the defendant in that matter told my attorney the entire Keogh case story:

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the combination of the racketeer and this doctor. There'd been a payoff of an assistant United States Attorney in New York and a Supreme Court judge to fix a case and make sure that he did not go to jail. My lawyer came back and reported that to me. And I went up to see Bob Kennedy. Keogh was the brother of the congressman from New York [Eugene James Keogh] who was also one of the two most influential Democratic powers, I would say, in the state of New York. And in fact Congressman Keogh and, I gather, Buckley [Charles A. Buckley]

were the two men responsible for swinging the New York delegation's votes to Kennedy at the Democratic convention which led to his nomination.

I called this conference with this attorney, myself, Byron White, Bob Kennedy and when the attorney reported....I don't recall whether the attorney reported the facts, or I reported the facts with the attorney there for question. Bob Kennedy put his head between his hands and said, "I told my brother I didn't want this job," and sat there looking miserable. A number of weeks went by, I would say, before that investigation was continued. I was told to hold off until there were further instructions from the Attorney General. Finally we continued with the matter. That was a case where the local United States Attorney was very unhappy because he knew nothing about this. Our man had gone down there without his knowing about it. The Attorney General had instructed me to inform the local United States Attorney of the matter. Eventually that prosecution was handled by Bill Hundley [William G. Hundley] and not handled by a local United States Attorney. And the prosecution took place, not in the district in which the bulk of the criminal activity occurred, but in the Southern District of New York, rather than the Eastern District of New York.

OESTERLE: When you were permitted to go ahead with that investigation, do you recall that the Attorney General discussed this with you?

SILBERLING: Yes, when we started this thing first, the Attorney General felt very strongly with arguing the facts, you know. Just how is it possible to make a case? What kind of a case is there? This isn't a case, that kind of thing. My recollection is, I was quite strong in my assertion that there was a case and that in any event it was a case that had to be tried by a jury no matter what we thought because there were sufficient facts to go before a jury.

OESTERLE: But there was no—or your impression was that he felt that he had to go through this, and there was never a question that he would acknowledge any political pressure?

SILBERLING: No, I didn't feel that way. My own impression was [laughter] that if it were at all possible to avoid going ahead with this case he would have avoided it. And it was only because he was persuaded that there was a

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greater danger involved if he did not go ahead with it. Because I think as there was a delay in the investigation, there were leaks that there was such an investigation taking place, that something had happened. Local newspapers had picked up something on it so that I think this was a situation where it was a combination of pressures. There was a much greater pressure to proceed because of the danger of not proceeding. If it were possible at all, if this could have been avoided because perhaps technically there wasn't a case, it would have been avoided.

OESTERLE: I see.

SILBERLING: One of the headaches in this area of combating organized crime was the problem of the internal relationships between federal agencies. Here, for instance, I got a complaint from Internal Revenue Service that Marshal Dillon [James H. Dillon]—it isn't Matt Dillon, it's a Marshal James Dillon—made a public complaint which was published in the *Milwaukee Journal* in which he criticized the tax agents for being armed when they went on a raid. So of course the Internal Revenue Service was unhappy about that. You have to go the head of the United States Marshals [United States Marshal Service] to get the United States marshal who has made the statement told not to. But it was a sad picture with this kind of thing happening in public. It was bad enough it was going on constantly in private. And, again, in the Department of Justice itself I had excellent working relationships with Tax Division in particular and Antitrust. So much so for instance, that when an attorney of mine out in Kansas City would call in and he wanted to know if he needed help on whether or not there was a technical tax case and failure to pay case against a particular racketeer, he needed an opinion from Tax Division. Of course, Lou would have somebody in Tax assigned to this and ready to catch this kind of stuff immediately. But then we'd run into this kind of problem where the attorney in the field wants to present a tax case to the local grand jury. Now who's going to present that tax case? Ordinarily tax cases would be prepared in Washington and sent to a local United States Attorney. Now comes the question of whether it's of greater concern to have uniformity of tax prosecutions across the country, or is it of greater concern to have a racket figure indicted in what might possibly be a marginal case. This would lead to built-in conflict.

These kinds of discussions would take place between Lou Oberdorfer and myself and sometimes they would be moderated by Byron White in fact, as to whether or not there would be prosecution. By and large my concern was with making a case that could result in conviction. I just was not interested in indictment. But I would say, perhaps I was—I'd use the word imaginative, in terms of what I thought might be violations which could result in jury convictions. I'd say Lou tended to be more conservative in terms of tax policy and

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what the statutes really meant to stand for. I would guess he thought of me somewhat as a free swinger and I thought of him as someone who was being super cautious.

OESTERLE: You obviously had a good working relationship then, didn't you?

SILBERLING: Oh, yes, it was excellent. Here again is a very interesting kind of thing with disputes. I'm looking at April 2, 1962. Here's the FBI refusing to have another agent, not from FBI, present during an interview. He doesn't want to have an attorney present during the interview because he says the investigative responsibility is the FBI's. Well, this is the kind of thing that drove me crazy. I did not face that kind of problem in any other agency.

Then here I kept discovering other things that were happening, too. By getting information from different sources, I was able to funnel to the head of inspection of the

Internal Revenue Service that particular gamblers in certain places would know of national raids in advance. Now, in other words, one federal investigative agency could and did pick up information from their own sources that there was a leak in another federal investigative agency. It might not be that there was a leak in the agency; it's just that they would pick up information from their sources that there was going to be some kind of activity or some raid by another agency. Now ordinarily they, you know, say nothing about it. Here I was in a position—getting that information sometimes from local District Attorney who I had a good relationship with, that some of their information would pick up—that I'd know in advance when something was going to be taking place on a raid. That's a terrible sign of corruption. In that particular case—that happened to be matter in Boston, in Chelsea—the local gamblers were surprised that there weren't going to be any in their area.

Now listen to this. Here's a meeting with Courtney Evans and Jack Miller on this question of interview of witnesses. Evans agreed to have an agent present while our attorney questioned a prospective witness. And it's okay to have the agent present with the attorney after the agents have questioned the witnesses. "Objects to agent present with attorney on first questioning as a general rule". It's just hard to believe. You know, what I wanted obviously is if my lawyer is going ahead and questioning somebody, I don't ever want my lawyer to be a witness. I don't want a lawyer as a prospective witness in case he may be trying. He can't try the case, he's a party.

OESTERLE: I understand.

SILBERLING: So the purpose there is to have an agent present to do it and, you know, it's obvious. And nobody can tell me that only an agent in the matter can

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question a witness properly. A lawyer that has been doing the investigation is likely to be as skillful, if not more skillful, on the questioning.

Then here is something again with Lou Oberdorfer where it was okay for us to handle a matter he doesn't want to. This was on a tax matter that we were coming up with. Then we had a major political problem with Chicago. In Chicago the local United States Attorney obviously could use a great deal of help. There was a great deal of work to be done in terms of flushing out racketeers and racket activity in Chicago. But the local United States Attorney wanted to be completely in charge of that. What ended up happening was, over my objection that men from my section would be in Chicago. And while they were paid by the Department of Justice and they were listed on the payroll, the fact is they were working as a branch of the local United States Attorney's office, reporting to the local United States Attorney. This to me is just contrary to the entire concept. That was done in Chicago and that was done only because of the political weight of the local United States Attorney. It seemed to me that it ought never to be done. The local task forces that are operating now are quite different from that operation. They're not a branch of a local office at all, they are separate and apart and their responsibility is primarily to the central office in Washington.

Joe Tydings [Joseph D. Tydings] was another very energetic and active United States Attorney who wanted to do as much as he could right in his office on organized crime matters. There was a crooked police chief tied in with a political organization. He really had a touchy.... This is Tydings in Baltimore in '62. I'd say the easiest, not the easiest, but the best thing in the world politically was for the Kennedy Administration, or any other administrations to show a total lack of favoritism toward—not favoritism, but a total lack of partisanship in political prosecution. It seemed to me that you strengthened a political organization if you prosecute members of your own organization if in fact they're guilty of anything, because you end up with a greater public confidence in the long run in terms of that political party. It's true you may have a short run damage. I suppose that the practical answer is, for the practical politician, that the short run is always present and you always want to avoid short run disadvantages.

But I think in the last analysis the Kennedy Administration showed that kind of integrity in supporting prosecutions of public officials regardless of the party. In most instances, in those prosecutions that I was involved in, the political figures were Democratic. Most of the cities where there was corruption, where one party controlled, it happened to be Democratic control. That isn't to say that there weren't Republican one-party controlled situations. There were, but the bulk of the cases we came up with were against

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Democrats. And every single case we came up with resulted in prosecution. Not one of them to my knowledge was stayed. The desire to stay may have been one thing, but the fact was that in each case there was prosecution. And that was true, I guess in Pennsylvania, Kentucky, Indiana, New York.

OESTERLE: In terms of the long run, what do you think is the lasting value of this period of the administration of the Justice Department?

SILBERLING: Well, I think this. I think one of the things that came out of it that I think continues to bear fruit is the obvious fact that no one single agency or department can hope to be effective in attacking corruption by itself. I think that's become accepted now as an approach. It just has to be that way. I don't know how many other lasting qualities there were in this attack. I do know that the business of attracting lawyers who are going to be stimulated has tailed off substantially. After the early days, halfway through the Kennedy administration, you would see a falloff in the number of men who were staying in this field. There were men getting out of it and not being replaced by others who had the same stimulation. I think part of the answer is that while this is kind of a glamorous field seen from a distance, once you get into it, it's long, hard, tedious work that's slow. The enemy in this case is a very difficult enemy. I saw part of the problem as trying to battle what were just generally held vices of the public.

For instance, I came to the conclusion while I was in Washington, that the major source of racketeering is gambling. You're talking organized crime. What's organized crime? It's a business that happens to be illegal. That's what organized crime is. It's run by people for a profit motive. They don't have courts to enforce their commitments or agreements,

contracts, so they have to resort to violence or other forms of persuasion. But they have people who are the chief executives of the business and the junior executives, the workers, the enforcers. Now, in these businesses the one thing that's clear is that the largest business for organized crime is gambling. The largest business before that, and the thing that got organized crime started in this country, was prohibition.

There's nothing like illegal businesses the size we have in this country anywhere else in the world. That's because, I think, we started out in the beginnings of this in the twenties with the prohibition of the sale of liquor. When prohibition was repealed these fellows already had their organizations. They could turn to any number of things: labor unions, loan-sharking, but gambling is the easiest. Prostitution wasn't worthwhile because there are too many freelance competitors. Narcotics, of course, turns into a very high-risk operation, so that's not a good business. You get higher profits, but the risks are too high so you

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only find the younger, more reckless racket guys in that, not the established racket people.

So you're looking at gambling now, and it seemed to me that no matter what we did, no matter how much enforcement there was going to be in the field of gambling, gambling was going to continue because the public didn't think it was wrong. The average guy in the street doesn't see anything wrong with placing a bet. He'll buy a raffle, he'll play bingo, he'll bet on the horses, he'll bet on the ballgames. He cannot see that he's doing anything wrong. And as long as he doesn't think it's wrong—and when I say he, this man, he's in the majority—then the average law enforcement official looking at it doesn't really, deep down think that it's terribly wrong. So, it seems to me that the conclusion I came to after looking at all this was that it would be better to legalize most forms of gambling than to continue to consider it illegal and provide for this fantastic tax-free income for these racket guys, and this enormous pool of money available for corruption which is essential for the operation of the business. They've got to pay off. They can't exist without paying off.

Now here's something interesting. I don't recall the district of this particular United States Attorney, but we had a grand jury going in one location—there were cases which could have been in his jurisdiction and instead they were all brought in another jurisdiction. He agreed, and he provided an assistant, this particular United States Attorney, Ammerman [Joseph S. Ammerman]. For the life of me I don't remember which one of the ninety-one districts he was in.

We had local judges who resented attorneys from Washington coming into their jurisdictions, by the way, to conduct investigations and prosecutions.

OESTERLE: How did they express this resentment?

SILBERLING: Very tough in terms of setting dates for grand jury, and generally questioning subpoenas, resisting efforts to press witnesses to testify where there would be granting of immunity by us. There'd then be no occasion for a witness to refuse, and it requires the judge to direct him or hold him in contempt, and attitudes that are expressed in the course of those hearings.

It's funny, you know, I'd say one of the most interesting things here is the interrelationships of government, of our triple layer of government. Here I am calling the local, county District Attorney in the state to postpone a case that he had against the defendant and that eventually we would request dismissal. This is in connection—I couldn't tell him why—this happens to be the Keogh case. But here

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I was requesting a local District Attorney to postpone his case and that I'd most likely request dismissal-of-the-case cooperation. He agreed to do it, but he wanted to have an agreement from the defendant's attorneys that they wouldn't make a motion to dismiss for lack of prosecution. And I took care of that. Now had he not been willing to cooperate and had gone ahead to try to prosecute this defendant he had who was a key witness in this important case, then of course that would have dried up the testimony of that key witness. Now I felt that there was nothing wrong here, because I told him that he'd already been sentenced for the federal crime which included the local crime that the local District Attorney was seeking to prosecute for.

Now here's that dispute coming with the United States Attorney of the Southern District of New York where he wanted to take over investigation of two particular racket guys. I told him we'd turn over one, but since our lawyer worked with Internal Revenue Service and another agency, and because of Pennsylvania and Florida interest in the tax possibility, we ought to hold that other investigation.. That was one where Miller then said to have the United States Attorney go ahead. I then went to see Byron White who said that in the future Miller was not to do that if our men had already started working on the case.

OESTERLE: Did you have a pretty good working relationship with Byron White?

SILBERLING: I'd say yes. I had a...

OESTERLE: You know, he seemed supportive of your efforts and...

SILBERLING: Well no, I'd say I could never predict in advance which way Byron White would go. He was very hard-headed, and he would make decisions based upon the facts in a given situation. He'd put good, tough questions, and I couldn't say with honesty that he favored....He wouldn't favor one man over another. In terms of approach, my own belief is that, yes, he supported my approach to these matters that I've been outlining. To that extent, you're correct. Whether he would support me in a particular instance or not would be an interpretation of what had been going on. But I always felt completely comfortable with Byron and was always satisfied with his decision whichever way it went for or against the position I was espousing.

You know, here's another thing that really drives me—well, it doesn't drive me anywhere, but it still disturbs me after all these years. Here are notes I have about calling Courtney Evans in the FBI to inquire concerning my earlier request to investigate a particular murder as an obstruction of justice. Well, he'd let me know. Then he comes back and lets me know that

another agent has a comprehensive report that will come in. Then I talk to that agent and he says, well, there's no obstruction of justice but there's general intelligence; he'll conduct an obstruction inquiry if a memo was sent over. Now I'd ask for this sometime before, but now the FBI suddenly after a period of time elapses says, okay, give us a written memo to conduct an investigation into how an investigative agency can be that completely independent and get away with it.

Here's a lawyer asking them to see what they can find out. There's a witness who's been murdered, or somebody's been murdered. We think he was murdered because he was a potential witness. Please do something about it. And they'd do nothing. And you say, "Please do something about it."

OESTERLE: Now in a case like this, would you bring this to the Attorney General's attention, or was it so common at that point that...

SILBERLING: No, you're right. I'll interrupt you. I would not bring that to the Attorney General's attention. I would not go to the Attorney General to ask for help on something like that. That's something that I felt I'll just batter them down with and, you know, just keep repeating it and repeating it and not giving up and hoping that after all these repeated attempts they'd succumb and do it as requested. I had already told the Attorney General of this general problem, and he was aware of the FBI's general procedure.

OESTERLE: Were there any other ways that you tried to secure their cooperation in terms of talking to Courtney Evans or perhaps...

SILBERLING: Well, the way I tried, you know, getting additional...I talked to Hoover himself a number of times, and he was always promising general cooperation. As a matter of fact after my first meeting with Hoover early on I walked away thinking that, "We've got it made." I gathered from what he said, a complete commitment to fighting those hoodlums—as he called them, hoods. I was quickly disappointed when I saw the material that the FBI had on hand involving these so-called hoods. None of it was really worthwhile in terms of sophistication or a possibility of prosecution. Most of it was rehash of old stuff that they picked up secondhand from various cops from various places in the country. That's what it looked like to me. But I left out first meeting with a great feeling of pleasure, stimulation, unexpected...He had told me that he was going to have more men working on racketeering matters than he had before, and they'd work at it, and the Bureau, whenever they set their minds to this kind of thing, they'd do and they'd perform.

OESTERLE: How about your subsequent meetings? Were they...

SILBERLING: Well, the subsequent meetings dealt with the problem of getting the information, the pooling of information and the pooling of resources. There the conferences were lengthy and the results were negligible. I'd get general statements; I could never pin him down. He did not stay pinned down and that was the end of that. I'd walk away with an impression that things would be better, perhaps, but nothing specifically resolved.

OESTERLE: Did you have ongoing and continuing access to the Director of the FBI's office throughout your tenure?

SILBERLING: Well, whenever I wanted to see him, I could. That did not happen often. If I went to his office three or four times, I would say that was it during the time I was there. Each meeting a lengthy one, with him doing most of the talking.

OESTERLE: A lengthy one because it would be stretched out in some way or...

SILBERLING: By his talking.  
Here I left the AEC [Atomic Energy Commission] off the hook, the Atomic Energy Commission. At one point I circularized all the federal agencies and asked them for whatever information they had in their files about any particular individuals, names of individuals that I gave to them.

OESTERLE: And they had requested not to...

SILBERLING: No, and then I got a call from the—where the heck is it? Cliff Borman at the AEC said there was no benefit since two investigative agencies, CSC [Civil Service Commission] the FBI, are the only sources of information about these people that were on our list that they had. In other words the information that they had at the AEC came from these two agencies who were already reporting to us so they would just be duplicating whatever we had.

OESTERLE: I see.

SILBERLING: So, I told them to forget about it. They did.  
I'm trying to see if there's anything more on that business with State Department and the problems I had getting specific information from the Italian government on what they were going to be doing on matters. Did I mention that during the course of this recorded interview?

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OESTERLE: No, I think you mentioned that during the break.

SILBERLING: Well, again, State Department was very reluctant to be involved directly as requesting specific information for us. So I couldn't stand the slowness of the operation at State, and I had arrangements made to meet with a member of the Italian embassy, semi-official. That had to be hosted by the State Department, set up by State in the last analysis. Then when it took place I was putting specific questions to a member of the Italian government staff who spoke an excellent English. When I kept seeking the details as to what would be done, who would be doing it, when it would be done, the fellow said he didn't speak English well enough to participate in the conference. The State Department agreed with that. The thing was then ended, put off to some unspecified date in the future. State Department representatives who were in this conference just thought nothing would come of it because you just can't take the direct approach and ask simple questions to get simple answers. Eventually, I think, on that particular matter we had the American Ambassador in Rome get the answer from a member of government in Rome and not the State Department. It was a very strange thing. It wasn't terrible complicated wither. I think the...

OESTERLE: This was in regard to a member of one of the syndicates?

SILBERLING: That's right. It was one of the racketeers that we were interested in prosecuting. I don't recall the details except that I think it had to do with their interpretation of their consular treaty as to whether or not some Italian consul would be available as a witness for the prosecution as to a formal matter or not. We had to know whether the witnesses would be available or not, to plan if the witness was not going to be available how were we going to fill that gap. It wasn't so much our forcing them or wanting them to do something particular. All we wanted them to do was to make up their minds and tell us what the decision was. As I recall, that had to be resolved in Rome. But other matters that I'd had with State Department, it was very difficult to get answers from State because nothing ever seemed to go in a vertical route. Whenever you want to get an answer, the answer would go horizontally. It would go from this desk to that desk to that desk and none of the desks being in a position to override any of the other desks, but just waiting for approval or decision.

OESTERLE: Did you have a similar experience in terms of frustration dealing on the New York State or New York City level through your tenure with Hogan's office? I mean, is this government...

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SILBERLING: Yeah, this kind of thing that I ran into in Washington, there was nothing comparable to that in Hogan's office or when I was special prosecutor. It was something like a taffy pull. You're trying to get your hands clean to take a poke at somebody, and instead they're just covered with this glop. You know, let's package that, get it out of the way and go to work or something. It was terrible, and one of the things that I tried to do was act like a lightning rod and avoid having my attorneys face these problems, and instead try to fight out all these battles and iron these

things out so that my men could actually do something productive and effective. And as a result, I suppose, acting as a lightning rod I guess I got burned a little bit. I don't know that I was terribly popular for this kind of insistence on these fellows to do what I wanted.

OESTERLE:            Would you have had the same kind of problem, do you think, if you had been in any other division? Of course your experience had been in criminal law.

SILBERLING:           Right.

OESTERLE:            But if you had been in any other division, given a different background, would you have had the same problem? Because, again, if you'd been in the Lands Division it would mean many political pressures there, and there would be many different agencies also involved and interested in the outcome or the handling of a particular case.

SILBERLING:           Yes. Oh, I think there would be similar problems at any center of government. I thought that the problems here were kind of more painful to me because I hadn't experienced anything like this, and it almost seemed like it was a terrible dissipation of energy and time. I could never reconcile myself to that. It never seemed to me something that's acceptable. And I would imagine that anybody dealing in a new agency, in particular—something that's new, something that's going to cross over lines that have been established before—is going to run into this kind of problem. An established agency in a bureaucracy wouldn't have that happen because it...

OESTERLE:            Because of the precedents.

SILBERLING:           That's right. It's now a matter of custom. Okay, you don't go ahead and do this until this other agency does that. Or, you don't set the price on the rail transportation from Miami to Chicago. That's something else in some other hall doing just that. You can set it for Miami to Denver, that kind of thing. But here again, any kind of broad-scale plan, any approach that's going to be flexible, I'd say, is in absolute danger of this kind of battle. Anything that's new, even if it isn't across the board—if an agency is new—then just by the nature of circumstances it's energetic, and if it's energetic it's

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going to maybe be doing more than other agencies think it ought to be doing. Maybe it becomes the glamour child of the moment. It becomes the focus of attention, and it becomes the focus of resentment.

OESTERLE:            Of course the reallocation of some of the resources, too, sets off a set of problems.

[END OF INTERVIEW]

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