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RAMSEY CLARK ORAL HISTORY, INTERVIEW I

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- (2) The tape recordings shall be available to those researchers who have access to the transcripts.
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Signed by Ramsey Clark on September 11, 1978

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ACCESSION NUMBER 79-33

INTERVIEW I

DATE: October 30, 1968

INTERVIEWEE: RAMSEY CLARK

INTERVIEWER: HARRI BAKER

PLACE: Attorney General's Office, Washington, D. C.

Tape 1 of 1

- B: Mr. Clark, may we begin with where you first met Mr. Johnson--what time and circumstances?
- C: Well, I don't recall the precise time or place. I guess the first recollection I have is as a young person in the summer of 1941 travelling with my mother and father. Dad was quite interested in the Senate election that year and while I may have heard of him or known of him before then, I don't recall it.
- B: That was the election in which Mr. Johnson was running against Pappy O'Daniel?
- C: That's right, and quite a few others, as I recall it, in a special election to the Senate. I guess it was Morris Sheppard's seat.
- They [the Johnsons] lived off maybe a mile and a half from where we lived in Northwest Washington back in the early forties, and probably one time I went over and froze some ice cream--I don't remember it--turning the crank for them. I, of course, remember the name from around the house.
- B: Were your father and Mr. Johnson particularly close?
- C: I think they were quite close from time to time. I guess Dad first met Mr. Johnson after he came to the Congress as a congressman. I remember being with him always, you know, just by happenchance. I think I was with Dad and Tony Buford from St. Louis and Mr. Johnson the night after Lynda Bird was born.
- B: What was Mr. Johnson like as a brand new father?
- C: Well, you know, that's a long time ago. My recollection is they were deeply immersed in some business matter--not necessarily in an economic sense, but some concern of theirs, and I was worried about some homework I had to get done the next day. But I don't remember much talk about the baby.
- B: Were you active in politics any time before you entered government service in '61 during

the years you were with the law firm in Dallas?

C: Not really. I had always voted. I happened to be at the square in Austin just south of the City Hall when Mr. Johnson announced his candidacy for the Senate. As it happened, I was a student at the University at the time and knew that that would happen.

B: That was in 1948, the senatorial contest?

C: In '48. I went down there. I wasn't old enough to vote that year. I became twenty-one that December. You know, I always voted. I worked very modestly for Adlai Stevenson in '52 and '56 in precinct work and work around shopping centers.

B: That was in Texas?

C: In Texas. I was interested in Barefoot Sanders' race for the legislature and I did a very little amount of work, you know, hours rather than days. I voted for more than one Independent or Republican on the local slates. When I voted in 1960, I participated some in the Dallas County affairs but really very little. I spent hours but not days during the campaign, but I was involved in some protracted Federal Trade Commission litigation and was really divorced from the thing entirely for days and weeks at a time.

B: Did you have any direct connection with the Democratic convention or the campaign in 1960?

C: No. I was not there, have never been beyond a county convention. I've been to the Dallas County convention, but never to the state convention. I've been to precinct conventions in Dallas a good many times, the precinct where I lived.

B: That brings us up, sir, to 1961, when you were appointed assistant attorney general for the Land Division. What were the circumstances of your appointment then? Who got in touch with you? How did they go about it?

C: Well, you know, you never are sure of the entire story. I decided in the summer of '60 before the Democratic convention that I wanted to get into an area of public service, something I would feel I was making a contribution in.

B: Did you think specifically on the federal level?

C: I thought specifically on the federal level. I'd been practicing law for ten years at that time and you'd be quite limited in state and local government outside of elective office. I don't believe I did anything until after the convention, and then I made my interests known--a visit with Speaker Rayburn and other people. I'm not sure I visited with Mr. Johnson--I may have. I remember seeing him at my uncle's, Bob Clark, house one afternoon, one

Sunday afternoon. I may have mentioned it, but I'm not sure that I did that I was interested in coming with the government. After the election I came to Washington and I talked with Bob Kennedy and Byron White I would say right around Christmas time, as I recall, and then again in January. We talked about a position in the Department of Justice, and during the week before the inauguration, January 20, '61, we came to a tentative agreement; I would come up and join the administration here in the Department of Justice.

B: Was the Land Division mentioned specifically?

C: The Lands Division had been mentioned along with several other positions. My original interest, because of both experience in private practice and personal interest, was antitrust. And there was some discussion there of both the first assistant's position in antitrust and some other positions there.

B: Sir, on an occasion like that, do you contemplate signing on for a certain period of time?

C: Well, different people treat it different ways. I remember at my confirmation hearing before the Senate in '61, Senator McClellan asking me how long I intended to stay. I said at the time, "Roughly for the duration," that I had no fixed concept of four or eight years, that I had no further plans as a matter of fact, I wanted to come up, and do my best and see what happened. But I was interested in public service. I don't remember a particular concern about that with Bob Kennedy. There was certainly nothing like, "Will you agree to stay four years?" or anything like that.

B: During that time what was the main area of activity of the Lands Division in the Kennedy Administration?

C: During the time that I served as assistant attorney general?

B: Yes.

C: Well, it would be twofold. One, refining our approach to the laws that related to conservation of natural resources and particularly of resources related to federal lands, but not exclusively--water pollution; air pollution, which was just developing, really, but it was a matter that we discussed and were concerned with and looked toward legislation to provide a basis for action, but particularly how you deal with the hundreds, really the several thousand statutes, that regulate the conservation use disposition--exchange of federal lands and related resources. This involved, you know, cases that seemed awfully important to me at the time, and I haven't changed my thoughts at all, like Arizona vs. California, which was the apportionment case for the waters of the Colorado River, and perhaps in economic terms the most important case ever decided by the Supreme Court, since, in a real way, it is the basis for the future development of the southwestern corner of the United States. Southern California could, of course, look some day to the desalinated

sea water, but Arizona and Southern Nevada and Southern Utah, other areas would have to look to this resource. There is also massive litigation in the condemnation area, the acquisition of land for all sorts of federal projects. During these years the quantities of land to be acquired increased very rapidly because of Minute Man missile programs, cleaning up the old Nike missile program sites, plus irrigation and reclamation and water resource, flood control projects, plus federal highway programs where states were unable to acquire land.

B: Was the Hell's Canyon Dam affair in those years?

C: Well, yes and no. The major controversy, particularly as styled Hell's Canyon was in the late fifties and was a part of the Eisenhower era. However, in our time came High Mountain Sheep case which was an incredibly important case involving the Federal Power Commission's grant of a license to a private power company to build a High Mountain Sheep Dam which was within miles of the Hell's Canyon site, which had been turned down. Other contenders for the project were the private power companies being awarded the permit were a combine of cooperatives and federal development itself perhaps through Bonneville Power Authority or otherwise.

B: Did you have at that time, either yourself or the Justice Department, a philosophy of the proper apportionment of federal and private responsibility in power and natural resources and so on? Was there a guiding theme through your tenure as head of the Lands Division?

C: Not really. We had to be careful to distinguish between policy and law. The basic policy decisions are for the agencies involved--the Federal Power Commission, the Department of the Interior, REA, and others. The legal questions were ours, but invariably legal and policy questions become intertwined. And because of our particular overview as federal litigator in this area, we could see the conflicts in policy between the power commission and the Department of the Interior and other federal agencies. This gave us both an opportunity, and I think a responsibility, to go beyond the mere legal technician's work and try to do a little architecture, which we did.

B: Did Mr. Johnson ever get directly or indirectly involved in any of these activities? Again, while you were with the Lands Division.

C: No, I do not recall any occasion on which we ever discussed any matter in the Lands Division. We discussed judicial appointments in Texas, and things like that which I tended to handle, or did handle really. Bob Kennedy operated the department on something of a team concept. While my specific responsibility was Lands Division, I actually spent days and weeks in such areas as civil rights, in each of these years--'61, '62, '63, '64; in particular criminal matters; in antitrust, reviewing specific cases and in one instance working on an overall review of how you determine policy in litigating practices. So these matters would consume quite a bit of time, but I don't really recall discussing any of the

operations of the department that I was involved in except judicial appointments--this included marshals, United States marshals, and the United States attorneys, and we discussed those quite extensively.

B: What was the relationship of Mr. Johnson as vice president to those appointees? Was he given by President Kennedy the patronage power in Texas?

C: That never was clear. As to these appointments, the patronage power really wasn't in the President to give because there were United States Senators and confirmation would be required. But as a practical matter as to each of these, President Kennedy desired an agreement and quite understandably, perhaps even wisely so, between Mr. Johnson and Senator Yarborough. I think this really had benefits. It's not always the easiest thing in the world to accomplish, and I had the role typically of trying to secure such an agreement.

B: I was going to ask if that didn't put you pretty deep into Texas politics, actually within the Democratic Party.

C: Well, it at least put me in between personalities if not into politics. I was--because I would be dealing with a very limited thing, who should be the--in '61, we had, first, we had the four U. S. attorney's positions, and four U. S. marshal's positions to fill. Then we had the omnibus Judgeship Bill which created vacancies, I believe two in the Southern District, one in the Western, and one in the Northern. So this was quite a bundle of important appointments. I worked it out, not only between these two men but with the Department of Justice.

B: How does that kind of thing work, assuming that you've got a group of men who are basically qualified in the sense of competence? How do you work out the personal clashes? Do you trade off, say, one judge for Yarborough and one judge for Johnson; if that's not putting it too crudely?

C: Let me just express it in my own terms. First, you have to deal with power, and the power was vested in this way. Nothing happened unless the President was willing to nominate--President Kennedy. After the nomination nothing would happen unless the Senate was willing to confirm. As a practical matter you always tried to determine in advance whether the Senate would confirm.

B: All things being equal, though, if the senators from the state agree, aren't those appointments generally confirmed?

C: Yes, there are some exceptions, but that's nearly always the way. And as a practical matter, I think President Kennedy was not prepared to nominate anyone that wasn't at least approved and perhaps even recommended by his Vice President, Mr. Johnson. So

what would happen would be we would meet; we met a number of times in the Vice President's old office. Vice President Johnson's old office in the Capitol, and elsewhere I would meet with them individually and get them together. We would just talk over all the positions. In each case a handful of personalities would be involved. My experience was that if you analyzed it you found that both men knew all the people, knew them quite well. It was rare where all the people hadn't supported both men. In fact, my impression was that probably if you took all their chief supporters, you would probably find that they were about ninety percent the same, ten percent variation, maybe twenty percent. Then there were some, what you could call trading or accommodation. One man would prefer a particular individual to be the judge in the Northern District. There they both happened to prefer the same person, Sarah Hughes. There was probably a little poker playing about it as to how much each really cared, but it was very clear to me that both of them were anxious to have Sarah Hughes have that nomination. This was a particularly difficult one to get President Kennedy to approve for the peculiar reason of age. The American Bar Association was not willing to approve anyone who had passed his sixty-fourth birthday for a federal judicial position. Byron White and Bob Kennedy were not anxious to violate that rule because they had a number of senators in a number of districts that were urging elderly people who really probably weren't qualified. Sarah Hughes happened to be in everybody's judgment well qualified. But if you break the rule in one case it makes it more difficult to hold it in another. So this one was the only one that I can recall that was really difficult to work out with the President.

B: What made President Kennedy finally decide to accept her--the nomination?

C: Bob Kennedy decided to. I think Byron White always felt it was a mistake, not because he didn't have great respect for Judge Hughes, but he was the deputy attorney general, and he had to deal with all these senators from these other areas, some of whom wanted to appoint a seventy-year-old fellow or a sixty-nine-year-old fellow--those are the two that occur to me. Bob Kennedy did it, first, because he knew of Judge Hughes and I think he admired her. Second because it was, you know, everyone was for her--Senator Yarborough, the Vice President, everybody--that he had to deal with and the others were probably so difficult that to fight this one made the other ones harder to work out. I think, finally, perhaps because of the discussion that we had before the decision was made in the office right next to this one, the one we are sitting in now, in which Byron White and Bob Kennedy and I were there and I asked for two minutes to present the case why I thought she should be nominated. The burden, as I saw it, was to get over the age hurdle. That was the only burden I really felt I had. I pointed out that she was a judge already on the state system, considered to be one of the very best trial judges in the state system, had been on the state court since the late thirties, she had a vast judicial experience, and this gave her quite an edge; second, that she was just barely over her sixty-fourth birthday--this was in September, perhaps even late August, and her birthday was in August, and just as a matter of medical science, a sixty-four year old woman is not as old as a sixty-four year old man, and I thought this weighed something; and finally that, the third reason, that a

gentleman never asks a lady her age. And he decided then to send the name--to recommend to the President that the name go up, and it did.

B: Could there have been another reason behind that, that Lyndon Johnson wanted it badly?

C: There's no doubt about it. This is something that didn't happen too frequently at that time. Lyndon Johnson and Ralph Yarborough signed a letter that I think I drafted, recommending Judge Hughes to the Attorney General, and you can see how awkward this is, I'm an assistant attorney general working for the Attorney General, but, of course, he knew what I was doing; I told him. And they came down personally in the same car to see the Attorney General to recommend this nomination. But this was some little time before the final decision was made.

B: Sir, that brings up a question. There has been a good deal of speculation about the relationship between Mr. Johnson and Robert Kennedy. Did you see, during these years, the years of Mr. Johnson's vice presidency, any sign of friction or animosity or hostility between Robert Kennedy and Mr. Johnson?

C: Not really. I worried about it. I felt that perhaps better than nearly anyone else I was in a position to build a closeness and friendship there because I worked for one and had known the other for many years, and I tried from time to time to do something like having the Vice President invited in for lunch with the Department of Justice staff, things like that. I found this didn't really work, and--but I must say that I don't recall an occasion before President Kennedy's death in which either man criticized, spoke unkindly of the other, in my presence. It may have been because they knew my relationship with the other in both cases, I don't know. I would have to say that they were not close and their relationship was not an easy one. They didn't naturally work together.

B: Sometimes that kind of uneasy relationship can be expressed by negative actions, by not speaking to or paying attention to the other.

C: I think there may have been some feeling by both men that the other did that; I don't think so. I think each may have felt that he had gone out of his way to accommodate or be thoughtful and the other had not.

B: Do you think this uneasy relationship had its origins in the '60 convention?

C: Well, I had always assumed so, but I wasn't there and I heard a lot of versions of it, and I didn't know. Bob Kennedy always spoke of Mr. Johnson in a dignified manner and he recognized the authority and dignity of his office, and the Vice President did the same.

B: Did Mr. Johnson come to the luncheons here in the Justice Department?

- C: No, it was never worked out. He was never invited really.
- B: Did that strike you as being unusual that once you had suggested the idea that the invitations were not forthcoming?
- C: It was a little disappointing, but the President never came to lunch here, and no Cabinet member came to lunch here--now this is at that time. We've done some of this since then. There were a few visitors, but I could see many reasons for it, and perhaps one, that it just didn't seem a particularly meaningful thing to do, just have him in with a bunch of fellows. The Eisenhower Administration had done it some, and that was the precedent that I cited.
- B: You mean, invited the President and Vice President?
- C: Invited the President and the Vice President, and President Eisenhower, too.
- B: Sir, did you play any part in the preliminaries in the 1963 trip to Texas with Mr. Kennedy and Mr. Johnson?
- C: No, I didn't.
- B: I was wondering perhaps as sort of a liaison man with Mr. Yarborough you would have gotten involved.
- C: No, I had done some advance work in '61 in Houston for President Kennedy and for some other trips in that part of the country. My recollection is that someone may have talked to me about it one evening. And if it was, it was someone from the National Committee--Carlos McCormick or somebody like that. But I don't believe anyone did. I remember feeling a little left out, as a matter of fact, because I was from Dallas, and it would have seemed more natural for me to have been involved, to have invited me on the trip, but I wasn't.
- B: You know, the two Texas National Committeeman and Committeewoman were not invited, either, to go with the presidential party on the trip. Was there something going on or something in the air at the time?
- C: Not that I know of. Not that I know of. November 20 is Bob Kennedy's birthday, and we had a birthday party up here for him, which I well remember. It was a very gloomy evening.
- B: Why was that, sir?
- C: Well, he was just despondent about things. I remember after that meeting one of the Assistant Attorney Generals with whom I was quite close expressed the view that Bob

would resign before the end of the year. It's hard to recall, but in November 1963, the department was under quite bitter attack for civil rights activities, for civil rights activities, for some of its criminal activities. There were articles and other things indicating unfairness in the indictments of Jimmy Hoffa and things like that. And at that time, quite clearly I think, Bob felt that he might be a burden to his brother and that perhaps he would be best not in the--there had been some rumors, newspaper speculation before this, too,--his depression was quite evident at that time. But what I was going to say originally was that he mentioned the Texas trip to me for the first time that evening. The impression I have now, which is quite vague, is he thought it was useless--just a trip. We went later that evening to the White House, and Bob came too because it was a judicial reception that was held that night. And, of course, the President--President Kennedy left early the next morning.

B: Robert Kennedy thought it was useless in a political sense?

C: An unnecessary trip, yes, in every sense. Just, you know, a strain on busy people.

B: Did either of them, John or Robert Kennedy, by any chance ask you what you thought the reception in Dallas might be?

C: No. If they had, I would have not expressed any concern for safety because I felt no concern for safety.

B: Sir, then, where were you on the 22nd, the day of the assassination?

C: Well, I was eating lunch, a sandwich at my desk, down in the Lands Division. The intercom rang, and the secretary said, Bill Smith, one of the lawyers in the Lands Acquisition, was on the line and I should get on. Well, I picked up the phone and I heard a radio, and the radio was saying President Kennedy had been shot. I immediately came up to the fifth floor, Lands is on two, and we have a little private elevator that comes right up through the Assistant Attorney General's Offices and when you get off on five you are in the Solicitor General's Office. So I ran into his office, Archie Cox, and he was working at his desk. I don't remember whether he was eating or just sitting there, but he was by himself, and I told him what I had just heard. I was still, you know, not sure this was real, but I said, "I'm going down to Bob's office." We walked very rapidly down the hall to this office, where we are sitting, the outer office, and Angie Novella, his personal secretary, was there, and she had just heard, and we began calling people in the department--Nick Katzenbach, who was down in the Deputy's office and pretty soon there were maybe eight or ten of us up here.

B: Where was Robert Kennedy?

C: Bob was out at his house eating lunch, and he had Bob Morgenthau, United States

Attorney for the Southern District of New York, with him. We didn't talk to Bob that day. I say we didn't; I'm quite sure Nick did a couple of times, but I don't think anybody else did, nor did most of us see him except in connection with the funeral, see him to talk to him for nearly a month, almost before Christmas, I'd say.

B: It was that long before he was back to regular work.

C: Yes. I don't believe he was back in the department every day during any week for the rest of that year.

B: During that time, during the period immediately after the assassination, were you contacted by then President Johnson in any way?

C: I don't recall.

B: Mr. Johnson is known to have made a number of phone calls.

C: I don't recall--you know, I keep phone records, but I don't at this time recall any phone call or any conversation with Mr. Johnson between November 22 and the end of '63.

B: Also, at that time, I would assume that, particularly in the Justice Department here, there was a good deal of immediate shock, but as that began to wear off, did you hear any speculation from people in the Justice Department about the new president? Speculation as to, say, what would happen to civil rights activity and so on? Or just what kind of a president he would be?

C: No, I don't recall any impressions like that. This was an awfully traumatic experience for the whole country and world even; it's hard to remember how stunning it really was; but it was amplified here. I think the people in Justice, because Bob Kennedy was the attorney general, felt a particular proximity to the President, President Kennedy. It was really just a crushing thing. It was one of those times when you wonder if you will ever smile again. I think the immediate tendency was among all the people here was to support President Johnson, to recognize how very difficult his burdens were, and to be actually quite favorably impressed with the way he took over. You see, in the late fall of 1963, he made very clear by addresses to a joint session of the Congress and otherwise his determination to continue to seek enactment of the civil rights act of '63, rather an extraordinary expression of determination and effort.

B: Did this have an effect on the morale in the Justice Department?

C: Well, yes. I don't believe there was any doubt here, and I certainly don't remember any, and I'd been, I think it's fair to say, very deeply involved in the formulation of the '63 act and the bill and its course. I don't remember any doubt that there was full commitment

from the President to it or even that there was rather masterful handling of the dynamics of the moment to secure it; and it came out that way.

I'm pretty sure that the first meeting that we had to develop legislation for civil rights in '63 came from the--in fact, I know it followed a memo that I wrote Bob Kennedy when I came back from an inspection at Ole Miss in about March. It was just before Birmingham was really picking up. I was very depressed about what I saw in Oxford, Mississippi, and I thought we were going to have to have some legislative techniques to move things more rapidly.

By October or November, though, we weren't at all optimistic about the fate of this legislative effort. Such things as public accommodations were terribly controversial, and the prospects were not really terribly bright at that time, and the next year would be a presidential election year, and there was grave doubt as to the full commitment of the nation as the popularity politically of civil rights legislation. We were all very much aware of and impressed by the closeness of the '60 election, and not feeling terribly strong politically. So I think, it was almost a blessing to many of the people here to be able to come out of the tragedy of the assassination and be fully involved in something that seemed as important to them individually as the legislative program.

B: And, of course, that spring came the passage of the '64 Civil Rights Act.

C: That's right. July 2, I think, was the day of signing.

B: Sir, what part did you play in the 1964 election campaign?

C: The only part I can recall is that I voted.

B: You weren't active in the planning of the convention or the campaign itself?

C: I don't remember doing anything. There's no question as to where I stood. I guess I may have given a small contribution, you know, maybe one hundred or two hundred dollars, but I usually have. I don't think I did anything-- no bumper stickers or anything.

B: Then, the next thing, sir, is in '65 your appointment as the deputy attorney general. What were the circumstances of that?

C: Let me go back to--I guess late November '64 to say that at that time I was asked--Bob Kennedy had left here September 3, 1964, that was his last day as attorney general, and he went up to run for senator of New York. I'd gone up and been there at his nomination in their unusual state convention system. I'd come back down here, then, and worked--we had an acting administrator, and it was quite difficult because Bob had taken several people with him, so we were having to divide up new quantities of work that had been

assumed, that had been done by other people before, so we were really quite burdened through the fall. And with Bob leaving, there was an uncertainty here as to the strength of leadership of the acting Attorney General Nick Katzenbach. Then in late November I was called, I don't remember who it was, and told to come over to the White House, that they wanted me to do some work over there, and then all of December--

B: Sir, may I ask, you were still technically in the Justice Department but working out of the White House?

C: That's right. I was still an assistant attorney general here, and I was still responsible for the work of the Lands Division. As a practical matter I didn't get over here but once or twice a week. I'd have papers brought over to me over there some, but I was working, you know, at their very rigorous schedule, about the same as here. It was a full-time job, at the White House, for a good two months, I guess.

B: What were you doing, sir?

C: Well, I was in the office, this was before the White House was remodeled, and I was in the office that Kenny O'Donnell had been in which is right outside the Oval Room. Jack Valenti was in the same office, and a secretary. And I traded with him on appointments works. Nearly everybody that went into the Oval Room, the President's Office, came in through this place. In addition I had a variety of special assignments. The ones that occur to me offhand were reviewing some recommendations of the Veterans Administration, and the Public Health Service on closing the VA and PHS hospitals. And we got involved in quite a controversy. I recommended that these be closed, and it became a very traumatic political event in January '65.

B: Was this kind of detached duty an unusual thing? Did you have any wondering about what was going to happen next?

C: Well, I think we all did. By "we all" I mean the guys here--they wondered and I wondered what I was doing over there, certainly Nick Katzenbach and others; we were thin in Justice in the first place; and I don't know, maybe the President was considering me as a staff member over there and decided against it.

B: I was going to ask you if you got the impression that you were being watched or tested or something?

C: Well, I was being worked and I guess you look at the work product. There was a time there were a lot of vacancies over there, too. Mike Feldman left as special counsel, and there was no special counsel. Lee White was appointed special counsel while I was there. Marvin Watson arrived the day I left, or the day before. Lloyd Hand came in just as I was leaving, and Harry McPherson came over from State just about that time. Joe Califano

had not come over, but he came over within two months, as I recall.

B: Was there the impression at that time of a sort of general rearranging of the presidential staff?

C: Yes. No doubt about it. In fact the presidential staff itself was an item of controversy at this time. One of these peculiar little press controversies, like who's getting the most money, and at this time no one was getting the full amount. The President was concerned about economy. This was during the White House lights thing came up and the jobs authorized thirty thousand dollars pay, and as I recall the highest pay granted was, twenty-eight five hundred thousand dollars, something like that.

B: In connection with that kind of activity, was there any kind of impression that Mr. Johnson was replacing the Kennedy people with the Johnson people?

C: At the White House?

B: Well, and generally.

C: Well, I didn't think of it that way. I think history will show pretty clearly that he didn't. I'm not sure whether it will show that's wise or not when you compare President Truman--I think President Truman, President Roosevelt probably died in April, and by July 1, '45, President Truman had five new Cabinet members. President Johnson today has a number of Cabinet members, just offhand I think of Rusk and Udall and Freeman, and sub-Cabinet members--that is, guys who were in the Kennedy Cabinet such as Fowler and--this is the kitchen Cabinet--and Wirtz--I guess Wirtz. Sure, Wirtz was secretary too under Kennedy because Goldberg went on the Court by Kennedy's nomination so you just didn't have the change.

Now the White House staff, there was a change taking place. That is a particularly personal relationship, and I would say that the more amazing fact was that it had not taken place before then. That's more amazing than that it was taking place then. Here we are in January 1965, the real beginning of a new administration, more than a year after the death of President Kennedy, and I would be quite confident from my own knowledge that some left though the President desired them to stay, and some stayed, of course. Larry O'Brien was a major force in the White House staff, perhaps the dominant force for a long time.

B: Was there any truth or justification in the idea or speculation that former Kennedy appointees were not giving President Johnson their fullest loyalty?

C: I don't know of it. My judgment of the individuals is that it would not be so. Now that doesn't mean they were doing their best; they may have been disenchanted.

- B: Actually, perhaps the question should be phrased--Could Mr. Johnson have gotten that impression?
- C: Yes, I would think so.
- B: Did you ever see any signs that he might be thinking along that line?
- C: Well, you know, he's an awfully demanding person. The whole time I was there I didn't go out for lunch one time. Kenny O'Donnell had always taken an hour-and-a-half or something like that for lunch. You know, one of these silly things in a way. He'd done it all the time when President Kennedy was there and it might not be a bad idea. He would just up and leave at a certain time and he would come back in an hour-and-a-half or whenever it was. I think this was very hard for both of them because President Johnson is a very demanding person. He wants action and he wants accessibility. I don't know that that had a role in anything, but it didn't make it easy. All the other guys would have to be available. I could see how that impression would arise. And the ones that he brought in were just working night and day--Jack Valenti, Bill Moyers, and these fellows.
- B: Before I got you off on these digressions, you were talking about the events leading up to your appointment as deputy attorney general.
- C: Well, I was working over there at the White House, and then one day, I don't remember what time of day it was, the President announced his decision to appoint Nick Katzenbach as attorney general, and he announced simultaneously his decision to appoint me. I would judge that to be in the latter part of January. I'm pretty sure it was, I see my commission is dated February 11. There was a time lag there, we had a problem. John Doar had been nominated as head of the Civil Rights Division in early January, and we were having trouble with confirmation as you always do in the Civil Rights Division, and we really didn't want to go before him, but we finally did. He was nominated first and confirmed last.
- B: This is the way it was announced. You were not consulted in advance or asked if you would serve. You just heard an announcement that you had been named.
- C: I think the President had asked me what I was interested in, what I wanted to do, without naming specific jobs. And I had told him that my thoughts hadn't changed since I came to the government in '61, that I was interested in public service, and I wanted to serve wherever I could make the greatest contribution, that I tended to think as a lawyer that it might be in the Department of Justice and that, you know, I was very much involved with the mission of this department. And I think we may have discussed from time to time while I was there, in fact I'm quite sure we did, I know we did, who would be a good attorney general, and I would say we talked over half-a-dozen names from time to time, maybe more than that, including Nick Katzenbach.

- B: At this stage in your career, did the issue of a possible conflict of interest between your activity in the Justice Department and your father's position on the Supreme Court come up?
- C: No, I don't think so.
- B: I'm not familiar with the ethics as it applies to the lower positions.
- C: I don't know why it didn't; we didn't think of it. It came up at a lunch in 1961, when I was assistant attorney general. In fact, your proximity to actual cases and actual cases in the Supreme Court is much greater as assistant attorney general than as attorney general, because they are much closer to specifics and to individual cases, and one day at lunch Archie Cox raised it and said someone had mentioned it to him. I had taken the position that I would not participate in any Lands Division cases before the Supreme Court, either on the brief or by way of argument. And he said he thought that was stuffy; and Bob Kennedy said he thought it was too bad. I never did know for sure what he meant, but I think it was either too bad that I did it or too bad that I had to do it. But the issue never came up. I never participated in a single case on the brief in the Supreme Court. The cases came to the Supreme Court that I had participated in in the lower courts, and had actually been involved in formulating the position taken by the government. Dad always sat on the cases; he never, as far as I know, disqualified himself in any cases, because I happen to have been in it. When I became deputy, I don't remember any reference to it. There may have been a newspaper item in the Detroit Free Press; I kind of think there was. An editorial that questioned the propriety of this. Actually, as deputy I was much further away from the work of the Supreme Court than I had been as assistant attorney general in the Lands Division where we would have six or eight cases before the Court in a single term.
- B: Then, sir, the next thing that happens is--some of these specific issues we will get back to later on, but to carry the chronology on here--Mr. Katzenbach resigned in '66. What were his reasons for resigning?
- C: This was a great surprise to everybody. He was at a meeting of the Crime Commission, which was engaged in its study. I was sitting downstairs in the Deputy's Office. It was in the last week of September, 1966, and the President announced from the White House that he would be appointing Mr. Katzenbach to be under secretary of state to replace George Ball. Within four or five days he was gone. He was over at the Department of State by the first of October.

I, by operation of law really, became acting attorney general. I don't know if there are any mechanical details about his resignation or not. I don't believe there were. I just think his name went up to the Senate to be under secretary and he was confirmed and I became acting attorney general.

B: Was this done as a--you said that it came as a surprise to the Justice Department generally.

C: Yes. As far as I knew. Of course, Mr. Katzenbach knew about it, but I didn't know about it, and I don't think anybody else, certainly nobody else here did. It was quite a surprise.

B: Is there any indication in that that Mr. Johnson was moving to get more--I don't want--I was going to say get more personal control of the Justice Department--it's the wrong use of words. Was there any indication that he was moving out a man associated with Robert Kennedy to find someone closely associated with Mr. Johnson?

C: Well, I doubt it. I know of no evidence for it. He nominated Katzenbach to be attorney general. He did it after he had been acting attorney general from September through January, quite a long time. My thought at the time was, first, our international problems were very great and George Ball's loss had been very great. His position in the liberal community had been quite a source of strength to our foreign policy. Then I thought perhaps Dean Rusk might be thinking of retiring and the theory was that you would develop a new man. The President talked to me within a few days after he moved Nick over and said that I was not to be considered for the post of attorney general.

B: Did he give you any special reason?

C: Yes, the reason was that he felt that my father would have to resign and he didn't think that would be right. That he had talked to various people and this was the conclusion he had come to. I told him that suited me fine. I never had figured on being attorney general. I wanted to be of any service that I could. Then there was all kinds of speculation as there always is, about--I don't know how many other guys--six, eight, ten guys, other guys being attorney general. I would assume that he was really talking to people and certainly he talked to me about my recommendation.

B: I was going to ask if he had asked you to give him a list of opinions on various people.

C: Yes, I did. I don't believe anything in writing; I'm not sure of that.

B: Did he give you at that time any indication of the kind of person he was looking for?

C: Well, I'd say that he more sought my advice on the kind to look for than an endeavor to give me the definition of the kind he was looking for.

B: Who did you suggest, incidentally?

C: Who?

B: No, what kind of qualifications did you tell him he should look for?

C: Well, I thought we ought to look for a person who was very strongly identified with the legal tradition and law practice and courts. I thought one of the weaknesses we had had was no trial experience and no real legal administration experience. Bob Kennedy had had virtually none, and Nick Katzenbach had virtually none. He talked about having practiced for a year after he first got out of law school, but I don't know how extensive it was, but it can't be very extensive. I never knew of a year's practice at any age being too extensive, and certainly not your first year out of law school. So I thought we needed someone that was, you know, very broadly experienced in that way, and also experienced in government. It clearly had to be someone who was committed to civil rights and it had to be someone we could see even then who would have an enlightened approach on the needs of modern law enforcement.

B: Did you mention any specific names?

C: Yes. We had a whole bunch of them. The one that comes first to my mind right now is Clark Clifford, who I had known for many years. There are others.

B: Then, sometime during this process, during the five months or so that you were acting attorney general, it came around to you. When did you first have a glimmer that Mr. Johnson had changed his mind and was going to consider you?

C: Well, I would say before the end of that year I realized that he had certainly not decided on me but that he had--because there was a lot of criticism. You know, "there's no attorney general." There wasn't much criticism earlier when Nick Katzenbach had been acting. He was acting a little bit longer--I think several days, maybe a week or two--than I was. But when my time came around, there was quite a bit of criticism. "Why aren't you doing something about it? It's an important job and an important time and an acting attorney general simply can't create the momentum that you need to have and sustain in a big department." But it became pretty clear that I might be considered before the end of the year although I deliberately never thought about it. My theory was that I should try to maintain all the momentum possible in an acting status within the Department.

We had many very difficult issues at that time. One of the things that came up, all these cases in which we discovered illegal electronic surveillance had been used by the FBI and other federal investigative agencies, and we were having to make all these disclosures in courts. The press was terribly interested in it, and it resulted in the reversal of a good many important convictions. The Penn-Central merger came up and it was the biggest merger in the history of the United States and things like that.

B: Did you talk to your father at this time as to what would happen if you were asked to be attorney general?

C: Well, you know how fathers are. I think Dad had ambitions that transcended mine. I

haven't ever had. I was very happy in Lands Division because I could see the importance of what I was doing and I could see the difference that I could make. It seemed very important and fulfilling. I felt that his career, my dad's career, had been the great pride of our family and that it was unthinkable that he would resign. I told him that and that was the extent of the discussion. It was a little comment that was made several times but I thought it was unthinkable that he would resign.

B: Do you suppose your father might have been thinking, as fathers will, that you were on your way to following his footsteps. He had been attorney general in the Truman Administration, wasn't it?

C: Yes. He had served from July 1, 1945, to August of '49.

B: Then when did Mr. Johnson tell you definitely that he would like to ask you to take the job?

C: Well, one day in February, it was February 28, the birthday of our oldest child. He called me over. He didn't say what for, but that's rather typical. I was sitting at his desk in the Oval Room and all of a sudden the press started coming in. This was February 28, and the first thing I knew all the press was here and he said, "I want you to observe as I sign the nominating papers for Ramsey Clark to be attorney general." Then the worst thing happened. This was in mid-afternoon, four or five o'clock. He signed them, and said some little something, and then he said, "Now, if you have any questions, Mr. Clark will be outside to answer them in just a couple of minutes." They went out, and he shook hands with me, and then I had a press conference.

B: What did he say in those two minutes?

C: Well, he just said, "I want you to be attorney general" and expressed his confidence and his love for our family. I told him I would do my best. Then I went out to this press conference. Of course, they asked me everything under the sun about issues I had been already somewhat identified with, like wire tapping and death penalty and some other things that you just don't talk about when you are a lawyer representing a client. This--just before any confirmation hearing was going, and one of the worst ways to get started, but we laughed it off. It didn't really hurt, as a matter of fact. I was confirmed in less than forty-eight hours, Texas Independence Day, March 2, the Senate confirmed me. Probably the quickest confirmation of a Cabinet officer in--certainly in our memory.

B: It was pretty easy. I've read the hearing. Do you know, incidentally, if Mr. Johnson had notified your father before this day?

C: He called Mother. I didn't get to call anybody until I got back to the Department. I left the Oval Room and went out and had this press conference and left by the front door to

the west wing and they had cameras and TV set up out there and then I got in the car and by the time I got back over here it was on the radio. So I called home--my wife first, then called Dad. Of course, they had all heard by then. I don't believe he called Dad. I think maybe he tried and missed him or something, but he did call Mother and talked to her, and I am pretty sure it was before he told me.

B: Incidentally, do you think that is a good way to appoint people or would it be better to do it with a little more deliberation and consultation in advance.

C: Well, it's hard to tell. I'll tell you, I was on that desk at the White House when John Connor was nominated, and it was a very difficult experience.

B: That's a good example, because in that case it involved a predecessor still in office.

C: Yes, and there really hadn't been any close communication at all, and I know Jack Valenti--who is a terribly sensitive individual--was deeply concerned about it. He was closer to it than I was. I don't remember why, but I know that we really hadn't had the opportunity and whether it was staff failure or the President's failure to advise the incumbent who had been desirous of leaving and said so, of who it was and when. Part of the reason was because it seemed so difficult to keep a secret, but I don't believe it's that important to keep a secret. I think it's more important to be sure that it's done in a way to insure getting the best people and not causing turbulence.

B: Obviously, the President was not frivolously appointing you attorney general. Obviously he knew you and knew you well, but he gives the impression of a sort of spur-of-the-moment decision, whether it was or not.

C: Well, it was something that had to have been a matter of consideration from time to time over a period of several months. It was not a spur-of-the-moment decision; it may have given the appearance although I don't believe people would be fooled by that very long. But one thing it can do, it can catch a fellow off balance. You can just be caught up in the moment, say things that are unfortunate and not really reflective of the true situation.

[End of Tape 1 of 1 and Interview I]