

Oral History Interview

with

TOM C. CLARK

Mr. Clark served in the Justice Department under Franklin Roosevelt. He was appointed Attorney General and later Supreme Court Justice by President Truman. He resigned from the Supreme Court in 1967.

Washington, D.C.

March 20, 1976

by William D. Stilley and Jerald L. Hill, William Jewell College. Also participating in the interview is Mr. Mallary Binns, son of the late William Jewell president, Walter Pope Binns.

Harry S. Truman Library

Independence, Missouri

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NOTICE

This interview was conducted by William D. Stilley and Jerald L. Hill as part of a winterim and independent study project at William Jewell College in March 1976, under the direction of the Political Science Department of William Jewell College.

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by William D. Stilley and Jerald L. Hill, William Jewell College, Liberty, Missouri

STILLEY: Justice Clark, when did you first meet President Truman?

CLARK: Well, I expect about 19--oh, it must have been '39 I guess, along in there.

STILLEY: Was it at an official function, or did he invite you into his Senate office, or . . .

CLARK: Well, frankly, I don't have any recollection

[2]

of any specific meeting. He was in the Senate at the time and I rather think it was after he was selected as chairman of what they called the Truman Committee later; at the time it was known as the Defense Plants Committee, where they were investigating procurement of war materiel, the building of cantonments and things like that.

As you remember, Hitler was brandishing a lot of swords and so the Congress and the President seemed to think they ought to get busy with it. Roosevelt was then President and Mr. Truman was a Senator and he was--I think he moved to create this committee and usually that carries with it, if the resolution carries, the chairmanship of the committee. In other words, you propose a lot of work, you have to be ready to perform it, otherwise you'll get stuck. So I think that's the way I met him.

HILL: What was your position at that time?

CLARK: Well, I was, I expect, either handling low risk insurance or--no, that was earlier. I guess

[3]

I was then at War Frauds, or maybe I was just going out to the West Coast. I went out to the West Coast in 1941 before the war. I expect we went out on the West Coast in the spring of 1941. That's about when it was when I met him, along in there; it might have been '40.

STILLEY: Did you become friends then, or was it just a passing...

CLARK: No, not passing...

STILLEY: What was your relationship between the first time you met him and when he became President? Did you see much of each other.

CLARK: Well, as I indicated, why, I went out to the West Coast to head up the offices of the Antitrust Division of the Department of Justice. They had four offices out there, Los Angeles, San Francisco, Portland, Oregon, and Seattle. And I was in charge of them from towards the beginning of 1941 until about a year later.

[4]

When the war came on I was trying a case in San Francisco, an antitrust case, and about a month or so later I was called in to Washington and they decided that I should be the what they called the coordinator of the Western Defense Command, which was a semi-military office. Mr. Roosevelt had in mind that he did not want the military to be out in front, you might say, on any problems that we had with the American citizens of Japanese descent on the West Coast. And so he wanted to give it a civilian hue and it was just one of those circumstances that often occurs. I was the only one on the West Coast that had offices in different states instead, encompassed all of the West Coast states, the three West Coast states right on the Pacific. And it just happened to be where all the people of Japanese descent were living. In fact, about 110, 000 of them were living then in California, a smattering of them in Oregon, a few more in Seattle. So I flew in here and talked with the Attorney General and Mr. Roosevelt and some others and then I went

[5]

on back and we started to work on trying to develop curfews for the West Coast.

I went up to Oregon to a trial. One of the people contested our authority, and so I tried the case up there before Judge [James Alger] Fee and he held against us; and so we decided we had better have a statute. So I then came back to Washington and we got our statute through Congress. President Roosevelt issued Executive Order 9066, which is the executive order that authorizes the military commanders to exercise such authority as is necessary to protect their command. And then it was decided that that would be an exclusionary rule, which would exclude people of Japanese descent from the West Coast and so I worked on that for a while, and then Congress created the War Relocation Authority was about--we're now talking along about, oh, I'd say March or April of 1942. The President appointed Milton Eisenhower as head of it, and so I turned over all of my business to him and I went back to Washington.

[6]

Then I was put in head of the War Frauds Section of the Antitrust Division and that's when I began my real connection with President Truman. He was chairman of this committee and the Attorney General designated me as the one to head up the section that would handle all of the prosecutions that came out of the committee. They have a practice on the Hill, the committees will send records down to the Department of Justice for such action as they deem appropriate, sometimes it's stronger. That would be really to me, and so when I would get those files I would either go over it or have someone go over it, and then I would go personally to Mr. Truman if we decided that we needed additional information. Rather than investigating these cases through the FBI, which is rather a tedious job and it would take you a year, I would go to Mr. Truman and after going over all the records that he sent me which would be a hearing that he'd had of his committee, and say, "Well., we need something in this area," and I would outline it

[7]

to him. He had a counsel named [Hugh] Fulton that I would talk with at the same time with him, then I'd have another hearing and develop those things and then they'd send that down to me. Then we'd have sufficient tie-ins to where we could go to the Grand Jury with it and then we'd do that, prosecute.

So I became quite well-acquainted with Mr. Truman. I used to go up there, oh, two or three times a week and talk over matters with him, they were busy as bird dogs. And then, of course, one thing led to another. We had several cases which were widespread from the standpoint of publicity, cases against companies like Anaconda and some of the largest companies in the United States. So, as a consequence, I was following through on the job that he had begun and he was assisting me in rounding out and making certain that we had all the information that we had. So we worked pretty well together, the committee did, and sometimes I would attend meetings of the committee, but most of the time I worked through Mr. Truman. I would not try to get them to let me take charge of the committee

[8]

at all, for obvious reasons; wouldn't have been able to do it if I wanted to, and, too, it might have had some repercussions on my prosecutions. Well, he let me prosecute and everything, I guess that's why he appointed me, I don't have any idea, the first time I heard of it was Mr. [Robert] Hannegan called me and said he wanted to come by. And he came by to see me and in the meanwhile Mr. Roosevelt had appointed me Assistant Attorney General. I had succeeded Thurman Arnold, who was head of the Antitrust Division.

Antitrust in those days encompassed all of the business laws that were on the books. Thurman was a very effective and strong-minded person and had grasping ways; and he had talked to the Attorney General and had enough political muscle to carry through with it, but every act that had to do with business was the Antitrust Division's function. And so, for example, I started out with Thurman prosecuting what we'd call, wage-hour cases. The Congress had passed wage-hour laws in 1938. I was in charge of that under him., and I ran all over the country

[9]

prosecuting wage-hour violations which didn't touch antitrust, side, top nor bottom. But they were antitrust because of this format that Thurman had developed. So, after I succeeded Thurman, gradually antitrust became a squeezed orange, because every time we indicted someone why it would involve some company that was doing business for the United States, munitions. We found that the War Production Board would give what they called "E's" for excellence to a company, of course the company would know we were after them. I'm not saying that they didn't deserve an "E", possibly they did; but anyway they'd go to the War Production Board and say, "Well, old Thurman and his boys are after us, so if you can give us an "E" it would give us a little bit better public image."

Anyway, almost without any exception, they gave every company we ever indicted along about that time an "E". Of course, that would get on the front page of the paper. So, apparently they had enough political savvy to get Congress to pass an act that permitted the chairman of the War Production Board to issue a certificate that our prosecution would interfere with the war, and then we could go ahead and

[10]

return the indictment, but we couldn't prosecute it; it just stayed on the docket.

Well, it's not much fun just running around returning indictments, and so Mr. Francis Biddle, who was then the Attorney General-also, Mr. Biddle was Attorney General when I first started this dissertation, which was back when he came in, oh about, I'd say '40, along in there. Mr. Biddle asked me if I would transfer to Criminal. You see, the Department is divided into divisions, their specialties. For example, Antitrust would be one, another one would be the Criminal Division, supposed to handle all criminal cases; and then you'd have one, Lands, which would have to do with condemnation whenever the Government wanted any property, things like that. And there are now ten of those divisions, but at that time I don't think there were but about five. We had claimed the authority in the Department of Justice to transfer assistants from one division to another, without them having to be confirmed again. It's no funny business getting confirmed, so people don't like, if they can get around it, to do that.

[11]

So, I was transferred to Criminal and the man who was head was transferred to Antitrust, Wendell Berge. He became head of Antitrust and I became head of Criminal. And then we had a reorganization and we took all of the criminal statutes out of Antitrust. Thurman was in the Court of Appeals here, so he didn't have any say so in it, and we put the laws in the Criminal Division, so then I had all the criminal laws; and that was one reason why I got a little bit better connection with Mr. Truman, because I was the head man then of all the criminal law for the United States. Before then I was just head of what we called War Frauds which was a section of the Antitrust Division. So when I became head of the Criminal Division--that's about '43 I would say--why, I enjoyed a warm relationship with Mr. Truman.

So, I was going to say, the only thing I knew about my appointment was that Mr. Hannegan called me (he was chairman of the Democratic National Committee) and said he wanted to see me. He came down and said, "Well, I think you can be Attorney

[12]

General, but I want two letters. I want one from Mr. [Sam] Rayburn, who was then Speaker of the House, and the other one from Senator [Thomas T.] Connally, who was the Texas Senator."

So I got those letters. I never will forget Mr. Rayburn, he wrote it out in longhand and he just said, "Dear Mr. President: If I were President of the United States, I would appoint Tom Clark Attorney General.," signed it and handed it to me. So, I was appointed about, oh, I'd say a week

or two later after I got those letters--it took me two or three weeks to get Connally's letter, he was chairman of the Senate Foreign Relations Committee and was quite busy, and was going out of the country.

HILL: What was the date at that time?

CLARK: Oh, I would say it must have been in 1945, soon after Roosevelt's death; it would be about April, maybe May.

HILL: How much contact did Truman have with yourself?

CLARK: I did not see Mr. Truman since he had become

[13]

President. When Mr. Roosevelt died I was on my way to make some speeches for him over in, I believe it was in Arizona, or New Mexico somewhere; so I got off the plane and came on back. I got off, I believe it was in Dallas, or somewhere down there and came on back. Of course, I wrote Mr. Truman a note and told him that of course anything I could do to help him I would be glad to do it, but I never dreamed that he had any idea of appointing me at all. We had an official relationship, but we didn't have a social relationship.

HILL: How did Mr. Truman work with the Attorney General? Was it a close relationship? Did he enter in on a lot of the decisions that were made in the Justice Department?

CLARK: Mr. Truman never did. I went over there one day--they called me and said I was to come over and see the President; and so of course, knowing that Bob Hannegan had the letters, and that I was sure he had delivered them, I figured possibly he was right that I was going to

[14]

be appointed. So, I went over. When I went to the gate to get in the fellow wouldn't let me in, and I said, "I had an appointment with the President, he wants to talk to me, I think." He asked me what I was supposed to see him about, and I said, "Well, I think he wants to talk about Attorney General."

He said, "Well, I don't give a damn whether you're going to be Attorney General or not, you can't get through here unless we have an okay from the White House." So, I called Matt [Matthew] Connelly and he told him to let me in.

I went in and talked to the President in the Oval Room and I was so flabbergasted when he told me. He said, "Well, go on back over there and run the Department the way you think it ought to be run, and when it comes to selecting the number two man figure on somebody that will be a good Attorney General, because I may have some other ideas for you." I almost walked out the window. He had a window down to the floor in that room and I had never been in the room before, so I almost walked out the window

[15]

and he called to me, "Say, you're going the wrong way. From then on I never had any contacts with him about any problems over at the Department of Justice.

Sometimes I have raised problems, of course. We had many contacts over appointments of judges and things like that. You asked about cases. He was very much of the belief that he would run his job and the Cabinet people would run theirs. We had Cabinet meetings, of course, every Friday; had lunch once a week--not all of us, but he would rotate it, usually have a couple every week at lunch in the Lincoln Room. But those Friday meetings were more or less formal. I'd usually go over early or stay after the meeting and talk with him about judges' appointments. Sometimes he might ask me about some other appointments, but very seldom. I remember one time Mr. Ickes was trying to get him to let him appoint, or rather suggest--all mine were suggestions, the Attorney General didn't have any power of appointment of judges-nominees for the possessions, like Puerto Rico, at that time Hawaii, Alaska, but he didn't do it.

[16]

The President ought to have his own Cabinet, the President makes mistakes, which I'm sure Lyndon Johnson learned. Even though you have confidence, which I'm sure Mr. Truman had confidence in Mr. Roosevelt's Cabinet people, why, still you ought to have your own people there. I think that that's the chief thing that he did that gave him a better opportunity to perform as President. (But he had some of Mr. Roosevelt's people there.) In this way he was able to evolve his own policies and he didn't have to stand enamored, and like, I'm sure, Mr. Johnson possibly was, continually worrying about what Kennedy might do if he was there, or how he'd handle this. Truman didn't operate on that wavelength. He figured it was his job and that was it, period. He also had another quality that very few Presidents that I have known have had, that is he devoted himself to the problems at hand and when he decided them, why, that's over; there's no use worrying about those, and then you pass on to other problems. You have plenty of them. So, as a consequence he didn't spend half of his time, as some Presidents

[17]

have in trying to make certain he has a good press on what he has decided today, so he can't give much time to what he's going to decide tomorrow. As a consequence tomorrow suffers. Truman didn't have that. I don't think he particularly cared what they said, to tell the truth about it; but, of course, all of us--as he evidenced when he called up the man on the Post about Margaret--are hurt some when we see criticism, and particularly when it's below the belt, in the press; I'm sure he was, too, but he didn't let it get under his skin. I rather think that that was one reason why he was able to do as well as he did. Then also, he had the aptitude of being able to decide matters pretty quickly soon as he had all the facts. As a consequence, he didn't regret them later.

HILL: How did Mr. Truman make decisions? Some people say that he tended to think things out very slowly and deliberately and other people say he tended to make decisions quickly, and some have suggested that a lot of the decisions he made were emotional decisions

[18]

and were based on . . .

CLARK: I don't know of any emotional ones he made, but he was pretty quick on the trigger. He had an innate sense of what should be done, and as a consequence his decisions, I think, stood up pretty well. He didn't have to whittle down on them. When a President issues a decision and then he starts whittling down on it, why, it not only loses its integrity, but it also loses its effectiveness. He didn't do those things.

Take, for example, soon after he came in he had to make those decisions with reference to all of the plans he had for Europe and I thought he was very generous when he let them--American people always want to tag things, so they tagged his plan as the Marshall plan, which was really his plan, the truth about it. And, I remember I talked with him about Italy. We were having an election over in Italy and he asked me to make some foreign broadcasts with reference to admission of Italians into the United States; and we had a statute on the book saying that those that adhered to communism could

[19]

not be admitted. So I made two broadcasts reading this statute, saying something in support of it. (Immigration's in the Department of Justice, it's under their care. They have an Immigration Board that's appointed by the Attorney General.)

So, he was on his toes on all of these things; had a tremendous understanding of history. I don't believe there has been a Civil War historian better advised than Mr. Truman. In fact, I think he knew more about it than quite a number of the ones that wrote the books. And he was well-advised in other areas, particularly in Jacksonian, and, Lincoln; knew all about the Civil War problems, and most of Woodrow Wilson's. So, he didn't come in there ill-advised on things, or unadvised. He was, I thought, much better rounded out than he thought himself.

HILL: How, if a staff member--well, let's not say fell out of grace, but, if President Truman decided that it was time that this staff member not work at the White House anymore, in the Cabinet, did President Truman personally release the guy, or an employee, or was it handled by someone else? How did he go about

[20]

firing somebody?

CLARK: Well, the one that comes to mind especially, wasn't really firing, but Ed Paisley out on the West Coast. He had known Ed and had nominated him for Secretary of the Navy, and some people had objected because Ed had some oil properties up there, had Ed Pauley Oil Company, or some such name, and they tried to say, "Well, here's a guy that had something to do with some of the Government lands that had potential oil." Of course, that was under Interior, and the Secretary of--I believe it was the Navy he was nominated for--wouldn't touch it side, top, nor

bottom, but on account of prosecution soon after the first war of the Navy Secretary, why, they thought it was kind of bad. I know he talked to Ed. As a matter of fact, he told Pauley he ought not to withdraw his nomination; and Pauley thought that he had served his usefulness and so he asked that the President withdraw it, and he did. But as far as I know, anyone that left, why, he talked to them personally.

[21]

I don't think he left it up to--the only one I had any trouble with down there was Rogge, he was one of my assistants that I fired. I never talked to the President about him though; I just fired him myself.

STILLEY: On the Truman Doctrine and the Marshall plan, did he ask you for any advice in an official capacity to help formulate these plans?

CLARK: No. No, after they are on the books, why, he asked me to help implement, along the line I indicated, particularly in Italy; and in Greece we had somewhat the same problems.

During the war we had dropped some people off in Greece to try to get drawings or something of the missile bases that Hitler had put in there, and, of course, if you dropped a fellow off and he didn't have rank, why, they'd possibly shoot him. So we had a fellow that was under indictment in New York. Of course, people that are willing and that can be effective in that type of operation are not Sunday-go-to-meeting people as a rule; and

[22]

so they asked me if I would dismiss the indictment and I wouldn't do that--our indictment was sealed already--and so I agreed to let this fellow go over there. His name was Curtis, George Curtis. He went over there and he was dropped by parachute and he brought back one of their missiles. I think I talked to Mr. Truman about that; that was before he was President though. That was when he was chairman of this committee. This was when Donovan was in charge of the OSS. But I don't remember talking to Mr. Truman about foreign relations or things like that.

Mr. Truman was one who didn't shop around on matters other than in the Department that had cognizance of that particular problem. For example, the State Department would be charged primarily with that problem, and he wouldn't shop around--oh, he might in the Cabinet meeting. I remember we did have quite an argument over whether or not we would give the atomic bomb to Russia, which I suppose you might say is a State Department matter; but we took a vote on it and we finally won out on

[23]

we didn't give it to them. Turned out to be abortive but . . .

STILLEY: What did president Truman, did he want to...

CLARK: Well, he would try to avoid coming to a conclusion on what he was asking the Cabinet for, because he was afraid that they might be influenced by his position himself. But I highly suspect that he was against it, knowing him as I did. But the ones that were strongly against it were Vinson, who was then treasurer, and myself, and Bob Hannegan,

STILLEY: What were the circumstances in your nomination to the Supreme Court?

CLARK: Well, I really don't know why Mr. Truman settled on me. He called me up, told me to come over there and I did. He said, "Well, I just want you to think about this." And he said, "I want you to pick out somebody to succeed you, who you think would be good, and I want to put you on the Court." It was just a bolt of lightning for me. He indicated that he was thinking in terms of [J. Howard] McGrath to succeed me. So I called McGrath, who

[24]

happened to have been my Solicitor General. And so I told the President, I said, "Well, you remember you told me that you wanted me to pick some fellow number two." At that time Solicitor General was number two, now he's number three. Prior to that time, and during all my term as Attorney General, the Solicitor General was the number two man, not by statute but later on they passed a statute that made the Deputy Attorney General. We didn't have a deputy, we called the number two man The Assistant Attorney General, capital T. And when the Congress seemed to think that we ought to have some coordination between departments office-wise by titles-and the State Department had always had a Deputy Secretary of State, an Under Secretary, and people like that-they adopted the Deputy terminology. I would say it was about 1946 maybe they passed a statute that restructured the various departments and the The Assistant Attorney General became Deputy Attorney General. Solicitor General maintained the same title but he was relegated to number three,

So the President sort of laughed when I told

[25]

him about I had suggested McGrath for Solicitor General., number two man. I said, "You know he hasn't had too much experience in arguing cases, particularly before the Supreme Court. It's been suggested I appoint Acheson and some of the others, but I thought if you had--you either wanted to get rid of me or had something else, why, maybe I ought to have a fellow that had some political background as well as having some prosecutive experience." McGrath had been our U.S. Attorney in Rhode Island and he was a strong adherent of Truman's, and also was in the Senate at the time; he resigned. No, he was Governor, he was Governor. He resigned as Governor and came with us. Then he was sort of disillusioned over Solicitor General, McGrath was. So he got a yen to get back into politics and so he ran for the Senate in Rhode Island and was elected, and that's when I appointed [Philip B.] Perlman as Solicitor General. So I got hold of McGrath and told him what the President had told me. We didn't know about it, and he said, "Well, if the President wants me to resign I'll be glad to resign from the

[26]

Senate and be Attorney General." So that's the way it worked out.

I have heard since, unfortunately, why, when Mr. [Fred M.] Vinson died.--I was on the Court with him as you know, four years. The Court is very careful about talking about things to one another. I never did talk to Mr. Vinson about it, but I've heard since that he called Mr. Truman, that's what some people have told me since. I have no doubt-I have no reason to say that they were not well-informed on it, so it may be that that's the way I got to be appointed on the Court, was through Mr. Vinson,

HILL: Prior to your going onto the Supreme Court, did Mr. Truman ever discuss with you the philosophy of the direction that he thought the Supreme Court ought to take?

CLARK: No. No. I did talk to Mr. Truman about I thought I would go see the Chief Justice one time, I wasn't certain about whether or not I should. I just assumed everything gets out in the paper. The paper

[27]

never worried me because I just assumed everything would get into the paper. We didn't have any secrets. I told him I didn't think that two Justices of the Supreme Court, even one, much less two, were going to testify for [Mr. Alger] Hiss; and they would immediately possibly attach it to him when it got out in the press, and that I didn't want to go unless at least he knew about it; and I wasn't going to ask him his views about it, but I was going to go up and see the Chief Justice about it and see if he couldn't talk these guys out of testifying, at least without having a subpoena. So they were both subpoenaed, both of them testified. I rather thought it would be better for them not to testify, but they testified.

Well, Mr. Truman never expressed any view as to whether he thought it was wrong or right, but not vetoing it, I assumed he had no objections to me going over there. So I talked to Mr. Vinson and he didn't take it too well. I think he thought I was trying to interfere. That's the only time that I had ever talked with him about things like that.

[28]

He never talked to me about any philosophy of the Court.

Mr. Truman, of course, was very strong from the standpoint of what we used to call civil rights. Soon after he came in he had suggested that we might get up some sort of a commission, committee or something. So we did, The President's Commission on Civil Rights. Mr. Wilson, "G.E." Wilson, not the other one, both of them are Charlie. "G.E." Wilson was chairman of it, and the work of this group is known as "To Secure These Rights." And it's a blueprint of Mr. Truman's views on the type of legislation we should have, other things that should be done. That, with the exception of some of the voting laws, why, it's now the law. It was not put in for many years later, when Johnson came in; but the legislation that Johnson put in was first came by

this-it's not really a presidential proclamation but he accepted their report, and the title of it is "To Secure These Rights." It's a blueprint of what's been done since, which is a reflection of his thinking. I made a talk just before he died down in Kansas City, some national group--I've forgotten

[29]

the name of it now-,and they had a meeting in Kansas City because they had hoped that Mr. Truman might come over to accept the award. He wasn't feeling too good, so he asked me to, and they cited this "To Secure These Rights." I didn't have anything to do with the citation but that was just what they mentioned. And the next morning I took this award over and gave it to Mr. Truman. Then I saw him in the hospital a little bit later when I was over at the University of Missouri.

STILLEY: After you were on the Court, how much contact did you have with him? Did you see him each week or once in a while?

CLARK: Well, my contacts after that were purely social. We played poker during the time I was Attorney General, not too often, but I'd say perhaps five or six times a year. At its inception it was Clark Clifford and Mr. McCormick, and Fred Vinson, myself, and Steve Early who was originally President Roosevelt's secretary, and Senator Lucas, there were eight of us. I believe Walker was in there too. Yes, the Postmaster

[30]

General [Frank C.] Walker. He was not Postmaster General under Truman, just a good friend of his. So after I went on the Court occasionally, not too often, why particularly in the spring and summer-not too much in the summer because the Court wasn't here-but we would, Mr. Vinson and I, would leave the Court. We sat on Saturday when I first went on the Court, for about two or three years. We heard cases Monday through Friday, then we sat on Saturday and decided them, and about.-sometimes it was as late as 6 or 7 o'clock, why, we would fly down to Patuxent and get on an "admiral's launch" they called them, and go out to the Williamsburg, which was his boat. We would stay until Sunday night and come in late Sunday into the Navy Yard. But those were about the type of contacts, except I remember he did have me down-you see, the White House was under repair soon after I went on the Court, and we had to go to Blair House. They couldn't seat but about 15 or 20, 16 I think it was. I remember I was over there two or three times, and I was there one time when the present queen was

[31]

there, as a princess. Her mother was still the Queen, her father was King then. And later on I went back and I saw the Queen. She received us over there one time, and the Duke asked me who that fellow was that was in the uniform, and it was Harry Vaughan. I don't know how in the hell he remembered all of that, it must have been about 15 years in between; but he asked me about Harry Vaughan when I was over at Buckingham Palace.

HILL: How much, in your meetings with President Truman after you became a member of the Supreme Court, did he express disapproval of any of the views the Court put forth, or what he felt about the decisions the Court had made?

CLARK: Oh, I never talked with him about it. I had a picture-just a pure coincidence-that he signed for me, oh, I'd say about six months before he died, which he put on it, "To a Great Attorney General, and a Greater Justice," signed it. But I have no correspondence, no phone call, nothing commending or derogatory of any opinions or any

[32]

position I took on the Court. I'm satisfied that Mr. Truman would believe that it wasn't his job to commend or to criticize, but he never-even when I wrote the steel seizure concurrence-I never heard from him one way or the other. I heard roundabout from some of his people like Clark Clifford, but he never did criticize me about it.

It's very seldom that a Supreme Court Justice would get criticism from that type of people. Most of your criticism comes from people who don't know you, or people who don't know any better, and all the people that I've contacted and had relations with when I was Attorney General, would of course, know better than to have contacted me about any case. So I never heard from Mr. Truman at all about the-I figured that he was just disappointed in my concurrence, but I never heard from him about it.

HILL: Was it difficult for you to make a decision that you knew went against the belief of the person who appointed you to the Supreme Court and Attorney General?

CLARK: No. No, I didn't feel that way. Mr. Truman had told me when I became Attorney General that he wanted me to go over and do whatever I felt was right. So I figured that he must have thought that was more so to that regard when I became a Justice, I mean it never struck me. After the case came down, of course, I knew it, it was an extreme case, but I never thought- I figured that, I suppose, that if he was irritated with it, why, he wouldn't have been any better off if I hadn't dissented, he'd still had a five to four. But I never gave it any thought. I don't think anybody on the Court gave it any thought.

After the case came down, I rather thought that there might be something in it from what people said. The main thing that I urged and thought that there might be something in it was they began to investigate me. Having been Attorney General in the Department for 12 years, I knew that they weren't going to investigate a Justice unless they have

[34]

some okay. And they went so far, I don't know of any other Justice that ever underwent such a thing, but they had the Internal Revenue check my taxes. They paid me back twenty-odd dollars, which they said I had paid over,

HILL: Who are they?

CLARK: The Internal Revenue, the Government.

HILL: How . . .

CLARK: They checked-McGranery was Attorney General and they had the FBI, Edgar [J. Edgar Hoover], call me one day and said he had a memorandum from the Attorney General, that wanted me to be interviewed and that he's going to send up a fellow named Hood who was the SAC. They have Special Agents in Charge of the various cities. He was SAC out of Los Angeles when I was working out there. And so he came up with another FBI man-usually they travel in pairs-I wasn't disturbed by the fact that they were in pairs. They asked me some of the most asinine questions I ever heard of in my life. They had taken every case, every

[35]

antitrust case, and tried to figure out something that was wrong with it or if I'd interfered with it when I was Attorney General; one, especially, involving tires, the sale of tires.

So I figured they wouldn't be there unless they had some approval from the White House. I don't know that it would be Mr. Truman or not, it would be somebody. But they also gave leaks to people on the committee in the House. Somebody talked them into investigating me and I knew these people didn't have any knowledge of the things that they were investigating if they hadn't gotten them from somebody. So, later on I found out they got most of it from a fellow named [Lamar] Caudle, who was my assistant; but it may be that they got them from him rather than from anybody in the Department; but Mr. McGranery made two or three statements that led me to believe that he would like to see me off the court. He was Attorney General.

HILL: Did you ever mention any of this to President Truman?

[36]

CLARK: Oh, no, no, not even after he went out; I never mentioned it. I saw him, oh, I'd say three or four times a year. He would come here and sometimes whenever I went to Kansas City I'd go out to see him. I don't have any recollection of him bringing it up at any time, either during his Presidency or after.

STILLEY: When did you retire from the Court?

CLARK: '67. I had been on at that time 18 years. But, of course, that was sparked entirely by my son. See, at that time, about 50-odd percent of the business that came to the Court would originate in the Department of Justice or come to it from other departments of the Government. I felt that if a fellow there, that even though he wasn't in person there, if his case was there, and he knew I was sitting, that he might wonder if I was sitting up there judging the case that was being argued by the Department of which my son was the Attorney General. Although he might know, which I doubt-more than likely my son wouldn't know anything about the case,

[37]

because they had thousands of cases there. When I was there I didn't know about-oh, you may know about 2 or 3 percent of them; but the public doesn't know those things, and there were 50 Supreme Courts in the United States and they all had Chief Justices and Justices, they all had sons more than likely, most of them did. So I didn't want them saying, "Well old Tom, he's judging cases that his son is supervising." So it's just an image of justice, that's the only reason why I retired.

STILLEY: We're nearing the completion of our interview. Are there any comments that you would like to say about President Truman?

CLARK: No, other than what I've been saying. Long before I went on the Court, Bob Hannegan and I one night were out here someplace, and they had one of these fortune tellers, and so I said something-you know these things get in the press. You can't tell how they get into it but they did. So Mr. Berryman, who was then the cartoonist for the [Washington] Star--he's since passed on, his son later took his spot--

[38]

had a cartoon in the Star which showed Bob and I talking to this fortune teller. And I was saying that Mr. Truman was going to be the greatest President we ever had or something like that. And this-instead of having a fortune teller saying things, he put me in the garb of a fortune teller, Mr. Berryman did. I have been saying and I continue to say that I think Mr. Truman will be one of the, oh, five or six greatest Presidents, and I say that because he came at a very difficult time and one where he had problems that were unusually pressing. For example, the "iron curtain" and things like that, but he was able through his foresight and tenacity to bring about a rapport with most of the countries that you'd find in Europe now would be all Communist if it wasn't for Mr. Truman, and it might be even Great Britain might be. It wasn't nearly as strong as we thought it was then. So I think in the foreign field he was much more successful than Roosevelt was, much more successful.

And when you take up the domestic field, Roosevelt was one who did a lot of talking and he had a

[39]

very wonderful voice and it had a lilt to it that rather entranced you. He had what he called "Fireside Chats"--he didn't have the TV-and he would just enchant the whole American public. But when it came to accomplishment, why, if you put aside Roosevelt and things that he actually accomplished on the domestic field, and put aside Truman's-while Roosevelt did accomplish considerable and possibly kept us from getting into maybe a revolution because of the economic situation-well, that when Truman came in, of course, was not a problem at all, we were in the war, economics were all over with; but we still had a problem that Roosevelt had prayed over for a long time and done practically nothing about, and that was the civil rights problem. And while he had the authority to integrate the armed services and the Government, and everything, he was

the Commander in Chief, all he did was to create what he called FEPC, which was the Federal Employment Practices Act, which was a voluntary thing that didn't amount to anything at all, except reports in the press; that's about all there was to it. He could have, just with

[40]

the stroke of his pen, integrated the whole Government, and he didn't do it. Truman was the one that did that at a time that was very difficult-it would have been much easier to have done it during the war; everybody would have been for it strong, but he didn't have that opportunity. But when he came in he had guts enough to do it. And he not only had guts enough to do that, but also to do things that Mr. Roosevelt would not do. He wouldn't let, for example, Mrs. Roosevelt, after she got two or three photographs down in Alabama and around with black people, why, he wouldn't let her go down that way.

And so Truman, on the other hand, grabbed these problems by the neck and commenced to shake them and before too long he got a lot of results out of it. He had integrated the armed services, I think it was the first year of his Presidency; I'm not certain, it might have been the second, but I think it was the first. And he had the armed services not only integrated on a color basis but integrated to a large extent on a procurement basis, much better than Eisenhower had although Eisenhower

[41]

had what Truman created, that is, the Defense Department. So I think as we go along we're going to find that history will place him at a much higher place than.-well, with the exception some people would say George Washington; I'm not too sure, but I suppose you would include him. And of course, you'd put in Lincoln and the rest of them. I'm not certain about the extent of Harry Truman, maybe Roosevelt would, I don't know, I don't think so. Wilson, no--I just don't see too many on the horizon. I think he's going to be even better than number five where I put him when I was Attorney General.

BINNS: You're not going to put Jefferson up there?

CLARK: No, no. I think old Jeff's a great old fellow, a great inventor. I wrote an opinion on a plow, Jefferson had a plow, the same plow practically, and he was the first, you might say, Commissioner of Patents. He was Secretary of State, and the Commissioner of Patents was a committee of the Secretary of State, and the War Department and the Attorney General; and of course the Secretary

[42]

was the ranking member so he did all the work, and Jeff did all that work on patents. As a matter of fact, he got some letters from over in Europe, a society in Paris asked him about his patents and he wrote them back and told them about the plow. So they wrote him asking him to send a copy of the patent. He wrote them back, said well he was President now, he couldn't take much time off, but he'd look at it after he got through. He sent these people one of these plows. So he

was great when it came to things like that, and he could write good; but he was-well, although he did talk about it, slavery, it was all talk, he had one himself. I don't think that his background will stand scrutiny under our principles as well as some others, particularly with reference to his ideas on race.

STILLEY: Well, thank you very much.

CLARK: Yes.

[43]

-INDEX-

Anaconda Corporation, 7
Anti-trust cases, World War II, 8-9
Arnold, Thurman, 8-9, 11
Atomic bomb, 22

Berge, Wendell, 11
Berryman, James, Sr., 37-38
Biddle, Francis, 10
Blair House, 30-31

Caudle, T. Lamar, 35
Civil Rights, President's Commission on, 28
Civil War historians, 19
Clark, Ramsey, 36-37
Clifford, Clark M., 29, 32
Connally, Tom, 12
Connelly, Matthew J., 14
Curtis, George, 22

Defense Plants Committee, 2

Early, Stephen T., 29
Edinburgh, Duke of, 31
Eisenhower, Dwight D., 40-41
Eisenhower, Milton, 5
Elizabeth II, Queen, 30-31
Executive Order No. 9066, 5

Federal Bureau of Investigation, 6, 34-35
Federal Employment Practices Commission, 39
Fee, James A., 5
Fulton, Hugh, 7

Greece, OSS operations in, World War II, 21

Hannegan, Robert E., 8, 11-12, 13, 23, 37-38

Hiss, Alger, 27

Hitler, Adolph, 2, 21

Hoover, J. Edgar, 34

Ickes, Harold L., 15

Italy, anti-Communist statue re immigration from, 18-19

Japanese-Americans, World War II, 4-5

Jefferson, Thomas, 41-42

Johnson, Lyndon B., 16, 28

Justice Department, U.S.:

 Anti-trust Division, 3, 6, 8-9, 11

 Criminal Division, 10-11

[44]

Lucas, Scott W., 29

McCormack, John W., 29

McGranery, James P., 34, 35

McGrath, J. Howard, 23-25

Office of Special Services, 22

Pauley, Edwin W., 20

Perlman, Philip B., 25

Rayburn, Sam, 12

Roosevelt, Eleanor, 40

Roosevelt, Franklin D., 2, 4, 5, 8, 38-39

Soviet Union, and the atomic bomb, 22-23

Steel seizure case, 1952, 32-33

Truman Committee, 2, 6-8

Truman, Harry S.:

 administrative ability, 16-18, 22

 Cabinet, relationship with, 15-16

 civil rights, support for, 28-29, 39-40

 civil war history, knowledge of, 19

 Clark, Tom, appoints U.S. Attorney General, 12-14

 Clark, Tom, appoints to U.S. Supreme Court, 23-26

 Clark, Tom, first acquaintance with, 1-2

Clark, Tom, relationship with, 29-32
evaluation of as President, 37-41
staff and Cabinet officials, dismissal of, 19-20
Truman Committee, as chairman of, 6-8

Vaughan, Harry H., 31
Vinson, Fred M., 23, 26, 27, 29, 31

Walker, Frank C., 29-30
War frauds investigations, World War II, 6
War Production Board, U.S., 9
War Relocation Authority, U.S., World War II, 5
Washington Star, 37-38
Western Defense Command, U.S., World War II, 4
Williamsburg, U.S.S., 30
Wilson, Charles E., 28