



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Nicholas Katzenbach Interview, 11/29/2005**

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Miller Center Documents¹

- Nicholas Katzenbach Timeline.

Secondary Source Materials

- Nicholas Katzenbach bio, <http://millercenter.org/academic/americanpresident>.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow, 1999) pp. 65-77.
- James Harwood, "Katzenbach, Elevated to Attorney General, To Push Kennedy Goals, but in a Lower Key," *The Wall Street Journal*, 01/29/1965.
- "Voting Rights Act of 1965," *1965 Congressional Quarterly Almanac* (Washington: Congressional Quarterly Almanac) pp. 533-571.
- "National Quotas For Immigration to End," *1965 Congressional Quarterly Almanac* (Washington: Congressional Quarterly Service) pp. 459-482.
- "Morrissey Judgeship Nomination," *1965 Congressional Quarterly Almanac* (Washington: Congressional Quarterly Service) p. 1432.

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NICHOLAS DEBELLEVILLE KATZENBACH TIMELINE

Prepared by Gregg D. Lindskog and Kyle M. Lascurettes

Miller Center, University of Virginia 10/20/05

1922

January Nicholas deBelleville Katzenbach is born in Philadelphia on the 17th.

1939 Katzenbach graduates from Philips Exeter Academy, Exeter, New Hampshire. (*The New York Times*, 06/09/1946)

1942 As a junior, Katzenbach leaves Princeton University and enlists in the Army Air Force. (<http://www.capitalcentury.com>; *The New York Times*, 06/09/1946)

1943 An Italian naval vessel fires upon Katzenbach's plane causing it to crash into the Mediterranean Sea. Katzenbach along with other survivors are captured by Italian forces. The POWs are sent to Stalag Luft 3, near Sagan, Germany. (Arthur M. Schlesinger, Jr., *A Thousand Days*. New York: Fawcett Premier, 1971, p. 212; <http://www.capitalcentury.com>; *The New York Times*, 06/09/1946)

1945 Katzenbach is freed in March 1945. Upon return to the U.S., he takes exams at Princeton and is allowed to graduate without further classes. (<http://www.usdoj.gov/jmd/l/agbiographies.htm#katzenbach>)

Katzenbach attends Yale Law School.
(<http://www.spartacus.schoolnet.co.uk/JFKkatzenbach.htm>)

1946

June On the 8th, Katzenbach marries Lydia King Phelps Stokes at Christ Episcopal Church, Georgetown. (*The New York Times*, 06/09/1946)

1947 Katzenbach is graduated from Yale Law School. (<http://www.usdoj.gov>)

Katzenbach attends Oxford University on a Rhodes scholarship.
(<http://www.usdoj.gov>).

1952 Katzenbach becomes an Associate Professor of Law at Yale University.
(<http://www.spartacus.schoolnet.co.uk>)

1956 Katzenbach becomes Professor of Law at the University of Chicago.
(<http://www.spartacus.schoolnet.co.uk>)

1960

December Katzenbach meets Attorney General Robert F. Kennedy (RFK) for the first time to discuss joining the Department of Justice. Katzenbach was recommended and recruited to the Justice Department by Byron White, then RFK's deputy. (Nicholas D. Katzenbach Oral History Interview, 11/16/1964, by Anthony Summers, JFK Library; *The New York Times*, 08/15/91)

1962

Spring On April 3rd, Katzenbach is announced as the candidate to succeed Byron White as Deputy Attorney General. He receives Senate confirmation on May 1st, and is sworn in on May 7th. (Schlesinger, p. 273; *The Wall Street Journal*, 04/03/1962; *The New York Times*, 05/02/1962, 05/08/1962)

1963

June On the 11th, Katzenbach, accompanied by members of the Alabama National Guard, demands that Governor George Wallace (D-AL) step away from Foster Auditorium to allow the University of Alabama to be racially integrated. (*National Public Radio*, "Morning Edition," 06/11/2003)

November On the 22nd, JFK is assassinated in Dallas, Texas. From Air Force One, Vice President Lyndon B. Johnson (LBJ) calls the Department of Justice to consult Attorney General RFK as to where he should take the oath of office. Johnson decides to take the oath in Dallas, and Katzenbach gives LBJ and his aide (Marie Fehmer, LBJ's personal secretary) the proper oath of office on the telephone. (Lyndon Johnson, *The Vantage Point: Perspectives of the Presidency, 1963-1969*, New York: Holt, Rinehart and Winston, 1971, p. 14; *Texas Monthly*, December, 2001)

According to *The Washington Post*, Katzenbach begins calling friends to discuss creating a commission to study Kennedy's assassination. Among those he calls are Eugene Rostow, who is dean of Yale Law School, and Representative Homer Thornberry (D-TX). Over the next few days, Katzenbach begins a "lobbying campaign" to have a commission created. (*The Washington Post*, 11/14/1993)

Facing rumors alleging that JFK assassin Lee Harvey Oswald might be linked either to the Cuban or Soviet governments, Katzenbach authors a memo to Bill Moyers on the 25th saying, "The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large... Speculation about Oswald's motivation ought to be cut off and we should have some basis for rebutting [the] thought that this was a communist conspiracy or ... a right-wing conspiracy to blame it on the communists."

(<http://www.spartacus.schoolnet.co.uk>; *The Boston Herald*, 11/22/1999; *The Ottawa Citizen*, 11/22/1999; *The Scotsman*, 11/23/1999)

On the 29th, Katzenbach and Solicitor General Archibald Cox approach Chief Justice Earl Warren to head the commission on the assassination. Warren turns them down, but changes his mind following a conversation with LBJ that evening. (*The Washington Post*, 11/14/1993)

1964

September On the 3rd, RFK resigns and Katzenbach becomes “acting” Attorney General of the U.S. (Katzenbach Oral History Interview, LBJ Library; Johnson, p. 161n)

November On the 3rd, LBJ directs Katzenbach to begin drafting the next civil rights bill with a focus on equal voting rights. Katzenbach prepares a long summary of agency responsibilities on civil rights. (Johnson, p. 161; Emmette S. Redford, *Organizing the Executive Branch: The Johnson Presidency*, Chicago, University of Chicago Press, 1981, p. 123)

1965

January On the 28th, LBJ names Katzenbach as his nominee for Attorney General. When RFK resigned in late 1964 to run for the Senate, LBJ had been reportedly apprehensive about nominating Katzenbach because he feared his close ties with RFK. The President offers the position to Clark M. Clifford (later to become his Defense Secretary), who turns him down, before offering it to Katzenbach. (*The New York Times*, 01/29/1965)

February On the 10th, the Senate confirms Katzenbach, and on the 13th he officially becomes the sixty-fifth Attorney General of the U.S. (*The New York Times*, 02/11/1965, 08/15/91; Katzenbach Oral History Interview I, LBJ Library)

March On the 11th, *The Washington Post* reports that the Johnson administration had negotiated with civil rights protesters in advance of the March on Washington. *The Washington Post* states, “In Boston, Sen. Edward M. Kennedy (EMK) (D-MA) issued a statement asking for resolute federal action to protect the right to peacefully petition for redress. He said he had talked to Attorney General Nicholas deB. Katzenbach and was confident such force as was used in Little Rock, Birmingham and Mississippi would be available in Selma.” (*The Washington Post*, 03/11/1965)

On the 17th, LBJ sends the 1965 Voting Rights Act to Congress. Katzenbach is generally credited with creating the formula to ferret out the level of voter discrimination through literacy tests. By Katzenbach’s formula, if a state uses literacy tests or comparable exams to establish voter eligibility, and if fewer than 50 percent of all its voting-age citizens vote or are registered to vote in 1964, it would be presumed that racial discrimination existed. If discrimination is discovered, literacy tests would automatically be prohibited there. If local officials

continue to discriminate, the U.S. attorney general, upon petition by twenty or more local residents, could send examiners to inspect applications and enroll eligible voters directly. Under this formula, literacy tests would be automatically suspended in Mississippi, Virginia, Louisiana, Alabama, Georgia, and South Carolina. (Irwin Unger and Debi Unger, *LBJ: A Life*, p. 358)

On the 30th, Katzenbach testifies before the Senate Judiciary Committee regarding the 1965 Voting Rights Act. According to Burton Hersh, EMK subjects Katzenbach to a “pinpoint crossfire that was in many ways harder to evade than the big booming constitutional-question mortar blasts” of Senator Sam Ervin (D-NC). (Hersh, p. 228-229)

Spring

The Voting Rights Act that appears out of committee is changed. Most of the proposals for the Voting Rights Act themselves come out of “rugged working sessions among Katzenbach and his then-deputy Ramsey Clark and Senators Mike Mansfield (D-MT) and Everett Dirksen (R-IL). (Hersh, pp. 226, 230; *The New York Times*, 03/14/1965)

EMK attempts to add a poll tax ban to the Voting Rights Act of 1965. Katzenbach opposes this in the interest of practicality, as adding the poll tax might slow down the overall bill. Yet EMK gains more support than anticipated and Katzenbach and Mansfield have to work to get the votes to defeat him. (Among those Katzenbach recruits is Senator Eugene J. McCarthy (D-MN), one of only two northern Democrats to vote against EMK’s amendment).

May

On the 11th, the EMK poll tax ban amendment is defeated 49-45. Katzenbach is instructed by LBJ to “‘forthwith’ file the Government’s suit before the Supreme court”. The Supreme Court rules the poll tax unconstitutional by a 6-3 vote the following year on March 24, 1966. (Hersh, p. 232; Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow, 1999, pp. 68-69, p. 104)

EMK takes leadership on a Johnson Administration bill to change immigration policy (up until then set under the McCarren-Walter Act of 1952). EMK faces opposition from some senators including Senator Sam Ervin (D-NC) regarding the lack of a limit on immigration from independent Western Hemisphere nations. Ervin, Senator Everett Dirksen (R-IL) and Katzenbach meet in Dirksen’s Office and agree that the 120,000 per year hemispheric limit will go into the bill. The amendment passes despite EMK’s objections. (Theo Lippman, Jr, *Senator Ted Kennedy: The Career Behind the Image*, New York: W.W. Norton & Company, 1976, p. 36)

July

Katzenbach testifies before EMK and the Judiciary committee on the 12th and 13th in defense of LBJ’s nomination of ex-Governor James P. Coleman (D-MS) to the Fifth Circuit Court of Appeals. (Hersh, p. 235)

August On the 4th, Congress passes the Voting Rights Act and sends it to LBJ to be signed. On the 6th, LBJ goes to Capitol Hill to sign the Voting Rights Bill into law. Johnson orders Katzenbach to immediately file law suits opposing all poll taxes and literacy tests. Within a week, the Justice Department has filed suits in Mississippi, Alabama, Texas, and Virginia. (Joseph A. Califano, Jr., *The Triumph & Tragedy of Lyndon Johnson: The White House Years*, New York, Simon & Schuster, 1991, pp. 57-58)

Summer/Fall Katzenbach attempts to persuade EMK not to push for the nomination of Francis X. Morrissey (a Kennedy family friend) for a federal judgeship, yet admits that Morrissey probably could be confirmed if nominated. On September 2nd, Katzenbach reports EMK's insistence regarding Morrissey's nomination to LBJ. Morrissey's nomination is formally announced on September 26th. Though Katzenbach publicly supports EMK and Morrissey, he privately believes that Morrissey makes such an unconvincing witness that he asks for a new investigation from the FBI. (Clymer, p. 73-74; Hersh, p. 245)

October On the 13th, in a meeting between the Senate Judiciary Committee and Morrissey, EMK is reportedly seen giving hand signals to Morrissey on how to answer. Morrissey receives a 6-3 recommendation for nomination by the committee. (Clymer, p. 75)

On the 15th, Katzenbach lunches with EMK and divulges the earliest conclusions of a recent FBI check on Morrissey's 1934 whereabouts. Controversy had erupted regarding Morrissey's claims to have resided and practiced law in Georgia while also running for office in Massachusetts and claiming citizenship there. (Hersh, p. 245)

On the 18th, Katzenbach releases a letter addressed to Senator James O. Eastland (D-MS). The letter states that the FBI report supports Morrissey's testimony that he studied law in Georgia from June to September of 1933. Katzenbach writes, "I conclude that there is no basis whatsoever to question either Judge Morrissey's credibility or his recollection of the events surrounding his studies in Georgia." (Clymer, p. 76) Yet Katzenbach says privately years later that he had no doubt that Morrissey had lied, and that he had said in his letter to Eastland that once a nomination is made, 'you do what you can.' (Clymer, p. 76; *The New York Times*, 10/19/1965)

Katzenbach organizes a telephone campaign in defense of Morrissey's nomination. The Katzenbach-FBI report on Morrissey is criticized by the Senate and House, and Representative H.R. Gross (R-IA) labels the report "an absurd interpretation." (Hersh, pp. 245, 247; *The Boston Globe* 10/21/65)

On the 20th, implicitly acknowledging that Morrissey's nomination will not get through the Senate, EMK moves to send the nominee back to the judiciary

committee. A week later, RFK has Morrissey write a letter to LBJ asking for his nomination to be withdrawn. (Clymer, pp. 76-77)

1966

February At the urging of RFK, Katzenbach orders that the casket that had carried JFK's body from Dallas to Washington be released to the Kennedy family. The casket is deposited at sea as the Kennedy family requests. (*Chicago Sun-Times*, 06/02/1999)

Katzenbach resigns as Attorney General. Some sources cite a conflict with FBI Director J. Edgar Hoover as the driving force. Katzenbach cites a conversation with LBJ in which the President suggested that Katzenbach might enjoy moving to the State Department. (Nicholas D. Katzenbach Oral History Interview II, 11/23/68, by Paige Mulhollan, LBJ Library)

October On the 3rd, Katzenbach agrees to leave his post as Attorney General to become Under Secretary of State, replacing George Ball. (Johnson, p. 262n; Califano, p. 207)

1968

February On the 6th, Katzenbach attends a meeting with LBJ, RFK and national security advisor Walt Rostow. During the meeting, LBJ and RFK have a heated argument over the Vietnam War. Katzenbach later says that it was "Johnson at his absolute worst." (Unger and Unger, p. 412)

April On the 3rd, RFK meets with LBJ to be briefed on LBJ's activities regarding the 1968 presidential campaign. They agree to maintain closer communication and LBJ suggests that EMK "[c]all up Nick Katzenbach. We both have respect and confidence in him. He told me he had not been in touch with you, and I told him he ought to talk to you." (Johnson, p. 540)

1969 Following the election of Richard M. Nixon to the presidency, Katzenbach begins work with IBM. He holds positions as general counsel and senior vice president between 1969 and 1986. (AFX News Limited, 03/16/2004)

1978

September On the 21st, Katzenbach testifies before the House Select Committee on Assassinations regarding his role in the establishment of the Warren Commission following JFK's death. Much of the focus is on Katzenbach's motivations for wanting to establish a commission immediately following JFK's assassination. The Committee seems to want to ensure that the motivation for the Warren Commission was to uncover the truth and not merely to quickly discredit conspiracy theories surrounding Oswald's associations and the President's death.

Much of the testimony therefore involves discussion of Katzenbach's November 25th, 1963 memo to Bill Moyers.
(http://jfkassassination.net/russ/m_j_russ/hscakatz.htm)

1979

October On the 8th, *Newsweek* reports that President Jimmy Carter has invited Katzenbach to join a blue-ribbon panel of foreign-policy experts to advise the President in regards to the issue of Russian soldiers stationed in Cuba. (*Newsweek*, 10/08/1979)

1981 On May 2nd, Katzenbach joins with five other former U.S. Attorneys General in signing a letter describing as unconstitutional a bill designed to ban abortion by overruling a Supreme Court decision. (*The New York Times*, 05/03/1981)

1982

March Katzenbach joins with three other former U.S. Attorneys General and three former United States Solicitors General to sign a letter denouncing anti-busing bills sponsored by Senators Orrin Hatch (R-UT) and John East (R-NC) as unconstitutional. (*The New York Times* 04/05/1982; *The Washington Post*, 07/16/1982)

1983 On November 22nd, Katzenbach attends an invitation only service to commemorate the 20th anniversary of JFK's death. EMK speaks at the gathering. (*The Washington Post*, 11/23/1983)

1987

September Katzenbach becomes one of several prominent critics of the nomination of Robert H. Bork to the United States Supreme Court. Katzenbach testifies before Congress and signs a petition opposing the nomination. (*The New York Times*, 09/15/1987, 09/22/1987)

1991

November On the 20th, Katzenbach and EMK speak at the presentation of the eighth annual RFK Human Rights Award in a ceremony at Georgetown University's Gaston Hall. (*The Washington Post*, 11/20/1991)

1994

May On the 23rd, Katzenbach and EMK attend the funeral of Jaqueline Kennedy Onassis in New York. (*USA Today*, 05/24/1994)

1996

May On the 16th, Katzenbach is co-chairman of a bipartisan commission sponsored by the Miller Center at the University of Virginia. The commission releases a report warning that the increasing difficulty in nominating and confirming federal judges and the increased number of federal cases must be changed for fear that it could eventually erode the quality of justice in the nation. (*The New York Times*, 05/16/1996)

1998

December On the 8th, Katzenbach testifies before Congress in opposition to the President William J. Clinton's impeachment. (*The Atlanta Journal and Constitution*, 12/09/1998)

2003

July On the 22nd, speaking as an MCI Telecommunications board member, Katzenbach testifies before the Senate Judiciary Committee regarding the WorldCom bankruptcy and the reemergence of a reorganized MCI Telecommunications from the bankruptcy. EMK participated in the hearing, asking questions of Katzenbach. (*Federal News Service Inc.*, 07/22/2003)