EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH NICHOLAS KATZENBACH

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Interviewers

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TRANSCRIPT

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Knott: Thank you again for agreeing to do this interview. You mentioned when we first arrived that you knew Bobby Kennedy better than Ted Kennedy and that your connection with Ted Kennedy was not quite as strong. Can you tell us, just to get a little background information, how it was that you first joined the Justice Department with Robert Kennedy?

Katzenbach: Yes, I was over in Geneva, Switzerland, throughout the whole election. I was there on a Ford fellowship. I got more and more taken with the campaign with Jack [John F.] Kennedy and thought I'd love to be in the government. A lot of my friends were working on the campaign. I called Byron White, whom I'd known quite well at law school. He knew Adam Walinsky. I asked Byron if there was any chance of my getting any kind of job in the government. Byron said, "Not if you're in Geneva. You'd better come back here to Washington." So I did.

I was interested in getting with the State Department, actually, because I was teaching international law and that was the field I was most interested in. I interviewed with a couple of people over there and then I talked with Byron. He asked me if I'd be interested in the Justice Department and I said I would. So that's when I first met Bobby. We talked, I don't think for very long, maybe 10 minutes, 15 minutes. Byron told me there were two possibilities there, one of which was the Office of Legal Counsel and I've forgotten— It seems to me that maybe the next day or so, I was still in Washington, and he told me that he thought that was what Bobby had decided.

That was great with me; Byron was doing all the recruiting for Bobby. Not all of it, because [Herbert J.] Jack Miller was clearly Bobby's choice, Ed [Edwin] Guthman was Bobby's choice. But most of the Assistant Attorney Generals, the new ones, well, Lou [Louis] Oberdorfer and Burke Marshall and Bill Orrick were all, I think, Byron's choices. Burke Marshall was an old friend of mine. I knew him very well. I knew Lou Oberdorfer quite well. They'd been to law school with me. In fact, I remember Byron was trying to get Burke to be head of the antitrust division. Burke had just been made a partner at Covington & Burling, and Byron spoke to me about it. He said he couldn't persuade Burke to come. I said, "If you offer him Civil Rights Division, his wife will make him take it." Byron thought that was a heck of a good idea so he did

it, for which I think the country ought to be very grateful. That was probably the best thing I ever did in Washington.

Knott: Do you recall your first interaction with Edward Kennedy, by any chance?

Katzenbach: I don't. I was trying to remember. He was elected to Congress about two years after, wasn't it?

Knott: Sixty-two.

Katzenbach: I'm sure I'd met him before that, and I think out at Bobby's. That's about all I can remember. They talked about him every now and then. Bobby talked about the campaign up there.

Knott: Do you recall anything Bobby said about that campaign, by any chance?

Katzenbach: I don't really recall much about the campaign, no. I do recall that Bobby said on more than one occasion that he and Jack thought Teddy was the best politician in the family. I think basically that has been proven true. I think it's probably fair to say that neither Jack nor Bobby liked politics.

Knott: Meaning?

Katzenbach: They hated everything, all the interaction you had to make with people. I remember going out with Bobby once on the President's yacht and entertaining all these Senators and Congressmen. I've forgotten what legislation we were trying to get through. But there were too many drinks and steaks and that sort of thing. Bobby was his most charming all the way around, all evening. I said to him, "Can you give me a ride home because my car is in the garage?" He said, "Sure." When it's all over, he gets into the car, pulls down his necktie, and said, "What a shitty job this is." [*Laughs*]

Knott: So Ted was somebody who actually enjoyed—

Katzenbach: Ted actually enjoyed that, I think, and was very good at it. The Presidential campaign, which Bobby was running, I think he was very dependent on Teddy doing a lot of things for him of just that nature. He was very good with people. In a way, he was much better with people than Bobby was. Bobby could be, but it was—

Knott: A chore?

Katzenbach: An effort, a chore. And Jack just didn't like it. What Lyndon Johnson loved to do, Jack hated.

Knott: Johnson, meaning Johnson loved working—

Katzenbach: He loved working on the phone. As far as Jack was concerned, that was all Larry's [O'Brien] job, not his.

Knott: When you decided to stay on in the Johnson administration, other folks who did that who had been part of the Kennedy administration, there were stories of some bad feelings, particularly on Robert Kennedy's part, toward these other individuals. Was that the same for you? Did you ever get the sense that he resented the fact that you—

Katzenbach: No, not at all. In fact, I think he wanted me to. Bobby and Lyndon Johnson were just oil and water and there was no way you could mix them, for a whole variety of reasons, mostly personality reasons, really. But Bobby was very proud of the Justice Department and when he left to run for the Senate, I think he genuinely wanted me to be Attorney General. He recommended me to Johnson. I never thought that was going to do much good. Nonetheless, I appreciated it. I'm not trying to run it down, but I think he wanted to preserve the Department of Justice, what he had done. I think he was resentful of people in the White House who stayed. I don't think he was at all resentful of anybody in the Department of Justice who stayed. Not many did, in fact; that was one of my problems. He just didn't want that taken over in a bad way, which is what he feared with Johnson always. Probably wrongly, but that's what he feared.

Martin: Do you think that Lyndon Johnson saw you as a Kennedy man?

Katzenbach: Oh, sure. How could he help but see me as a Kennedy man?

Martin: Do you think it stayed that way over the years?

Katzenbach: That's hard to say because I don't think he ever had any doubts about the fact that I was working for him. He was the President and I was giving him the best advice that I could give him and doing what I thought he wanted me to do, which was not that difficult since he didn't interfere in the Justice Department at all. What he most wanted from us was the civil rights legislation, and he was getting that. He never interfered with anything else really. Things like the Francis Morrissey appointment, but that's minor.

I think he really had confidence in me. He knew what I was doing and I don't think he thought I was being disloyal to him at all. Yet, if you went to the very end of the time that I was there, right toward the end, Bobby had a—there was a big story in Paris about a peace feeler on Vietnam to Bobby. Bobby said he never heard of it, didn't know anything about it. We couldn't even find it in the State Department for the peculiar reason that the cable was labeled "confidential" not "top secret." Nobody read confidential memos at any high level in the State Department, so nobody knew where this was. Then Lyndon Johnson asked me to go down and see Bobby in the Senate and ask him about it, and I did. It was the only time I ever went down to see Bobby on anything at the President's request. He never tried to use me in any way to help him with the Kennedys. I went down there and I told Bobby I was there at the President's request. I said, "I'm representing him so you'll have to take it that way." He said, "I never got any peace offers. I never did anything of this kind."

He then went on to say, which I thought was interesting, he said, "I can't really fault President Johnson on his domestic policies at all. He's done everything right. But I do fault him on Vietnam. But I never got any peace offer." Then the phone rang and it was the President and he wanted to speak to me. He asked if Bobby would come over to the White House and talk to him. So I asked Bobby and he said sure. We went over there and Johnson was just at the absolute worst. He had Walt Rostow there and me and Bobby, and he kept referring to Bobby's—he said to Bobby, "It's your State Department." That was a crack at me, it had to be. It certainly wasn't a crack at Dean Rusk. He was just awful the way he talked to Bobby. Bobby finally just got up and said, "I'm leaving." I said, "I am too."

He went out and all the cameras were there and Bobby said, "What should I say?" I said, "Tell them that you never got any peace feelers." That, of course, was to the President's advantage, but it also happened to be the truth, as Bobby had been telling me.

Martin: This was late in the administration before Johnson had—

Katzenbach: Almost at the end of the administration. But I said it only as a long response to your question; he still thought of me as a Kennedy person.

Germany: Do you think that Johnson thought of that as being somewhat advantageous, to have someone who was a Kennedy person in the Cabinet?

Katzenbach: Not particularly, no. I think there were probably two reasons, or maybe three, why Johnson appointed me. One was that I served a long time as acting, and I think I did a very good job. I didn't mess up anything for him. Secondly, I think he was worried about the civil rights groups, and worried about if I offered the job to a couple of other people and he offered to other people, that they would say why not me? But he was worried about civil rights people having no confidence in somebody else he might appoint. I think the third reason was probably that Abe Fortas told him he should appoint me.

Knott: You had known Fortas?

Katzenbach: I'd known Fortas, yes. I took a course of his when I was a student at Yale and did quite well in it, and we knew each other from that. He was a great teacher. He's a brilliant guy, Abe Fortas. Whatever problems he may have had in other respects, and he did, he was a great teacher and a really good intellect. When he was appointed to the [Supreme] Court, Johnson kept calling me up and saying, "I can't appoint him because he's too close to me. People say he's a crony." I said, "The fact that you know him very well shouldn't disqualify him. It may not qualify him, but it shouldn't disqualify him."

Martin: It would disqualify a lot of people.

Knott: Do you recall any conversations or contact with Edward Kennedy around the time of President Kennedy's murder and when the decision was being made to create what became known as the Warren Commission?

Katzenbach: I think that I did talk to him about it at that time. Bobby was impossible to talk to; he didn't give a damn. His brother was killed. That was it. Who killed him didn't make any difference. It was just the fact of his death. I'm overstating it, but the fact of his death was so devastating, he really wasn't focused on anything. I think I did talk to Teddy then about the commission, but I think it was after I had suggested the commission, not before.

Knott: We've heard some accounts that Johnson had a pretty good relationship with Ted Kennedy.

Katzenbach: I think he had a much better relationship with Teddy. I think he had a perfectly good relationship with Jack. The Vice President kept being forgotten. We'd have a meeting and someone would ask where's the Vice President? Oh, we didn't ask him. Jack would get mad as hell at that because he wanted to include Lyndon Johnson in things because he appreciated what he had done. Bobby just did not like Lyndon Johnson.

Knott: What was that all about?

Katzenbach: Candor. Bobby was one of the most direct, honest, candid people I've ever met in my life. I'm sure Bobby has told a lie, but it's hard for me to imagine. Lyndon Johnson had trouble remembering what the truth was. [*Laughter*] It wasn't so much evil as it was part of his personality. He would *constantly* say things that weren't true, and this just drove Bobby absolutely wild.

Martin: Do you remember any good stories from that? Any good exchanges between the two of them?

Katzenbach: Not between the two of them. I don't remember seeing anything particularly between the two of them. Bobby didn't want to have anything to do with him. I've heard Bobby speak about him often, and never in flattering terms.

Germany: On the LBJ [Lyndon Baines Johnson] recordings, when they talk, it's often in a really professional, almost clipped manner. Was that the way their relationship was in a meeting?

Katzenbach: Yes, very short conversations. Johnson had a lot of long conversations with people, but I doubt his conversations with Bobby were ever over a minute and a half. They did talk a good deal on the '64 Civil Rights Act. That was mostly the President asking, "What are you doing? What do you want me to do?" Johnson told Bobby he was in charge of that, and he would do whatever Bobby wanted him to do. You can read that any way you want to. I think it was the right decision. You could say, if it fails, it's your fault, not mine.

Martin: Did you look to Bobby first?

Katzenbach: He looked to Bobby first on all of that, and he adhered to that.

Martin: Did *you* look to Bobby first for what you were doing?

Katzenbach: Sure, on the ’64 act, yes. The ’65 act was a piece of cake; that was no problem, Jack Valenti to the contrary, notwithstanding. He thinks it was very difficult but it was very easy. Although that involved Teddy in an interesting thing.

Knott: Could you tell us about that.

Katzenbach: On the poll tax.

Knott: Please.

Katzenbach: Well, Teddy was still a fairly junior Senator and I think he wanted very much to be involved in that. He thought the poll tax was a way to do it. I thought the poll tax was a bad idea for legislation because I thought that would delay getting rid of the poll tax. The Supreme Court had a case involving the poll tax and I thought that they would declare it unconstitutional and that would finish it. If the Congress passed the poll tax thing, then they’d have to go all the way up the line again and it would probably take three years, two anyhow, to do, so I was opposed to it. I knew I had the votes to beat him on it. Bobby had talked to me about it. I said, “If it does Teddy any good, go ahead, work on it. I’m going to be working on the other side, but go ahead. If you can beat me, beat me, but I don’t think you can. But if it does Teddy good, that’s fine with me.” I think Bobby would have persuaded him to withdraw it if I’d asked him to.

Knott: I see.

Martin: Was Teddy involved at all in the ’64 Civil Rights Act, working on that?

Katzenbach: He wasn’t heavily involved in it, no. He couldn’t be as a junior Senator, he wasn’t on the committee.

Martin: I’m curious—if you could explain to us a little bit why you thought that the Civil Rights Act—

Katzenbach: He was on the Judiciary Committee, yes. He was involved in it, yes. I’ve got to try to bring back my memory—the secret of that act was getting it through the House in the form that we got it through with the Republican support and Charlie Halleck’s support in the House. It got through the Senate and Everett Dirksen was sure that President Johnson was going to give up some of it. That was why he supported it, because he was sure he could get rid of some of it. When Johnson told him he wasn’t going to get rid of any of it, Dirksen was out at the end of the limb. He didn’t know what to do. But the only thing that I remember there, which was really kind of funny and which involved Teddy, Teddy came, he was having a meeting. The act got all messed up in the Senate committee. This was the Voting Rights Act, not the 1964 act.

[*phone interruption*]

Katzenbach: The act had gotten amended in committee in terrible ways. Senator [James] Eastland came to me after a meeting in Senator Dirksen’s office. Senator Eastland came into the dining room and he said, “You can have this bill the way it has been amended or you can have it

the way the President sent it down, but you can't get any new amendments into it from the liberal side."

So I asked the Democrats—I guess Phil Hart was the senior Democrat—what they wanted to do. I recommended that we take Eastland's recommendation and just report it out the way the President sent it down, or the way the House sent it over actually. I thought that was a good bill. Teddy was there, and Hart and [Jacob] Javits. Javits was adamant, "We can get this. We have the votes in the committee. We can get this done the way we want to get it done." Hart supported him and Teddy was a little more reluctant to support him, but didn't have much choice with his seniors.

So back they went into the committee room to get it all amended the way they wanted it. They listened to Sam Ervin reading the Constitution to them for the next three hours and filibustering in committee. They came out about three hours later and said, "Would you talk to Senator Eastland and see if we can still get that deal?"

Martin: Did you get a sense that Eastland didn't care which of the two bills went forward?

Katzenbach: He didn't care. He stayed out of civil rights.

Martin: That's intriguing.

Knott: That's interesting.

Katzenbach: He knew it was going to lose. He played his role. But he was funny. He was the best Chairman I ever worked with.

Knott: Why do you say that?

Katzenbach: Because he told you whether you were going to get a bill or not, and how to get it. I mean, he would say, "You can have that if Senator [John] McClellan agrees. You'll never get this one." He'd just go through your legislative program like that. But he said, "Don't ever talk to me about civil rights." I did only once. I said, "How long is it going to be in committee?" He said, "God damn it, I told you never to talk to me about civil rights. About two weeks." [*Laughter*] He was perfectly happy to have it out anyway. Whatever happened to it, it was going to be filibustered. After the filibuster, if you beat the filibuster, you were going to have the votes to make the act the way the Republicans wanted the act. So he didn't care which one you started with.

Martin: Was he under the impression that they would amend it on the floor?

Katzenbach: Sure, but they couldn't do it until after the filibuster was over. Then you can put in all the amendments you want to for a limited amount of time.

Germany: Did you have faith that the filibuster could be beaten?

Katzenbach: Yes, I thought it could be beaten. But I wasn't sure. I didn't think it was going to be beaten 71 votes.

Germany: What kind of advice did you give Johnson regarding how to handle the filibuster?

Katzenbach: I think he worked hard on it. I think he had some votes—I know he had at least one vote in his pocket. [Carl] Hayden. Hayden never voted to end a filibuster, but he promised Johnson that if *he* was the deciding vote he would vote. He left the chair right away when the voting started and went in the back room. When enough votes to beat the filibuster were out there he came out and voted no, with a very happy look on his face. But I'm sure Johnson worked hard on it. I thought we could get the votes to beat it. But there were people, very conservative Republicans, who I wasn't sure about, like [Bourke] Hickenlooper. I just didn't know. But I thought we could get 67 votes, that was what I counted. We got 71. But Johnson was good about that, he understood the Congress very well. When I first talked to him about it, he said we could never can beat a filibuster. He said, "We haven't got the votes." I said, "I think we do. We have to get seven of these eleven people and I think that's possible. They have all voted to end the filibuster before."

Martin: And so your sense is that Johnson started making phone calls?

Katzenbach: I think that Johnson took that seriously. I also said to him, "If you say we can't win, we can't win." He was pretty good. What I honestly think is that the civil rights movement had gone so far, and the legislation had gone so far when he became President, that even if he had wanted to he couldn't have stopped it. So he joined that parade and joined it wholeheartedly, knowing we were going to lose the South. I think Kennedy knew we were going to lose the South too, but I don't think he knew it as convincingly as Johnson knew it.

Germany: How strongly was Jack Kennedy committed to something like the fair employment component of the bill?

Katzenbach: I think quite. I think it's fair to say that Jack Kennedy really was more interested in foreign affairs than he was in domestic affairs. He was just more interested in them. He depended a great deal on domestic affairs on his Cabinet, and particularly on his economic advisors, where he was fairly conservative. His father, I think, had brought him up in a way that made him pretty conservative on economic matters. The result was he had an awfully good bunch of advisors. Walter Heller—the economy just did extremely well.

But I think on most other things—Jack Kennedy really was conservative on his economics. I think the only question he asked on all the other things was, can you afford it? Other than that I think he was quite liberal in what he wanted. But he was very careful as far as the budget was concerned, which I guess is one of the arguments that's never been made that I've heard. One of the arguments against going full scale in Vietnam for Jack Kennedy would have been the budget.

Knott: Interesting.

Katzenbach: Spending all that money for what?

Martin: You had mentioned that you thought that the passage of the Voting Rights Act was easy, maybe in comparison to the Civil Rights Act of '64. I was hoping you could talk a little bit more about that. What made it easy?

Katzenbach: The fact that nobody in the South, no elected official in the South, believed that you should deny blacks the right to vote, formally. You could do it by every other means that you wanted. You could have poll taxes, you could have literacy tests, you could keep them from voting. But if you asked them to defend—if you asked them if the 13th Amendment was wrong, they'd say no. Their heart wasn't in it. That was partially because they lost the '64 Civil Rights Act, but I think it was partially because they really had a guilty conscience about the voting.

I think that your southern Senators were beginning to see that the thing had changed. They could, and did, denounce *Brown v. Board of Education*; nobody was going to comply with the Supreme Court. They denounced the Supreme Court, the hell with them. But when Congress passed the '64 act, the South changed. Opposition changed. You wouldn't have gotten George Wallace standing in the door at Ole Miss or anything else. But once the Congress had spoken like that—remember, the southerners had all the senior positions. Not quite, but huge swathes of senior positions, particularly in the Senate.

Martin: But at the same time they could have squashed it with procedural things that wouldn't have had them come right out and say—

Katzenbach: They were willing to do that, but once you put the Voting Rights Act in, the evidence on the literacy tests was so overwhelming that—I mean, they filibustered and they defended it and so forth, but their heart wasn't in it.

Martin: You're generally credited with writing that component, the literacy test, to decide whether states were disenfranchising or not.

Katzenbach: Yes.

Martin: Is that accurate? In terms of you being the one who wrote that provision?

Katzenbach: You mean getting rid of the literacy tests?

Germany: The formula to decide when—

Katzenbach: Oh, when they were subject to it?

Germany: Yes.

Katzenbach: That's a phony formula. Archie Cox came up with that, I think. The only problem was that it included Alaska, but they'd probably been discriminating against the Eskimos, the Indians, up there, so that was probably all right. That was just a formula to try to make them feel better about how many people had voted and if they hadn't, not enough people voted, not enough

people registered. I've forgotten the formula now. It was simply a way of selecting them out without saying flat out, "You've been discriminating in your tests." Without getting into the discrimination issue, you could just blanket them with no test.

Germany: Did you see this as a regional problem, looking at civil rights broadly, not just simply voting?

Katzenbach: Was it regional?

Germany: Mostly a southern problem.

Katzenbach: It started as a southern problem, didn't it? Has it been a southern problem? No. But you had to break the back of state-enforced segregation before you could do anything about anything else. If you're talking about prejudice, I think it existed in all 50 states and I don't think it was any worse in the South, in lots of ways, than it was elsewhere. But because of history and because of slavery and because of the population in the South, the black population, it had different effects in the South than it had in the North. In the North nobody ever bothered to stop blacks from voting. There weren't enough of them to make that much difference until they poured into Detroit and Chicago, I guess. Even then, it was too late to do something about it.

Germany: How important was grassroots pressure on the decisions that you would make in the Justice Department, that Johnson would make in the White House, say in Selma, for instance?

Katzenbach: Grassroots? I think important. Sure, what was important throughout was, you couldn't get peace in the South without doing something about it, so the grassroots was essential. I guess you had Thurgood Marshall not liking Dr. [Martin Luther] King because they had different approaches to it. But Thurgood's approach was to go into court, and getting the court decisions really wasn't getting anywhere until Dr. King got people out in the streets. The biggest problem, the most difficult problem, was the fact that you had to get the southerners to comply with the law themselves, not do it for them. They really didn't mind, in a sense, having troops come in and create law and order because then they didn't have to do it. The problem was to get the sheriff and the police chiefs to protect blacks in a march as well as they protected whites when they did it, and have them comply with the law. That was very difficult.

One of the ways in which it did get accomplished was when you had to bring in the troops; you brought in the local troops. Blacks didn't like that because the troops were all white, the National Guard. But it was a pain for the state to use the National Guard, to use their own people to do it, until they got over it. But the real problem was—you know, we don't have a national police force. The U.S. [United States] can't enforce the law. They had nothing but the old statutes on the Army, which makes a mess.

But in terms of the literacy tests and voting, as I said, Eastland never came to any hearings on civil rights. Sam Ervin came, and he would chair the meetings and ask you all these questions about the Constitution. You'd cite a case to him that contradicted him from the Supreme Court and he'd say, "I don't think that case was rightly decided." It's very hard to argue when somebody can dismiss the Supreme Court and then try to reargue the case. [*Laughter*] One day,

on the Voting Rights Act, Eastland came in and I was testifying and I had in front of me—as I said, it was a slam-dunk—sheets of paper from every state in the South, every county, every voting place, and the number for some years. The number of whites registered, the number of whites who had applied, blacks who had applied, whites accepted, blacks accepted, registered voters, blacks and whites, year by year, by year.

Senator Eastland came in because Ervin had something he had to do. Eastland came in and he started to ask me about Mississippi. Every pitch he made, I hit out of the ballpark with my statistics right in front of me and so forth. I got back to the office that day and the secretary said, "Senator Eastland is on the line for you." I said, "Oh, hell." I picked it up. He said, "Nick?" I said, "Yes, Senator." "You know too damn much about the state of Mississippi," and he hung up. [*Laughter*] That's why I say, with Eastland, and then generally, he had nothing to say to this. The statistics were just overwhelming. It was just not possible. You can't have a hundred whites apply and a hundred get registered and 30 blacks apply and one gets registered. It just isn't that way.

Martin: So you had decided ahead of time which states you wanted to focus on, and then Archibald Cox created the formula to create that mechanism?

Katzenbach: No, we played with formulas until we found one that included the South. As I say, it didn't include quite all of North Carolina, but it included the worst counties in North Carolina. It included Alaska and it included one or two counties in Arizona, I believe; something like that. That kind of made them mad there but that wasn't really a problem.

Knott: Can I get you back to this question of your relation—I just want to make sure we've exhausted this—Johnson's relationship with Ted Kennedy.

Katzenbach: Johnson liked Teddy and said he liked Teddy. He also often said that he admired Bobby. Whether he said that just for my benefit or whether he believed it, I don't know, but he said it often. He was quite sincere about Teddy and I think he was quite prepared to help Teddy. I think to some extent Teddy did take advantage of that. Now I attribute that, maybe wrongly, but in part to Johnson's relationship with their father and to something of a mutual admiration society.

Knott: Between Johnson and the Ambassador?

Katzenbach: Yes. I know that Johnson was a great admirer of Joe Kennedy and I think he was not averse at all to helping his young boy. I think Teddy was smart enough to know that Johnson knew the Senate about as well as a Senator could know the Senate, how you succeeded and how you got along and what you did. So I think they did have a relationship, which I don't think Bobby ever had, but I think that Jack and Lyndon Johnson got along perfectly well. Not that Lyndon Johnson liked being Vice President, but putting that aside, I think they got along about as well as most Presidents and Vice Presidents do.

Knott: Earlier in the interview you mentioned the name Francis Morrissey and the Morrissey nomination. Can we get you to talk a little bit about that?

Katzenbach: Joe Kennedy wanted Morrissey from the word "go." Morrissey clearly was not qualified. Bobby was just adamant about refusing to do it. Jack was less adamant, but Bobby was just adamant that he wasn't going to do it. That was true after Teddy got to be in the Senate. Just didn't. Teddy wanted him and Bobby said no, he wasn't qualified. Bobby didn't want the Kennedys to be associated with an unqualified choice for their home state. After Bobby went to the Senate from New York, Lyndon Johnson thought he wanted to do something for Joe. Teddy was under the thumb of his father to some extent, and wanted Frank Morrissey. So the President asked me. I said he wasn't qualified. He said, "Would he be confirmed?" I said, "Yes, he would be confirmed." Teddy put him up—I thought that he would be. I still think he would have been if they hadn't uncovered all kinds of other reasons that he was unqualified.

Knott: The Georgia Law School—

Katzenbach: But that, you know, the FBI [Federal Bureau of Investigation] came up with none of that.

Knott: Yes?

Katzenbach: I thought the—the ABA [American Bar Association] was not particularly—the Senators didn't like the ABA because the ABA would hold, disqualify, not qualify, people that they wanted. Unless they were very powerful Senators like Bob Kerr, who always wanted an unqualified judge so he could show how powerful he was. That's literally true. In fact, I had to get the ABA to change their vote on one judge to get him qualified just to frustrate Kerr. [*Laughter*] We got him qualified five to four. It was five to four against. I said, "This [Bernard] Segal will come on. The President is going to put him up, and he's going to be confirmed. Why do you—?" And they had just confirmed one unqualified judge in Oklahoma, "—why do you want two? Why don't you change your vote and make him qualified?" So he thought about it and got one person to change, I think it was probably himself, got him to change his vote.

Germany: That was Bernard Segal?

Katzenbach: Yes. He was very helpful. Bobby was very fond of him and he was very helpful.

Knott: Some people have suggested that Johnson actually put the Morrissey nomination up knowing that it would be an embarrassment to—

Katzenbach: I don't think so. I don't really think so. If he'd known it was going to fail, it would have been an embarrassment. I don't see— he would have been a terrible judge. But if he had been confirmed, I don't think it would have been an embarrassment. I was probably wrong not to be firmer about not wanting to put him up, but I was pretty new in the job. Also, if the President says he wants somebody, it's—and the Senator wants somebody, and the Senator is a Kennedy, it's hard to say no. I really did think he would be confirmed easily.

Knott: Ultimately he withdraws his name?

Katzenbach: Yes. But it was—

[*phone interruption*]

Katzenbach: …crisis, excuse me, criminal prisoners.

Knott: Bay of Pigs prisoners?

Katzenbach: Bay of Pigs. The cardinal had raised a million dollars—

Knott: [Richard] Cardinal Cushing?

Katzenbach: Yes. Bobby called me up one day and he asked if I could go out to the airport and meet some representatives from Cushing who were coming down, and take them to lunch because he was busy. Then after lunch, bring them to his office. I said, "Sure." So I did that. There was a Monsignor, I've forgotten his name, and Morrissey. I took them to lunch. I had a room for them, but they didn't want to wash up, they just wanted to go to lunch. I took them to lunch and then I took them back to Bobby's office. They both were carrying attaché cases.

They got into Bobby's office and they put the attaché cases on his desk. Morrissey said, "We brought the money. We supposed you wanted it in small bills." They opened up the two briefcases and there was a million dollars in cash. In the Attorney General's office under very suspicious circumstances. [*Laughter*]

Knott: That's great. Do you recall any conversations with Ted Kennedy around the time when Morrissey decided to—?

Katzenbach: We did talk and I don't remember very much about it. I think he was asking—he thought he could be confirmed, did I think he could be confirmed? I guess we did something on tactics of some kind, who would testify for him and so forth. But I don't remember that very clearly. I remember Teddy was fairly active on the immigration bill too.

Knott: Yes, we wanted to ask about that.

Katzenbach: I don't know whether it was good, bad, or indifferent over the long run. We don't seem to be able to handle immigration problems, never have handled them very well in this country really. It was sort of a tribute to President Kennedy. That was the idea of it. Somehow you take some of the ideas that were in his book and try to get them enacted into legislation. Teddy was very active on that. He did a good deal of work on that.

I think Johnson worked quite a bit with him on that, and Larry O'Brien probably too. I know I came across a picture yesterday. I was looking through some stuff. I've got to throw away a lot of stuff in the house. There was a picture of the signing of that bill. A picture of a very young Ted Kennedy.

Knott: Sure.

Germany: Do you remember much about the immigration restriction in the western hemisphere and Kennedy's role in that?

Katzenbach: I'm not sure my memory on it is accurate. My recollection is that there was a good deal of pressure from some Senators—I think they were probably southern Senators—on immigration controls, particularly from Mexico for the border. Now it seems to run the other way to some extent. They want cheap labor, but I think at that time they were concerned about it. I don't know who it was, but that was one of the concerns. It was perfectly all right to change a lot of the quotas as far as Europe and so forth was concerned. It was all right to open it up to some extent in Asia, but the real problem in the Senate, and the House, I guess, was always with the Latin American countries, and particularly with Mexico. They wanted strict limits on the number of immigrants. But that's as far as my memory goes. They had some fairly good arguments. We put the bill with not very strict limits, maybe no limits at all, I don't remember. I'm just not much help to you, I'm sorry. My memory on that one is not very good.

Germany: That's okay.

Martin: Ted Kennedy is basically carrying the water for the administration on this bill? Is he channeling and navigating?

Katzenbach: He's doing a lot of the work for the administration on that bill, yes.

Martin: To what degree did the bill get written by the administration versus Ted Kennedy having some authoring responsibility?

Katzenbach: I don't know. The bill was written, I think, in the Justice Department. I don't know to what extent they talked with Bobby or with Teddy. I'm sure they talked with—they had to talk to people on the Judiciary Committee and they would have talked with Teddy, but I just don't know who it was or who talked with him.

Martin: Do you remember any consideration by Ted Kennedy or any of the Kennedys on changes with respect to Irish immigration?

Katzenbach: No, I don't.

Martin: Okay.

Katzenbach: They thought we had enough Irish here, didn't they? Bobby used to use the Irish all the time, which was, I think, very annoying to the blacks because Bobby thought the discrimination against the Irish, which was real, would give him a point of identification with the blacks, and the blacks didn't think the Irish were discriminated against in any mean measure at all compared to the way they'd been discriminated against. So it really backfired on him whenever he tried to use it.

Martin: I wanted to jump back just a second. When you're rounding up votes to oppose Ted Kennedy's amendment to the Voting Rights Act on poll taxes, you're able to persuade Eugene McCarthy to oppose it.

Katzenbach: Yes.

Martin: How did that come about?

Katzenbach: He just asked me.

Martin: Eugene McCarthy asked you?

Katzenbach: Yes, he called me up and asked me about it. I said I was opposed to it and I hoped he would vote against it and I gave him the reasons. He said he thought they were good reasons and he would do it. Then Bobby tried later to use it in the campaign.

Martin: Yes. So he came to you?

Katzenbach: I told Bobby not to. I told him, McCarthy asked me to—I wasn't terribly fond of Eugene McCarthy really, but McCarthy asked me, said that I had told him to do this and so forth, and I said yes I had.

Martin: At this point McCarthy wasn't worried about Presidential aspirations, or did he not convey that to you?

Katzenbach: I don't think he was at that point, I don't know. Gene McCarthy resented Jack Kennedy being President.

Knott: Why was that?

Katzenbach: Because he wasn't a good Catholic, in McCarthy's view. McCarthy viewed himself as a good Catholic and Kennedy as less than a good Catholic.

Germany: That's interesting because in the broader electorate, Kennedy's not being a good Catholic is what helped him, particularly among southern Protestant voters.

Katzenbach: Probably, probably. McCarthy was a very strict Catholic, and not a bad poet. But that was—I really was trying to help Teddy without losing the—and I think it did help Teddy. It was the first thing that he had really been personally singled out, identified with and he was able to get 42 votes or something like that.

Germany: On this issue of Catholicism, do you remember any other instances where the Kennedys' religion played a role, inside [Washington] D.C.? Inside what we call the beltway today?

Katzenbach: It played a reverse role. Kennedy was the most anti-Catholic President that you could have had, mainly because Ted Sorensen wouldn't let him go anywhere for fear of offending the anti-Catholic group. I remember doing memos for the President on aid to schools and so forth, which he rejected as far too lenient. The law is pretty tough on aid to schools but not to colleges. Catholic colleges can get aid almost like any other private institution. Ted was so scared of the whole subject that he was separating church and state with a huge wall, which may have been the right political thing to do. I don't have any idea.

Germany: What was your relationship with Ted Sorensen like?

Katzenbach: Good. He didn't try to be a lawyer so it worked out fine. One of the big differences between then and now is there weren't any lawyers practicing law in the White House.

Germany: Just serving as advisors and counselors.

Katzenbach: No, no advising on the law, no practicing law. That came from the Justice Department. You didn't have two lawyers advising the President. They didn't pick judges. It makes a difference, I think. It has made a difference. The same thing has been true in the State Department and the National Security Council and National Security Advisor; it is just a disaster from the State Department point of view. It wasn't particularly with Mac [McGeorge] Bundy, who was very deferential, but it became more and more so, so that you get more and more policy being made over there.

Germany: Is it a matter of proximity, just being close to the President and having the ear—

Katzenbach: Yes. I think proximity to the President is extremely important, and non-proximity to the Congress is extremely important. You don't have to defend the policies, somebody else has to. The Secretary of State has to go down and defend what you decide to do. The Attorney General has to defend what you decide to do. I just think that's not healthy.

Knott: We have one relatively minor mention in our timeline, you may have seen. You received a request from Robert Kennedy at some point in 1966 about the custody of the casket that had been used to carry John F. Kennedy's body from Dallas to Washington. Is that correct, that he was asking for permission to have it handed over to the family? They were afraid that it would be used or possibly abused at some point?

Katzenbach: I think so. But they were quite sensitive on all of that and quite understandably so.

Knott: Did that require some sort of special—

Katzenbach: I've forgotten. I saw it there, but I've forgotten what—I remember, but I don't think it required very much. I don't think it was very difficult to accomplish. I think the most difficult thing—Jackie [Jacqueline Kennedy] didn't want anybody to change anything in the White House and that was rather difficult.

Martin: In terms of decorations or—?

Katzenbach: She had gone to a lot of trouble to make the White House very beautiful and historically accurate and so forth. She didn't want anybody to change it.

Knott: Did you get involved in this?

Katzenbach: Yes.

Knott: You did? She would ask you?

Katzenbach: Yes. And Clark Clifford. We'd try to work out some compromises, which we did. But she was just surprised that things that had been given to the White House didn't have to stay there. Jackie never quite understood, I don't think. I was trying to make her as happy as I could make her, but you can't exactly freeze the White House in Jackie Kennedy's design. You have other Presidential wives coming in and they may mess it up or they may improve it, but they have some prerogatives.

Martin: Did you play any role in the '68 campaign?

Katzenbach: No.

Knott: Weren't you tempted to leave— You were still in the State Department then?

Katzenbach: Yes.

Knott: Your friend was running for President, were you tempted to—?

Katzenbach: No, I wasn't tempted. If he'd asked me to, it would have been different. He never asked me. I'd never been in a campaign. I would just probably have been a problem for him. I wouldn't have known the people. You put together your teams of people who know people. I didn't know them. I'd never been involved in any campaign. I don't think I would have been very much help.

Martin: When Johnson announces he's no longer going to seek the Presidency in '68, you're in the State Department at this point, correct?

Katzenbach: Yes.

Martin: How did your job change with respect to foreign leaders? Did they take you less seriously?

Katzenbach: I don't think it changed really very much. My wife won ten dollars on it. She had been predicting that Lyndon Johnson wouldn't have run, and I was trying to keep her from making bets because I was afraid they'd get back to the President. [*Laughter*]

Germany: Your wife was placing odds against him.

Katzenbach: No, I don't think it changed. He changed, not until after the election, when [Richard] Nixon was elected, then Johnson said he wanted no initiatives from anybody, which I think was actually a very principled notion. I think if I had been President I'd be tempted to do one here or one there, but still, I think it was very principled to say it's now Nixon's baby, not mine, and I don't want any new initiatives.

Knott: If I could just take you back a bit to 1966, you leave the Justice Department, primarily due to disputes with [J. Edgar] Hoover, is that an accurate assessment?

Katzenbach: No, it's not; that's part of it, yes. I said to you at the very beginning, I always wanted to go to the State Department and I'd always been more interested in international law than anything else, that's why I've never practiced it, I guess. That's what I was teaching, that's where I saw my own future. I thought if I got to the State Department that would be great. So I volunteered to go there, to be Undersecretary of State. Also, the Justice Department, I had been there six years. You get tired. Most of the things you think you've done or you can't do. So I was quite happy to go over there. I *said* that. The President was reluctant at first; didn't want me to go. Then I think he got, typical Lyndon Johnson, he got the idea that if he sent me over and he made Ramsey Clark Attorney General, Tom Clark would have to get off the Court and he'd get another Supreme Court appointment.

I told him there was absolutely no reason for Tom Clark to get off the Court if Ramsey was Attorney General, which there wasn't. He said, "Oh no, there'd be a terrible conflict. It would be absolutely essential for him to get off." Tom was willing—if his son was going to be Attorney General, as he had been, he thought that was terrific. He was happy to get off the Court. So that's what happened.

Knott: Did you ever have any discussions with Johnson about your concerns about Hoover, or was that off limits?

Katzenbach: No, I had discussions with him about Hoover, yes. I had one discussion, when I discovered that Hoover was playing these tapes of King's sexual activities for reporters. I tried to confront the Bureau on it. I couldn't get any of the reporters to do it with me, I guess understandably. Hoover had an awful lot of power. I couldn't get—they just denied they were doing it, which is kind of ridiculous. They were doing it a hundred feet down the hall from me. I knew they were doing it. The reporters told me about it. I did tell Johnson about that and I said, "If you want to stop that you're going to have to do it. I can't; I've tried." It stopped. I always credited that to Johnson.

What Johnson did is write a letter. I haven't got a copy of it, but a letter that sounds as though Johnson wasn't having any problems at all with it, if you read it carefully. But it's a very typical Lyndon Johnson letter, which is turning it around and putting it on Hoover's back if there's any problem. I think it was effective in stopping it. But Hoover was very resentful of Kennedy, of course.

Knott: What was that about? What did he resent? The youth?

Katzenbach: The Attorney General was somewhat closer to the President than he was. He had been very close to Presidents and he just didn't like it.

Martin: How knowledgeable were you as Attorney General about Hoover's activities?

Katzenbach: Not very, obviously. At least I discovered a lot when they had the hearings in '72, '73. You knew about some of them, and then every now and then one would come up that you never even dreamed of. The Department of Justice budget went into the subcommittee of the House Ways and Means Committee that was chaired by John Rooney of New York. What I didn't know was that John Rooney, as an economy measure, used several FBI agents to review the budget. So my budget was being reviewed and commented on by the FBI. I don't know how I found that out, but it just came up fairly casually. But by God, you feel as though you're not even in the job. No wonder he got 100% of his budget and I'd get 90% of mine.

Germany: How was your day-to-day relationship with Hoover? If you wanted to set up a meeting with him, you'd just call him up and go down the hall or was there—

Katzenbach: I'd call him up and go to his office, and I had a reason for that. I knew how to get out of his office, and I didn't know how to get him out of mine. [*Laughter*] He was very garrulous in his older age and he'd go on and on and on about things that made no difference at all about anything. He'd talk about dinner parties he'd been to, didn't make any—anything you asked him to do he'd say he would do it and he would do it, at that moment. Whether it stayed done or not, I don't know.

Germany: Did you mostly—would you work with—

Katzenbach: When I put the rules into effect on bugs and wire taps and stuff, he said he always wanted that, which seems to be clear he didn't, but that's what he said. And he said he had no resentment at all about it, but I think he did.

Knott: Had Bobby won in '68, Hoover would have been gone, is that a safe bet?

Katzenbach: I don't know. He would have been gone in '64 if Jack had been reelected in '64.

Knott: Really?

Katzenbach: They'd always planned on that. They were going to give him a big sendoff and he was over age on the job, so that they had a reason. They were going to fly the military bands and the Air Force was going to fly over, and they were going to give him a huge thing on the Capitol steps or the White House or someplace and say good-bye. But then that didn't happen. I think Bobby would have liked to have pulled it off if he'd been elected, but I don't think he would have dared make it his first priority. Hoover still had a lot of power.

Knott: The power resided in those files that he kept on people, or was it more than that?

Katzenbach: Well, that was something he had on Congress. And he had some on the Kennedys, at least on Jack. But I think his power was very clever public relations over the years. People had a great deal of respect for J. Edgar Hoover. He was a hero. He had kids, FBI badges, and toys and things. And he stayed away from the limelight. He's kind of a myth. Hoover was a myth. You never saw him, to speak of. He never testified. He never did any press conferences except for that one he did with the women. He called Martin Luther King the world's greatest liar. But he stayed away from that and built up this mythology.

The FBI was a great institution. I mean, they were able to build up a terrific institution because of the Depression. You could hire lawyers and you could hire accountants. They were all Irish, but that's okay. He built up a great organization. Today you can't recruit the way he could recruit. You could get people of much greater competence than I think you're able to get today.

Germany: Do you know who the Kennedys would have wanted to replace him with?

Katzenbach: They never said; I have no idea. Or if they did, I've forgotten, so obviously I wasn't very impressed.

Germany: It wasn't you.

Katzenbach: I hope not.

Martin: The desire to replace Hoover, if Kennedy was reelected in '64, how open was that within the administration? Could Hoover have known about their desires to get rid of him?

Katzenbach: Might have. I would have thought he probably did. He certainly knew he had a strained relationship with Bobby. But I don't think he could have done anything about it. I think you could have done it in such a way that he could have indicated his willingness to stay on and you could have said you really appreciated that. But he thought his day had come and he'd made this great reputation, built this great organization. I think in his second term, President Kennedy could have coped with that. I don't think he would have made a fight out of it because I think that would have hurt him.

Martin: I have a very general question. When you were working with people like Ted Kennedy or other Senators, how did they see Lyndon Johnson? Now we think of him as the great legislator, the master of the Senate. But at the time when he was President, how did Senators think of him?

Katzenbach: I think it varied with the Senators. I think that a lot of Senators admired him a good deal, liked him, and I think a lot of Senators thought he was a mean son of a bitch.

Germany: Could that change by the day?

Katzenbach: Probably. Lyndon Johnson could be pretty ruthless when he wanted to be; no question about that. I suppose most Presidents can be or have been.

Knott: How did he treat you? There were some Cabinet members who felt he was just at times blatantly disrespectful and even perhaps tried to humiliate them on occasion. How did he treat you?

Katzenbach: He treated me fine. The only time he really treated me in that kind of way was kind of funny. I guess it was at a National Security Council meeting. I was in the State Department and the question was whether we ought to renew bombing on Vietnam. We came to the meeting. The President said, "I've decided to renew the bombing on Vietnam. Nick, why don't you tell me why I'm wrong." I said, "Mr. President, if you decided to do it, it doesn't make any difference what I think, you're the President." "No," he said, "I want you to tell everybody why you think I'm wrong about this."

I said, "That's kind of silly Mr. President." "No, I want you to tell everybody." So I said, "All right, I will." So I said why I thought it was the wrong thing to do. Then he said, "All right, how many of you agree with me and how many of you agree with Nick?" Perfectly ridiculous. I lost. I don't think I had but one vote. Then he realized, I think, he'd gone too far. He buzzed his secretary; she came in and brought a little package, which he'd given me about three of them before. They were gold cigarette lighters. He got it and he pushed it down the table and he gave it to me, which I always said was his way of saying, "Okay, I'm sorry. I overstepped."

Martin: You have a collection of at least three of these lighters?

Katzenbach: I gave them to my kids. I don't think I have any of them left. I think they hocked them at school.

Knott: Can I take you a little bit far afield here? There's a new book out on the Warren Commission. Paul, do you recall it?

Martin: I don't recall the title but it's a reputable book, written by a historian, University of Kansas Press. But go ahead. [Ed. Note: *Breach of Trust: How the Warren Commission Failed the Nation and Why*, by Gerald D. McKnight.]

Knott: I believe he's somewhat critical of your whole role in creating the Warren Commission, arguing that you were attempting to just immediately discredit the conspiracy theories without wanting a thorough investigation of all possible sources of the people or the person who killed John F. Kennedy. Could you comment on this?

Katzenbach: Conspiracy is a popular American pastime. I don't know. What really went through my head more than anything was the [Abraham] Lincoln assassination. To this day, you have conspiracy theories that pop up all the time about it. I did not really think that an investigation by the State of Texas would be believed. I did not think that the FBI investigation would be believed, and I thought there ought to be a very thorough investigation, which is why I suggested the Warren Commission. Not Warren Commission, I suggested *a* commission to do it. I did not particularly think there was a conspiracy. So somebody could be critical of me for not thinking there was a conspiracy. There could have been a conspiracy. I just thought—what I knew about [Lee Harvey] Oswald, what I heard from the Bureau about Oswald, it did not seem

to me that he was the person you would pick if you were a really sophisticated conspirator. You would do better than Oswald. It looked to me as though it was just a nut shooting. But I suppose somebody could take that and say—the letter I wrote was badly written. There's one sentence in it that's badly written.

Martin: This is the memo to Bill Moyers?

Katzenbach: Yes, there's a bad sentence in it. But that's all I was trying to do. Why I would have any interest in trying to destroy a conspiracy theory I don't know. It was just hard for me to see why I would care. I thought it was important that you know who killed the President.

Martin: Some of the sense is more along the lines that the country just needed to move on and that Johnson may have had reasons to want to end the conspiracy questions, especially with respect to whether Cuba was involved or Russia was involved, because he thought it might lead to war or something like that, and that the country would be safer with this explanation. Not that there was any malicious intent, but that—and Oswald—

Katzenbach: If Johnson felt that way, he sure didn't think a commission was the way to do it, did he? Because he was opposed to it. He wanted Texas to do it. I thought it was just nuts.

Martin: Did you keep track or keep in touch with people on the commission?

Katzenbach: Indirectly, not very much. I put Howard Willens in the Justice Department as the number-two guy in the criminal division, and I made him the liaison. A lot of people objected; they say, why did you have the Bureau do all their work? Well, who else in this country could do it? And boy, did they have a bunch of good lawyers. Young lawyers and older lawyers come in and volunteer for that job.

Knott: For the Commission?

Katzenbach: Yes, you could put those people together in a law firm and you'd make zillions of dollars, I'll tell you. They were really good people. They did the best investigation they could. They had some difficulties with things. Governor [John] Connally didn't want to be hit by the same bullet that had hit Kennedy. I think he was afraid his blood would be poisoned or something if that happened. The real problem was that shot, because that shot hit both of them. Connelly insisted on having his own bullet. That made things difficult. Of course, [Allen] Dulles wasn't straightforward at all and that was terrible. I suppose you just get trained in the CIA [Central Intelligence Agency] not to be straightforward, I don't know. Dulles wasn't fair and square with the rest of the commission.

Martin: In what part do you think he wasn't fair and square?

Katzenbach: He knew things that he did not tell the commission.

Knott: The attempts to kill—

Katzenbach: That were clearly relevant. What?

Knott: The efforts to kill [Fidel] Castro?

Katzenbach: Yes, they were all clearly relevant to their investigation and he didn't tell them about it.

Martin: So when the commission produced its final report, did you think at that time that they had done a good job?

Katzenbach: Yes, I do today. I think they did as good a job—I don't think anybody has knocked any holes in it. I mean, the problems that they had when they wrote it are the same problems that exist today. You can talk about those problems. They faced them and they handled them and said what they thought about them, and I think did as well as they could. Bobby never cared about it very much. I don't know whether he was worried about it.

Martin: Was Ted involved in any way?

Katzenbach: He may have been worried that his organized crime activities were part of this in some way. I don't really know whether he was or not. My feeling is that he just felt the President was dead and what difference did it make who killed him. He was a very devastated young man.

Germany: What about some of the other members of the Kennedy family, Eunice Shriver? Did you know her well?

Katzenbach: I never met Joe Kennedy, I don't think. I met Mrs. [Rose] Kennedy, the mother, a couple of times. I had lunch with her, that sort of thing. It was hard to make much of a judgment. The sisters, I guess quite different. I think that Eunice has done a terrific job on the Olympics. I think that's enormously to her credit. It's a big job and she did that. I guess I knew her and her husband better than I did—I just knew them casually. Just see them at Bobby's house or at the White House at a dinner.

Germany: What about Sargent Shriver?

Katzenbach: I knew Sarg fairly well. I liked Sarg in a way. I don't think Sarg was a real Kennedy. They didn't really think of him as a Kennedy. I don't know, I imagine they thought Sarg toadied up to President Johnson much too much, would be my guess. He got on pretty well with President Johnson as far as I could make out.

Germany: Were you under the impression that Bobby Kennedy had wanted to become essentially the head of the war on poverty that Sargent Shriver eventually came to manage?

Katzenbach: No. I think Bobby was perfectly happy where he was. I think if President Kennedy had not been assassinated, what Bobby wanted to do was something in foreign affairs, and something over in the State Department. I think he would have been happy to have been Deputy Secretary of State, Under Secretary of State. I can't say that Rusk would have been happy to

have him there. But I think that was—he didn't like Dean Rusk. I don't think that President Kennedy was a very big admirer of Rusk. I think that's where they felt they needed some more strength, and I think Bobby would have liked to have gone over there. I think he might well have. I don't think it would have been the war on poverty. He might have preferred the war on poverty, but his dedication was very totally to his brother and if he thought what his brother needed was help on foreign affairs, that's what he would do.

Knott: Have you had any interactions with Edward Kennedy since you've left government service?

Katzenbach: Oh yes, several.

Knott: Are there any that stand out in your mind?

Katzenbach: Probably the [Robert] Bork thing.

Knott: The Bork nomination?

Katzenbach: Yes. He's called on a few other things. He's talked to me about a few other things. I've seen him a few times, up in Massachusetts usually.

Knott: You have a place up there?

Katzenbach: Yes, and Jackie used to give a party when she was alive and Teddy used to come over to that and I'd see him there. I've seen him in Washington a couple of times.

Knott: What did you do during the Bork nomination? What was your contribution to that effort?

Katzenbach: I just testified against him. I don't know whether that was the right thing to do or not, I'm not really sure. It was and it wasn't.

Knott: Why the ambivalence?

Katzenbach: Because I think the fallout from that has been very bad for everything. I think he would have been a *very* bad Justice and I think his books since rather prove it, but I don't think he had the temperament to be a good Justice. I didn't mind, in that sense, testifying against him. What I said in my testimony I think was what I really believed. I didn't criticize his credentials, his abilities, or his honesty or integrity. I just criticized him on his judgment. I thought he was far too cocksure about knowing everything. I don't think it made any difference. He has resented it, of course, but that's to be expected. Why wouldn't he? I would, in the same circumstances. But I think the fallout has been very bad.

Knott: For the politicization of the judiciary, or the whole judicial nominating process?

Katzenbach: The whole judicial nominating process.

Martin: How did you come about to testify?

Katzenbach: Teddy asked me to.

Martin: He knew ahead of time basically what you would say?

Katzenbach: Yes, sure. In fact, he asked—Jim Flug called me up and asked me to testify against—

Knott: [Samuel] Alito?

Katzenbach: No, the present Chief Justice—

Knott: [John] Roberts?

Katzenbach: Roberts. I said I wouldn't, he's far too well qualified. But I think that's a problem that has come out of the Bork thing. I think it's very bad for the judiciary and very bad for the Supreme Court because it is giving the public the impression that the Supreme Court could decide something any way they want to decide it on political grounds, and I don't happen to think that's true. I think they have more freedom than any other court to do that, but I think that it's a collegial group. Some are more collegial than others, but I think the effort is to look at a whole bunch of factors and try to decide it within the fairly narrow limits that you have of precedent and language and so forth. I don't think you really can go very far afield. It's interesting that people think you can. But what happens is the White House talks to them, people talk to them. I don't know what they say to them. It's all done quietly. It leaves the other party, or the opposition, to have to do it publicly in hearings. They do suggest that you're going to decide cases because you don't like something that was decided before.

I'd be willing to bet you that 90% of the public today thinks that *Roe v. Wade* was decided by a Democratic Court, and you had six Republican Justices.

Martin: Can I ask you your impression on—the Bork nomination, you testified so you were active in this, fighting against him. Wasn't that different than say when [George Harold] Carswell or [Clemon] Hainsworth were turned down?

Katzenbach: Hainsworth probably got a rotten deal. Carswell didn't deserve to go anywhere. Carswell shouldn't have been on any court, in my view. But Hainsworth was a much better person than the opposition gave him credit for being. But it all started with Bork.

Martin: So the battles over those two earlier Justices were categorically different, in your mind, from the battle over Bork?

Katzenbach: Yes, Carswell was not very well qualified to be on the Supreme Court of the United States, probably about as well qualified as [Clarence] Thomas. Hainsworth was qualified to be on the Supreme Court of the United States and he got the rap on civil rights, and I think unfairly. I think he would have been a perfectly good Justice.

Knott: The thing that was different about Bork was what? The interest group activity surrounding it?

Katzenbach: Yes, the interest group activity surrounding it, and Bork himself went all over the place. He practically told you how he was going to decide every case that was going to come up. He was far more open than anybody else and I think that has proved to be wrong. I think Roberts' testimony—I thought to a large extent in the hearings, he just made the Senate look foolish. He did an awfully good job of ducking the questions and not looking foolish himself. It remains to be seen what kind of a justice he'll be. But you don't—if you want to maintain confidence in the courts, you cannot constantly suggest that they're making political decisions. That's the effect of what all the interest groups are doing. It's more the interest groups than it is the Senate or the White House probably, although they're all involved.

Knott: Maybe one last question, unless you guys have some others—do you have more?

Germany: I have one quick question about looking back at Mississippi and 1964 and what your feelings are on the fact that the first homicide conviction has finally been had in the State of Mississippi. There's finally somebody convicted on a state murder charge. Looking at that case from the perspective of now, how you look back at that summer?

Katzenbach: I don't know that I've thought a lot about it. You're talking about the Medgar Evers killing?

Germany: Edgar Killin; he was convicted this past summer.

Katzenbach: At the time it was just terrible, and you couldn't have expected to get justice in the South at that time for killing somebody like Medgar Evers. Really, it becomes a question of how do I feel about bringing people to justice 30 years, 40 years later? The bombings in Alabama, the killing in Mississippi, all of that. I don't feel it's a great accomplishment. I don't have any feelings against it. I think it's better done than not done if the evidence is really there, and I guess it was. I don't think you should get away with killing somebody, even in those riled-up circumstances.

I don't get huge satisfaction, it's so late. It seems to me almost a footnote. But it is good to see the South doing it themselves, but it doesn't surprise people. The South seems to me to be handling civil rights better than many of the big cities in the North.

Knott: Just out of curiosity, you had the dramatic confrontation with Governor Wallace at the schoolhouse door. Did you ever have any contact with him later in his life, or any occasion to come across—

Katzenbach: Oh yes, I did. Only once that I remember. It was the time he came up to visit Lyndon Johnson in the Oval Office one Saturday morning. But you mentioned that, and I'm on a crusade right now with the *New York Times.* On the obituary of George Wallace, Howell Raines wrote that he had a deal with President Kennedy that he was going to get out of the schoolhouse

door, and he cites a very peculiar citation to it. I wrote Howell and said, "Where the hell did you get that from? It's not true." He said, "I got it from you, you told me." I said, "Well, it isn't true." And I can't figure out why on earth a good reporter would have thought that something I said indicated that, because I just know it wasn't true.

In the obituary of Vivian Malone [Jones], it's quoted again. So I said, "Come on, is there any way we can put history straight?" They're working on it. They'll do a retraction on the Vivian Malone piece, but whether they can straighten out the Howell Raines piece, I don't know.

Knott: The dispute centers on whether this was a prearranged agreement that he would step aside?

Katzenbach: Yes. What I think is, after he'd had the confrontation in the schoolhouse door and all that, the guard had been brought into federal service. General [Creighton] Abrams came to me and said, "General [Henry] Graham says the Governor will leave but he wants to make a one-minute speech before he leaves; wants to make a short speech." I said, "I think he's made enough speeches, but if he's going to leave he can have one minute to make his speech and then leave."

So General Graham goes up to Governor Wallace, who is standing again in the schoolhouse door. Wallace makes a speech about yielding to federal pressure or something, and leaves. Now I did know he was going to leave, that afternoon, 30 minutes before he left, and I think Raines took that and thought it was some deal that had been made weeks before. But I'm trying to get it retracted because otherwise everybody—that just goes down in history. It's maddening. The idea that Bobby Kennedy would have let me go down there when he had a deal with the Governor and never tell me is totally out of character, just ridiculous.

Knott: So you think you've succeeded? They are going to go ahead—

Katzenbach: They are going to go ahead on the Howell, I'm pretty sure. I think they'll probably do something on the other. If they can stick it into their website, some note on that, that would probably do it.

Knott: Did you ever have any further contact with Vivian Malone over the years?

Katzenbach: I went down to her funeral and I had contact with her two or three times, the last time was up at the Kennedy Library, maybe a year or so ago. Her brother-in-law is on the board with me at MCI.

Knott: Really?

Katzenbach: Yes. She has about seven sisters. She was a nice person.

Martin: Before we finish up, I was hoping to ask one last question. You testified during the [William] Clinton impeachment hearings in Congress and I was wondering how that came about, who asked you to testify?

Katzenbach: Lloyd Cutler.

Martin: Were you there principally as a former Attorney General?

Katzenbach: I think so, yes.

Martin: Do you think you had a persuasive effect on the Congress?

Katzenbach: On that committee? Ha!

Martin: I had to ask.

Katzenbach: I don't even know why they bothered to have me; they had their minds made up. There wasn't anything you could say.

Martin: Did [Henry] Hyde chair the hearing when you testified?

Katzenbach: Yes. It was a very different committee than years ago, and much less courteous.

Knott: Oh really. Is that right?

Katzenbach: There just was no—and you know, there's little things. I had never, never been asked to take the oath when I testified. Never.

Knott: They made you take an oath?

Katzenbach: Yes. I think you ought to assume that a Cabinet officer is telling you the truth, or, if you will, that he's not going to change his story because he's taken an oath. Either one.

Martin: When you testified during the Bork hearing—

Katzenbach: I may have taken an oath then. I never did when I was Attorney General or when I was Deputy, in either the House or the Senate. Nobody ever made you take an oath. It's sort of silly. It depends on the investigation, what you're doing. For the most part, all you're doing is giving a lot of opinion anyhow. If you look at something like the testimony I made on the impeachment, how could I tell a lie? Almost impossible. I mean, I'm giving an opinion as to whether or not what has happened is something for which there should be impeachment. That is so totally opinion that I don't see how the oath could make any difference. Is it your honest opinion, I guess? That was too bad, that whole business. They really ruined the second term, Clinton's second term. He was a pretty good President.

Martin: We have an ongoing history project looking at his Presidency, so I figured I'd take the opportunity to ask you this question.

Katzenbach: I would hazard a guess that Bill Clinton is as intelligent as any President we had in that century, perhaps the most intelligent. I think as good a politician as any one of the other Presidents.

Germany: How would you compare him to LBJ?

Katzenbach: I think he was as good a politician as LBJ. He was different in lots of ways. He wasn't as hard, he didn't play hard ball as much but he could play it. I think if Hillary [Clinton] were ever elected President, he'd be her greatest asset. Think of him as a special emissary abroad. My God. I would think he could accomplish things that nobody else could possibly accomplish.

Knott: One final question. Edward Kennedy has been in the Senate now for 43 years and seems to have thrived in that institution. His two brothers served, of course, much shorter tenures in the Senate but did not seem to particularly take to the institution. Why do you think—do you have any speculation as to why Ted Kennedy has proven to be such a fixture in the Senate, and an effective one at that?

Katzenbach: I think Teddy has the personality to be an extremely good Senator. He is more willing to compromise probably than Bobby would have been. He's a better Senator than Jack. Jack was not a particularly good Senator. He didn't like it very much. Teddy likes it. He enjoys doing what he's doing. He keeps relationships with people who are quite opposed to his views and they seem to like him even while not liking what he says. I remember, I saw him once at the Kennedy—when the building was named for Bobby—

Knott: The Justice Department building?

Katzenbach: Yes. He was there with some of the Republican people and so forth, but he was getting on very well with everybody. So I think he's born to be a Senator. Although he's not a great speaker, I don't think. Not bad, but he's not particularly good. But he is particularly good, I think, at working things out with people in small groups or individually. He's very effective and he has a good staff. I've always felt that success depended on having a staff that was brighter than you were.

Knott: Well, thank you very much for giving us all this time and again inviting us into your home.

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