

Clark Clifford Oral History Interview – JFK#3, 02/4/1975
Administrative Information

Creator: Clark Clifford

Interviewer: Larry J. Hackman

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Biographical Note

Clifford, lawyer and presidential advisor, 1961 - 1963; Secretary of Defense, 1968 – 1969, discusses his thoughts of Supreme Court appoints and his appointment as Secretary of Defense, among other issues.

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page 44, line 17 through page 45, line 10

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Third Oral History Interview

With

CLARK M. CLIFFORD

February 4, 1975
Washington, D.C.

By Larry J. Hackman

For the John F. Kennedy Library

HACKMAN: I wanted to begin with a discussion of a few times when I know you were with the President on social occasions. I have listed on my outline that there was an occasion in 1961, July 19, 1961, when you spent the evening with the President and his party on the *Honey Fitz*, the boat. Can you remember that at all? Anything memorable or interesting on that occasion that you spent time with him?

CLIFFORD: I only remember that it was a very small group. It was not more than seven or eight persons. I was delighted at his ability to relax the way he did. I remember that at the conclusion of dinner, without people rising, there was toasting going on which seemed to me to be a pleasant and attractive custom. I recall that if anyone became even slightly overly commendatory of the President that he would at once make a joke out of it, which interested me a good deal because politicians generally have an enormous capacity to absorb praise; it is practically unlimited. You will hear someone talking to someone and you will think that the Senator or Congressman or other public official will probably end up by banning the individual from the assemblage. But they absorb it and love it.

He had a different reaction. He had a sort of puckishness about him that was useful when somebody overdid it. As a matter of fact he was not basically a truly egotistical person, as that term is used. Certainly he was not an egoist. And he actually would evidence some

embarrassment if somebody became overly fulsome in their flattery. I noticed it that night and I thought that it boded well for the future. That's about all I remember.

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HACKMAN: All right. There's another occasion--this is in November of '61, the Fall of that first year--White House dinner, at which you and your daughter Randall [Randall Clifford Wight] attended. Do you recall that occasion?

CLIFFORD: Mrs. Clifford was away then and Randall is our youngest daughter--and I might say perfectly lovely the looking. And the President and Mrs. Kennedy [Jacqueline B. Kennedy Onassis] were both enchanted with her and suggested that on some other occasion might be found for her to come back. And I think they then later did invite her to some young peoples affair. She got an escort and went to it. I was rather intrigued by that because ordinarily persons in high positions don't pay much attention to your children. But for quite a while after that when I would see either one or the other, they would always ask about this particular daughter, how she was, what her hopes were for the future, and so forth. Again, I found that a very attractive attitude on their part. That's about the substance of it.

HACKMAN: Right. There is then a private dinner dance for Mr. and Mrs. Steve Smith [Jean Kennedy Smith and Stephen E. Smith] who are leaving Washington and moving to New York. This is in February of '62. Anything there at all?

CLIFFORD: I think I don't remember that one.

HACKMAN: All right. Then I have a note that on November 11, 1963, which was Veteran's Day, that you saw him. But there's no...

CLIFFORD: How many days before his death?

HACKMAN: That's eleven days before his death. I can't track down what the occasion was. This is a day that he went up and laid a wreath on the Tomb of the Unknown Soldier and then spent the rest of the day out at the new place, at Atoka, Virginia.

CLIFFORD: I saw him in his office or upstairs?

HACKMAN: Well, I can't tell from the list; there's just an entry on a list. I thought it might jog something in your memory. To switch to something else then. How did you get involved in this whole matter of the investigation of a rumor of a previous John Kennedy marriage--that whole Blauvelt genealogy thing, which there are some notes on in that microfilm in your file?

CLIFFORD: Before Senator Kennedy became President, I represented him in some matters. Some of them were very delicate and so we had established a relationship that led me to believe that when something important and possibly rather delicate came up that maybe he might think of calling me about it. I had mentioned previously to you for instance when he was still Senator and Mike Wallace on an ABC program had discussed the book *Profiles in Courage*—I told you about that. [REDACTED]

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[REDACTED] So when this one came to his attention, it fit in to the pattern of the manner in which he would use me from time to time.

He phoned here at the office. I went at once to the White House at which time he told me that there was a story and it was going to be coming out soon that would inform the American people that he, John F. Kennedy, had been married prior to his marriage to Jacqueline Bouvier. And the difficulty with it was that it was more than just a rumor because it appeared in a book. Some member of the Blauvelt family had written a genealogy of the family and there on page 586—we will say—appeared the statement that on such and such a date, John F. Kennedy married this young woman who had some relationship with the Blauvelt family. Now, I knew that young woman by chance; he didn't know that. But she had come from Chicago and had married a young man of a prominent family in St. Louis. The family name was Desloge, and she had married young [Firmin Desloge]. And then that had ended in divorce and she later married sort of a well-known playboy sportsman and moved to Palm Beach. And so he had this background story, knew the book in which this appeared, and that somebody had it and that there was going to be a story. So he said we had better begin to investigate the facts at once and be prepared to combat the story when it came out. I have some recollection that either I went to the congressional library or sent one of my assistants, and we found that page and we xeroxed it so we had it. And there certainly it was. It couldn't possibly be any other John F. Kennedy than this. It gave him some background: told his father's name, came from Boston, et cetera. And I then reported back to him and we discussed it again—we discussed it two or three times—and then I got on the telephone with the young woman who was supposed to have been married to him. She lived in Palm Beach her husband's name, then, was Thomas—the rest of it....

HACKMAN: I've seen the name; I think it's in your files.

CLIFFORD: And I talked with her and she had heard the story and said of course there was absolutely nothing to it, indicated that she had been flattered by it. President Kennedy was very popular, of course, at that time. She was then Mrs. Thomas Shevlin, and she remembered me at once, as I remembered her. I explained to her the whole situation. And then I cannot remember whether I went down and

saw her. I don't know. At some time or other I saw her. Perhaps it was later. But in any event I got complete assurance from her and, I have some recollection of, to be safe about it, we got an affidavit from her. And then we were prepared. I have some recollection that before the story broke we were able to get to the people who had the story and give them the right details, so that when the story did come the story contained the truth in it. And I think we took most of the difficulty out of the story.

HACKMAN: What was her explanation, do you recall, and President Kennedy's or anyone else's, of how that entry came to be made?

CLIFFORD: Neither had any explanation for it. He did know her; he had had a date or two with her, she remembered him well—obviously because he became President.

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But he remembers her; he remembered her as being very attractive. And when she was a younger woman she was extraordinarily attractive. So he did remember her. How this mistake was made by somebody writing that genealogy, no one could possibly fathom. Unless, it could have been some other person named Kennedy and the author was old and one thing and another and got the names confused.

HACKMAN: Any contact with Pierre Salinger [Pierre E. G. Salinger] on that that you recall?

CLIFFORD: I'm sure that he sat in on some of the meetings as he naturally would. We must have had three or four or five meetings on it. It greatly disturbed the President because he could see the story breaking and could understand the impact on the public when the reporter could say, "I went to the congressional library and there reading the book on the genealogy of the Blauvelt family I found the following." Then you have to come along with denials, and denials don't ever get quite the prominence that.... Obviously it was very serious because he was a Catholic and he would have been married twice with his first wife still living and the fact that he never told the American people that he had ever married before. It was considered a very serious matter. And it was.

HACKMAN: Other than Salinger, was Robert Kennedy [Robert F. Kennedy] involved in that?

CLIFFORD: I'm sure that he must have sat in on one or two of those meetings. That kind of thing Robert would usually be called in for.

HACKMAN: I've seen John Sharon's [John H. Sharon] name involved. Was he possibly the person who went to the Library of Congress, or do you recall what his involvement was?

CLIFFORD: I would not think so.

HACKMAN: I know that you discussed with President Kennedy appointments to the Supreme Court. And I found in your files a note in which you had outlined your reasons in opposition to the possible appointment of Judge Hastie [William Henry Hastie] at the time that that was being considered by President Kennedy as the first Supreme Court appointment of the administration. Do you recall discussing that with him?

CLIFFORD: He called me over one day and said that there was then or that there was going to be a vacancy. And I remember it with some amusement because I delivered myself of a very ponderous speech and said that here was an opportunity for him to set a tone in his administration that would be enormously valuable, that all of the admiration I had for President Truman [Harry S. Truman]—it was very great—one of the weakest facets of his administration had been his appointments to the Supreme Court. He appointed friends, people he knew and he liked and he thought were able and they were quite

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undistinguished. The time had come to start building the court; that possibly the Eisenhower [Dwight D. Eisenhower] appointees had not been up to the caliber—we had not had an Oliver Wendell Holmes or a Cardozo [Benjamin N. Cardozo] or a Brandeis [Louis D. Brandeis]. And certainly as far as the bar was concerned, and thoughtful writers and editorialists, he could set a tone that would stand him in great good stead during his eight years in the presidency. That he came from a very political state, he came from a political family, and this was a time for him to make a non-political appointment. I pulled out all the stops and it was a very good speech. And so he said, “I think there is great merit to what you have to say. Now get a list of men.” And I did. I spent three or four days—maybe longer—and I had some fine men.

I know I had one man on my list, Paul Freund [Paul A. Freund] of Harvard [Harvard University], who has written the most outstanding, scholarly, and definitive book on the Constitution. I thought, oh, that would be fine, it could be another Frankfurter [Felix Frankfurter] or maybe better than Frankfurter. It didn’t bother either that he happened to be Jewish; that was just incidental. I had been a year or two ahead of him in law school, in the same law school, and knew him and regarded him highly then. I just said that appointment would be greeted with great applause by the bench and bar and editorial writers all over the country.

At some point the name of Hastie came up and I said I thought, at some point, it would be a mistake for him to reach out just to put a Negro on the bench, that at some stage in his tenure in the White House, it was entirely possible that a Negro lawyer would attain the stature in which he could be appointed to the court on merit. I thought it demeaned the court just to reach out and get a black and put him on the court—like it would demean the court to reach out and get a woman or reach out and get a Jew or a Catholic. I was against all that.

And I think I made really quite a speech as against Mr. Hastie because I think that he had a reasonably good record as a judge, but as you looked at the whole bar, three or four hundred thousand lawyers, there were a great many who were better qualified than he. And I think to a certain extent that kind of settled that particular point, really settled it in his own mind.

I got a list of five or six men up and took them over and went through their qualifications. Some of them were already judges; some of them were very prominent members of the bar who would grace the court. At one stage I remember him asking me whether or not I had any interest in the court. With his frankness that he displayed, he said, "I do not want to suggest by that that I am asking you something that there's more meaning in the question." "But," he said, "I just want to find out." And I said, "Well, I made that decision back in the Truman administration. I'm an advocate, I'm not a judge." Well, he said, "Okay." And he seemed rather relieved by that. And so I went over the whole matter and pressed again on the marvelous opportunity he had to set a tone for the administration. Then he considered it for a while and then appointed Byron White [Byron R. White]. And all that I had heard about Byron White—I did not mean to be critical of the appointment—but I had heard that he had been a star football player and had headed up either Young People for Kennedy...

HACKMAN: Citizens for Kennedy.

CLIFFORD: ...Citizens for Kennedy, something of that kind. So I felt as though I had labored like the mountains, do you see. But he later talked to me about it,

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explained the reasons for the appointment and so forth. I had hoped, and I think properly so in the interests of his presidency, that he set a very high level of appointments to the court. Appointments to the court for a long time had been made on a political basis or an ethnic basis. And I hoped that we could begin to get some giants on the court.

One of the outstanding members of the court that we have had in the past thirty years was an accident. President Eisenhower thought that he was appointing a rather conservative man when he appointed Earl Warren. And I think it was a matter of deep concern the rest of his life at the turn that Earl Warren took. But we do need to build up the court. We need it today. The recent appointments to the court have been based upon an ideological basis rather than standing at the bench or bar.

HACKMAN: What about the Goldberg [Arthur J. Goldberg] appointment, which was the second Kennedy appointment to the court. Do you remember being involved in that?

CLIFFORD: Yes, only that he had discussed it with me and I thought well of Arthur Goldberg. I liked his background. He had been a practicing lawyer and he then had represented the AFL-CIO [American Federation of Labor

and Congress of Industrial Organizations]. I liked that. I followed him one time in an argument in the Supreme Court, you always have to be there an hour or two ahead of time, and I thought he had made an excellent argument to the court. I had worked with him when he was Secretary of Labor. One time Senator Kennedy sent Arthur Goldberg and me to New York...

HACKMAN: The steel thing.

CLIFFORD: ...to have a long day or two—we may have stayed up there a couple of days—locked in a hotel room with the top steel people to try to work that problem out. So I thought well of Arthur Goldberg and I thought that he would make a good Justice and certainly I approved of it—not that that made too much difference with President Kennedy; I had learned that before. So I thought well of that appointment. The matter of fact is after a while I think Arthur found that he just didn't like the life of a judge, a Justice on the court. It's a very limited life. You have to become almost a recluse, you have to be very careful whom you see, and one thing and another. So, I think he got restless and I think he wanted to get off the court.

HACKMAN: Switching to something completely different, and that's the possibility of making a movie about President Kennedy's Pacific adventures in the war period. What was your involvement in that?

CLIFFORD: I'm quite indistinct about that and I have some recollection that that came up as a topic and we discussed it. But I'm awfully hazy on it.

HACKMAN: There's nothing in any detail that I can find on paper. There's just one note I think that...

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CLIFFORD: It came up one time and perhaps some facet of it was discussed and I don't remember whether any decision was made on it.

HACKMAN: Or anything along the same lines on television rights to *Profiles in Courage*? Again there seems to be some brief mention of that somewhere but I can't find any notes...

CLIFFORD: No recollection of that.

HACKMAN: Did the President, through Larry O'Brien [Lawrence F. O'Brien], ever try to involved you in legislation in terms of help on the Hill [Capitol Hill], influencing people that you knew well on the Hill?

CLIFFORD: Not that I remember.

HACKMAN: I found a note in the microfilm, July, of 1962, which said, "Call the President after reviewing the attached." And there was no attachment, but there was a notation on there which said "Charles Horsky matter." Charlie Horsky [Charles A. Horsky], you remember, was appointed by Kennedy as his advisor on national capitol affairs. Do you remember what that could be about? Was there a problem on the appointment or was he just looking for advice on the appointment? Do you have...?

CLIFFORD: Now that you mention it, I have some recollection. There's an organization here in Washington, D.C. called the Federal City Council, I believe. An organization of businessmen and civic leaders to advance the interests of the District of Columbia. And I have some recollection that they approached me to get President Kennedy involved in that more intimately. And I think maybe he did write a letter to them or indicate that he would be a member of it or do something or other like that.



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HACKMAN: There's a letter here, which I found a copy of in the microfilm and I printed out a copy, which seems to me, because of where it's placed in the files, relates to the DuPont-GM [General Motors] matter, in which you thank the President for taking the time to understand the facts and the issues involved and for his help and interest. And I wanted to see whether that is what it relates to and to see whether you can recall what conversations you had with the President about that? Or with others?

CLIFFORD: February 5. It's the beginning of 1962. [Inaudible] Well, that would indicate that it was something that I thought was important that I went to him about. "Express my deep appreciation for the courtesy you extended to me." Now, was this in my files?

HACKMAN: Yes, there's a copy of that. The only thing that I can think of is that it was a draft in your own hand or was not sent.

CLIFFORD: Well, I don't get it. "Deep appreciation for the courtesy you extended to me with reference to the matter in which I had such a vital interest."

HACKMAN: Since it falls in the files with some other items—and I've forgotten what they are: maybe it was just in a folder marked DuPont-GM. Can you recall conversations with him about that?

CLIFFORD: I think that at one time I have some recollection because there was legislation that had been passed. I had been in the matter. I have some recollection of conferring with Bobby about it because Bobby was going to have to give a report on it and I may have talked to President Kennedy about it. I do not remember that. But the fact that you found this in my file rather than his would indicate to me that I didn't send it. Up at the top it says, "Evelyn has seen this." What does that say?

HACKMAN: Well, then that would be.... Let me check that and get back to you. Perhaps I did find it in his file since it says, "Evelyn, he's seen it." Obviously he saw it because that's Evelyn Lincoln [Evelyn N. Lincoln].

CLIFFORD: I do not remember what it is and I.... You say you raise it with reference to the DuPont matter. I think that that does not follow because the DuPont matter. I think that that does follow because the DuPont matter was special legislation that was handled—and we were in it because we represented DuPont in a number of matters. But that legislation was passed I think by an unanimous and vote in the House and not more than one or two dissenting votes in the Senate. It really was not passed so much for the DuPont Company—of course it wasn't passed for the DuPont Company—it was passed for the DuPont stockholders of which there were hundreds of thousands of them in the country. So, I don't know that he had anything to do with it. He signed the legislation but I think it was the kind of legislation that was passed almost unanimously by both chambers.

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HACKMAN: You mentioned last time that there were a number of times during the administration when you and Robert Kennedy seem to take different views on what policy should be. Would that apply particularly to antitrust or are you talking about a broader range of things? Were there particular antitrust matters that you discussed with Robert Kennedy where the two of you came out on opposite sides?

CLIFFORD: I don't remember any particular antitrust matters. It was just a general

approach to presidential problems rather than problems that Bobby had in the Justice Department. The President would have problems. I remember one incident—I don't believe I had better mention the name—but there was a friend of the family who had a very, very serious tax problem. And President Kennedy consulted me about it and I said to him, "You have no alternative. You must direct the Justice Department to proceed."

HACKMAN: Was this the James Landis thing that we talked about last time?

CLIFFORD: Did we discuss it? Well, all right, yes. And then I think Bobby had a different feel about it. And I just remember that. That involved the President's welfare. I knew the story was going to break some way or another. One reason we knew it was going to break was because Mr. Landis had a very serious tax problem with the state of New York, and you can't keep those things bottled up. And pretty soon that story was going to break at some stage and then the question was going to be, What did the Kennedy administration do about it? And the answer would be they buried it. And I know that Bobby and I had a good sharp difference about that.

So when matters came up, they really did not involve, let's say, individual policies of the Justice Department so much. It was that the President would have a problem and he would call Bobby in and he would call me in and then we'd talk it out. And I mentioned to you earlier that it wasn't a personality conflict, it was a difference in approach to presidential problems. Bobby and I seemed to disagree on how they ought to be handled. And I mentioned to you that as a result, I think that that did not make me one of Bobby's favorites. I think he resented to some extent President Kennedy calling me in. He was Attorney General and the President's brother and he didn't need anybody else. But I'll tell you, President Kennedy did that in a number of instances. There were other times that I would be called into a situation and I'd learn that he was checking with somebody else. That didn't bother me at all. I think that's fine for presidents to do.

HACKMAN: You once sent President Kennedy a copy of a speech on antitrust policy that you gave at Washington University in St. Louis. And in response he asked you for a more detailed report. Did anything ever come out of that? I saw no report and I don't know whether there were philosophical conversations that you had with him on that whole matter.

CLIFFORD: Not that I remember. I sent him a copy of it. I thought it was significant at the time. I have some recollection of talking with him about it and I think getting the impression that maybe his reply was more due to courtesy than to any real

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interest. I had the feeling then, and I have it now, that very likely we're going to have to make some changes in our antitrust approach in order to permit endeavors that can be handled jointly by the private sector and by the government along the line of the

Communication Satellite Corporation. That was too big for any individual company to handle but we don't want it to be handled by the government. The SST [supersonic transport] is another instance. When the time comes—and we must face up to it: the SST must some day be built—probably that should be a joint effort on the part of private industry and government together. It was in this area that I was attempting to look down the road. And he did seem reasonably interested in it but it was not the type of matter that was very appealing.

HACKMAN: Another matter that you got involved in relating to business which you mentioned slightly earlier and that was the steel crisis matter. Ted Sorensen [Theodore C. Sorensen] has written in his book that you were dismayed and concerned about the President's reaction on the steel situation which, you recall, was very heated at first. Do you recall, is that accurate? And if so, how was that expressed either to Sorensen or to the President initially?

CLIFFORD: Well, that's curious if Sorensen wrote about it that way, that I was dismayed at President Kennedy's reaction. That would surprise me. I wasn't dismayed at President Kennedy's reaction; I was dismayed at the action of the representatives of the steel company, because President Kennedy made it very clear to me that he sat down with representatives of the major steel companies and indicated that he would be of assistance in working with labor to prevent a strike and to try to hold down the demands of labor, and that in consideration of that, or as they worked together, that there would be no increase in steel prices. And President Kennedy told me, he said, "I have an absolute, clear, iron-bound understanding." And I believed him.

Then after the labor settlement between the steel companies and the steelworkers union, then all of a sudden—I think U.S. Steel led the way—they came out with an increase seven, eight, ten dollars a ton for steel. Well, he was shocked and dismayed and was just madder than hell. I think that's when he got off the comment, that was later repeated, that his father had said: that most businessmen were SOB's and by God this certainly was an illustration for him. And he was madder than hell and he had a right to be mad. And he called Goldberg in and he called me in and he said he was not going to stand for it. And then he called McNamara [Robert S. McNamara] and said, "McNamara, don't buy any domestic steel. Buy steel abroad." And then there was some story about the FBI [Federal Bureau of Investigation] calling some steel executive in the middle of the night—I never knew what that was. But he gave Goldberg and me an assignment to go up there to New York and sit down with these fellows. One of them was then head of U.S. Steel.

HACKMAN: Was that Roger Blough [Roger M. Blough] and Tyson [Robert C. Tyson]?

CLIFFORD: Roger Blough and Tyson, that's right.

HACKMAN: Tyson was a vice president.

CLIFFORD: Yes, that's right. Well, we had one meeting with them in a plane here at National Airport. We went aboard the plane and talked about it.

HACKMAN: Was Goldberg with you there or were you alone?

CLIFFORD: I think I went alone. And talked with them for an hour or two and it looked to me like the dispute was irreconcilable until near the end. And then one little thing they said indicated to me that it was worthwhile going on with it. And Goldberg and I think got up early the next morning and flew up there and we went to the Carlyle Hotel. I can't remember whether we stayed one day or two days. Maybe we did it all in one day.

HACKMAN: I think it was a day and a half.

CLIFFORD: Yes, but maybe by the end of the second day we had been all through the thing and we were really tough because he said that he wanted us to be tough. They were going to have to roll back that price increase and that's all there was to it. After a little while it got to the point they'd say, well, they'll roll it back halfway. And I think that I got in touch with President Kennedy and he said, "Not a damn thing. It's the whole way." Finally, they capitulated, which was really quite surprising. They just thought it was too much trouble. And we phoned him, and I think he was down in Norfolk christening a ship or getting ready to go on a ship or something like that, and he was tickled to death at the result. It was a great win for him, a great win.

HACKMAN: Do you recall keeping detailed notes on the steel matter because I couldn't find in the microfilm any notes on the steel affair? We ought to at some time if you have any.

CLIFFORD: I have no recollection of keeping notes on it. It was something that came up very quickly and we were dispatched up there and we spent all day back and forth, back and forth. And then it turned out to have a completely successful conclusion. And it would have been a fully wise for me to dictate a whole report of it, but I did not and he didn't ask for it and the matter was over and history as soon as they capitulated.

HACKMAN: Can you recall any disagreement among those of you who were involved—the President, Goldberg, yourself, perhaps Robert Kennedy, or others—on what policy to pursue? Or was it pretty much a united front and an easy position to arrive at?

CLIFFORD: I don't remember any disagreement. And the reason that I think there was no disagreement was because I don't believe President Kennedy asked anybody else for anybody else's opinion. He felt so strongly himself. He said, "This is

a direct violation of an agreement that I had and I am not going to stand for it. We're going to make every single effort, no matter what it takes, to get this reversed." And that was it and nobody suggested any alternative course of action.

HACKMAN: Do you recall any personal contacts with either the President or with Robert Kennedy on the General Electric [General Electric Company, Inc.] price fixing case, which was something you were involved in which was a big story in that early period?

CLIFFORD: No. I didn't discuss that with either one. There wasn't anything to discuss with them. It was a very serious matter in which the company had engaged in a price fixing conspiracy and it all came out. And it was just a question of the officials of the company submitting pleas of guilty.

HACKMAN: Do you remember personal contacts with the President regarding the purchase of that Virginia property which you handled for him in 1962 and '63, I believe?

CLIFFORD: Yes. I can't be sure about the details because I had a series of problems over the place they rented first. They rented a place down in the hunt country. And they had problems with the woman who owned it, and so I handled that. And then they did buy a place and I handled that and I think one of my associates helped me. And I think went down there and worked with the lawyer for the seller and then we were representing the purchaser and I think it all went through without much trouble. Then later on, the electric company wanted to run a big line through there and we had another big nosebleed over that and I think kept them from doing it.

HACKMAN: After President Kennedy was assassinated, in the early days of the Johnson [Lyndon B. Johnson] administration, Robert Kennedy was leaving the Justice Department and there was a decision to be made as to who would succeed him. Eventually, Nicholas Katzenbach [Nicholas deB. Katzenbach] succeeded him after sort of a long interim period when he was acting Attorney General. Can you remember getting involved in discussions with President Johnson or with Robert Kennedy over the Katzenbach appointment or any other appointments? I've come across evidence that Jaworski [Leon Jaworski] was being considered as Attorney General during that period and some suggestion that even you were considered as Attorney General in that '64 period or '65.

CLIFFORD: I did not talk to Bobby Kennedy about it, though I talked to President Johnson about it. I was not being considered at that time, that I know of. President Johnson never said anything. I think I remember Jaworski's name being mentioned. I did not play a vital part in that and I think I never quite understood what the problem was. I have a recollection that when Bobby Kennedy resigned

that Katzenbach was named acting Attorney General and served for month after month after month as acting Attorney General. And to this day I don't know why that continued on in that manner. I don't know what it was that President Johnson had against Katzenbach that delayed the

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appointment. I know that I was not being seriously considered. And later on the position was offered to me under circumstances that made it very difficult for me to refuse. But it wasn't at that time; it was later on.

HACKMAN: I've seen a couple of books, nothing solid on paper, that suggest that you were involved along with Abe Fortas [Abraham Fortas] in working out the proposal whereby the entire cabinet would be eliminated from consideration for the vice presidential nominations in '64, when there was the problem of what to do with Robert Kennedy and some concern by President Johnson.

CLIFFORD: I don't remember Abe being in that. Abe and I were in a number of matters together but on that particular occasion my recollection is that he called me over and I talked alone with President Johnson. And at that time there was a good deal of support for Bobby Kennedy to be the vice presidential nominee of the Democratic party. There was something building up at the time that deeply disturbed President Johnson. And he was afraid that at the convention in Atlantic City, because they had planned a tribute to John F. Kennedy and that Bobby was to deliver the tribute, that he might very well stampede the convention and end up being Vice President, being the vice presidential nominee.

That was a very unattractive prospect to President Johnson. He didn't like Bobby and Bobby didn't like him. There was a whole background for that and I don't need to go into that. There are others who were much closer to it than I. Bobby, I know, had always held President Johnson responsible for the attack on President Kennedy's health prior to the Los Angeles convention. I don't know whether President Johnson had anything to do with that or not, but that really alienated the whole Kennedy family and I think they didn't want President Kennedy to select Senator Johnson as his running mate in '60. The three years of Vice President Johnson's tenure were very unhappy. The Kennedy family made their feelings pretty clear as to how they felt about him. And he was shut out of things. Sometimes he even had difficulty getting an appointment with President Kennedy. And then when President Kennedy was assassinated, the shock to the Kennedy family was great and I think that they felt that President Johnson was kind of a trespasser. And President Johnson was a very sensitive man. So the feeling between him and Bobby was very deep-seated. And the last thing in the world that President Johnson wanted was for Bobby Kennedy to stampede that convention and end up on the ticket.

We talked about it at very considerable length. It's one of those incidents I remember. It was at President Johnson's desk in the Oval Office. And we talked about how to do it. He wasn't going to stand for it. We discussed the fact that it would be impolitic just to come out flatly and say, "I won't have Bobby," because you don't know what the reaction to that

would be. The convention might decide, "Well we don't care who you want." And in the course of the conversation and talking about a number of different ways to handling it, we discussed at great length the strategy of his giving out a statement: he had given it very careful consideration; he hadn't yet thought it in his own mind; but for good and sufficient reasons he had decided that it would not be any member of his cabinet. And that was finally decided upon and it worked very well.

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The sole reason for that stratagem was to keep Bobby Kennedy from becoming Vice President. And it pretty well ended it. He just said flatly--there had been some talk about McNamara at the time and some talk about the Secretary of Agriculture, possibly, and all. So he said, "I've just decided that it is not the correct procedure. I think it's inimicable to the interests of the government. These men all have jobs to do. And I'm just now saying flatly that we are not going to select any member of the cabinet." It worked well and it deflated the bloom that was building up for Bobby. And it was a good thing that President Johnson did it because Bobby's speech at the convention was a great success and started a wave of feeling that if that had not been sidetracked beforehand something unforeseen could have happened. And that's the background of that.

HACKMAN: There's been speculation that I've seen in the newspapers, even the last couple of days on this whole thing of wire tapping and FBI and CIA [Central Intelligence Agency], that one of the things that President Johnson was disturbed about was that he always claimed or felt that Robert Kennedy had bugged him while he was Vice President. Did he ever mention that to you?

CLIFFORD: Never. Never. I'd be awfully surprised. I think I would have heard of it and I would have remembered it if he had mentioned it.

HACKMAN: Sure. As this whole thing recently over the uproar of about domestic activities of the CIA has come up, what are your thoughts on the Kennedy administration in this regard? Was there ever any reason to be concerned about something along these lines then? Was that anything you ever reported to the President on?

CLIFFORD: I commented before in one of our previous meetings about his calling me over and putting me on the Foreign Intelligence Advisory Board. I was not conscious of any activity in the Kennedy administration in which the CIA was being used improperly. I doubt there's going to be any proof in that regard. As far as what went on in the Justice Department was concerned--I know how Edgar Hoover [J. Edgar Hoover] was, he was perfectly willing to bug or tape anybody. I don't know how far Bobby went along with that, I've never understood. It is my belief that President Kennedy was not a conspiratorial man. We have had some presidents who approached the duties from a rather Byzantine standpoint. I didn't get the feeling that President Kennedy was that kind. He wasn't a gossipy man. Some presidents are terribly

gossipy. They love to get little tidbits, particularly on their enemies and all. I didn't find that quality in the President. And I don't recall any occasion of President Kennedy needing the CIA to conduct investigations, or the FBI.

Now, later on in the Johnson administration when you had burnings in our great cities, you see, and student revolts and all, I think that maybe President Johnson felt that the whole government was under attack. We all know how Nixon [Richard M. Nixon] was. Nixon was completely paranoid about that and we know a great deal went on in the Nixon administration. I do not believe that any went on in the Truman administration; I was never conscious of it. And in that regard President Kennedy was a good deal like President Truman. President Truman

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wasn't really interested in getting gossip on people or getting something on people. My guess is that the Kennedy administration is going to come out with a really pretty clear record in this exhaustive investigation that's going to be done.

HACKMAN: You mentioned last time when we were talking about the Foreign Intelligence Advisory Board that there were instances in the foreign intelligence field of either overlap and confusion or simply areas where no one was doing the job. No one was catching the ball was the analogy you used. Can you think of some of those examples?

CLIFFORD: Well, they had to do with foreign intelligence, not domestic intelligence.

HACKMAN: No, I understand that.

CLIFFORD: And they were situations—I would not be at liberty to go into them, but they were situations that came up that we learned about afterwards. And President Kennedy, as we would report them, said that we've got to learn about those before they happen. There might be a coup in a country and we wouldn't know about it until afterwards. So we'd look into it and then we would find that the situation was not being well covered. And then I mentioned also that from time to time there were jurisdictional disputes. They would come up sometimes between the CIA and one of the military intelligence services or the DIA [Defense Intelligence Agency]. I would not be a liberty to go into the details but it was that kind of situation that President Kennedy was very interested in learning about and very interested in finding out what we intended to do to correct it.

HACKMAN: I'm trying to find a list. I have a list that's classified top secret which just lists thirty five or so different areas which the Foreign Intelligence Advisory Board should look at, I believe. It's obviously too late in our conversation to do anything by going through that list and ask you to recall what comes to mind. We have done this sort of thing with Bundy and many of the other people on the White

House staff using classified documents and sitting down with them and going through various memos and we take care of that information.

CLIFFORD: '61. This is when Killian was chairman.

HACKMAN: This is when the board first starts to operate. All that list sort of does is suggest the kinds of things you people were watching and thinking about in that period.

CLIFFORD: Do you suppose this came from my papers?

HACKMAN: No, it's not. It's from our Foreign Intelligence Advisory Board files, some of which we have in the Kennedy Library which we keep locked in the vault.

CLIFFORD: I assume that the board had had a meeting by this time.

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HACKMAN: Pat Coyne [J. Patrick Coyne] probably put that together.

CLIFFORD: Oh, he did?

HACKMAN: I would imagine so.

CLIFFORD: Oh, he did.

HACKMAN: Here it is, right here.

CLIFFORD: And I'm sure the board had had a meeting, talked it all out with Pat, and so very likely we wanted a memorandum from him so we could sit down and give President Kennedy some idea of the areas that the board should devote itself to.

HACKMAN: What I'm asking is, since we have done this sort of thing with other people, would a list like that recall to your mind specific events that were developing in that period that you could shed some light on and that you'd be willing to do, since we've done this sort of thing with other people?

[END OF SIDE 2, TAPE 1]

[BEGIN SIDE 1, TAPE 2]

HACKMAN: ...realizing that that sort of material would be put away for as long as you like and classified if you like. Or wouldn't it prompt enough in terms of your recollection to make the exercise worthwhile?

CLIFFORD: Well, one, much of it is so terribly general that it doesn't mean anything. Some of these remind me of some instances but I don't want to talk about them. If somebody else wants to that's his business.

HACKMAN: That's the answer I wanted.

CLIFFORD: I can pick out five or six items in here which bring to mind what we did, what we found, what we recommended, the improvements that were put into effect, but I'm not at liberty to discuss them. I don't know quite who is unless they think it is too long ago. But it isn't.

HACKMAN: Let me pose one other thing along the same lines. You mentioned, last time, the serious personal matter in the Spring of '60 before the convention that John Kennedy came to you about.... You said that would involve the

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lawyer-client relationship and you did not feel you could talk about that. When we have found other people who have had that same problem, we have encouraged them to write something for the very long run—a memo of sorts. Is that a possibility here, because I take it it is something fairly important to his political fortunes?

CLIFFORD: I don't know for whose benefit I'd be writing it but that's violating the client-lawyer relationship with him. It was a matter that came up that he felt was extraordinarily serious at the time. We gave a lot of time and effort to it. We finally found a solution to it and disposed of the problem. And it's a completely private matter of his.

HACKMAN: Well, I think it would be of interest only to the biographer in the long run. I don't know what it's about so I can't say that it's a matter for anyone to decide except your own conscience and your own interpretation.

CLIFFORD: I have no decision to make at all because in forty-six years of people coming with intimate, complex personal problems, I have observed my oath I took as a lawyer and I don't disclose those things. If he authorized me to, that would be fine, but without that then it couldn't occur to me to disclose it.

HACKMAN: All right. That's just not something that's always easy for someone like myself to understand as clearly as it is for you. I want you to appreciate that. Is there anything that comes to your mind that we haven't talked about with Robert Kennedy during the rest of his life after John Kennedy's assassination? For example, at the time, you did accept the appointment to the Department of Defense, was there anything in regard to the McNamara resignation that came out in your conversation with President Johnson or others that would shed light on Robert Kennedy's role in that whole affair?

CLIFFORD: Just one or two observations. President Johnson's attitude toward Robert Kennedy was so extreme that if he had felt that someone was a close friend of Robert Kennedy then he concluded that that man could not be a friend of his. And I think that that injured the relationship between President Johnson and Bob McNamara because at some critical time there when Bob had some decision to make, that had to do with running or something of that kind later, within a day or two it came out in the paper that he had consulted with Bob McNamara. And that laid an awful egg with President Johnson. I was having no contact at all with Bobby Kennedy at that stage. There wouldn't be any reason for me to have. Later, however, when I went into the Pentagon, very early in my tenure in the Pentagon, Bobby Kennedy and Ted Sorensen came in to see me. We covered that, didn't we?

HACKMAN: No, we didn't cover that. This is March of '68 just before he decides to run and he is presenting Vietnam Commission idea as an alternative?

CLIFFORD: Yes. They called--Bobby Kennedy called and Ted called--and said they wanted to come over to see me. And I knew both of them and knew them well and we had a friendly relationship. And so they came in together and

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presented a plan whereby President Johnson should appoint a commission and the commission then would counsel me with regard to Vietnam and would report back to the President and in effect report to the American people. I said that I would consider it--maybe they submitted it in writing--and that I would be glad to take it up with President Johnson and get a response, his reactions. And I'm sure that same day I went over to the White House and took the plan over with me and discussed it at very considerable length with President Johnson.

President Johnson thought it was a ploy on Bobby Kennedy's part and that it was an effort on Bobby's part to try to put President Johnson in a hole as a result of which Johnson would be damaged and Kennedy would be benefited. That's the way President Johnson looked at it. And I have some recollection that as President Johnson and I talked it over, he had the idea that if we turned the whole commission thing around it might have some benefit. If it would just be a group that would come in and advise the President privately.

Then, later that afternoon I was to call Ted Sorensen back—and did around 4:00 or 5:00 in the afternoon—and told him that the plan suggested by Bobby was unacceptable to the President, that the President might consider a very substantial change in it that might make it acceptable. The net result of it was that President Johnson said no to Bobby's plan and Bobby said no to the President's amendment to the plan, and then that thing pretty well ended. And within a day or two then Bobby announced his candidacy. Oh, I think it was accompanied with the suggestion that if the President accepted this plan and put it into operation, Bobby would not run. If he did not then Bobby would be free to run. That was coupled with it. And President Johnson reacted very badly to having that pistol placed at his temple by Bobby at that time.

HACKMAN: Do you recall other contacts then from '64 through '68 with Robert Kennedy?

CLIFFORD: I told you about the time he came to my office and we discussed his future. That was really quite surprising to me. I think he felt it was valuable. We certainly gave a lot of time to it. Let's see. Then the rest of the time.... You talk from '64 to '68?

HACKMAN: From the time of one assassination to the next.

CLIFFORD: Oh, I'm sure from time to time I might see him, maybe socially and all. And we had a reasonably friendly relationship. I don't remember his ever consulting me about anything or our being together. It was always a little strained. And then maybe the last time I saw him was on that occasion when he and Ted came to the Pentagon with the plan, because maybe the next day he announced his candidacy and I guess within a month he was dead. So, I guess I never saw him. I think you've covered it very well.

HACKMAN: That's all I have.

[END OF INTERVIEW]

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