

INTERVIEW I

DATE: October 31, 1968
INTERVIEWEE: WARREN M. CHRISTOPHER
INTERVIEWER: THOMAS H. BAKER
PLACE: Department of Justice, Washington, D.C.

Tape 1 of 1

B: Sir, if we may start out with your background, I have a question that may be purely a personal interest. What's it like to work with Justice Douglas?

C: I had an unusual year with Justice Douglas. The year that I was his law clerk was the year in which he fell off a horse in the mountains of Oregon a few days before he was to return to the Supreme Court.

B: This was in '49?

C: This was in the fall of 1949. So, although I had come to Washington expecting to begin a personal relationship with him, I was startled to learn on the Sunday before he was to return on Monday that he had been severely injured, and as a consequence, he was hospitalized and was in a recuperation situation until the spring of that year. And I don't believe that he returned to Washington until some time in March.

B: That would have been your entire year as his clerk, then?

C: No, it would have been more like half my year as his clerk, and although he was gone that period of time, we maintained, shortly after he began on the road to recovery, a very active correspondence and he gave me many assignments by correspondence.

B: Did he continue his work on the bench while recuperating?

C: He was not able to vote in any cases, but he tried to keep up with the work of the Court, and I sent him probably fifteen or twenty memoranda each week on cases that were before the Court or that were coming before

the Court. He was also beginning to work that year on a book called Almanac of Liberty. I did some research for that book during the course of that year. After he returned in the spring, I had, as I said, about half a year's experience with him. He's an extremely hard-working, demanding man who puts quite a distance between himself and his law clerks at least for a period of time.

B: You mean he maintains a formal relationship?

C: He maintains a formal relationship. My relationship since having clerked for him has been quite the opposite. He has been extremely thoughtful and kind on a number of occasions. I was the first law clerk to come from Stanford Law School, and I think my preparation for law clerk was not as good as some of the fellows from the East. So I was glad to have the period of time before he came to somewhat get in the saddle.

B: You had, however, been the president of the Law Review at Stanford.

C: Yes.

B: To move into another area, sir, have you had any direct political experience, such as in partisan politics at the state level in California or at the national level?

C: I've never run for office. I was, in 1959 for four months, special counsel to Governor Brown of California. At that time, I helped him with his first messages to the legislature. When Governor Brown was elected in '58 defeating then-Senator Knowland for the governorship, I went to Sacramento and helped him with his budget message, his inaugural, and his water message and the other initial messages. Although I returned to practice law in April of that year, I continued to have a close relationship with him during the years of his governorship, which continued until 1966.

B: Did this involve you in national Democratic politics?

C: To a limited degree. I wouldn't want to overstate my national involvement. I began working in national campaigns, as I recall, in 1956, being head of the Speakers' Bureau in Southern California for Adlai Stevenson. I had a role in John Kennedy's campaign in 1960, and a minor role in the President's campaign in 1964. But, as I say, I wouldn't want to overstate my involvement in national politics.

B: When did you first meet Mr. Johnson?

C: Prior to my coming here and being introduced to him the day that my appointment was announced by the President, I had met him only on formal occasions where I would have been one of a rather large crowd. And I think it's probably accurate to say that when the Attorney General brought me in to the Oval Room to meet the President on, I believe it was the fifteenth of June of 1967, the President did not know me as a person. He probably did not know much of my appearance.

B: How, then, were you singled out and approached for the position as Deputy Attorney General?

C: My only contacts in connection with my appointment were with the Attorney General who telephoned me perhaps as much as a month before the fifteenth of June and there began a series of conversations between us.

B: Sir, the Attorney General called--this was Ramsey Clark at this time?

C: That's right.

B: Had you not served prior to this on the McCone [John A. McCone, former head of CIA] Commission investigating the Watts riots?

C: Yes.

B: I know Mr. Clark also made a trip out to Watts after the riots. Did you become associated with him in that connection?

- C: I met him briefly then, and I made a trip to Washington at the time he was putting together his report to the President to talk with him about the interrelationship between the work of the McCone Commission and the report that he was preparing for the President. So I had a brief encounter with him at that time, but it was not a deep association.
- B: What I am trying to get at is the methodology whereby men are brought into government. Do you know, for example, who recommended you, how far back someone had had their eye on you, anything like that?
- C: I really don't know that, and I've never had the temerity to ask. I was surprised by a call one night by the Attorney General who said that there were various openings in the Department, that one of them was as Deputy. We talked for, I guess, forty-five minutes on the telephone that evening, and he invited me to come to Washington, and we spent nearly a day together talking back and forth. But as to the processes he went through in deciding that he would place that call, I've never known and never asked.
- B: Had you made yourself available, or does one in this kind of case?
- C: No, I had done nothing to make myself available. I had been in government very briefly in the summer of 1961 on a State Department assignment, but I had not had any governmental contacts or experience between those of any formal character.
- B: What was the assignment in '61?
- C: That was an assignment in which I was a consultant to the State Department and then became chairman of the United States delegation to a multi-lateral treaty negotiation in Geneva and then to a bilateral treaty negotiation in Tokyo. The subject matter was textiles and the program was to try and work out an arrangement between the textile exporting and importing

countries so as to avoid disruption in the United States market without at the same time imposing unilateral quotas or other rigidifying mechanisms. I did this at the request of George Ball, then Under Secretary of State, and under his direction.

B: Did you have a law specialty?

C: I was in trial work generally spanning the litigation scale but with some emphasis in aviation law, oil and gas law, and antitrust law.

B: Before we move on into your service as Deputy Attorney General, could you describe your activities in connection with the McCone Commission and the Watts affair?

C: I was vacationing at the time the Watts riots broke out, and my association with the Governor was such that, knowing that he had a problem, I felt that it might be useful if I got back to Los Angeles and did. As soon as the riots came under control, we began talking about the need for some sort of a high level commission on the character of the Royal Commission to look into the riots.

B: If I may interrupt here, were you serving with the Governor during the riot period itself while control was trying to be restored?

C: Not in a formal capacity, but the Governor came to Los Angeles and because of the friendly relationship I had had with him I began counseling with him on problems of the riots and growing out of the riots. And he was also out of the state at the time the riots started and returned to the state. I would say that as soon as he got back and I got back, I began seeing him on a regular basis to talk about the reconstruction and the aftermath.

B: Before I interrupted you, you were talking about the need for some sort of investigative commission.

C: Yes, it soon became highly desirable, we thought, the thing to do. You

have to look back at the period of 1965--that was the first large riot although there had been six the preceding summer of a smaller dimension. I started to work on the charter for the commission and started working on lists of names together with the Governor and his assistants. Finally, a group of names was arrived at and the Governor made an announcement on the radio of the membership of the commission and although I had not known it in advance, he announced that I would be vice chairman, having previously announced that John McCone would be chairman. So I served as vice chairman on the commission and had a fairly intensive experience between September and I believe the ninth of December when the McCone Commission report was rendered and announced to the public.

B: Did your work involve actually going into the Watts area and talking to the residents?

C: Yes. I spent a good deal of time in the Watts area. One of the things that the commission did at my behest and others was to open three offices in the Watts area, so we were not trying to study Watts from a downtown federal building or highly attractive glass structure, but rather from a store front building in the Watts area itself.

B: Did you come to any personal conclusions about the causes of the riots, the possible preventives for the future--things like that?

C: I came to the conclusion that I still hold--that the causes are multiple and that the prescription is comprehensive.

B: Did you feel at the time and do you still feel that it has to be federal action to take care of these multiple causes, or federal-state combined, or exactly what?

C: It is necessary, I think, for the underlying problems, the seed bed of violence, to be attacked in the most comprehensive way involving local

resources and local talents and state resources and state talents.

But the problem is too big to be handled solely, I think, on a local or state level. It requires a very substantial federal input. Talking here about the underlying causes, of course we've addressed ourselves more particularly here at the Department of Justice to developing control mechanisms which will give society time to cope with the underlying problems.

B: Then, sir, as of your appointment as Deputy in the spring of '67, I think it's about time to ask you what the job of the Deputy Attorney General is.

C: Well, when the President asked me if I would be willing to do it, he said that "Ramsey Clark thinks he wants you to be Attorney General when he goes fishing." And there is a certain underlying accuracy in that casual statement by the President. First, I should say that Ramsey Clark almost never goes fishing. He has taken off only one or two days in the time I have been here, and I suppose that has been true for seven or eight years. But, nevertheless, the most important job of the Deputy Attorney General is to be the alter ego to the Attorney General and to help him on those tasks where they are of such magnitude that it justifies participation by both the Attorney General and the Deputy, and to take on in his behalf those tasks where you have a conflict of time, or where he wishes to delegate it to you. I think if there is any one thing that our relationship has brought to it is that a feeling that the offices are not separate but that the Deputy Attorney General acts primarily to serve as an alter ego to the Attorney General.

B: Are you also given more or less specific responsibilities for certain areas or projects?

C: He frequently delegates particular projects to me. The way the offices are set up I'm also primarily responsible for certain areas. The legislative section is within the Deputy Attorney General's office and by tradition and practice the Deputy Attorney General has a key responsibility in the Department's legislation. This would include the crime control act, the open housing bill, the other legislation which has been in the forefront of our minds and has been a primary responsibility here in the Deputy Attorney General's office. I want to emphasize in saying that that, of course, the Attorney General himself is the key figure in legislation. A second area where the Deputy Attorney General has by tradition and custom a large responsibility is in the matter of judicial appointments which are all processed in the Deputy Attorney General's office.

B: Sir, to get into some of these specific things--now, as you said, one of the functions of the Department of Justice and traditionally in your office is judicial appointments. Could you describe what went on in deciding to recommend, first of all, Thurgood Marshall to the Supreme Court?

C: Justice Marshall was recommended before I came. He had not been confirmed at the time I came, but his nomination had gone up, and indeed my nomination and his were before the Senate committee at about the same time. So I am not familiar with that aspect of it.

B: Well, later, the case of the nomination of Justice Fortas to be Chief Justice and the simultaneous nomination of Mr. Thornberry for Mr. Fortas' seat.

C: The nominations at that level are considered a good deal by the President on his own and in his private conversations with the Attorney General. So my knowledge of them would not be as useful or as intense as they would

be in lower appointments court or as would be the Attorney General's in these Supreme Court appointments. So far as I recall when it became known that the Chief Justice was going to announce his intention to retire, the Attorney General asked me to consider with him the question of a successor as Chief Justice and the question of a successor to one of the Associate Justices if it would be our recommendation that one of the present sitting Justices would go to the Chief Justiceship. As with other appointments, we drew up lists of names for both of the spots and talked about them back and forth, got out their biographies, the things that they had written, tried to assess the possible shortcomings and possible handicaps from the standpoint of confirmation and tried to assess what this would mean in a historical sense to the Court.

B: Was anyone else in on this kind of discussion?

C: As far as I know, the Attorney General did not discuss that subject with anybody here at the Department other than with me.

B: During these discussions, particularly in the case of the Fortas nomination, did there come up at that time what later on became an element of controversy--whether or not there was a vacancy in the Chief Justiceship?

C: No.

B: Was the timing that, first, Chief Justice Warren indicated his intention to resign?

C: Well, the Chief Justice sent a letter to the President saying that he intended to retire and he placed the timing as being at the pleasure of the President. As you know, the President then replied, saying that he regretted the Chief Justice's decision, would respect it, and asked that, or said that he would accept the Chief Justice's retirement when the Chief Justice's successor was qualified. And the Chief Justice responded

with a telegram thanking him for his generous words and acknowledging receipt of the President's telegram. Now this form of words which I have tried to recreate accurately, but which you should go into the documents themselves for, was one that was considered here and one that we generally think is the preferred means of a Justice's retiring, or a judge's retiring.

B: So you say it was considered here? Was the President's letter seen and approved in this office before he made it public?

C: Yes, it was seen and approved by the Attorney General and by me before it was made public.

B: Then did you anticipate something like the ruckus that that would raise later on?

C: No, I don't believe we had any anticipation of the problem that would be raised, and I would say that the pattern followed in this instance was relatively familiar for us. We encourage judges to retire upon the qualification of their successor so that there will be no gap in judicial performance. If you take, say a district judge in a district where there is only one judge or two judges, if the judge is in good health and of sound mind, it is highly desirable for him to retire, subject to the qualification of his successor so that there isn't a gap. We felt the same thing applies, and perhaps even with more force, in the case of the Chief Justice. The Chief Justice has immense responsibilities, not just as one of nine, but as the leader of nine, and the leader of the whole judicial system.

A Constitutional crisis could occur with great rapidity and the need for the Chief Justice's presence could be very great. Consequently, we thought that this means of the President saying that he would accept the retirement effective upon the qualification of the Chief Justice's

successor was a means for providing continuity. I would say we recognized at the time that language was chosen that it meant the Chief Justice would stay in office until a successor was confirmed. We were focusing more on the need for continuity, but it certainly was not out of our thinking that there might be difficulties of confirmation. And in this way we would insure that the Court would continue to be led by Chief Justice Warren.

B: Did you also anticipate or discuss beforehand the idea that Mr. Fortas, if Justice Fortas were nominated, the nominating of a sitting Justice for the Chief Justiceship would possibly open up the Court to attack in the Senate?

C: Yes, we considered it, but perhaps we didn't consider it enough. We considered it in connection with the question of whether or not if a sitting Justice were nominated, he should agree to appear before the Senate committee at hearings.

B: This particular aspect was also discussed in advance of the public nomination? That is, whether or not if Abe Fortas were nominated, he should agree to appear before the Senate?

C: I can't recall that time sequence accurately. But the two thoughts are blended together in my mind. You can see how they would be. No sitting Justice nominated to be Chief Justice has ever before appeared to be interrogated. This was a first in that regard, and we had to consider that question. We also considered at some point the undesirability of the fact that a Justice's past record might be hostilely scrutinized if he were nominated. It seemed to us, and maybe it was a misassessment, that the advantages of prior service, the known quantity aspect of a man, the fact that he had demonstrated judicial temperament and high qualities

of craftsmanship outweighed that disadvantage. That's one of those questions on which hindsight is quite illuminating.

B: Then was it the recommendation eventually of the Justice Department that Mr. Fortas appear before this confirmation committee?

C: Yes, it was.

B: Who was involved in that decision? You, the Attorney General, anyone else?

C: Only the two of us, as far as I know.

B: Did you also discuss this with the President?

C: Yes.

B: Did he seem aware of the possible problems that this could create in the confirmation hearings?

C: I think we all felt hesitant about it, both as a matter of--more as a matter of principle, but also somewhat as a pragmatic matter. Generally speaking, it probably goes against best principles for a sitting Justice to appear before a legislative committee. We reached a conclusion to recommend that he go before the committee because we thought that the committee would be so severely offended and so highly critical if he did not do so. He had, as a matter of fact, appeared only three years before and had done superbly well. He felt confident about appearing. I don't mean he was overbearing in his confidence, but I believe he felt he should appear. Men tend to feel that--they tend to feel that it is the masculine thing to do, and you don't like to appear timid and decline to do it. I think ultimately the decision has to be his, and had to be his, but our recommendation was on balance that it would be better to do it.

B: The decision had to be his--you mean Mr. Fortas?

C: Yes. Justice Fortas.

B: Did you discuss, you or Mr. Clark or the President, discuss this with

Mr. Fortas?

C: Well, I'm sure our recommendation was conveyed to him. I don't remember discussing that with him personally.

B: Did the Justice Department have anything to do with Mr. Fortas' later decision after the controversy had gotten so high not to reappear before the committee?

C: I'd like to go back, Dr. Baker, on that last question, and say that I do recall now discussing his possible appearance with him, and by the time I discussed it with him his mind was pretty firm and clear that it was desirable and important for him to appear. Answering your other question, yes, I talked to him more than once as to whether he ought to reappear when he was invited to do so.

B: During his confirmation hearings, did Mr. Fortas ask and receive from your office, I can't think of any subtle way to phrase it, assistance in dealing with the members of the committee?

C: We were in frequent touch with him to tell him about the progress of the hearings and without any embarrassment I say that, Dr. Baker. I know you didn't imply any embarrassment about it. You see, when these nominations go up, they are all the President's nominations and they are all made on recommendations of the Attorney General. That's a publicly known fact. And once the President has made the nomination, it's our job to, insofar as we conscientiously can do so, to try to achieve their confirmation.

B: My problem is that I'm unaware of the ethics involved, if any, in the thing. To give what may be a hypothetical case, Mr. Fortas, perhaps, faced by the members of the committee, might want some information on the background on certain of the senators. Is this the way it works? Is that the kind of thing that happens?

- C: Well, he did not do so. I could see that that might, taken to its extreme, present a problem. He did not ask us to prepare material for him to use in his presentation to the committee. Our role was primarily to keep him informed about the progress of the committee, to counsel him on decisions that he might have to make in connection with this appearance or non-appearance, and then to do everything we could to try to persuade the committee to move the nomination forward.
- B: By "decisions he would have to make," do you mean what kind of question to answer?
- C: That's a possibility. We would do that with any judicial nominee. It's a familiar thing for us to sit with any judicial candidate who is going up to that committee and tell him the kind of questions that might come and to go over with him likely questions in a kind of training session. That was not done so much for Justice Fortas because he had appeared before, and he was no stranger to the ways of Washington. So I don't remember very much consultation of that character, although there was some; but primarily they were decisions such as whether or not he should appear, whether or not he should file a supplemental letter as he did, whether or not he should return upon request, tactical decisions such as that on which he sought our counsel or we volunteered it.
- B: In the preliminaries, to back up just a little bit, when you were considering recommending the appointment of Mr. Fortas, was at the same time the appointment of Mr. Thornberry to Mr. Fortas' seat discussed?
- C: Yes, the two were considered together.
- B: At that time, again, hindsight, of course, gets involved in this--did you anticipate what later became the charge of cronyism?
- C: I never had any question but what that was likely to be raised against

the nominations.

B: Was this suggested to the President?

C: In my discussions with him, it was more assumed than suggested--we all knew it was there. Perhaps we did not make an accurate assessment of the strength of it, but the President is conscious of Texas background in appointments, and the matter was before us, I think, at all times. The question with respect to Mr. Fortas' nomination seemed to me to be a clearer one, one in which the field was narrower and the choice verging on obvious. I've always had an extremely high regard for Justice Fortas' craftsmanship and his legal ability and his enlightenment, and it seemed to me that he was a natural, relatively easy choice, given the President's personal relationship with him and his presence on the Court. When you get to choosing a replacement for Justice Fortas, the spectrum is much broader because you're really not just at the Court, not just at the people who are of Chief Justice caliber, but you are looking around the world.

B: Did Mr. Thornberry, then, have the recommendation of the Department of Justice?

C: Yes.

B: What was the reaction of Mr. Johnson to the subsequent difficulties in the Senate and the final squashing of the nomination? Did you have an opportunity to see and hear his reaction to it?

C: The times that I've talked to him about it he seemed to be saddened but matter-of-fact, and I've never heard anything explosive from him on the subject. He naturally was disappointed in not achieving nominations which meant a great deal to him. He may have been more expressive to others than he was to me. By the nature of things, the Deputy Attorney General

deals with the President much less frequently than the Attorney General, and I know him much less well than the Attorney General does. So my guess would be that you would get a better answer on that from the Attorney General. My dealings with the President on it were always in the sense of joining together to see if we could improve the likelihood of confirmation. I think the President probably assessed earlier than almost anybody the difficulty of the nominations, and he had a very accurate, though pessimistic sense of the possibilities early in the game.

B: Do you know if the President used his personal influence from the old days in the Senate during the process of the confirmation hearings?

C: Well, I'm sure he talked to a number of Senators. I think it would, perhaps, be accurate to say that he attempted to discuss the matter with old friends. The record of the test vote would indicate that with some exceptions, and there were some important exceptions, with some exceptions those entreaties were not crowned by much success.

B: Sir, in relation to your function to the legislative process, could you take a major act, say the Omnibus Crime and Safe Streets Act or the Fair Housing Act and trace the process by which it goes from idea to draft and on?

C: I can probably do so with either of them, although perhaps more accurately with the Crime Control Act. I'm in some embarrassment in talking about things that happened before I came. The Crime Control Act has its origin in the President's Crime Commission which was chaired by Under Secretary of State Nick Katzenbach, and which had as its central recommendation that the federal government should assist the States and the cities in the whole system of law enforcement. The basic assessment of the Crime Commission was that the local and state law enforcement, criminal justice

agencies are undermanned, underpaid, understaffed, and undertrained.

The commission also felt that only with federal money supplementing that of the States and localities would a real improvement over the long range be possible. This gets into the subject of the erosion of the tax base of cities and the problem that the states have with their budgets which I don't need to elaborate on here. So that coming out of the Crime Control Act, coming out of the Crime Commission, the Safe Streets Act and the Crime Control Act was drafted and sent up to Congress. It provides for federal grants to state and local law enforcement for improvement of the entire spectrum of criminal justice ranging from police through courts and corrections.

B: Sir, if I may pause here and interrupt you again--at the stage of drafting, what individuals and what departments get involved in the case of the Crime Control?

C: Well, in the case of a bill where the primary responsibility is so clearly focused on a single department the drafting is likely to be done in that department, and indeed it was done here in the Department of Justice. A task force within the Department representing various elements in the Department drafted the Crime Control Act.

B: Who would have had the primary responsibility?

C: Well, the primary responsibility would have been, at that time, still in the hands of Nick Katzenbach, who was Attorney General when that was done, and Ramsey Clark was Deputy Attorney General at that time when the work was done, I would say, largely between the two of them, although I'm talking about history that I don't have first-hand knowledge of right now. I come onto the scene when the bill is pending in the House. It passed the House without any great difficulty, although the form of it was

changed somewhat from grants to cities and states to being primarily grants to states with relatively small funds for grants for the cities. And then it went over to the Senate where, as it turned out, the major battleground for the hammering out of the legislation was in the Senate Judiciary Committee.

B: And by that time you were on the scene and you were primarily responsible to work with the Judiciary Committee on the bill?

C: Yes.

B: That's sort of like being introduced into government service by being thrown off the dock. Do you find it difficult to--well, I would suppose in that case you are dealing with, not so much with the mechanics of government as with personalities and the individuals involved. Do you find it difficult to get your bearings and find what you are doing?

C: Yes. One of the lessons of my having been here now about sixteen months is how complicated government is and how much one feels that he needs to be on the scene awhile here before he can be effective.

B: Did you run into any particular difficulties in working with the Senate Judiciary Committee on that bill?

C: Yes, the passage of the bill was an obstacle course. The bill was sent in the Senate Judiciary Committee to the McClellan subcommittee and basically was in the hands for redrafting of Senator McClellan. Now, as you probably know, as the bill came out of the Senate and ultimately passed, it had eleven titles; ten titles were added on to the basic Safe Streets or Federal Grant Title. Although I was concerned with the bill as a whole, my primary interest, the primary interest of the Department, I would say, was and continued to be Title 1, the Safe Streets or Federal Grant Title.

- B: Was the Department--yourself or the Department--consulted on the addition of these titles?
- C: Some of them were added on the floor, some of them were added in committee, and generally speaking, we were opposed to them with the exception of the Gun Control title which was added with our blessing. Four basic titles, although there are eleven on the bill as a whole, Title 1 is the Federal Grant Title; Title 2 is the so-called Confessions Title; Title 3 is the Wire Tap Title; and Title 4 is the Gun Control Title relating ultimately solely to handguns. We were in the very awkward posture of being in favor of Title 1, very strongly opposed to Title 2, opposed to Title 3 but recognizing that it had so much support that probably we were best advised to see how much we could improve it, being realistic about it, and Title 4 which we were very much in favor of and wanted to enlarge if we could. And it was trying to handle that combination of very complicated and highly emotional elements that occupied a good deal of our spring and summer.
- B: How do you do that? Do you go to Congressmen? That is, do you try to find individual Congressmen who agree with your points of view or who can be convinced and get them to make the suggestions?
- C: Yes, I think you have to deal in the Senate with the Senators one by one. I think you very often have to work through their staffs. Perhaps I can best illustrate that by saying that Title 1 was very substantially rewritten by Senator McClellan as a member of the subcommittee, as chairman of the subcommittee which handled the bill. When he brought out his redraft, it contained a number of provisions that were exceedingly unattractive to us here at the Department of Justice. It provided for the administration of the Federal Grant Program by an independent agency which

would be here in the Department of Justice for housekeeping but independent of the Department of Justice. It had a number of other very unattractive features in it. After it came out, I went up and had several long sessions with Senator McClellan and with his key staff members on this matter. Jim Calloway--it was there in those sessions, I guess it's accurate to say, that the form of Title 1 as it now exists was hammered out. Many of the provisions represent compromises between the very strongly and emotionally held views of Senator McClellan and the views of the Department of Justice as we were trying to achieve it.

B: Sir, in that kind of thing, do you have contact with the President?

C: I believe the President generally knew what we were trying to achieve and the basic goals of the bill, but as far as each piece of the mosaic, the President was informed but the negotiations were really in the hands of the Department of Justice. My guess would be that that is somewhat unusual. With his great capacity for deep knowledge and detail, he probably knew with precision more about some other bills than he knew about this bill. I guess I would probably also say that he knew more about this bill than would appear on the surface, too.

B: Well, I was wondering if it worked the other way. That is, say, in your sessions with Senator McClellan, if you used the President's name and power.

C: Well, as you know, one tries not ever to use the President's name, and certainly tries not to quote him unless you've been directly authorized by him or told by him to quote him. The negotiation with McClellan was particularly complicated because he was seeing the President about this matter himself and alone. And he quoted the President a lot more to me than I was able to quote the President to him. Senator McClellan is very

out of patience with the Department of Justice. In his eyes, we're not nearly tough enough in our stance with respect to some elements of the population.

- B: I was going to ask if that kind of thing didn't affect your legislative relationship. The controversy which seems to have been mounting emotionally for many, many months now generally directed against the Department of Justice--if that doesn't sort of hamper your activities in Congressional affairs?
- C: There's no doubt that it hampers them with some Senators and Congressmen. But on the other hand it helps us with others. The Senate Judiciary Committee is a combination of three elements: a very dominant Southern group--Senators Eastland, McClellan, Ervin, Thurmond, on the one hand; a second element, the Republicans--Dirksen, Hruska, Scott, Long; and the numerically largest group is the more liberal Democratic group led by Senator Hart and numbering among it Senators Kennedy, Burdick, Tydings, Bayh, Long, and Dodd. And so as in most legislative struggles, you're helped and hurt by various postures and reputations. I would say that some of the positions that the Department of Justice has felt it necessary to take have been a handicap in Congressional relations.
- B: Who are the leaders of those three groups you just outlined? Are they the obvious ones--McClellan, Dirksen, and Hart?
- C: Well, Senator Eastland is the chairman of the committee--is the leader of that southern block on judicial matters and on most of the matters of the committee, but on law enforcement matters I would say McClellan is the leader. Hruska is at least as powerful on the committee--and somewhat more attentive to the committee's problems--than Senator Dirksen is able to be with his other responsibilities. So I would say that Hruska together

with Dirksen is the leader of the Republican group, perhaps Hruska more the leader and I think there's no question but that Hart is the leader of the liberal group.

[End of Tape 1 of 1 and Interview I]

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to the

Lyndon Baines Johnson Library

In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, Warren Christopher, hereinafter referred to as the donor, hereby give, donate, and convey to the United States of America for eventual deposit in the proposed Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

1. Title to the material transferred hereunder, and all literary property rights, will pass to the United States as of the date of the delivery of this material into the physical custody of the Archivist of the United States.

2. It is the donor's wish to make the material donated to the United States of America by the terms of the instrument available for research in the Lyndon Baines Johnson Library. At the same time, it is his wish to guard against the possibility of its contents being used to embarrass, damage, injure, or harass anyone. Therefore, in pursuance of this objective, and in accordance with the provisions of Sec. 507 (f) (3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) this material shall not, for a period of ten (10) years be available for examination by anyone except persons who have received my express written authorization to examine it. This restriction shall not apply to employees and officers of the General Services Administration (including the National Archives and Records Service and the Lyndon Baines Johnson Library) engaged in performing normal archival work processes.

3. A revision of this stipulation governing access to the material for research may be entered into between the donor and the Archivist of the United States, or his designee, if it appears desirable.

4. The material donated to the United States pursuant to the foregoing shall be kept intact permanently in the Lyndon Baines Johnson Library.

Signed Warren Christopher
Warren Christopher

Date 3-24-71

Accepted Harry J. Amato for
Archivist of the United States

Date March 10, 1975