INTERVIEW III

DATE: December 2, 1968

INTERVIEWEE: WARREN M. CHRISTOPHER

INTERVIEWER: THOMAS H. BAKER

PLACE: Department of Justice, Washington, D.C.

Tape 1 of 1

B: Sir, you said you had something you wanted to put on the record.

C: In reflecting on our discussion last time, Dr. Baker, one aspect of our two prior meetings has occurred to me that I thought I might make a matter of record. I have not undertaken any preparation for our discussions. I have not known in advance the subject matter that you intended to bring up except in a most general way. Memories about events differ, I find, a great deal between and among people. Some people seem to remember a mass of detail in chronological sequence with much precision. Mine is not a memory of that character. If I can judge it, I tend to remember in summary form, often remembering my subjective impressions of the net effect of a particular occasion or instance. Inaccuracies are bound to creep in when you have a memory of that character. For that reason, I would say that if the desire was to bear down on any one particular aspect of this, the best thing to do would be to ask the interviewee to review his files and diaries in advance. It's almost impossible to make that kind of a review of all aspects of a long period within government service. Now I'm not suggesting that that be done. My main point here is to say that some of my statements may not, when compared to others, or to even some of my own, turn out to be accurate. I give you the best recollection that I have without the advantage of any preparation. I will cheerfully stand corrected if events or the views of others tend to make some of these impressionistic statements inaccurate.

B: You know, it's one of the difficulties in this kind of project. You are by no means unique in that attitude. Oral history is really fairly new, and we are just sort of relying on the intelligence of the future scholars to be well aware that that kind of circumstance does develop. And indeed I think perhaps the purpose of this is to get the subjective overviews. I've tried to avoid asking you anything that would require that specific a memory for that reason because that's all written down elsewhere. It's the personal views that this is supposed to get, and of course you will have the opportunity to review the transcript.

To take up where we left off, there were other urban disorders in the aftermath of Martin Luther King's assassination, here in Washington and in Chicago. Did you get directly involved in any of these?

C: Yes, I was involved in the post-King assassination disorders. Here at the Department we learned about Dr. King's shooting at a staff meeting. I turned to the Attorney General, and I remember it was our immediate common thought that we were in for a long night and perhaps a long aftermath. The report of his shooting was confirmed to be the grave wound and then soon thereafter a fatal wound. By one of those accidents of history, a representative of the Community Relations Service, Jim Laue, was in the same hotel as Dr. King in Memphis in a room that either adjoined his or was only one room away, and Laue was one of the first men to reach Dr. King after the shooting, so our information was very current and tragically correct. We stayed on here at the Department of Justice through the night. The Attorney General decided at about 2 a.m. the morning after King was shot, that would have been the fifth of April, I believe, that he should go to Memphis to symbolize the federal concern for the assassination and to get the investigation underway, and he did go to

Memphis on a very early morning plane.

B: During that long night, sir, did you have any contact with the President?

C: The Attorney General talked several times with the President that evening. I don't believe I personally did. After the Attorney General left for Memphis, of course, I became the Acting Attorney General, and a number of things began to happen here and around the country. There had been problems in the District of Columbia on that Thursday evening. But by 2 a.m. on Friday morning, the District was relatively calm. The first thing that I did on the morning after the assassination was to call the Under Secretary of the Army [David E.] McGiffert with whom I frequently talk on such problems and agreed to meet with him that morning at 10:30 to review the state of readiness of various Army troops which might be needed on a contingency basis.

B: Sir, may I ask--by this time does the Army have, in operation, its directorate for civil disturbance planning and operations?

C: I don't have a precise chronology on that. I believe that directorate was put into operation after the King assassination rather than before. But Under Secretary McGiffert had been designated by that time as the Secretary of Defense's principal executive agent in this field. It was for that reason that my contact was with him. Our 10:30 meeting had to be scrubbed because the President had arranged to meet at eleven o'clock with various Negro leaders and others on this serious situation, and it was necessary for me to attend that meeting at 11:00 o'clock, and as a result, my meeting with McGiffert was postponed until immediately after the President's 11:00 a.m. meeting. I did meet with the President and the minority leaders and others at 11:00 o'clock in the Cabinet Room. The President and the minority leaders and the Congressional leaders went

on to a memorial service, and I stayed and conferred in the Cabinet Room with McGiffert and Director of Public Safety Pat Murphy of the District of Columbia.

B: Do you recall the tenor of the President's general meeting with the Negro leaders?

C: Well, the meeting concentrated on ways to prevent the violence from growing and to isolate the assassination as the work of a deranged man. It was intended to be a healing meeting--a meeting that sought to reassure through this group the Negroes and other minorities of the country that this should not be a cause for violence or a loss of hope.

B: It did include representatives from beyond just the District of Columbia area?

C: Yes, the President invited Negro leaders from throughout the country. Without trying to name them, there were a number of important Negro leaders there from the Southern Christian Leadership Conference, from CORE, I believe, from the NAACP and other national Negro organizations.

B: In your talks with Mr. McGiffert and Mr. Murphy afterwards, were you concentrating mainly on the situation in the District of Columbia?

C: No, we were concentrating nationally. I talked with McGiffert about the alert status of troops around the country and how long it would take for troops, airborne troops, to reach various metropolitan areas. It was more in the nature of a general review of the alert status of the Army forces around the country. With respect to Washington, D.C., we were just beginning at that time, which was about twelve o'clock, to learn that the riot was restarting here in the District. Murphy recommended that the National Guard be brought into their armories, and we concurred in that recommendation--that is, the D.C. National Guard. There was to be a

further 2 p.m. meeting with the Pentagon to discuss in more detail the questions I had raised about the alert status of the troops around the country. I came back here to the Department and there began to be increasing reports of the restarted violence in the District of Columbia. At about 2 o'clock, the President called me to say that he had had reports that the violence was breaking out in Washington on Seventh Street, Fourteenth Street, and H Street, N.E. He directed me at that time to make a personal inspection of the Washington D. C. area, for he felt that there might soon be a request for federal troops in the Washington, D. C. area. He directed that I make that inspection along with an Army general and also along with Patrick Murphy, the Director of Public Safety. As a result, about 2:45, I went to the White House, and delivered personally the proclamation, the executive order which would be necessary to bring the federal troops into the District of Columbia into the streets, and prepared to make the inspection.

B: What's the legality there? I realize that it is not the same as a state. What is necessary in the District before the President can call out the troops?

C: It's parallel to what would be necessary in the States. The President has to sign an executive order and issue a proclamation. Under statutes that go back nearly to the beginning of our country, the President has to issue a proclamation directing the people to cease and desist from their rioting, and it is out of this that has grown the phrase "read the riot act." The executive order simply empowers the Secretary of Defense to employ federal troops in this area or any given area designated by the President. The use of federal troops in an American city

is such an unusual event and the decision is such a serious one with so many grave consequences that these documents are ones to which great weight and concern must be attached. As I say, I delivered those documents to the--

B: Does the D. C. government have to request troops?

C: Yes, it's based upon a request from the D. C. government and that was being worked on by Mayor Washington. That request could be either oral or written. Actually, letters were in the process of being prepared.

B: Excuse me for interrupting you. You delivered the draft at the White House at 2:45.

C: And met General [Ralph E.] Haines and Commissioner of Public Safety Murphy and went out in a police car to view the riot scene on Seventh Street and Fourteenth Street. We soon found the traffic was very bad and one of the first things I did was to ask that the car be stopped so that I could telephone the White House and give them the number of the police car in which we were riding. This difficulty of not being able to move around the city because of the traffic and the communications difficulty which we found constituted a relatively important lesson that we learned from this situation.

B: What was the reason for giving the number of the police car? So that you could be contacted by radio?

C: So that the President could reach me thorugh the police radio. As it turned out, this was completely ineffective. The police network was swamped with calls, and the President was unable to reach me. Out of this has grown up an incident that I guess I am still able to regard as humorous. We left at 2:45 and after our survey of the city, I began to try to reach the President about 3:45 to report our findings. I found it difficult to find a telephone in the riot area. Many of them were out of order. I finally

got through to the President at 4 o'clock and with quite understandable annoyance, he asked me where in the world I had been. He had been trying to reach me during approximately the last hour. I say that I am still able to regard this with good humor. The time which I was out of touch, which was actually seventy-five minutes has grown to the point of several hours in subsequent retelling of these events.

B: Incidentally, the phrase "where in the world" doesn't really sound very much like the private Lyndon Johnson. Was it a little stronger?

C: It was a little stronger than that, yes. On the other hand, I must say about him, although I have heard about how rough he is in his language and on people, I've almost never felt the brunt of it, and I did not on that occasion. He has enjoyed retelling the story sometime thereafter in my presence, and the time I was out of touch had grown rather dramatically. But he was all business and knew a great deal about the events. As I recall, I recommended the immediate deployment of the National Guard onto the street. He knew much better than I did that the National Guard was having trouble getting into their armories because of the same traffic that was plaguing us. He said he thought it would be better to use the regular federal troops, and of course General Haines and I immediately agreed. As one of those little footnotes of history, I'm sure it must have been a very odd-looking pair--General Haines and I huddled around a telephone in a service station on Seventeenth Street with rioting going on all around us--General Haines had been hit in the shoulder by a rock--telephoning to reach the President. There was a whole group of people standing outside the telephone booth not knowing what we were doing, but lined up to use that telephone which was the only one working in the area.

B: Do you feel any sense of personal danger in a situation like that?

C: I've never felt any perhaps because one is so caught up in trying to do his job. Also, I must say that I've never, in the many riots I've been in, felt that I was in any danger of the Negroes directing their violence at me. They seemed to be property-directed in the times I've been around them. Maybe I'm just foolhardy, but I have not felt a sense of personal danger.

B: Did you stay in Washington all during that period, or did you go on to some other areas like Chicago which at the time had disturbances?

C: After we had, at 4 o'clock, recommended to the President that he use the federal troops in Washington, D.C., I went briefly to the District of Columbia headquarters. By that time, it had been learned that Mayor Washington had requested that Cyrus Vance come to Washington, D.C., to assist him in connection with the control of the riots. As soon as Mr. Vance arrived at D.C. headquarters, I briefed him and then returned to the Department of Justice. The Attorney General was still out of the city and felt some anxiety about getting back to the Department of Justice with matters happening all around the country. Of course, I had worked with Mr. Vance in Detroit, and there was not very much time lost in my passing on what few observations I had. Mr. Vance took charge with his customary firmness, and began making recommendations for the deployment of troops. I came back to the Department and spent again most of that night here. The following day it began to appear, as the morning wore on, that Chicago was in serious difficulty. My time sequence is not nearly as good on the following day perhaps because of fatigue. Some time in the course of the following day, which I believe was a Saturday, the sixth of April, the President ordered federal troops into the Chicago area on a standby

basis, and I was directed to go to Chicago. I did so and met at a military airport with General Mather who was commanding the federal troops.

B: Is this the same General Mather who was in Washington?

C: That's the reason for my pause. It was General Mather in Chicago and it was not General Mather in Washington, D.C. I will have to remember the name of the General who was in charge of the federal troops here in Washington, D.C. I met General Mather at the airport in Chicago. We made a helicopter tour of riot-torn areas of Chicago, and I must say that helicopters are a much better instrument for viewing the city, both in terms of mobility and communications than was a police car on the prior day, although you do lose something of the immediacy of the situation. We conferred with General [Richard T.] Dunn, the Illinois National Guard commander, and then went to the mayor's office in Chicago. After conferring briefly with Mayor Daley, I telephoned the President at 12 o'clock midnight Chicago time, 1 a.m. Washington, D.C. time. He was, as always, right on top of the matter and immediately ready to take the call. I recommended at that time a limited number of federal troops be committed to the city. The Chicago police and the National Guard were tied down in the area of west Chicago, just west of the loop where the major difficulty had been. Both the Chicago police and the National Guard felt unable to cope with an outbreak of violence if one should come in south Chicago. So the net of our recommendation, that is, General Mather's and mine, was that one battalion be committed to the south side and the remainder of the federal troops be kept in reserve. The President immediately accepted that recommendation and at 12:01 signed the necessary executive order and proclamation to put the federal troops on the streets in Chicago.

B: Before you make a recommendation like that to the President, do you discuss it with the relevant local authorities?

C: Yes, the matter was fairly thoroughly discussed. First, we met with General Dunn of the National Guard to determine whether or not he had fully deployed the Illinois National Guard. He told us that he had deployed all those who were available in northern Illinois. His explanation for not wanting to try to move the National Guard from southern Illinois to the Chicago area is understandable and reasonable. There could well have been an outbreak of violence in East St. Louis, Illinois, that would have required National Guard there. We discussed it with the Chief of Police in Chicago, got input from the U. S. Attorney's Office in Chicago. By this time, I think we had learned somewhat more about trying to have the federal officials on the scene canvasing this even while we were in flight from Washington, D. C. So we had a fairly good fix on the situation. By the time we got to Chicago, the need for the commitment of federal troops was, I would say, marginal there. The National Guard and Chicago police seemed to be handling the matter in the areas where there had been riots up to that time. There was, however, the possibility of riots breaking out in south Chicago that required, in my mind or justified in my mind, the commitment of the battalion to south Chicago. As it turned out, it was valuable to have that battalion in there the following day because of difficulties which ensued on Sixty-first Street which, in my judgment, the presence of the federal troops may have prevented from escalating into a riot.

B: Did you get involved at the time in the controversy over whether or not to shoot the looters?

C: No, that controversy all came after the event. In my observation, the

federal troops in Chicago were extremely restrained in their action and in my observations the Chicago police, which was more limited, was that they were showing a good measure of restraint. As you will recall, it was the aftermath of the riot that provoked the controversy over shooting the looters. The mayor of the city rebuked the chief of police, Chief [James B.] Conlisk, for not having been tougher in that situation and then said that arsonists should be shot with shots to kill and that looters should be shot with shots to maim. These statements were somewhat later partially retracted, but it was out of those statements that the controversy grew rather than anything that happened precisely at the time of the riots.

B: Did you go anywhere else during that period? In the aftermath of Dr. King's assassination?

C: No, I stayed on in Chicago for two or three days and then was relieved by Associate Deputy Attorney General John McDonough who had been there from the beginning, and I returned to the Department.

B: Then the next one was in the summer of '68, in both Miami and Chicago. Did you have any part in those?

C: I had no part in Miami except to be here at the Department receiving reports from Wes Pomeroy who, at that time, was a special assistant to the Attorney General as to developments in Miami. There was one evening when there was an outbreak of violence in north Miami and we spent a rather long night here hearing reports. With respect to that violence that was my only contact with Miami.

In connection with Chicago, I went out to Chicago for a day a week in advance of the convention to review the security arrangements at the convention amphitheater, and I went out to Chicago on the Sunday on which

the convention began and stayed there through the following Thursday. My role there was to be available in case the need came to apprise the necessity for deployment of the federal troops which had been prepositioned in federal military establishments in and around Chicago, and otherwise to be on the scene as an observer and to provide what assistance that I could to the secret service team and U.S. Attorney's office, which was operating in that situation.

B: Were you in touch with the President at any time during that period?

C: I don't believe I talked to the President directly at any time that I was in Chicago, no.

B: Federal troops were not called out, were they?

C: Federal troops were never deployed in the city of Chicago at that time.

B: Sir, this may be an unfair question, and if so just ignore it because of the immediacy of the events and the fact that the studies on them are still going on. Were you able to form any conclusion about the handling of the riot by the Chicago police or the provocation by the demonstrators?

C: I don't have any doubt but that it's the worst instance of police misconduct that I have ever witnessed. On Wednesday night I was able to view from my hotel room, to just give you one example, the violence in the street in front of the Conrad Hilton Hotel. After watching it go on for ten or fifteen minutes, I put in an urgent call to Chief of Police Conlisk and just pleaded with him in the name of decency to try to get his force back under control. It was perfectly plain to me that from the law enforcement standpoint the Chicago police there in front of the Conrad Hilton Hotel were utterly and completely out of the control of their superior officers. I'd also witnessed the violence in the parks along Lake Michigan on each of the three preceding nights, viewing it as my

obligation to get a firsthand picture of that violence. Based upon my recommendation, the Department commenced as early as Monday an investigation by the FBI of various incidents of violence in Chicago. I feel free to talk about this only in the knowledge that this record will not be made available until after whatever cases may be presented have been presented.

The concern with which I viewed the matter perhaps can best be reflected by the fact that I called the commanding general of the Chicago task force, that is, the troops that were available from the federal government and which were never used. I called Commanding General McCallis of those troops late on Wednesday night to check on the alert status of the troops. My concern was as much that the police might become so out of control that some federal intervention might be necessary to curb their violence as it was that there might be a reaction on the part of the demonstrators that would need the intervention of federal forces. I've not told others of this telephone call and want to have it protected for at least the time until all the cases can be brought and tried, and I think that's the measure of my concern about the police action.

B: Do you think these actions on the part of the police that you are describing were general or a minority or a large minority or can you generalize?

C: They weren't general, but they were more than isolated. There was misconduct by policemen and by a lot of them.

B: What was the chief's reaction when you called him about this?

C: I've thought about that. My own feeling was so intense and I was in a state of very severe shock from having witnessed the violence. It seemed to me that his attitude was very matter-of-fact. He seemed to indicate that I was reporting something relatively new to him, not simply

confirming information that he had from others, and he spoke about it in response, if I read him correctly, as something that he would get about trying to correct in the best way he could.

B: Do you feel that the provocation that the police were receiving was any way unusual or perhaps somehow contributed to this over-reaction you described?

C: There's no doubt that there was severe provocation, but I would compare it as being less severe than that that the troops received at the Pentagon in October 1967 and for a much shorter period of time. The troops at the Pentagon were provoked by verbal insults and by physical testing for a period of a day and a half at the Pentagon and maintained a very severe standard of discipline. Although there was provocation in Chicago and not very pleasant provocation, it was a lesser degree than that at the Pentagon. Moreover, the number of demonstrators was substantially less in Chicago.

B: Did you report these opinions and attitudes to the President directly or indirectly after the events were over?

C: I was reporting them to the Attorney General and to a lesser extent to one of the President's assistants with whom I was in fairly regular touch at that time.

B: Who was that, sir?

C: Larry Temple.

B: Did you testify or give a deposition to the study conducted under the auspices of the Commission on Violence?

C: No, I have not done so.

B: I might add for the record here that that's the study on Rights in Conflict that was released as of yesterday. I'm quite sure you haven't

the country is enough manpower so they can have a mobile force of several hundred able to move to a riot situation and bring the matter under control before it begins to feed on itself, before this carnival spirit develops which has marked the early stages of most of the modern urban riots. This is a bigger change than would appear on the face. The police departments are accustomed to working in one or two or three of four man groups. What is needed here is the kind of technique in tactics and training and strategy that brings 250 or 500 highly trained men into an area in a very short notice.

B: Would it be paramilitary type training, discipline and equipment?

C: I don't know that that word satisfied me very much. I think riot control training for police is the way I would prefer it put. The military analogies are helpful, but there are some civilian techniques that would be more fitting.

B: It presumably also would require some sort of mental discipline on the part of the police, too.

C: Yes, that requires leadership right from the very top down. The mayor has to set an example, the chief of police has to be disciplined, he has to protect his men from the cries for over-reaction, and he must instill in them the determination to do a job with the minimum amount of force because he will know that force begets force and that if you begin to over-react you can expect to find an equal reaction from the other side.

B: Do you think that television coverage has played a major part on either side of these disturbances in Chicago?

C: I think it has played a significant part, but I would not try to attribute any, or impute any major blame on television. Television is there to cover events that are happening. To some extent people do act

out their grievances in front of television, but I would put that myself in a lower key. Maybe I can put it another way. We've got lots more to do to end civil disorder than to discipline or improve television. I think that if there was no television, there would still be civil disorders.

B: Sir, to move into another area, weren't you involved in the selection of the new government, the city council, for the District of Columbia?

C: My involvement in that was primarily a professional or lawyer's involvement. At the request of the White House, I talked with members of the City Council about conflict of interest problems that might exist or might develop. This was a particularly touchy or difficult area because the statute set up a city council with the expectation that the members of the council would retain their present business involvement. The compensation for the city council members was $7500 with only a small additional amount, I believe $2500, for the chairman of the city council. That figure obviously contemplated that they would keep on in their existing jobs and that presented some unusual technical problems under the conflict of interest statutes. My involvement was not in terms of selecting them so much as it was in terms of briefing them on conflict of interest problems.

B: Were not there at least one case in which a proposed council member couldn't overcome the conflict of interest?

C: Yes. And I counseled with him in connection with that.

B: Another thing, sir. Do I understand correctly that your function as deputy involves in effect you as the administrator of the U.S. attorneys and marshals?

C: When I came here, the marshals were under the jurisdiction of the deputy's office for administrative purposes here in the Department of Justice. Not

long after I was here, I approved an order transferring the marshals office to the Assistant Attorney General for Administration. It seemed to me that the principal activity of the deputy in connection with marshals office was administrative in character and would be more efficiently done in the administrative division. The U.S. attorneys present a quite different problem. There are ninety-three U.S. attorneys around the country in each of the various districts of the country. Their offices vary widely in size from only two or three lawyers in some offices to over seventy in the largest office. These are really the men on the firing line for the Department of Justice. They are main litigating end of the Department of Justice, especially in the criminal field. Each one of these U.S. attorneys is a presidential appointment. I have felt since I first came here that there was a lack of coordination and direction of the U.S. attorneys' office from the central headquarters. Of course, there should be no intention in any way to interfere with the decentralized operations in the most efficient way. On the other hand, there is tremendous aid that can be given them by letting them know what's happening elsewhere in the Department of Justice, by making available to them legal authorities and the precedents that have developed here, and by coordinating their efforts so that the United States does not find itself doing one thing in one district and another thing in another district. To that end, we have had U.S. attorneys' conferences here during the last eighteen months at a frequency not heretofore experienced. During my tenure here John Van de Kamp, former United States Attorney in the southern district of California, has become head of the Office of U.S. Attorneys. I believe he's on the way to providing greater coordination and leadership for that outstanding group of ninety-three U.S. attorneys

than had heretofore been possible, and I hope this trend can be improved on over the future years.

B: Do you find much politics in the process of selecting the attorneys?

C: The U.S. Attorney himself being a presidential appointment of course is a political animal and is selected through the political processes. Generally speaking, the Senators from the party of the President who are from the same state as the proposed U.S. Attorney have a major influence on the selection. Even the Senator from the minority party or from the party that is not the President's party is thought to have a virtual veto under the present operation of the judiciary committee on the selection of a U.S. Attorney. So, the U.S. Attorney himself is a political animal and most of them would be expected to change with the change of the Administration.

As to their staffs, they vary considerably from district to district. In the largest districts we have high hopes that we have, over the last eight years, developed a professional staff that whoever comes in as U.S. Attorney will want to keep or at least keep in the majority sense. In the smaller districts, I'm afraid it's still the case that U.S. Attorneys' Assistants, that is, Assistant U.S. Attorneys, tend to expect to be replaced with the change of the Administration. This is an unfortunate and undesirable thing. This service should be professionalized. I can illustrate how unfortunate it is by saying when the Administration changed in 1953, there were six United States Attorneys' offices in which there was no lawyer present on the morning after January 20. We hope that nothing even approaching that happens this time and are leaning very hard on our U.S. Attorneys and their assistants to make at least a smooth transition.

B: Would you recommend professionalization of the attorneys themselves?

C: Yes, I think the system will work better if we can reach the point where the Attorney General appoints the U. S. Attorney for the various districts and brings that into a professional status, just as are the section heads for instance in the various divisions in the Department of Justice.

B: I was wondering if you didn't get a pretty wide variation in the quality among your ninety-three.

C: Yes, there is a very wide variation in quality. Of course, even though the Senators play a very large role, the nominations are still presidential nominations and they are not sent up until the Attorney General is satisfied as to quality.

B: You originate the nominations in the Department of Justice?

C: Yes, the Attorney General makes recommendations to the President which the President acts on. One of the things that I'll be encouraging my successor to do is to be very, very disciplined, if I can use an overused word "hardnosed," in his evaluation of the U. S. Attorney candidates. It's unpleasant, personally sometimes it's quite--it subjects you to a good deal of abuse, but frequently you have to turn down several recommendations from Congressional sources and elsewhere in order to get a good man. And it's a very satisfying thing, on the other hand, after having gone through a series of mediocre or inadequate suggestions to finally have a really able man come forward and be able to put him into a U. S. Attorney spot. We've been fortunate around the country to have some outstanding U. S. Attorneys.

B: Another administrative question--is your function as deputy one that makes you in any way sort of a general departmental diaison with the FBI? I hasten to add that I am fully aware that it is a part of the Department,

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