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ORAL HISTORY COLLECTION

Narrator Robert E. Jordan III Address _____

Biographical information:

Graduate of MIT, Harvard Law School; active duty with the Army from 1961-63, served as a staff director of the President's Committee on Equal Opportunity in the Armed Forces; Assistant United States Attorney in the District of Columbia; Deputy General Counsel and then Acting Special Assistant for Civil Functions; General Counsel and Special Assistant for Civil Functions.

Interviewer Dorothy Pierce

Position or relationship to narrator U. T. Oral History Project

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Discusses his role as General Counsel and Special Assistant for Civil Functions, Department of the Army.

Date	Place	Tape #1	Length
Jan. 6, 1969			42 pages
Jan 6, 1969 & Jan. 10, 1969		Tape #2	40 pages
Jan 10, 1969		Tape #3	5 pages

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DATE: January 6, 1969

INTERVIEWEE: Robert E. Jordan III

INTERVIEWER: Dorothy Pierce

PLACE: The Pentagon, Washington, D. C.

Tape 1

P: This interview is with Robert E. Jordan, III, General Counsel and Special Assistant for Civil Functions, Department of the Army. Today is Monday, January 6, 1969; it's quarter-of-ten in the morning. We're in Mr. Jordan's offices in the Pentagon, and this is Dorothy Pierce.

Mr. Jordan, in my interview with Mr. Stanley Resor, Secretary of the Army since June of 1965, he indicated that there were several areas related to civil functions that had been delegated to your responsibility. I would like to go into these in our interview sessions, but prefacing it with a little background information on yourself: first, prior to Defense, and then who appointed you and when you came here.

J: I'm a graduate of MIT and the Harvard Law School in the class of 1961. From 1961 until 1963 I was an officer on active duty with the Army, and spent most of that time performing legal duties--judge advocate-type duties--for the Army. The last six months of my Army tour I served as a staff director of the President's Committee on Equal Opportunity in the Armed Forces, a committee appointed by President Kennedy, to consider unequal treatment problems relating particularly to Negro servicemen in the Armed Forces. That committee was headed by a Washington lawyer who is now a judge, Mr. Gesell, and had present Supreme Court Justice Fortas on it, and Whitney Young of the Urban League.

I had planned when I left the Army to accept an appointment as Assistant United States Attorney for the District of Columbia, but my work with the

committee led me to accept a job in the office of the Assistant Secretary of Defense for Manpower, in effect, implementing the recommendations of the committee itself. I spent a year doing that.

P: This is '63 to '64?

J: This is '63 to '64. In October '64 I became an Assistant United States Attorney in the District of Columbia, heavily involved in trial and appellate work involving criminal matters in the District. In that job I also had responsibility for demonstrations and sit-ins and civil disobedience and things of that kind that occurred in the District of Columbia, particularly in the Capitol and in the White House. I prosecuted, for example, the White House sit-in cases of college students who sat in at the White House and blocked the tourist line, and ultimately were taken out and arrested. I also prosecuted cases involving the Capitol itself.

I had planned to spend several years in the U.S. Attorney's office, and I must say it was a thoroughly enjoyable experience--the work there. But my boss there, who was David Acheson, United States Attorney, was appointed to a new position in the Treasury department which was concerned with implementing the Warren Commission's recommendations following the assassination of President Kennedy, and also with having a policy formulating rule for all Treasury law enforcement, which at that time included, in addition to the Secret Service, the Bureau of Narcotics, the Bureau of Customs, and three enforcement activities of the Internal Revenue Service.

I was at Treasury from October '65 through the end of May of '67. In about March of '67 the then General Counsel of the Army and Special Assistant for Civil Functions, Alfred Fitt, who had been my boss when I worked at OSD, asked me to come back to the Pentagon to become his deputy. I came back

full-time about the end of May of '67, and became Deputy General Counsel. Mr. Fitt was named Assistant Secretary of Defense for Manpower, and assumed those duties prior to his confirmation about September 21, '67. I then became Acting General Counsel and Acting Special Assistant for Civil Functions. Then in the spring of 1968, I became General Counsel and Special Assistant for Civil Functions. And that's where I am now.

P: Mr. Jordan, my questions of course are along the line of your Army position here, but I would like to back up and ask you about some of the cases you prosecuted in the White House demonstrations and District of Columbia sit-ins and things like that.

J: I'd be happy to discuss those.

P: Could you go into a little more detail about--particularly you mentioned the White House sit-in in 1964?

J: The White House sit-in--I don't remember the exact date, but I think it was mid-March of 1965, actually, when that took place. The date March 11 hangs in my mind, but it may not be accurate. I'm not very good at remembering dates. It involved a group, some of whom were college students, some of whom were sort of SDS-type students, I guess you'd say today; some Negro; and some white who were protesting the conditions in Selma. They got into the White House tourist line and then when they got in the midst of going through the tourist line, they just sort of sat down and blocked the whole tourist line, as a result of which the tourist line had to be cut off and terminated for the day. Literally thousands of people were deprived of an opportunity to see the White House that day as a result of their activities.

This happened about eleven o'clock in the morning, and various members of the White House staff begged and pled with them trying to get them to

leave, a process which went on till about five-thirty or six o'clock that evening; and they were unsuccessful. The students were then arrested, removed from the White House, and charged with unlawful entry--the Unlawful Entry Statute which in the District of Columbia covers remaining somewhere if you've entered lawfully. If you remain after your welcome has been worn out, so to speak, you can be prosecuted. There were, I think, seven students, and I prosecuted them at the trial in the Court of General Sessions. They were all convicted and sentenced to a hundred-and-eighty days in jail, which was the maximum imposable punishment under that particular statute.

Subsequently, after their convictions were affirmed by the District of Columbia Court of Appeals and the United States Court of Appeals for the District of Columbia circuit, I believe certiorari was denied by the Supreme Court and all of them served at least some portion of the sentence in confinement.

P: Did you have any prior warning of this or rumors to the effect that they would attempt a White House demonstration?

J: We didn't really have any prior warning of this particular occasion. There are always things going on at the White House. Very strange things happen. People pick up ashtrays and hurl them across the room, and set chairs on fire as they go through the tourist line. The White House police can tell you all kinds of stories about this. But my recollection is we had no particular warning of this incident.

Oftentimes, for incidents at the Capitol we did have some prior warning. We knew that people were coming to see Speaker McCormack or the Clerk of the House--that sort of thing--and we could anticipate that there might

not be trouble or might be trouble and could make some sort of plans in advance. We just didn't have that warning in this case.

P: Using hindsight now, what is your attitude or outlook on that particular demonstration?

J: Well, hindsight--let me say this. The things that take place first in the White House are under the jurisdiction of the White House police and the Secret Service. Since we didn't have warning, there wasn't an opportunity for the U.S. Attorney's office to participate in sort of planning out how you handle it. It got handled on sort of an ad hoc basis. If I had an opportunity to plan that thing again to sort of stage manage how it was conducted, I would not have let them stay in the White House from eleven o'clock until seven o'clock. I would have given them perhaps ten minutes, and I would have arrested them at the end of ten minutes and prosecuted. I think it hurts your position to let people engage in unlawful conduct and then let it go on for a period of several hours. The White House, in addition to being the President's office and the place where he lives, is also a national shrine and monument. Many people come to Washington as tourists for whom the highlight of their trip is the opportunity to see the White House.

I think it's very serious that people take it upon themselves to deprive thousands of people of the opportunity to have this visit to the White House. I don't believe in unlawful conduct as a way of expressing views on various issues in the nation. There are a lot of lawful processes. But I particularly believe that those engaged in unlawful conduct as an act of civil disobedience have to be prepared to take the consequences. I think Dean Griswold, the present Solicitor General, and Justice Fortas in commenting

on civil disobedience issues have both made this point. If you're going to do these things, you've got to be prepared to take your medicine. Typically, the people are not really prepared to take the medicine. They want to do the act, they want to get the notoriety that comes from it, but they don't really want to go to jail.

P: Were they able to present much of a case?

J: You know, from a lawyer's standpoint, there's not an awful lot you can say. They were there; they sat down; they were asked to leave by the then Chief of the White House police, Major Stover; they didn't leave; and they were arrested. So, from a lawyer's standpoint, you'd say it's sort of an open-and-shut case.

There were two legal issues, principally, that were involved--and they were represented, by the way, by a couple of very able lawyers, both professors at Howard University, Frank Reeves and Howard Reed. They argued two things. One was that the Unlawful Entry Statute in the District of Columbia did not apply to public buildings, and they were unsuccessful with that argument. The second argument was directed to the portion of the statute which said that when you overstayed your welcome, you had to be ordered to leave by the "lawful occupant or person lawfully in charge of the premises"-- I believe was the language. They argued in effect that only the President could tell them to leave, that the Chief of the White House police was not a satisfactory person. It's a good kind of argument for a lawyer to make when he doesn't have any others, and if I had to defend them I'd try the same arguments and maybe a couple of others. But they're not really very substantial arguments, and none of the Courts had any difficulty with them.

P: What other cases-- I know there were many because Washington has been the scene of many types of demonstrations over the years-- what others kind of stand out in your mind?

J: One that stands out in my mind--and I don't remember the exact timing on this, but it was some time in '65--a group of people from Mississippi had an appointment with the then Clerk of the House of Representatives, whose name was Ralph Roberts. They were challenging the seating of certain representatives based on alleged voting practices, discrimination against Negro voters, and so forth in Mississippi. They were under the sponsorship, you might say, of civil rights and civil liberties oriented organizations here. I guess they initially went to the Speaker's office and couldn't see the Speaker and were told that Mr. Roberts would see them and were given an appointment to see him. Then when they went to his office to see him, he wasn't there. They got the word that he had gone to a funeral. Then they conducted a sit-in. Initially there were a fairly large number of people.

The practice that we followed in these cases was if we were going to arrest people, we wanted to make it clear that we were only arresting the people who insisted on being arrested. We don't want to arrest a lot of people who don't really realize what the consequences of their act are. We had a very careful scenario worked out. We saw the problem shaping up; and the idea was to go to these people and say, "Look, you're here. It's unlawful for you to assemble here." We let them stay until the closing hour for the Capitol--the formal closing hour prescribed in their regulations. "We're going to give you ten minutes or so"--whatever the time was-- "to think this over. And at the end of that time we're going to give those

of you who want to leave an opportunity to leave; you can go--no problems, no prosecution. Those of you who stay are going to be arrested and prosecuted." So it was pretty clear. In other words, you could take your pick. "Are you willing to be prosecuted, or are you not willing to be prosecuted?" Well, in fact, a number of people got up and left, which reduced the number of people who were charged, and we prosecuted the others.

P: Do you come onto the scene in these cases?

J: In this kind of case, I would normally be on the scene. The job of handling these things is that for the police force involved. I would be off to one side and would be consulting with them on those matters that relate to the prosecution. In other words, how can we best manage this to be fair to the people involved, and yet to have a successful prosecution that doesn't have errors brought in by police conduct.

That particular case, we went to trial, spent three days in trial. I guess we'd had our closing arguments and were just about to have the judge's instructions and send the case to the jury when we got word from Speaker McCormack's office that he didn't realize that the people were being prosecuted, although it had been a matter of considerable publicity in all of the newspapers for some weeks, maybe even months at that time; and that he didn't want them prosecuted. We had originally gone down there at the request of the Capitol authorities. You know, it was our obligation to provide support to the law enforcement people down there. As a result of that we terminated the prosecution at that stage even though we had been trying it for three days.

I think one factor in Speaker McCormack's decision--I don't say that his decision was wrong--was that it appeared in the course of the trial that Mr.

Roberts, the Clerk of the House, had lied to this group of people when he told them he was away attending a funeral. In fact, there was no funeral; no friend of his had died. He had simply given these people an appointment to meet in his office, and then had failed to honor that appointment. I had a very low opinion of Mr. Roberts based on his conduct and also his performance during the trial. I would not like ever to prosecute a case again where Mr. Roberts had to be one of my witnesses.

The outcome in that case was certainly not an unjust outcome. These were people who had very legitimate complaints and honest differences of opinion on the seating of the various representatives involved, and they were a very well-mannered orderly, well-disciplined group. I had a great deal of respect for the sincerity of their views.

P: Legally, wasn't this a very futile attempt though?

J: Well, the way it worked out it certainly was rather a futile attempt. In spite of my respect for them, I think what they did was wrong. This was not the way. If somebody doesn't keep an appointment, you know, you don't sit in in the Capitol and announce the intention of staying there as long as you wish.

But these are difficult, close cases; and on the scale of things, what they did was much less serious than many other kinds of civil disobedience that we've seen since, because although they did sit in, they were orderly, they were well-behaved, there was no use of language that caused a problem with the public going by, and there was no destruction of property. They sat in, but apart from that they had a great respect for law and order.

The only case that sticks in my mind is one of the early war marches which was led by David Dellinger, who was a leader in the so-called "March

on the Pentagon" October 21 and 22 of 1967. Dellinger is a pacifist and had been of this inclination for many years. I believe he was prosecuted for failing to register or some draft-oriented offense during the Second World War. He led a group of anti-war people on a march down the Mall in the direction of the Capitol, and when they crossed 1st Street, Northwest, they were approaching the Capitol grounds. They had been told in effect that they were not going to be permitted to go beyond the gates there, at least not en masse, and they originally sat down in large numbers--there were several hundred, probably about four or five hundred--blocking the sidewalk. Nothing was done to them at that time, but Dellinger was very active and had a sort of discussion group as to what they were going to do. Ultimately they began to push forward against the police lines. A large number--around three hundred of them--were arrested. It was probably the largest mass arrest ever conducted in Washington up until that time. Of course, we had more people arrested during the April disorders following the death of Dr. King, but we never had as many people arrested in one spot over the space of, say, an hour as we did there. Most of these people were prosecuted for sort of minor offenses like various forms of disorderly conduct--were prosecuted by the Corporation Counsel's office. The U.S. Attorney's office only prosecuted two or three. We prosecuted Dellinger as sort of the leader of the movement, and we prosecuted a couple of other people who committed assaults on police officers. One fellow in particular I remember--he stuck his foot out of the side of a bus and kicked a police officer in the head,

P: That's not funny. Did you work on or prosecute any cases regarding draft card burning?

J: No. When I was there draft card burning was not really the vogue. That came on a little later, so I was denied the opportunity to participate in those.

P: Any defacing of the flag?

J: No, I didn't have any defacing of the flag cases. Of course, most of my prosecuting work was in the Court of General Sessions, and you used to get an enormous quantity of the sort of sordid kinds of crimes that go on in a city--any large city--all the time.

I was sort of a specialist in confidence games, frauds, and things of that kind. One particularly amusing case was the fellow who was charged with running a so-called "Murphy" game. The amusing part of it was he was charged with "murphying," as the expression goes, the mayor of Selma, Alabama. The mayor of Selma, Alabama, and the Director of Public Safety were in Washington for some reason. I've forgotten what it was. There are a number of so-called Murphy men in Washington. Murphying involves taking a man and telling him that you can show him some entertainment or a house of ill-repute or what-have-you. You take him to an apartment building; and then you tell him that he'd better take all his money and put it in an envelope for safekeeping because the girls can't be trusted. Then there's an elaborate switch routine involving either a newspaper or clipboard on which the Murphy man writes the name of the party on the envelope, in the course of which he switches the envelope containing the money with another similar envelope containing cut up newspaper the size of money. Then he goes off and tells the fellow to wait, he'll be back in a little while. The fellow waits for

awhile, and ultimately begins to wonder what it's all about. He tears open the envelope and finds it contains newspaper, and he never gets any entertainment or anything else. In this particular case a police officer heard via an informant network in the small hours of the morning that a particular Murphy man was in a dice game or something claiming that he'd Murphied the mayor of Selma, Alabama, as a result of which he was arrested. The mayor's version of what happened was quite different from that of the Murphy man. He denied that anything of that kind had taken place, and as a result we were never able to get very far with the prosecution, having a very reluctant pair of witnesses.

P: Just out of curiosity, how did it get the name "Murphy?" Is that universal, or is that District terminology?

J: Well, it's widespread in the District, and I understand it's also used sometimes in New York. I assume that the guy who thought it up must be named Murphy, but there are probably thirty people in the District who specialize in this sort of thing. The fellow who was involved in this case, I had the opportunity to prosecute several times after that, and he was very professional, I must say.

P: I have here that you were in the Treasury from '65 to '67.

J: That's right.

P: You said you were acting as an attorney in the Treasury, right?

J: Well, not really as an attorney. David Acheson was named Special Assistant to the Secretary of the Treasury for Enforcement; and he and another former Assistant U.S. Attorney and I constituted the three top people in that office. We were really concerned with setting the policy and managing the various law enforcement functions of the Secret Service, Narcotics, Customs, Internal Revenue Service.

I also, as sort of additional duty, was responsible for the management of the Treasury Law Enforcement School which trains all new Treasury law enforcement personnel. We were in the process of revitalizing that school, bringing in a full-time staff, putting it on a more professional basis at that time.

Apart from that I specialized particularly in Secret Service activities-- was involved, for example, in efforts to develop a computer system for storing information on people who represent a potential threat to the President. The Warren Commission was very concerned with the laborious manual system for retrieving information on people in this category. And I did a lot of other work relating to presidential protection and also relating to counterfeiting or check forgery, which are the two principal criminal prosecution activities of the Secret Service.

P: Were you surprised at the state of presidential protection when you came onboard in Treasury and were working in this area?

J: Well, I guess disappointed would be a more accurate expression than surprised. The Secret Service is in sort of a weird position. Technically, the Secretary of the Treasury is responsible for the operation of the Secret Service. Yet the people all work for the White House protecting the President, Vice President, and members of their families. The Secretary of the Treasury typically is not a person who has any particular interest in law enforcement or any particular knowledge relating to protection. He's an enormously busy man who has all kinds of fiscal and monetary crises to deal with. So an outfit like the Secret Service, I think, inevitably-tends to get neglected over a period of years, and the only thing that reverses the pattern of neglect is a tragedy.

We had an enormous tragedy in Dallas in November of '63 and that focused a lot of attention on the Secret Service, and there was a peak, a crescendo of interest. The Secretary of the Treasury had his special assistant working on this; a special group was appointed to make recommendations to the President; lots of things were going on; Acheson's job was created. Yet during the time I was there, you could see sort of an exponential decay of interest and concern. So I'd say by the time I left in '67 that it was becoming progressively harder to get things done that would improve the Secret Service capability.

One of the reasons it's very hard is that there's always kind of a divided responsibility. Typically you have one or two White House assistants who want to have a role in saying what the Secret Service ought to do, and yet they don't have the responsibility for managing the whole operation. That makes it very difficult for the people in Treasury--the Secretary of Treasury and his principal assistant--to really be effective in controlling the Secret Service. You also have the fact that the people work directly with the President, and some of them are not at all reluctant to take advantage of that fact and try to use their relationship with the President to keep management reforms from being instituted and things of that kind.

I think the President is probably a very poor judge of what's good for him in the security area, because he's too personally involved. Ideally, the guy who supervises the Secret Service ought to be someone in whom the President has great trust, a competent personal friend, but someone who's in a position to make it very difficult for the Secret Service to go directly to the President and intervene; and who is also in the position to say to the President, "Look, Mr. President, you don't know what's good for you and

I do, and here's the way we're going to do it." In other words, he has to be prepared to stand up to the President. Presidents are not particularly easy people to stand up to. It's very difficult.

P: Is this computer system that you were speaking of the one where they can do a quick check on names?

J: Quick check on names; quick check on a variety of things. It's a very sophisticated system. We stole from the Coast Guard their best computer man, a very able fellow; stole another fellow from the Internal Revenue Service; and put these two in charge of the computer operation.

Before the time of Dallas they had the so-called Protective Research Section--PRS--a section which had been developed just by sheer determination on the part of the Secret Service with very limited resources. People have been very critical, you know, of the Secret Service. "This isn't a very good system, not very sophisticated." But the blame for that is not the Secret Service, but those who are responsible for getting the funds that are needed to make it operate.

This system, for example, is able to go in and by a set of random characteristics--suppose you got information, for example, through informant nets or what have you that a guy who's redheaded and walks with a limp, has a couple of other characteristics, is going to try to shoot the President. Because of the way this system is designed, it would be possible to put that information in the computer, and it might come back and say, "We don't have anybody in our files with those characteristics," or it might come back and say, "We've got one guy in here, and here he is." And here's a complete print of it, you know, just in a space of seconds--everything we know about him, and, "his investigative file is number such-and-such." Or

it might come back and say, "We've got half-a-dozen people, all of whom meet these characteristics, and here's the complete information on all six of them."

The job of protecting the President is almost impossible. I remember when I was over in Treasury we had all the Secret Service people typically carry with them a little pocket folder with photographs of, let's say, a dozen people who were considered the most serious threats to the President. And one of these fellows was just a dead-ringer for Robert McNamara! He looked exactly like Robert McNamara! I'm confident that he could have gotten to the limousine and driven up to the White House and had a fairly good chance of getting in. I suppose they always looked at McNamara a little more carefully than they looked at anybody else because of this fellow. But that's the kind of thing that goes on.

You know, you could spend a billion dollars a year on the system. You could spend any amount you want to, and never be able to guarantee success as long as the President is going to come in contact with people. But you certainly can reduce the hazards a good bit.

You have to be very careful, though, when you design a system. Everybody keeps thinking in terms of Oswald. Well, the next guy's not going to be Oswald, so you have to be very careful to put Oswald out of your mind to some extent. You've got to develop a general system that will pick up the people you think are the greatest threat. You haven't proved that your system will work, you know, just because you've proved that it would have picked up Oswald.

P: Mr. Jordan, it was during this period, '65 to '67, that criticism began to rise up regarding the fact that the President was practically captive in

his own house. He kept on touring quite a bit, but he was landing at bases and Army installations and things of this nature, and he was really handicapped. And, of course, politically this was used occasionally too. What is your judgment on this situation?

J: I never really felt that President Johnson was a captive in his own house. First of all, I think it's perfectly clear that President Johnson is too strong a personality to let anybody tell him what to do. He does what he wants to do, what he thinks is best, what he thinks is necessary. He may listen to advice, but he's not going to be dictated to by the Secret Service or anybody else.

My own feeling--and this is something that I can't really document based on conversations with the President or based on what I learned from working there and talking to people in the Secret Service was that President Johnson at that time was a man who had a very great concern for his own personal safety; and that much of what he did reflected this concern. He had a tendency to keep the Secret Service in the dark, not tell them what he was going to do, what his plans were going to be, and then very suddenly announce a trip on virtually no notice to go out in a car. I remember one occasion when, without any notice to speak of, he went out on the presidential yacht and watched the boat races out there on the Potomac, things of that kind. Some people said, "Oh, this is terrible! The President is compromising his security by not telling the Secret Service." But I think in the President's mind he figured that perhaps the greatest danger is in too much advance planning--with advance word people lay on a lot of elaborate preparations. That gives an awful lot of people notice that the President is going to do something. I think he probably figured that his

greatest safety was in doing things without scheduling in advance, where only he or one member of his staff knew what was going on. And based on what I know about presidential security, it would be very hard for me to say that he wasn't right. In other words he may have been much safer just getting not in the big limousine, but in one of the smaller White House cars, and going off without a big escort and without a lot of fanfare, and without notifying the local police that he's going to be following such-and-such a route. You always run the hazard that you'll get smashed into by a fuel truck or other things, but I think on balance probably this is a safer system in ways than the motorcade operation.

Now, of course, there are times where there's going to have to be a motorcade operation, and there are hazards. You'll recall when the President was on his Far Eastern swing--I guess it was in Australia--people came and threw paint-filled balloons that got all over his car and all over the Secret Service people. You know, the fact that people could get that close and do that is scary; it could have been something more serious than paint-filled balloons.

I don't know how you deal with a Dallas-type problem. I don't know whether you're interested in sidelights on Dallas, but I was down there some time after the tragedy. I went to the Texas School Book Depository, and I talked to the fellow who ran the Depository--the fellow who had hired Oswald. From a historical standpoint--I haven't seen this mentioned anywhere and it's rather interesting--the same day Oswald was hired another temporary employee was hired. The Texas School Book Depository has two buildings. One is right on Dealey Plaza there, and the other one is some distance away, not a great distance, but a couple of blocks. The fellow who hired these two

people had a need for one guy to work in each building; and it just so happened that Oswald was given the job of working in the building right on Dealey Plaza. The other guy was sent to the other building. It turned out there was less work in the other building. They had no need for him; he was laid off in advance of the day of the assassination. There was more work in the building at Dealey Plaza; Oswald happened to still be employed on that date. But that's one of the little quirks of history. It could have been the other way around. Oswald could have been sent to the other building, and he would not have had an opportunity to kill President Kennedy.

P: You have obviously studied the Warren Commission report in depth. What is your judgment of its validity and the results of its conclusions?

J: I have studied it very carefully, and I've read most of the books that have been written--Mark Lane and various others on the subject. There's a great deal of just irresponsible criticism of the Warren Commission report contained in many of these books, involving a great deal of selection of evidence that supports one point of view or another.'

Based on all my review, I still think that the basic conclusions of the commission are accurate. I do not think the commission did a good job. I think that the way they were organized--one of the books on the Warren Commission report was written by Edward Epstein, I believe, and he criticized, more than what they had to say, the way they were organized to get at the truth. They had a group of very senior people who were appointed to head the commission--the Chief Justice; Senator Russell; people in that category. By and large these people did not have sufficient familiarity with all the evidence to make the judgments. Then there were a group of somewhat senior staff attorneys--prominent lawyers from around the country--

who were picked to head certain activities. And many of them did not spend the time that should have been spent. So much of the work fell to a more junior group of lawyers, but a very, very competent group. I'm not criticizing their competence, but I'm not sure that what turned out wasn't really the result of a small group of fairly young lawyers making some judgments and ordering the evidence.

One of the most tragic things I think about it is the dispute about the x-rays and photographs of the Kennedy autopsy. I happen to know some background on that which I think is not common knowledge. When the autopsy was completed, certain color photographs and x-rays were taken in connection with it, and they were turned over to the Secret Service. They ought to have been routinely made available to the people who were going to conduct the investigation.

But what really happened was that the question of whether these things ought to be made available was presented to Robert Kennedy, then the Attorney General and the President's brother. Here's a guy who has got family things pulling in one direction--close personal ties--and sort of official responsibilities in another. In my judgment he did not discharge his official responsibilities in that case as he should. It was very human that he should not.

But he instructed in effect that these photographs--the record here is a little unclear as to exactly what he said, but probably he said, "I don't mind if they're shown to the Chief Justice," and maybe he said, "to other members of the commission, but I don't want any of the staff to see them." Of course the staff was doing all the work. They were the only ones who could assess the significance of these photographs. As a result the Warren

Commission report got written without the benefit of these things. A lot of inferences were raised and drawn about what this all meant. I've never seen them myself--they were sort of locked away--but I am told that subsequently they've been examined, and they support the autopsy report.

Another criticism I have of the whole procedure is that the autopsy proceedings were extremely ill-conceived, in my judgment, in the sense that what we should have had at that autopsy were the best forensic pathologists in the country--the chief medical examiner for the City of New York; Dr. Ford, I believe it is, who has that capacity in Boston and works for the Harvard Medical School. The people who conducted that autopsy were not really the top forensic pathologists in the country. They inadequately perceived the significance of certain things; they did not explore certain avenues in the autopsy that ought to have been explored, and many of the problems of the Warren Commission report really stem from that fact. It's unfortunate. If, God forbid, another President is ever assassinated, and anybody ever asks me my advice about what to do, one of the first things I would say is, "Don't start that autopsy until, first of all, you have the best pathologists you can have available. Secondly, you ought to tell them just as much as you can about the circumstances surrounding the crime, what the knowns and the unknowns are." Knowing that, then they could do a much better job in conducting the autopsy in a way that would make the evidence useful at a later time.

P: Didn't they attempt to do this with Senator Robert Kennedy? They did fly in some specialists.

J: Yes. They did a better job in the case of Senator Robert Kennedy. I think they got probably a better group of people put together--more experienced people. I'm not saying that the people who did the autopsy were incompetent, but this wasn't their field. They did have a fellow from the Wound Ballistics Section of the Armed Forces Institute of Pathology, but the general field of Wound Ballistics and the application of these to murder-type cases in civilian environment--they're different fields. Expertise in one is not necessarily an expertise in the other.

P: Did you do this study on the Warren Commission as a part of your position in the Treasury?

J: Yes.

P: And did, of course, explore it to that depth and go to Dallas as you indicated?

J: Yes.

P: Regarding the autopsies, too?

J: Yes.

P: This is such a tremendous area--I don't know if there's anything else I should query you about, or any other things you recall?

J: Well, I think we've covered the more important issues. I could discuss some personality issues or some competence questions of the individual people in the Secret Service, but it would be the kind of thing that I think ought not to be available while they're still in their present jobs, and possibly not even while they're still alive.

P: I'd be very much interested, and, of course, you can put a restriction on this.

J: From a historical standpoint I think it's important. The present director of the Secret Service, the fellow who was the director during the time I

was there, is James Rowley. Rowley is a fellow who spent most of his career in the Secret Service. It has been a long career on the White House detail, or involved in protective work. A wonderful person in terms of being a good intentioned--a very dedicated guy in terms of taking the presidential protection job very seriously and being willing to undergo any kind of sacrifice, work any kind of hours under any kind of trials, in order to try to do a better job. But he is frankly not a very able guy. He's just not what you need to run the Secret Service. I think that was clear to the people who studied the Secret Service--this joint group from Justice, CIA, and so forth--right after the assassination. It was certainly clear to me and to David Acheson very shortly after we arrived. We had no reason to reassess that judgment or to change it as a result of greater exposure to Jim Rowley. Almost every incident or occasion we had to have contact with him really tended to reinforce it. It's unfortunate. After I left the Treasury, Rowley was actually promoted from a GS-18 job to a Level 5 job. There have been rumors in the last week or so that he may be promoted again to a Level 4 job. This is because I think the President, you know, appreciates his dedication. But this shows the problem of trying to have the President run the Secret Service and trying to reward people with promotions and advancement based on the fact that they're dedicated and sincere. This is too important a job in my judgment to have the top people rewarded on that basis.

Similarly the present number two guy in the Secret Service is Rufus Youngblood, the Deputy Director. When I was over there, he was the Assistant Director for Protective Forces, I think they called it. He had been head of the White House detail before that, and at the time of Dallas had not

been even at that level position. He's the fellow who jumped on top of President Johnson. President Johnson recently commended Director Rowley and Rufus in a Rose Garden ceremony for their dedication, and said a lot of very nice things about them. Rufus is a guy who has probably done more to destroy the Secret Service's esprit than any other person over there. He's a boob; he's a Georgia redneck. The President is said to sometimes call him a redneck and not inappropriately. A very ambitious guy, but ambitious I think chiefly for himself. Right now with a new President coming in and a Vice President whose qualifications many people have challenged to be President, I find myself worrying. A couple of times a week I think about the fact that here are the top two guys in the Secret Service, and they aren't very good.

Counterbalancing that though, I would have to say that there are a lot of very able and very fine people in the Secret Service. The guy who was an inspector at the time of the assassination, who was the chief Secret Service liaison in Dallas, is a very smart Irishman named Tom Kelly. He now runs this Protective Intelligence--the computer operation I was telling you about--I'm sure quite competently. And there are other agents in the White House detail down the line who are very able, very dedicated, and that makes me feel a little better. Those are the guys that are doing the work.

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P: Mr. Jordan, would you recommend any changes as far as the authority structure of the Secret Service? Should it be taken out of the Treasury, made independent, or the Treasury given more authority as you've indicated?

J: That's very difficult to judge. One suggestion that has been made is that it ought to be put in the Department of Justice. The Bureau of Narcotics, another Treasury law enforcement activity, was recently merged with the Bureau of Drug Abuse Control from HEW into a new bureau in the Department of Justice. The Secret Service has a close tie-in with check forgery and counterfeiting operations, and the Treasury is in charge of the whole check issuing operation, in charge of the printing of money and so forth. That is really not an adequate reason for not transferring the Secret Service to Justice. Some people have suggested that really the whole thing ought to be merged into the FBI. Mr. Hoover has never shown the slightest inclination to want to become involved in protective matters, and I don't blame him because it's an area in which your successes go unheralded and your failures are headlines around the world.

I'm inclined to think that the real problems of the Secret Service would be given more attention if their director were responsible directly to the Attorney General or the Deputy Attorney General, who would then be the guy-after all, he's a Cabinet level guy who has direct access to the

President. There again, though, it depends so much on the relationship between the guy to whom the Secret Service is responsible and the President. You might have an Attorney General who's a perfectly competent, good Attorney General, but who is not really close to the President. I would say that during the last some months when Ramsey Clark has been the Attorney General, it probably would have been a very good arrangement, because the present Attorney General, although I often find myself disagreeing with him on certain things, is a very courageous guy and really has a lot of guts. I respect him for those guts, and that would have been a good arrangement. Perhaps under the new administration, the present Attorney General-designate, having been a partner in the Nixon law firm, would also fall in that category, although I'm not sure. It's a little hard to make a recommendation about an organization which says that in effect it ought to float around.

The other possibility would be to say that we ought to have somebody on the White House staff or in the executive office of the President responsible. That has the disadvantage of not giving a great deal of continuity to the operation because of the nature of the White House staff.

I happen to be some sort of a believer in the balance of power theory with respect to federal law enforcement. The FBI is a very large and a very efficient organization, but it represents some dangers to the federal government, I think. That's no reflection on individuals, just the nature of the organization. I think there's great value in having other federal law enforcement organizations to sort of counter that power in the FBI because Hoover has been a virtual dictator who has not taken orders from Attorneys General, including Kennedy, Katzenbach, presumably Clark, or from others

before that. I've seen occasions when I was in Treasury and elsewhere in government work, there were things that needed to be undertaken and could only be undertaken by federal law enforcement activity. By all rights they should have been undertaken by the FBI, but Hoover would just flatly say, "No, we won't do it!"

For example, you may recall the Yarmouth Castle cruise ship which burned and with a substantial loss of life. There were some indications that arson might have been involved in that matter, and overtures were made to the FBI to do something about it. Although I wasn't personally involved in presenting this to Hoover, my understanding is that he vetoed it, as a result of which the Secret Service, which really had no particular business in that area, undertook to do a very necessary piece of investigative work. If it hadn't been the Secret Service, if it weren't another organization, it might not have gotten done.

P: Do you recall the year of that?

J: That would have been also in 1966. I don't remember exactly when in 1966. But that's just one example of this sort of thing, and there are others. That's why I would not like to see the Secret Service merged into the FBI. That would not be a good idea; but I would not at all be reluctant to see them reporting to the Attorney General.

P: Mr. Jordan, to continue on with this, you've mentioned several times your having contact with the President. Could you tell me on what occasions that you have met with Mr. Johnson?

J: I don't have very much contact directly with the President, either in my present job or when I was over at Treasury. It's not in the organizational nature of things. Of course, I've seen the President a number of times at

ceremonial occasions. I met with the President once, I recall, in connection with sort of a pervasive issue of executive legislative relations in which the Civil Works Program of the Army was one area that was involved. It also involved the GSA and Department of Agriculture and Department of Interior. It was really a question about a certain form of legislation which the President said was unconstitutional, but Congress kept on insisting on what we ought to do about it. We had a rather extensive meeting with the President on that subject.

P: When was that?

J: Early 1968, the first couple of months I would guess.

P: In this position?

J: In my present position. My impression of the President is he's a very sharp cookie, a very intelligent guy with a mind like a steeltrap who doesn't miss anything. He comes over quite differently in private from--frankly from my standpoint, a not very favorable impression you get of him when you watch him delivering speeches. I detest his style of speech. I've detested it ever since the first speech he made to the Congress after the assassination. Something about it just drives me up the wall, and I think it affects a lot of people the same way. But like many politicians he's quite different in private. Some people say he has extra glands and various things. He's quite an able guy.

He's also a good politician. I remember at this meeting we were sitting around in the Cabinet Room and having a little preliminary discussion before we got to the main topic of business. And Secretary Udall said, "Mr. President, we're going to announce today or tomorrow your program for" doing something or other. I don't really remember what it was. The President

turned to him and said, "Stu, don't call it my program; call it your program. We'll wait and see if it works. If it works, then we'll call it my program." Well, for a president, I think that's an entirely proper approach to programs of this kind.

F: What had occasioned the meeting of bringing these people together? You said it was the Civil Works Program?

J: Congress has passed a variety of different statutes saying in effect that the Executive Branch can exercise certain authority (in this case, for the Civil Works Program, it involved the Flood Control Act of 1965, Section 201) such as authority to build small reservoirs without getting specific authorization from the Congress in each case. But they would then put in a proviso saying that, "You'll have to get this approved by" a special congressional and in some cases the Armed Services Committees, in some cases, the Public Work Committees, things of that kind. The President, on the advice of the Attorney General, had taken a very strong view that this kind of thing was unconstitutional. The Congress could say to the Executive Branch, "We're going to require you to get specific congressional authorization for certain types of projects, and you then have to do this." Or it could say, "You can have the authority to act in this area subject to the following standards," and we would then have to follow these standards. But it was an unconstitutional mingling of sort of executive and legislative power to have the Congress say, "You'll have to come back and get approval," not of the Congress nor even of one House of the Congress, but of a particular committee.

The problems was that we had a backlog of projects that were going to come up under these statutes. The problem varied from department to department

In our case what we had done, based on instructions from the White House, was to collect a bunch of these small projects and then send them all over to Congress, in effect saying, "We're not going to proceed unless you authorize them. We're not going to use the authority you've given us because you've given it to us in a way which we think is unconstitutional." GSA had similar problems. We were really addressing the question of how do we work this out with Congress. Is there some accommodation we can make that's consistent with the prerogatives of the executive branch?

The President was particularly concerned because he'd received personal importunings from Representative Jim Wright of Texas, who is a very close friend of the President's, who was saying in effect to the President, "I think you're wrong on this issue." The President said in effect to us, "Jim Wright has been calling me on this. There's no better friend to my administration than Jim Wright. If he thinks we're wrong, we'd better take a good hard look at it."

Actually the meeting we had didn't really resolve it, and it's still somewhat unresolved.

P: Would you have been there in the capacity of the use of the Corps of Engineers?

J: That's right. This is the kind of thing though that when you meet with the President, Secretary Resor would normally be the one to go, and properly so. I don't remember--Secretary Resor was away, out of the country, or something like that. I went instead. My normal role on matters of this kind would be to get up all the information that was needed and the analysis and then sit down and discuss the issues with Secretary Resor and get him prepared to go over and have the meeting. I think the President has the right to

expect that when he has meetings, that the departments will send their top people to meet with him.

F: At times of critical crises situations, are you ever in a capacity of being on call? Either standby here at the Pentagon, or have you ever been called to the White House?

J: I have sort of two kinds of standby problems. One, in the Army Secretariat, we have a weekend Secretariat duty officer, which is rotated among the Under Secretary, the four Assistant Secretaries, the Director of Civil Defense, and myself. And that involves being on call once every six or seven weeks on the weekend. That really doesn't amount to very much. That's a matter of either being at home or having the staff communication people know exactly where to reach you. I don't think I've ever gotten a call under that system, and very few people do. Usually if the fellow is around whose functional area it falls in, they normally try to get in touch with him first.

Second, I have been on call all the time since last summer in the civil disturbance area. I usually carry a two-way radio with me when I'm away from a phone. They can page me on this and even if I'm going to be out for half an hour or hour, I take the radio and I call into the radio net and they know they can get me. I have gotten a number of calls in connection with civil disturbance on that, generally speaking not ultra-ultra crisis calls. It so happened that when Martin Luther King was killed, for example, I was still in the office. When Robert Kennedy was killed, very unusual, I had just by accident fallen asleep watching television, watching the election returns from California, and woke up and realized what

was happening in the wee small hours of the morning. I came directly to the Pentagon and we started adjusting the alert of our forces and so forth against any possible civil disturbance. So those were, probably, the two most critical times.

P: In this situation your standby would be in case of deployment of military troops?

J: Right. Under Secretary McGiffert and I have been the two people in the Army principally involved in the civil disturbance problem. He and I have worked closely on this for many, many months now. We really began in the summer of 1967 in late July when we had the Detroit riot. That was the first time in twenty-four years that we'd used federal troops to control a civil disturbance. We'd used them in school integration problems at Ole Miss, you know; and President Eisenhower used them at Little Rock; and we'd had half a dozen examples of that kind. But just a complete breakdown of law and order unrelated to federal court orders of Detroit was the first time in twenty-four years. It took us all somewhat by surprise.

P: What about the March on the Pentagon? Where were you? That's a year ago--year and a half.

J: The March on the Pentagon was one of those things we had an awful lot of advance warning on, because the people who were running the National Mobilization Committee to end the war in Viet Nam--my old protagonist Dellinger, whom I prosecuted for the previous march on the Capitol, in the forefront--had a propaganda campaign that started months in advance. We actually started detailed planning for that, I guess, early in September--the first week in September. And when I say "detailed,"

I really mean detailed. We had planned out everything. This involved coordination with the District police, the Capitol police, the White House police, the Park police, the Virginia State police, Arlington County, Virginia, Fairfax County, Virginia, Maryland Counties, the National Guard. We had many, many meetings in the so-called War Room over here of all the concerned people and worked closely with the Department of Justice.

The General Counsel of the General Services Administration was the principal negotiator with these people on whether they got a permit or not, but we were furnishing information that he needed on that score. There were lots and lots of meetings. I was here pretty much during the entire time. I guess I went home for maybe three hours or so between two o'clock and five o'clock on Sunday morning. Then I came back and was here until about one-thirty Monday morning when we closed the place off and began arresting people at midnight when the permit for Sunday expired. It took a while to get everybody arrested and get things cleared away.

P: In what capacity were you there?

J: Well, I was in my present job. I was actually Acting General Counsel. I had been that during most of that time--had been Acting General Counsel from the 21st of September, so I was either Deputy General Counsel or Acting General Counsel during that period.

Most people expect a General Counsel to be a guy who writes legal opinions. For some years in the Army that has not been the case. We do write legal opinions, but we do far more sort of trouble-shooting work for the Secretary, crisis cases which may have some legal aspect but may well not principally involve a legal aspect--congressional investigations, scandals, bad things that happen. For example, my office did an analysis of the M-16

rifle program after a congressional committee had been very critical of it and wrote a several-hundred page study of the various allegations of the committee, the background of the rifle, and various problems there. There were perhaps three of the thirty findings of the committee that had pre-dominant legal overtones; the rest of them did not.

P: What were your conclusions on the M-16 study?

J: There were a lot of them. The conclusion was that, generally speaking, it was a very, very good weapon; that to some extent we had failed to anticipate the amount of care it required; had not given adequate instruction; had not emphasized adequately the importance of keeping the weapon clean and doing certain things to it. There were also some problems with it. There were some technical things that needed correction.

We did find one case in which a very important decision with respect to the M-16 rifle program had been made by a guy who was a lieutenant colonel and sort of a project manager for the system. That kind of a decision ought to have been made at a much higher level, ought to have been surfaced, and nobody in the Department of the Army really even knew about it--although some people other than this lieutenant colonel did know about it. It was very hard to assess how serious this was. It was very clear that the system ought not have worked that way.

P: What was it?

J: We knew that different kinds of powder--propellants--had different effects on the M-16 rifle system. Some of them burned faster and some burned slower and some created greater chamber pressures.

P: Which led to what they called jamming?

J: It can lead to jamming, although the evidence as to what caused-- The principal problem of the M-16 was that a cartridge would get into the chamber and then it would be fired. Then when the extractor, which is on the front of the bolt comes forward to grab the cartridge and pull it out on the backward travel and throw it out the side and push a new cartridge in, there would be what they could call a failure to extract. The extractor would pull right through the rim of the cartridge, and then this cartridge would be stuck in there. The next cartridge wouldn't seat and you couldn't fire the weapon until you got that out. The M-16 being a small caliber weapon with not a very large chamber, it's not very easy to get that thing out. One way to do it is to take a cleaning rod and run it down the front and poke it out, but that's not something people like to do when they've got Viet Cong shooting at them. So that was the principal problem.

There was also some problem with the cyclic rate of fire. In other words, how many shots will it shoot a minute and so forth. There was a standard set that was not supposed to be exceeded. Well, the thing we discovered was that by-and-large the propellant being used in the field-- the one that more was being used of than any other kind--was something called ball propellant; and that just refers really to the shape of the grains and all. This had certain characteristics with respect to cyclic rate and to fouling. By fouling I mean visible residue building up. They were having trouble keeping the cyclic rate within the range that they want to keep it in, and the project manager made a decision to let Colt's continue doing the acceptance testing on the rifle with a different kind of powder that kept the rifles within the cyclic rate specifications, although that was not the powder predominantly in use. Nobody has ever been able to sort

out to my satisfaction the causal relationships between the different kinds of powder and the things that happen with a weapon.

In retrospect I think that the greatest improvement made in the weapon was the installation of a chrome chamber. That reduced the tendency of the chamber to pit, and it was the pitting of the chamber in my judgment that was causing these failures to extract, because a chamber will corrode and then pit. Then when you fire a cartridge, the relatively soft brass of the cartridge will expand into these pits and in effect become lugs that keep you from pulling the cartridge out. The chrome chamber, along with the increased cleaning of the weapon, pretty well solved this problem.

There was a time when we were having M-16 problems all the time, but we don't hear about M-16 problems any more. When we first gave the M-16 to the so-called ARVN forces--the South Vietnamese Army--they went into battle with them and did quite well, and had very few problems. We had emphasized to them our experience on training.

But there were other things in the M-16 area--little things. We had a project manager who reported to the commanding general of the Weapons Command, but he had some problems with his authority over the Munitions Command, which is in charge of the ammunition. He didn't have sort of a single manager authority over the whole system. We had problems with getting adequate supplies of bore brushes or chamber cleaning brushes, I guess they were, to the field. You know, relatively simple things, but the Army is an awfully big organization. You know, Secretary Resor and the Assistant Secretary of Installations and Logistics just can't personally manage everything that goes on, and occasionally something falls between the cracks. Many times they fall and nothing happens. In the M-16 case some things fell

between the cracks and things happened. Whether the things that happened were causally related to the things that fell between the cracks is very hard to say.

P: Just to diverge one moment, have you been appointed to any panels or committees or task forces outside of the Department of Army?

J: No, I have not.

P: Have you ever traveled with the President or traveled for him?

J: No, I have not.

P: I didn't want to stop you on this area of civil disorders that we had gotten into. What do you recall about the March on the Pentagon, since you were present witnessing it?

J: The single most impressive aspect of the March on the Pentagon was the enormously fine job that was done by the young soldiers on the line up there. We had literally thousands of soldiers, a number of battalions of soldiers, most of whom had been moved into the Pentagon early Friday morning, between two o'clock and five o'clock on Friday morning. They were sleeping in the halls and down on the concourse and what have you. They were not much different in age from the people who were demonstrating. Most of them were draftees. They were not career soldiers or anything of that kind, but they did a remarkably good job. There were lots of provocations, lots of opportunities not to do a good job, but they were well managed by their officers and had very good discipline. They did the job they were given to do.

In my career I think I've been associated with law enforcement more than anything else, because I've been a prosecutor; I worked in the law enforcement there in the Treasury; and since I've been over here in the Army I've spent so much of my time on civil disturbance matters, which is a form of law

enforcement. One of the most difficult things in the world is to control police-type organizations in times of disorder and demonstrations and what-have-you. My experience in the District was even if we had four deputy chiefs and five inspectors and ten captains, as we had when the group with Dellinger marched on the Capitol, they are not able to control their men. They just don't know how for some reason, partly because policemen tend to work alone. They don't work in squads, platoons and companies. They tend to work in ones and twos out on the street. I remember down at the Capitol we had tried to sort of stop that, some of the things that were going on, and it just didn't work. Once this large group of policemen got going, there was no practical way to control them.

At the Pentagon we did not have that trouble with the troops at all. We did have examples in my judgment where United States Marshals who had been gathered here from all over the country used force which was excessive under the circumstance. I mean, they whacked people with clubs when there was no reason for whacking people with clubs. They, too, had a great deal of provocation, but I think if you're going to be a policeman or law enforcement person that one of the first things you have to learn is not to respond to provocation in a manner that I think some policemen do.

But I've seen the same thing--I remember when I was a student at Cambridge, Massachusetts, seeing student demonstrations, the sort of things where the police really went wild. You know, once they went wild, it's as though something sort of triggers them; they sort of snap. They began arresting people who had nothing to do with the problems, because they couldn't get at the people who had the problems, so they arrested somebody else. I was a witness at a student riot trial when I was in college where

it was perfectly clear that the police had gotten together and put together a completely perjured case against a large number of MIT students. You know, it's not a matter of speculation for me because I was there; I saw what happened and was a witness on behalf of two guys in particular who had arrived on the scene there with me and whom I had had a chance to see during the whole time we were there. The story that the police told about what these two guys were supposed to have done was particularly absurd.

I wasn't surprised at what happened in Chicago because it just confirmed what I've felt was a chronic police problem. I think it's a mistake to think too much that it was a function of it being Chicago. There were factors that made it easier for it to happen in Chicago, but it could have happened in other places as well.

P: Do you see any alternatives to the use of military forces in civil disturbances? Or are they preferable in this case?

J: There's a long-term alternative, you know, of course in terms of solving underlying problems. But leaving that aside, that is not really within the competence of the Defense department nor the police forces in this country. I think police can do a much better job than they do. There's a long history of strained relationships between the police and black communities, and the police are in large measure responsible for that.

I spent a lot of time when I was in Washington out on the streets so to speak. I used to go out with police at six o'clock in the evening and stay out until three in the morning and go the whole shift with various squads. The police treat Negroes differently from the way they treat white people. There's just no question about it. And I dare say that Washington police are probably not as bad that way as police in other places. The

Washington police force is not a bad, corrupt, evil police force by any means. I think that the police can do a lot more in terms of their own image and their own relationships with the community to make demonstrations less likely. I think they can also, with better planning and better training, do more to control it quickly and properly when something does get out of hand. And then I think that the National Guard could be made a more effective instrument and has been made a much more effective instrument in the last year. I hope we'll never have to use federal troops again. We're all prepared and have a giant planning operation in a separate directorate here in the Army responsible for making sure that if we have to, we can, but I hope we won't. And I think there's a good chance that we will not have to do so.

P: This is that contingency plan for major cities--deployment of troops in them?

J: Right.

P: And routes of deployment?

J: Right. The police forces suffer from a difficult problem of attracting good leaders. I can't imagine what the Army would be like if we did not have West Point, if we did not have ROTC as a source for officers, and if we did not have officer candidate schools. The police are a semi-military organization, but they generally have no analogue to these three institutions. Everybody starts pounding a beat. He starts as a private.

Well, obviously a lot of people with quite good qualifications are just not going to start a job at that level because they're above starting at that level. Now of the large group of privates who come in, there are going to be some, although they're not perhaps well educated, that will have

just a lot of native intelligence and a lot of good sense and will rise. But that's not an adequate flow of good people for the police system. Until they find a way to bring police managers in, to start people as lieutenants and captains, as people start in the Army as lieutenants, I think they're going to have a very difficult time getting really professional civilian police forces in this country.

And there's an enormous amount of resistance. It's like, you know, fraternity hazing. You can be against hazing when you're a freshman and you're undergoing it. Once you've survived it, there's a certain amount of pride in your manhood for having come through it. Then you begin to develop the attitude, "I've gone through it, why shouldn't everyone else,"-- something of that I guess is in the police system.

P: What role and activities did you play during the April disorders and riots here in the District--when it was due to Martin Luther King's death?

J: I was here in the office when I learned that Dr. King had been shot. That was about seven-fifteen or seven-twenty, I guess. At that time we did not have a directorate for civil disturbance planning and operations, but we did have a duty officer in the Army Operations Center who told people about things like this. He called to tell me. I got in touch with some people, called the Under Secretary and perhaps the Secretary, to make sure they knew about this. Then I went out and got a quick bite to eat because I hadn't eaten, and came back, and then was here almost constantly for several days after that, sleeping in the office and spending most of my time in the Operations Center.

We had the problem in Washington. We used federal troops in Chicago. We also used federal troops in Baltimore. I'd say I was more directly

involved in the problems that occurred here in Washington-- they received a lot of high level attention in the White House and the Department of Justice and here in the Pentagon. We had various meetings with people like Pat Murphy, the Director of Public Safety for the District. I generally stayed here during that time, and the Under Secretary or the Secretary would go over to any meetings outside the building that were required. After a day or two, we developed a duty officer system, rotating the Under Secretary, myself, and the Assistant Secretaries. I worked during the day, and then I was in the Operations Center from six p.m. until midnight.

DATES: January 6 and January 10, 1969

INTERVIEWEE: ROBERT JORDAN III

INTERVIEWER: DOROTHY PIERCE

PLACE: The Pentagon, Washington, D. C.

Tape 2

P: Mr. Jordan, we left off discussing the April riots. I have one more question on it, but do you have anything as far as the development and activities that you played in that?

J: First of all, I think I, along with many other people in government and outside the government, were shocked at the potential for simultaneous multiple disorders in this country. We had federal troops employed in three cities at one time. We had a couple of other cities where we came very close to using federal troops--Pittsburgh, for example. It was really touch-and-go, and we could have been in the situation where we really were quite short of forces to respond. I think it is far to say that scared us.

Much of what we've done since then has been a reaction to the April experience. We planned for twenty-five cities, simultaneous disorders, with ten thousand federal troops in each city. It has been one of our planning objectives. Yet we've had a very quiet summer and a quiet fall. But I think it's possible that some trigger incident could set off something like this again. We had Martin Luther King. Dr. King was a very well known Negro leader, much respected, much beloved, I'm sure. And perhaps the riot reaction was more intense at his death than it would have been to others. I'm not sure that we would have a similar reaction if his successor in the Southern Christian Leadership Conference were to be killed.

On the other hand there are a lot of black militant groups in this country who I'm sure would seize on an opportunity and try to make something of it. I can see an enormous potential for disorder arising from an attack on some particular Negro leader. Perhaps it won't be now, perhaps it will be in a couple of years when someone has come to the forefront as the recognized leader of the Negro movement.

It could happen in other ways, too, because it could be that Negro militants could kill some respected white leader. That could lead to forays by white vigilante-type groups into a Negro ghetto area, and Lord knows what could happen from that. So it's no time to be relaxed about the things that could happen.

Looking back on it is unsettling. After Dr. King was killed we had the first evening of trouble in Washington. We had a meeting over here in the Pentagon which I chaired until about three o'clock in the morning, with Pat Murphy, the Director of Public Safety for the District; Fred Vinson, the Assistant Attorney General; representatives of the metropolitan police--Chief Layton was here; and a number of other people representing the main interests. We had the commanding general of the D.C. Guard, General Southward. We were talking about "should we alert the Guard; should we call them out?" things of that kind. And we were all thinking in terms of, "We need them out before it gets dark." We were thinking in terms of the problem erupting in the evening.

Later on that morning, I guess we had another meeting over here about eight o'clock, which was sort of a follow-up to the three a.m. meeting. While we were meeting over here at the Pentagon that morning, there were other meetings taking place over at the White House. The Under Secretary

was over there; Secretary Resor and I were over here. We were all thinking in terms of getting a decision on using the Guard by noon, so that we could call them up, figuring it was going to take four to six hours, and we would have them all in the armories or stationed around by six o'clock.

Well, of course, the trouble broke between noon and one o'clock. You know, I just don't think any of us ever thought that you could have a riot in Washington at one o'clock--twelve-thirty or one o'clock in the afternoon! That taught us important lessons, I think, about not making assumptions based on too little experience, based on what happened in the past.

The other principal lesson out of April was the need to educate those who make decisions to the time it takes to move a brigade of troops somewhere. There's a great tendency to think in terms of, "Well, let's keep postponing the decision about whether to do this or not to do it." And it takes many, many hours--I've got some numbers around here on a chart which I can give you about how long it takes to move a brigade of troops. But we can't keep our troops on a one-hour alert. If they're on a one-hour alert, they literally can't do anything else. They can hardly even go to the bathroom on a one-hour alert. So our alert times are normally in the four-to-six-hour range, which means four or six hours before they begin to move. And we may have what they call an immediate ready element of a hundred and seventy-five or two hundred troops that can move out a little quicker than that.

I think this is one of the areas in which I have disagreed with the Attorney General's approach. The Attorney General is a fellow who likes to keep waiting and looking at more facts, and that's a perfectly normal reaction for a lawyer and not a basically unsound one. But I think in the

civil disturbance situations, we have been there too late with too little on many occasions because we kept waiting. There seemed to be a fear that moving troops in was somehow going to inflame the situation. I just don't think that's true. I think you have just the opposite effect. That point of view did not prevail when the Chicago convention came along, because we did pre-position federal troops. They were never authorized to engage in any operations, but they were there in substantial numbers in recognition of the fact that if something started to go wrong--you know, the city could be very nearly destroyed before we could get a brigade of troops there, because the cities that are problems are in the North Central, Northeast or way out on the West Coast, and the troops are at installations in the South and Southwest. We've got troops at places like Fort Benning, Georgia and Fort Hood, Texas and Fort Carson, Colorado and Fort Campbell, Kentucky; and they're not right next to any major cities. That's an enormous problem.

We learned all kinds of things that we didn't know in April. We had an enormous problem with crew stand-down time for air crews. An air crew could only work a certain amount of time, or only be on alert for a certain amount of time. Under the rules under which the Air Force operates, which are dictated by safety considerations, they have to go off duty for something like twelve hours. The clock starts to run on them when they go into a certain alert status, not when they're actually flying; they can be sitting around a pilots' lounge somewhere, but when they've been sitting there for "X" number of hours, they then have to have so many hours off. We just didn't have enough flight crews to go around. We were constantly coming up against this crew rest problem.

P: This was in transport, you mean?

J: This was in transport. The Military Airlift Command and other Air Force commands are involved in the movement of troops. We also learned that we didn't really have adequate plans for airlifting, entirely apart from the crew time. In other words, what air fields are you going to use? We didn't know in every instance what the capacity of the runways were for places that they might land in the cities. Some airstrips can only take the lighter kinds of transports because of their runways. Sometimes there's a runway length problem. How fast can you put them in? Well, that depends on how good the control systems are--the automatic navigation systems and things of that kind. We learned a lot about that.

It's for that reason that the Deputy Director of Civil Disturbance Planning and Operation in the Army is an Air Force major general with a lot of experience in the airlift area.

P: When you spoke of Chicago, were you meaning the Democratic convention?

J: The Democratic convention in Chicago, right.

P: And you were indicating, in other words, that this got the full advantage of prior experience, and that you did position ahead of time--?

J: Yes. The decision was made to pre-position troops.

P: You sort of entered into one part of the last question I have in this area. Did you consider and discuss the conspiracy theory in the light of disorders breaking out in many different places on the basis of having something that ignites them?

J: I basically don't believe in a conspiracy. I don't believe in the conspiracy theory with respect to Dallas, and I don't usually believe it with respect to other things. I just think normal experience is contrary to the conspiracy view. I think that

there are groups organized in the country to take advantage of things that occur. I don't think there are documented examples of things really being planned out and a whole major disorder taking place as a result of a careful conspiratorial plan. I'm sure that in April there were groups that came in when they could get in and some of them were indigenous, and there was some indication that people came from other cities to help fan the flames. That's something less, though, than a conspiracy which explains the whole set of things that happened in April. So I don't believe in the grand conspiracy theory; I believe that there were people--opportunists--taking advantage of what had already happened in fact. And I think that evidence supports that. It's certainly the position the Attorney General has taken. I'm sure he has access to better assessments in this sort of thing than I do.

P: What is your assessment of the developments in Chicago?

J: Lord knows there was a lot of outrageous provocation of the police and the Chicago officials! I think that what happened there was very unfortunate. It represented bad judgment on the part of the Chicago officials, with Mayor Daley probably being in the lead. My experience dealing with demonstrations at the Pentagon and others has been that there are almost always ways to make the confrontations less serious. One thing that is important is to have dialogue with the people--to have a dialogue with a guy like Dellinger, for example. He may tell you, "There are certain things we're going to do; you may say they're unlawful; you may say you're going to arrest us, but we're going to do them." On the other hand, he may have a genuine interest in avoiding confrontations in certain sort of collateral areas. And there wasn't enough of a dialogue in Chicago, and there should have been more.

Secondly, I think it was a great mistake to adopt policies which involved a lot of police actions. For example, clearing the parks every night and that kind of thing. That involved confrontation between the police and the people who were gathered there. Now sure, there's a rule that says that you can't sleep in the park overnight. But you just can't enforce the letter of the law rigidly in all of these situations. You have to exercise a little more judgment. I understand from some of the after-action reports that there was a police commander in one area who made the decision himself not to clear a park and generally had much less difficulty. I remember one in the other area who decided to clear the park, and that's where they had the difficulty.

I share the view that the press has a large measure of blame in not presenting things as well as they could be presented. I'm a great believer in freedom of the press, but I'm not a great believer in the press--in terms of their objectivity and accuracy and things of that kind. On the other hand, from the press' standpoint, the city made it very difficult for them to get in and cover certain aspects of it. That may have contributed to the one-sidedness of the coverage. But there's just too much of the press wanting to make the news rather than report the news, and I think there was an element of that in Chicago.

I think the police were undoubtedly, unjustifiably, unreasonably brutal in a number of cases. But I've talked to people from the Department of Justice who were out there--a couple of fellows who were involved in the planning or coordinating all the federal law enforcement effort. Their judgment is that there were relatively few policemen involved that were just clearly using excessive force--just force that wasn't required. I think the report written by this vice president or general counsel of

Montgomery Ward that came out recently to the Commission on Causes and Prevention of Violence uses the term "police riot," and to some extent there was a police riot-- Here again, the thing I referred to earlier, the inability of police supervisors to control their men, was apparent. That's what happened. I think it's very unfortunate.

P: How far in advance did you begin planning for committing troops in Chicago?

J: We began planning for the sort of convention problem I would guess--because we had both Miami and Chicago to contend with--a minimum of a couple of months in advance. We had been following the intelligence on what various groups planned to do. There was a lot of that as early as the time of the Pentagon demonstration in October. I remember shortly after that seeing these underground newspapers from Dupont Circle and that area that had lots of plans about what they were going to do in Chicago the next summer. Mayor Daley, based on the intelligence, had adequate reason to be concerned about the city of Chicago. There's no question about that.

P: Do you think that the federal troops definitely needed to be committed in Chicago?

J: Hindsight would say no because they were able to do the job without them, and they never really fully committed the Guard, I guess. Things never really got out of control in the sense that federal troops had to be there. On the other hand, there's no way of knowing what would have happened if we hadn't pre-positioned there. It may have had a calming influence on the Negro areas of Chicago, for example. I think basically the Negro community trusts federal troops. I mean, the Army is the most integrated organization in the world, I think, certainly in the United States. And it was a prudent thing to do because if something had gone wrong, let's face it--it was touch-and-go

there; it could have gone in any direction. They would not have been very useful if we had had to bring them all the way from Fort Hood or Fort Carson. It would have taken too long.

P: That's all the questions I have in this area unless you have something else.

J: No, I think that covers the major things. I just have one sort of philosophical comment. I have the greatest respect and admiration for the United States Army. I hope very much that it will not be necessary to use it in civil disturbance operations extensively. I think it can probably do a better job than anybody else in those operations. But in the long run, I'm very much concerned over getting federal armed forces involved in this role. I don't believe that it's going to help bring the nation toppling down or create a military dictatorship, but I think that law enforcement is one of the most local of responsibilities and has been traditionally. We really have to do everything we can at the federal level to help and encourage the local people to make their own system better. That's what we've been trying to do. We've been training hundreds of state and local people at a special school down at Fort Gordon on civil disturbance planning and operations. We've been giving training to the National Guard and trying to get the National Guard better equipped, having special exercises of the National Guard commanders; and we've been working on a couple of films, sort of training films, in the civil disturbance area. That, I think, is really the answer.

The Guard comes in for a lot of criticism, some of it justified and some of it unjustified. You can never expect a group of guys who drill in the evenings and on weekends to be as competent as the 82nd Airborne Division. It just isn't a reasonable expectation. On the other hand, the Guard presents some real problems. It's, in a sense, an all-volunteer unit;

in other words, we don't have people mandatorily assigned in the Guard the way we do in the Army Reserve. But that's not really true because many of the enlisted people in the Guard are there because it's to some extent a draft haven; in other words, by going in the Guard they can avoid being drafted. Now, you run the risk of getting called up in a Reserve call-up. If the Guard were all true volunteers in the sense of people who were concerned about law and order in the community and with high enough standards, it would probably be a better organization.

I think the Guard can be made a lot better, though. It has not been entirely representative of the country. We don't have enough Negroes in the Guard. We're going to have to try to find a way to get more, not because Negroes are better soldiers. It's just because the Guard ought to be more representative; and because we use them in civil disturbance operations. The presence of adequate numbers of Negroes in the ranks just has a very good psychological effect on the community if it's a Negro community in which they're operating.

P: I'd like to go on and ask you some questions regarding the Corps of Engineers. Could you just briefly describe the Public Works function and responsibility of the Corps of Engineers?

J: Let me start out by saying that my job is Special Assistant for Civil Functions. I'm in charge of really two things. One is the Corps of Engineers Civil Works Program; and the other is the Army Cemetery System, which is a civil function of the Department of the Army. That involves Arlington Cemetery and about eighty other national cemeteries around the country.

Actually the Cemetery System takes very little of my time. It runs itself pretty well. We get into very controversial cases over things like

burying Communists in Arlington. You probably read the Court of Appeals overruled us on that one in December of 1968. We get into problems like the Kennedy grave, the Robert Kennedy funeral. And we get into some sort of touchy problems at Arlington. Because of space considerations we can't bury all honorably discharged veterans. We can only bury people who die on active duty, people who are drawing retired pay when they die, Congressional Medal of Honor winners, and certain veterans who have held high government positions, principally Level 1 and Level 2, which is really the Cabinet and heads of the principal administrative agencies. So it's a pretty tight rule. You get a lot of people who aren't happy about it. We've turned down Under Secretaries and things of that kind. I often say jokingly to Mr. Fitt, who ran the cemeteries for awhile and who's responsible for that policy, that although he's a veteran and an Assistant Secretary of Defense, if he dies today, he's not eligible for burial in Arlington. And neither am I!

But the Corps of Engineers is the big thing. The Civil Works Program-- a lot of people think it's an anomaly; that it's in the Corps of Engineers. West Point was originally the first engineering school in the United States. It was not the military academy originally. And since it has become the Military Academy, there has been a tradition of letting only the brightest, ablest officers who finish at West Point--usually the top ten percent, things like that--into the Corps of Engineers. Not all of its officers are West Pointers. Many of them are people who went through ROTC, or what have you, and got their commissions. But they are an exceptionally able group of people, and you'll find this recognized, because you'll find Corps of Engineer officers being picked to be the executive to the Secretary of the Army and the Under Secretary of the Army. They're just good people.

But for many decades now, they've been responsible for civil works that involve water principally in this country. It started out really more as a navigation responsibility--harbors and channels and rivers and things of that kind. It now involves the navigation, flood control, water supply, water oriented recreation--I mean recreation at Corps of Engineers reservoir sites and things of this kind. It involves problems of beach erosion and things of that kind. The program right now runs about 1.3 billion dollars a year in terms of what the Corps of Engineers' appropriation is on an annual basis. It has been referred to as a "pork barrel." There's some truth to that and a lot of untruth to it. It's a program in which the Congress is very much interested. Congressmen, I think, are almost irrationally obsessed with the need to get Corps of Engineer projects in their districts and in their states. They all seem to be convinced that if they don't do this, they're surely going to get defeated in the next election. I've never been a congressman. I'm not sure whether the electorate really thinks this way or not, but at least the congressmen think they think that way, and that's what is important to them.

The Corps of Engineers is a fairly decentralized kind of a thing. It has a number of engineer districts around the country. Then a number of these districts will come under a division engineer; then a division engineer reports directly to the Chief of Engineers in Washington. The Chief of Engineers has a large staff headed by the Director of Civil Works, normally a major general or a brigadier general who is responsible for the civil area.

The Corps of Engineers is also responsible for military engineering too--combat engineer units, the military construction program. Of the about fifty thousand people in the Corps of Engineers, about two-thirds or about

thirty-three thousand are in the Civil Works Program. So it is by some substantial measure the larger aspect of the Corps' function.

My experience has been that our ability to build has far outstripped our ability to decide what to build and whether to build things at all or not. I don't get involved very much in engineering problems. I've got an able group of engineers over in the Corps. I do get very much involved in the economic decisions. In the Civil Works area we have something called the B/C ratio--the benefit-cost ratio--and a whole elaborate set of rules about how you compute it. The B/C ratio is designed to determine whether projects are economically justified or not economically justified. It's a crude measure, and it's influenced by a lot of things. Just within the last couple of weeks, for example, the President approved an increase in the interest rate, or discount rate, discounting benefits to present value in Public Works projects from $3\frac{1}{4}$ percent to $4\frac{5}{8}$ percent, with provision for annual adjustment based on the Treasury's yield on long term securities in future years. This has the effect, for a typical project, of reducing a B/C ratio of 1.4--which means that the average annual benefits are 1.4 times as great as the average annual costs--to about 1.0. So it's going to make a lot of projects not economically justified in a sense.

A lot of people come in and criticize the Corps, and they argue about whether these projects are justified or not. That's a perfectly legitimate form of argument and one which I welcome, and am always glad to listen to people give the other side. On the other hand, I think it's important to realize that in the water resources area is about the only place in the federal budget that I know of where it is even tried to have this careful and precise

analysis of benefit and costs. There are many programs on which we spend billions of dollars because we think, "Well, we ought to have more housing; let's spend so many billion dollars on housing." There's some of this kind of analysis in the Public Roads area. But nowhere is it as well developed, I think, as it is in the water resources area. We get into a lot of controversies over these. The reports that come up from the field are reviewed by an outfit called the Board of Engineers for Rivers and Harbors which has a very good technical staff. Then it gives its reviews to a bunch of Engineer general officers, most of whom are division engineers and they knock out a lot of projects, or they make them go back and do them over. The Chief of Engineers does some of this. And we do some of it over here. I can't do an awful lot because I have a very small Civil Functions staff. We try to focus on the really important issues.

The attitude I've taken toward our job here in the Army, our job is to make sure that what we spend the money for in the Civil Works budget makes the greatest possible contribution to a rational set of national objectives. Now there may be occasions in which for political reasons it's necessary to build a project. As far as I'm concerned, it's perfectly legitimate for the President to use the Civil Works Program as an element of his power. He has certain things he can use--he can be building post offices or be building dams--I think that by and large we ought to build the things that make sense, and not the things that people just want you to build. But the President's really the only one who can judge, in the broader perspective, whether he can get a vote on Medicare from Congressman X if he gives him a dam or a post office. That's a judgment that only the President can make. I don't quarrel with him making those judgments. But I don't think

I ought to be making those judgments; I don't think the Chief of Engineers ought to be making those judgments; I don't think the Secretary of the Army ought to be making those judgments. We try to run a non-political program in terms of what we think ought to be done--what's right. We send our recommendations over to the Bureau of the Budget and the White House and if they come back and say, "Look, we appreciate your recommendations, but in this area and this area here's what we have to do." You know, I'm a good soldier and when they say do that, I do it--following orders, because I think the civil government doesn't work if people don't do what they're told when they're told, "This is what the President wants." If the President ever did anything so outrageous that I just couldn't live with myself if I followed his orders, then I'd resign and send him a letter telling him why I was doing it. In fact, the number of cases in which we are "over-ruled" is really quite small.

P: Are there any examples that come to mind?

J: Well, before the President had announced his decision not to run again, there was a project in which we were obligated under a law to reimburse a locality for expenditures they'd made. What had happened was, they wanted to go ahead and build something on a faster schedule than we could finance it on. We said, "Okay, we'll let you build it, and if it meets our engineering standards, then we'll reimburse you rather than us building it under Corps of Engineers supervision." For political reasons it was necessary, in the President's judgment, to have something to offer to the governor of the state involved. What we really offered was reimbursement a year earlier than would otherwise have been the case. In other words, we sort of speeded up the process, and we had inspections done early. No compromise with principle involved;

everything met standards. But this gave the state something like nine-ten million dollars, but a year earlier than they would have gotten it because we would have had to wait for another year's appropriation bill if we hadn't gotten it all done very quickly.

P: What state was this?

J: This was Indiana. The dealings were with Governor Branigan. Now that wasn't a particularly serious compromise. I suppose you can say, "Well, the state got the benefit of whatever the debt service would have cost on this much money for a year, and we had to pay it out that much earlier." So in a sense I suppose we lost that. But we didn't build something that didn't make sense. The decision to build had been made on fairly neutral principles some time before.

We have had cases in which the President has thought it important to keep a particular congressman favorably inclined towards his program, I think, for example, Congressman Carl Perkins of Kentucky, Chairman of the House Education Committee. I think there's obviously somebody the President would like to have on his side when you've got education bills being considered. We have occasionally said "No" to Mr. Perkins on things and taken them all the way up in the Army, and had the matter reopened at the White House level, and then things have been suggested "that you ought to find a way to reach an accommodation with Mr. Perkins." Mr. Perkins is a pretty reasonable guy though, and often we've been able to reach an accommodation which involved some compromise on our part, but no serious compromise in terms of building something that just didn't make any sense.

Most congressmen, if you go to them and say, "Look, Mr. Congressman, I know you like this project, but it's a real dog, and let me show you why

it's a dog. There's this and there's this and this. Here's what we're comparing it with." They have their own political problems of getting reelected, but they are mostly concerned with the general public interest too, and I've found them to be quite reasonable men. Not all of them are, but most of them are.

P: Have you seen very much of an increase in projects in the South and the Southwest--Civil Works projects?

J: No, I don't think so. To some extent the Civil Works--what you have in a given year reflects a lot of history. In other words, we've been working on the Mississippi River for a long time, so we're always spending a lot of money on the Mississippi River. In part that's because the people down in Mississippi and the Delta are very river-oriented. I was down there on a trip. I had never been down on a trip for this purpose, you know. I went down to see people in New Orleans and I came up and had a dinner in Greenville, Mississippi and came up to Memphis. I never realized to what great extent a whole group of people could just sort of think about the river all the time. Down in Greenville they worry about the levies, and whether they're adequate, particularly older people--people who can remember the 1927 flood. In Greenville they were telling me that there's a group down there that organized to remind the young folks about the '27 flood, because they can't remember the 1927 flood. They've collected a lot of pictures, water in the streets and all, because they're afraid the young folks are going to stop thinking about the river. That's just a prologue by way of saying that to some extent your efforts are a result of what has happened in the past.

There's no point in saying there are a lot of projects all of a sudden going into the Southwest because President Johnson is President. There's

one very controversial project in Texas that has been kicking around--God, I don't know how long, I think it was initially authorized in 1938. These Civil Works projects just have a way of being around for years and being studied and re-studied and so forth. It's called the Trinity River Project. You may have heard of it. The navigation features of that alone cost at present estimates three-quarters of a billion dollars, and probably by the time it's completed will cost a billion-and-a-half. The only Texan I've ever found who would admit the project was no good was the Attorney General who says he never has thought very highly of it.

P: Texas Attorney General?

J: Ramsey Clark. Everybody else down there seems to be pretty fond of it, and I think it's a project that the President had supported when he was in the Congress, probably both as a representative and as a senator. We've had some issues with the White House on that project. Secretary Resor and I are not satisfied that the project is justified. We had the question of whether to submit to the Congress a report which was required under the latest authorization for Trinity. This came up last summer I guess or just before then, about the time of the action on the omnibus rivers and harbors bill. We made all of our arguments and we were overruled, and as I indicated, we did what we were told. There will be issues coming up probably in the current Congress about whether to begin putting money in the project. So far we have just satisfied all the conditions precedent to moving ahead with it. There will be the question of whether to put money into it for advanced engineering design and ultimately for construction.

These navigation projects involve very difficult issues in national transportation policy. Secretary Boyd [Department of Transportation] has said

that he thinks the project is clearly not required in terms of a rational transportation system. I am not convinced that the project is justified. Left free to do what I wanted to do, I would not have sent the report in. I would have had the thing studied further. I would have asked the technical staff of the Board of Engineers for Rivers and Harbors to look at it more carefully.

But this is not a kind of issue on which one can afford to be too dogmatic. It's not all black and all white. There are very difficult economic questions involved. I've heard Representative Wright at great length, and he's a very persuasive spokesman for the project. I'm concerned because we began to question certain aspects of the analysis and every time we began to question something, they changed that. We questioned the sand and gravel benefits--which had been about 45 percent of the total project benefits--and they all of a sudden almost disappeared. And then more benefits came in somewhere else. It was like punching a marshmallow. I don't think we ought to spend that much federal money without more assurance that we're doing it wisely. But on the other hand, I think the President is a very experienced person. He has been in the House. He has been in the Senate. And he may be a much better judge of the worth of this than I am.

P: What is the state of the second sea level Panama Canal?

J: That's not something I'm responsible for. Jim Siena, who's the Deputy Under Secretary of International Affairs, is the Panama Canal expert. He could give you a better answer to that than I, but they're considering various alternative routes and trying to negotiate, and still trying to negotiate a treaty with Panama which might involve a second site in Panama, which is very difficult to get.

P: Mr. Jordan, this is our second interview; and today is Friday, January 10, 1969, at 2:30, and we are in your office at the Pentagon. We were discussing the Corps of Engineers, and I have one further question on it. I wanted to ask you your judgment of the Corps of Engineers' reputation of being a political pork barrel; and along this line, at the same time, the possibility of the Corps of Engineers being an independent agency or in another department or agency.

J: I'm afraid my answer to that is a little involved. First of all, let's talk about the Corps being in another agency. To many people I think it seems an anomaly that the Corps of Engineers is a part of the Department of the Army in terms of its Civil Works functions, because people say it's in the civil business and why do we have military men doing it. Of course, the history of this goes back many, many years into the early 1800's. You have to keep in mind that, as I may have mentioned earlier, that West Point was originally the engineering school--the first engineering school in the country. And the engineer officers have been, traditionally, pretty much the cream of the crop at West Point. People will say, "Well, that's history and it's all well and good, but what about today? Why should the situation be that way today?"

First of all, the engineers have a very sizeable military construction operation; and they, to some extent, are able to run the two programs together, get some benefit from having both of them run out of the same district offices and same division offices.

Perhaps a more important reason is that in time of war the Corps of Engineers may have a greatly expanded responsibility in the overseas area for road construction, dam construction. In Viet Nam, for example, there

has been an enormous problem in building port facilities and in dredging harbors. They had a great backlog of shipping getting into Viet Nam at one time. There has been a lot of work, some by the Corps, some by the Navy equivalent to the Corps of Engineers, in this area. The skills and resources which the Corps develops in peacetime in the Civil Works Program are then translated to time of emergency into something that's very useful to the Army. There's just no substitute for having this capacity--for knowing how to do these jobs. They aren't simple jobs. In the Civil Works Program, the Corps builds bridges--when it has to re-locate roads. On the West Coast it recently has built a section of a railroad--it normally doesn't build railroads but it pays for their relocation--in connection with the dam reservoir. But in this particular case they undertook the responsibility for building a railroad. All of this experience is extremely useful when there's a wartime emergency.

I have some other reasons for thinking that the present arrangement makes sense. One reason, I guess, is that having this Civil Functions or Civil Works responsibility makes it possible for the Corps to retain, I think, a lot of officers who might otherwise leave military service a lot earlier, because it's the kind of function that leads quite nicely into a second career after military retirement.

And since these are among the ablest and best officers, there would be lots of opportunities for them to leave. The typical military officer--he finished the military academy at the age of twenty-two--is eligible for retirement after twenty years of service when he's only forty-two, so a second career is of considerable concern to him. That's another reason why it works well.

Another thing that's important to me is that the military officer brings to his job a drive, a dedication, and a sense of getting it done that frankly I don't find in the Civil Service generally. The Corps of Engineers people are "can-do" people. They can tackle seemingly impossible jobs and get them done with a great deal of dispatch. I don't think the Civil Works Program would be as well run if it were run by somebody other than the Engineers. I just think they do a very good job of it. They're not perfect, and I have arguments with them periodically about particular ways of doing things--more on matters of economic analysis than on other areas--but they do a very good job.

I doubt that job could be duplicated. I've seen no other agency in the federal government that's in the natural resources area that I think can come close to the Corps of Engineers in terms of overall competence. This, of course, may well be a prejudiced judgment. I haven't had the responsibility for those others, and perhaps my judgment is colored by my exposure to the Corps. But I think that all in all there are good reasons, which most people don't understand, for having the Corps in the Army. On the other hand, I would not go so far as to say that we couldn't have it some other way. There are almost always several ways to do everything, and I'm sure the Army and the Corps would survive if we didn't have the Civil Works Program.

Now, you asked about the pork barrel aspects of the Corps. It's quite true that there has been traditionally a great deal of interest by members of Congress in getting their projects authorized and getting them built in the water resource area. The annual so-called "Omnibus" Bill of Rivers and Harbors authorization bills are in many ways the pork barrel bill, I guess. I think there's less pork in the program today than there was in earlier

years. First of all, you have to keep in mind that all congressmen want, you might say, more than their share of federal programs for their particular district or state. There's nothing venal about this. They're just trying to do a good job of representing the interests of their state or district.

There was a time when in the total scheme of things the water resource programs of the Corps were very large--when there were not a lot of national programs in which the federal government turned over large sums of money and did lots of things for the states. Congressmen fight very hard for post offices, but in recent years there have been many other kinds of programs. For example, just during the past year there is a new program for expanded law enforcement assistance to the states. There are all kinds of grant programs run by HEW. There are various kinds of programs run by OEO. And congressmen are in there fighting, kicking, scratching, and competing for all of those just as much as they are for the Corps programs. They do it because, one, they think genuinely that their districts need these programs; two, they do it because they want to get reelected, and they think that their constituents will evaluate them based on how successful they are in getting these programs.

One can say with respect to the second point that from a political science standpoint this is perhaps not valid, that things get built that ought not to get built, and programs get launched that ought not to get launched. And I don't doubt that that's true, and it's undoubtedly true in the Civil Works area, we have built projects which in retrospect we should not have built at all, or perhaps should have built in a different way. In any program we run in the government, though, we're going to make mistakes. We've made mistakes in the military area. We've made big weapon systems

mistakes. Nobody thinks of that as pork, though. The real question is, are we building projects that are in the national interest? That's point number one. We've got no business building anything that isn't in the national interest. So we have the system of benefit-costs ratio to try to determine whether the project is economically justified. If a project clearly costs more than it's going to return in benefits, why built it? It doesn't make any sense.

But it's not enough to say that the project is economically justified. We have in the country many competing demands for resources. We use about 1.3 billion dollars a year in the Civil Works Program, and I worry a great deal about whether that's an appropriate share. I would be very unhappy if I thought that I were irrationally competing for resources for the Civil Works Program, because it's my responsibility, that really ought to be spent somewhere else in government, in HEW or in OEO or in some other area. We try to have a sense of priorities; and really I guess the Bureau of the Budget's job is to do that. I can worry about it, but I can't do much about it because I don't know about all the other programs and I can't balance the interests.

I think we build a lot of very worthwhile projects. They are pork in the sense that everybody wants them, would like to have them, and fights for them. But they're not pork in the sense that they're not economically justified, and I think many of them are not pork in terms of rational sense of national priorities. I think we seldom build projects that aren't economically justified. I suspect that we more often build projects that perhaps ought not to be built under a rational scheme of priorities for all of our national problems, including health and unemployment and things of that kind.

These judgments are awfully hard to make. I'm reasonably satisfied that our program is a sound one and is operating approximately at sound level. But neither we in the Army nor the Bureau of the Budget nor anyone else that I know of has ever been able to come up with a thoroughly satisfactory analytical scheme for adjusting relative priorities. We work at it, but we're not quite there yet.

P: Wouldn't this possibly be one reason behind moving this to another agency, such as the Department of Transportation?

J: It certainly is a reason. You could say that maybe Transportation can do a better job of adjusting the priorities.

There's some illogic in the Department of Transportation as a result of political compromise that had to be made to get the Department of Transportation created. The Maritime Administration, which belongs in Transportation, is still in the Department of Commerce. That doesn't make any sense, and it makes it a little harder for Transportation to do its job.

The Corps of Engineers, we ought to think of as basically a planning and construction agency, with the construction really consuming most of the dollars. The important thing in terms of coordination is that the planning decisions about what ought to get built and where it ought to get built and how much ought to get spent on it, should be done on a coordinated basis. I've recently taken formal steps to work out an arrangement with the Department of Transportation to assure that their attention and their analysis gets focused on projects, such as navigation projects which have a relationship to total national transportation systems. There are a lot of ways to work this out and get a rational result without having everything in the same department.

Frankly, I think I mentioned in connection with law enforcement that I believe a little bit in sort of the balance of power theory with respect to government agencies. I think a certain measure of competition between agencies and different departments is good for the government, as long as it's not blindly parochial. I think it's good, and I think that there's some value in not having everything under one wing--and some of that argument applies to the Civil Works and Water Resources areas as well. I must say too I think that in terms of analysis--study of what ought to be built and how much ought to be spent on it--that the Corps and the Army are ahead of anybody else. Maybe that's an argument for transferring everything else to us rather than transferring the Corps to another department.

P: What do you foresee as the future of the Corps of Engineers?

J: I'm inclined to think that an important problem of the future is to resist a tendency to blindly keep on building the same kinds of things we built in the past. We have developed the major rivers in the country, the ones that are easier to turn into navigable streams. I've got some serious doubts about how much farther we ought to pursue the development of making streams navigable. It's a very expensive operation. To some extent we do it because the Interstate Commerce Commission has never done an adequate job of regulating rail rates. If a better governmental scheme for controlling and rationalizing the rate structure in transportation were created, I think it would eliminate the need, and the pressure to some extent, for waterways.

Flood control has been one of the Corps' major functions. I guess you'd say the two most important have been flood control and navigation. Some people say we've got a reservoir and a dam everywhere anyway. That's not quite true, but the need for this in the future will depend on the amount of development

in certain areas. One trend that's going on is to try to discourage development in the flood plain. There are certain kinds of development in the flood plain, and there is a sort of flood insurance program that Congress has put into effect, the basic responsibility for which is in the Department of Housing and Urban Development. We are watching that program quite closely and working with HUD on it because there's the great potential for coming up with economically better solutions by controlling development in the flood plain than by building very expensive dams to protect the development once it gets there.

I see three areas being of primary importance in the future. One is water supply, because as population grows the demand on the existing water supply are going to be great.

Another area is what we call water quality. In other words, you need water in terms of gallons, but it also has to meet certain standards. If it has too much of various kinds of pollutants in it, no matter how much of it you have, it isn't worth very much to you. I think that that's going to be a very important area. The Federal Water Pollution Control Administration in Interior is primarily responsible for that, but it's clear to me that the Corps will have a very important role there. I think that water-based recreation will be important. The demands for recreation in this country are enormous. I'm not entirely satisfied that our recreation program in the Corps is as rational as it might be now. In particular I worry that we are developing too much recreation for people who are able to get in automobiles and drive several hundred miles and not enough recreation close to the urban centers of population for the people who live in the steamy.

seamy parts of town who probably need recreation more than anybody else. And this is something I think the Corps and the Army is going to have to direct its attention toward.

I think the most important single thing for the Corps is going to be the development of a very strong planning capability. In other words, as I mentioned earlier, I think our ability to build projects has greatly outstripped our ability to decide what projects to build. We really need to emphasize the multidisciplinary approach to planning problems involving biologists, economists, and all the other skills. Incidentally, I think we have just too many engineers. I'm not against engineers. I'm a product of an engineering school, but we need a lot of other people in the mix, too.

One of the problems that I see developing in the future is we have an awful lot of overlapping commissions--river basin commissions and commissions created under interstate compacts or federal interstate compacts--and sometimes I fear that this proliferation of entities is going to make water resources development--it's going to make it very difficult to do it expeditiously. And it also may result in a proliferation of staffs and of dividing up our scarce manpower resources and the skills that we need among too many different entities, not having enough strength in any of them. It's really a little too early to make a judgment on that point.

P: Do you have any other areas on the Corps of Engineers that you'd like to discuss?

J: I might mention one area. The Corps of Engineers is a proud but sometimes a stubborn and pigheaded institution. One of the principal problems I've had with it is that it tends not to want to be supervised by anyone, or it tends to want to deal directly with the Congress and not to have any review

at the Department of the Army level. This office is an Office of Special Assistant for Civil Functions and for many years didn't really exercise much review. It handled the political problems and sometimes the incumbent would enjoy going all over the country looking at dams and riding up and down the rivers. In recent years--I'm not talking just about the time I've been here but during the time of some of my predecessors--the function has expanded, and I think the Corps has probably resented this. But I think it has been good for the Corps, good for the Army, and I hope good for the nation, because every institution like the Corps tends to get a little inbred and a little set in its ways.

I've tried to hire for my staff or to encourage to remain on my staff people who are sort of gadflies. They're not captive advocates of the Corps program. In other words, I'm not interested in people coming in and telling me what a great job the Corps is doing. I'm assuming that they're generally doing a great job. I'm interested in the 10 or 15 percent of the cases in which they're not doing a great job and in which we can do a better job. My predecessor used to have a test for people that he employed. This was Mr. Fitt. He would ask of a prospective addition to the staff, "Is he a heretic?" And if he was not a heretic, he was not interested in having him. I think that may not be a bad test. I'm not saying that we encourage wild men to work here, but we do encourage people who are not committed to any particular point of view. I think that has been a good trend.

Trying to control the Corps of Engineers is not easy because of their political connections with the Hill. It has become somewhat easier, I think, as the Water Resources Program has diminished in importance in terms of the total federal spending programs available to the state. I think we've come

a long way but not all the way towards bringing the program under some kind of scrutiny and control, a situation which was not true for a long time.

P: Anything else?

J: I think that covers the Corps of Engineers as far as I'm concerned.

P: Mr. Jordan, would you tell me a little bit about the arrangements that surrounded the Robert Kennedy funeral? This would be a part of your civil functions, I believe.

J: Right. I, of course, learned of the tragic death of Senator Kennedy in the early morning hours. I think I mentioned to you that I had fallen asleep watching the California election returns and woke up shortly after he had been shot and realized something strange was going on.

There were a lot of logistics involved in arranging for that. There were a lot of things that had to be done on short notice. I don't know whether you've read Manchester's book, Death of a President. He discusses in considerable detail the problems connected with the burial of President Kennedy. Well, there was nowhere near as much of a problem in the case of Senator Kennedy because much of the problem in the case of the President was that there was no site picked out. There had to be a site picked out, and eternal flames installed, and title searches made. In this case we already had a site, the 3.2 acre Kennedy site of Arlington. The operation--the planning for it, as far as the Army was concerned, was sort of a joint operation between Mr. Fitt, who by that time was Assistant Secretary of Defense for Manpower, and myself. He was the Secretary of Defense's representative on that, and I, of course, represented the Army.

The Kennedy family did not want a military funeral in the usual sense of the word. So, although there were a lot of military people present for

crowd control, we did not have firing squads and military casket bearers and things of that kind. So it was essentially a non-military funeral.

The most difficult problems in connection with the burial involved picking the site. There were about four places there at which the senator could logically be buried within the 3.2 acre site and some difficulty in deciding which of those sites was appropriate. Secretary McNamara at that time (former-Secretary McNamara) was in Germany; and he had been deeply involved in the setting up of the original gravesite when President Kennedy died. He flew back directly from Germany, arrived I guess about dinner time of the day of the death, the senator having--I don't remember exactly what time he died, but he died later in the day after being shot.

P: I think it was about mid-afternoon.

J: So Secretary McNamara was back within a few hours of that, and of course everyone thought there was a good chance the senator was going to die even during those times before it was certain. Mr. Fitt flew to New York to meet Secretary McNamara and to discuss locations with him. Secretary McNamara subsequently came down and went over the locations at Arlington, and they picked the one that was ultimately chosen.

The principal planning activities in connection with the Washington part of the burial were headed by Under Secretary of State Katzenbach. We had a very large meeting over in the State Department with various representatives of the Army there and all the other people who were involved--the various police organizations that would be concerned with traffic control and crowd control. We had representatives of the Secret Service because there were people who would be in the funeral procession who had to be protected by the Secret Service. It was a big planning exercise and not much time to do it in.

We had somewhat of a rerun of the problems with President Kennedy in the sense that we had a number of people thinking in their own mind that they sort of represented the family point of view and that they were deputized to do things. Sometimes we were getting conflicting instructions from them--all in good faith, but there tends to be a great deal of confusion. People tend to assume responsibilities and when you get four or five people assuming the same responsibilities, it sometimes gets a little confusing.

All in all it went quite well except the difficulty with the train being so late. We had planned that the actual burial would take place much earlier, and then it got quite late. We had a lighting problem. I remember getting a request from somebody--it may have been Mr. Katzenbach, I don't really remember now--who was on the train coming down from New York. They wanted us to find, I think, two hundred torches to provide light. We looked around for something along these lines. I personally thought the torches were very dangerous. We had had one tragedy and I wasn't inclined to encourage any others by having a lot of people running around with blazing torches.

But we ultimately decided that we would have candles, and this was all about an hour before the actual burial was going to take place, and all the stores pretty much were shut. There was a great question of where were you going to get an adequate supply of candles. I recall that somebody went and opened up the PX at Fort Myer and bought all the candles they had there which were several hundred. I had my car and driver here and I sort of had a mental block for a moment, but it occurred to me that the most logical place to find a lot of candles was a Catholic church. So I called a church over in Washington and spoke to one of the priests there, and he was very cooperative. We got in the car and went over there, and by the time we got

there he had about a thousand candles waiting for us. So we raced to Arlington and distributed all the candles. By the time the funeral cortege arrived, we had a lot of flickering lights. The effect, I think, turned out to be very pleasant--it was a little hectic.

P: Did you have any contact with any members of the family?

J: I did not have any direct contact with members of the family, no. We mostly dealt through their various representatives.

P: Who were some of these?

J: The representatives? Well, Katzenbach and McNamara. Those were the principal ones with whom we dealt. I believe Mrs. Mellon--Bunny Mellon--had been involved at some stage of the game. But Katzenbach and McNamara were the principal representatives with whom we dealt. There were also members of Senator Kennedy's legislative staff on the Hill that were involved. That was the principal cast of characters.

P: Mr. Jordan, there are several relatively new programs in the Army regarding bringing this department in close touch with our social problems, and these are Project 100,000 and Project Transition. Did you work on these as a part of any of your Civil Functions affairs?

J: Those don't come under the heading of Civil Functions in the Army. I did not work directly on them. I'm familiar with them and have written statements for the Secretary relating to them. I think they're very worthwhile programs. Project 100,000 has had a very good record in terms of the performance of people that went into the program and how well they did on tests, what they did in basic training, things of that kind. Transition is a newer program but has a great deal of promise.

I would also put under the heading of programs that are new or deal with social problems in a little different way, the programs to improve equal opportunities, particularly for Negro troops, but also for minority groups. When I worked in OSD in 1963 through '64, implementing the charter from Secretary McNamara to improve these opportunities, I was involved in the early phases of the Open Housing problem, so-called, and also in the problem of getting additional cadets for the military academies--additional Negro cadets. There had been Negro cadets at the academies for some time, but the numbers were quite small. They have made dramatic progress in that area in the last few years. I don't have any precise numbers at hand, but there have been great jumps.

It shows the kind of progress that can be had by devoting careful attention to these matters. Many of the problems were that the able Negro boys just didn't have the channels in terms of getting nominations or alternate nominations from members of Congress, which is one of the principal ways of getting into the academies. Careful attention to this tended to minimize this problem because there were congressmen who were perfectly willing to nominate Negro boys, and there were Negro boys who were perfectly qualified to be nominated, but it was a matter of getting the two together. They've been gotten together, and that program has worked quite well.

The housing program had not gotten very far in the only year that I was up in OSD, but it moved forward quite well afterward. During the time I was up in OSD, Secretary McNamara, who was a man of very strong principle and deep commitment to equality of treatment and opportunity, was pushing these things. The Assistant Secretary, then called Assistant Secretary for Manpower, had had a lot of experience in the congressional relations area;

had been an Assistant for Congressional Relations earlier; and I think was greatly afraid of congressional reaction and afraid to push these programs. His successor, Tom Morris, who is now Assistant Secretary for Installations and Logistics in Defense, was very skilled in human relations, skilled in getting people to do what he wants them to do or what he thinks they ought to do. Tom did a masterful job in dealing with the Congress on this and really got the program going. He made enormous progress, and this has been continued under Mr. Fitt who had previously been the Deputy Assistant Secretary for Civil Rights when I had worked in OSD in '63 and '64. I just saw in the paper today the latest statistics on the program, with well over 90 percent of the housing units surveyed being available for servicemen without regard to race. When the initial survey was done, I think the percentage was something like 22 percent. So I think that's real progress and, again, shows what can be done when people take the time and give the attention to problems of this kind.

F: What is your overall assessment of the use of the military in this area, using it as an instrument to improve social conditions?

J: Well, the military's basic job is not to improve social conditions. Its basic job is to deal with problems of national defense. On the other hand, military commanders have for centuries been concerned with the welfare of their men. In addition to altruistic reasons for having this concern, there are some practical reasons--a force of fighting men that are unhappy or poorly fed or what have you doesn't generally perform very well. Commanders have had this notion that the commander is responsible for his men. The original off-limits power, putting off-limits bars where servicemen get rolled, or houses of prostitution, grew out of this concern for morale and welfare of the men.

The programs that have been developing in the last few years, I think, are a very logical extension of that same concern. A Negro soldier who can't find a decent home for his family is not going to perform as well on the job as one who can find decent housing for his family. We had documented cases of Negro officers who were superbly educated, who had very well educated, who had very well educated and cultured wives, who just dreaded more than anything else assignments to certain parts of the country because, first of all, they'd have a very great housing problem; and secondly, their children were going to have to go to inferior, second-rate, segregated schools. We made a lot of progress in attacking both of these problems. But I think what we've done has been properly related--we haven't gone out and launched a Department of Defense program to solve a social problem as such. We've always done it in a way that has been related to a military problem, such as the morale of our men, or we've done it in recognition of the fact that we use large quantities of manpower, and the very use of that manpower creates certain responsibilities about how we use it.

Project 100,000 recognizes that we could make useful contributions in taking people who were below what at that time was the normal military standard and provide training and some remedial work for them. Project Transition recognizes the responsibility to get them back into civilian life in a way that will permit them to have a useful civilian existence.

This does not make the Defense Department primarily a social welfare institution, but I think it would be unconscionable not to do the things we've done. In the beginning the things that focused on Negro soldiers were very, very controversial. This started before the Civil Rights Act of 1964,

I think that the problem is nowhere near as great now as it was in those times. I have found even among the southern congressmen who have rather prominent positions on the Armed Services Committees, I think, pretty good acceptance of the principle that if a fellow is going to be in the Armed Service, he's entitled to equal opportunity without regard to his race. Now, for political reasons, some of these congressmen may not go about shouting this doctrine during their election campaigns, but I think they mostly subscribe to it.

P: What do you think has brought on this attitude? Is it the climate of the country, the emphasis in the legislation, or crisis of the problem?

J: You mean this greater acceptance?

P: This willingness to sort of undertake these programs and push them in the military.

J: Well, about 1963--first of all, we had in the Kennedy Administration a very strong dedication to civil rights, and people have made various assessments of the depth and intensity of that dedication, but I think the dedication basically was there. There were political problems about how you went about manifesting it. But I really think that people had begun to accept to a greater degree than they had ever before accepted in this country the notion that each person ought to be judged as an individual. There are some lousy white guys in this country, and there are some awfully fine Negroes, and vice versa. And I think there was a real--I hesitate to use the term "moral awakening," but it was something like that--that culminated in the 1964 Civil Rights Act.

I had anticipated much more difficulty in enforcing, for example, the Public Accommodations portions of that act than in fact developed. That

act was effective I believe about the 6th or 7th of July 1964, and by mid-1965 a lot of progress had been made.

The fact that things were going so well and so much progress was being made is one of the things that distressed me most about the black power movement. I think it has set back progress in the equal opportunity area--has set it back a good deal. And Lord knows that we have not gone anywhere near as far as we needed to go in terms of redressing the grievances of the Negro community! But the momentum was there and the direction was the right direction. I think we would have gone much farther if we'd followed that route than the route that has been developing as a result of black power attitudes.

P: Some of these more militant Negro groups that you've just mentioned, have charged that there's a disproportionate number of Negroes in Viet Nam in combative positions and that equally they are losing a higher percentage of personnel. What is your view of this?

J: I haven't studied all the statistics. I do know this, that I'm absolutely persuaded that the Army assigns people without regard to race, and that includes assignments to Viet Nam. Now, Negroes may be a greater percentage of casualties in Viet Nam than they are the percentage of the total American population. That could be true, for example, if Negroes are a greater percentage of the Army than they are of the total population. That wouldn't indicate that there was anything within the military system that would mean discrimination. That would just indicate that there are relatively more Negroes in the Army than there are in the population as a whole.

One thing I would mention is that in recent years there has been an increasingly high percentage of Negroes at the E-5 and E-6 level in the

Army. These are guys who are going to be out doing a lot of the fighting. They're the sort of middle-grade NCO's. I think there's a great increase because the Army has provided by and large better opportunities for the Negro than the civilian sector has, and that's part of the explanation.

Another part of the explanation may be that Negro troops have always made a very good contribution percentage wise to the airborne divisions--the 82nd and 101st Airborne Divisions. The 101st has been in Viet Nam for some time, and a portion of the 82nd is there. The substantial Negro participation in those units--and let's face it, those units get into an awful lot of very tough fighting--may explain the casualties. I don't think that any improper things are suggested by the casualty rates. I'm not even sure that the casualty rate figures would bear out the criticism.

P: Could you tell me about some of the major legal problems that you've had to deal with in your position as General Counsel?

J: Well, I think it's fair to say that we don't have a lot of really major legal problems. We just have sort of a constant stream of legal problems, very few of which I could really characterize as major. We have legal problems, for example, in the sense of trying to draft adequate legislation. I've been involved, for example, in drawing up legislation that would extend certain benefits to guardsmen in the District of Columbia when we employ them in civil disturbance duties, because the scheme of benefits we presently have is not adequate; legislation that would permit calling up reserve units to be used in civil disturbance situations. I've had a number of problems of statutory interpretation. I have had problems of the Secretary of the Army's authority in the Civil Works area--what can he do and what can't he do under certain, sometimes quite old, authorities. One of the questions

that comes up is to what extent we're entitled to consider the general public interest in awarding permits for work in navigable waters in the Civil Works area.

DATE: January 10, '1969

INTERVIEWEE: ROBERT JORDAN III

INTERVIEWER: DOROTHY PIERCE

PLACE: The Pentagon, Washington, D. C.

Tape 3

P: Mr. Jordan, I have just a few more questions to ask you. Could you tell me what your relationship as General Counsel of the Army is with the General Counsel of Defense?

J: Well, the General Counsel of the Department of Defense is the principal legal officer for the department. We coordinate with his office on matters in which the Army is involved which are of interest to OSD or to more than one Service. This might involve legislation or it might involve litigation. Actually, in practice, the number of questions that we have to coordinate on are relatively few. The General Counsel here in Army serves more, as I indicated I think near the beginning of this interview, as sort of a Special Assistant to the Secretary of the Army for a collection of crisis matters that may come along.

The General Counsel's office in OSD is really a decentralized organization with Assistant General Counsels assigned to particular Assistant Secretaries to work on legal problems in his area--one for the Manpower area, one for the Logistics and Installations area, Government Procurement, and so forth. Most of the time I have been here there has not been a General Counsel of OSD--that job has been vacant more than it has been filled in recent years--so I've dealt with Mr. [Leonard] Niederlehner, who is the Acting General Counsel and is normally the Deputy General Counsel up there. In having the top job not filled for so long a period of time, it tends to diminish the role which the office plays in the scheme of things; and I think that has been true of the

OSD General Counsel's office. But all the Judge Advocates General and the General Counsels of the Services and the Acting General Counsel up in OSD get together monthly for a luncheon at which we discuss common problems. We rotate the responsibility for hosting this luncheon. This gives us a good opportunity to explore areas of common interest.

P: Have you gotten involved in any of the cases where reserve units have challenged their call-up?

J: I've gotten involved in all of the cases involving the Army in which that has been the case.

P: Could you tell me a little bit about the cases and what your role and activity was?

J: The Department of Justice of course represents all government agencies in the federal courts when they're challenged, and these have been challenges in the federal court, the district courts, the courts of appeal, and the Supreme Court with respect to stays in some of these cases. Our role has been one of primarily coordinating with the Department of Justice people who are handling the case, getting information for them, and also reflecting the views of the Department of the Army about delays and deployment and things of that kind. Occasionally an attorney will ask, "Can we delay these people for several days," or a court will ask, "Can you delay this for forty-eight hours while I make my decision." We've generally taken quite a hard line on these cases, and properly so. My own considered judgment is that these reservists ought to be spanked. They're guys who went into the reserve in the hopes that it would be a haven from the draft. They knew at the time they went in that one of the hazards they ran was the reserve call-up. They took a calculated risk and in the cases of the units that got called up, they lost. I think they

should have bucked up to the situation and gone and done their duty as millions of American boys have done their duty through the years. It made me a little ashamed of the performance of individuals.

I certainly can't say that people aren't entitled to take their legitimate legal grievances to the courts, but I was disappointed that they chose to do so in these cases and happy that the courts have uniformly upheld the authority of the Department of the Army. There were some questions about passage of the so-called Russell Amendment after these people signed their enlistment contracts, but I think almost all the legal arguments were afterthoughts. In other words, they were the product of being unhappy with being called up. I don't think anybody initially felt when he was called up that his legal rights were being tramped on. I think that he was just unhappy because he was being called up. The legal arguments that came up were sort of a clever afterthought. I don't have much more to say about these cases. I'm happy that we won. We got very good cooperation from the Department of Justice. The Solicitor General's office was very helpful to us in the cases that went to the Supreme Court.

We had a lot of trouble with Justice Douglas, who persisted in wanting to grant stays although it had already been made clear that his eight brethren were not with him. But the last case that we had, Justice Douglas did not even bother to grant the stay, so we really made progress.

P: Have you dealt with any legal questions during your time as General Counsel regarding Viet Nam?

J: I have not had to deal with legal questions that involved things like the validity of the war, that sort of thing. There just hasn't been any occasion. Some of that question, I think, was raised in a couple of the reserve litigation cases, and we prepared some material on it but I was not really deeply involved in that.

P: Do you have any work in the area of Civil Defense?

J: I do not have any work--have really not worked in the area of Civil Defense, although the Office of Civil Defense is in the Army and just occasionally has to review some matter, usually a legal matter, in which Civil Defense is involved, but it's a passing kind of thing.

P: Have you ever been interviewed by any other history project?

J: No, I have not.

P: Are there any other further comments you care to make about any part of your career, or to discuss, or anything we have not discussed?

J: I don't really have any comments on the substantive areas. I would like to say that I've been very fortunate. Ever since I got out of law school I've been working for the government in one capacity or another--the first two years in military capacity, and since then as a civilian. The problems of government are enormous. The challenges are great. Sometimes it's said that the compensations from a monetary standpoint are not good, although that situation has improved in recent years.

It has been an enormous privilege for me to be a part of the government, to be a part of, first, the Kennedy Administration, and then the administration of President Johnson.

I must confess that I never had the same sense of association with President Johnson that I had with Kennedy--not in the sense of knowing either one of them personally, but just in terms of identifying with him. I mentioned earlier that he had a way of speaking that sort of turned me off, but I have enormous respect for him. He's a guy of great intelligence, great dedication. I'm sorry that I think that certain aspects of his personality have detracted from the assessment that people make of him today. I think that in later times

when people are not so preoccupied with the personality aspects of the President and can deal more with substance that people will realize his greatness and the contributions that he has made.

P: Mr. Jordan, have you made any future plans after January 20?

J: I have some contingency plans.

P: I want to thank you very much. I don't have any other questions.

J: Thank you.

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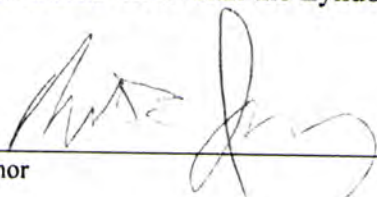
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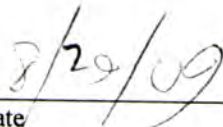
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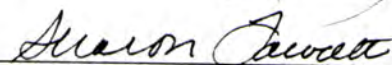
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- (3) I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.
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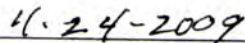
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By Robert E. Jordan, III

to the

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- 2 -

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