

INTERVIEW I

DATE: January 27, 1969
INTERVIEWEE: STEPHEN J. POLLAK
INTERVIEWER: THOMAS H. BAKER
PLACE: National Archives Building, Washington, D.C.

Tape 1 of 1

B: This is an interview with Stephen Pollak, formerly assistant attorney general of the Civil Rights Division [Department of Justice].

Let me outline here just very briefly your background, subject to additions and corrections. You were born in Chicago in 1928, bachelor's degree from Dartmouth, naval service in the early fifties, in 1956 a law degree from Yale. From 1956 to 1961 you were with the firm of Covington and Burling here in Washington. And in 1961 you entered government service in the Justice Department. Is that essentially it?

P: That's right. I was an assistant to the Solicitor General.

B: May I ask a question here that may not be too relevant to anything, but Yale law degrees and Covington and Burling pop up pretty frequently in government service. Is there really such a thing as an Establishment with a capital E?

P: Yes and no. My entry into government service was not the result of my Yale law degree, but was more the result of my acquaintance with a fellow associate at Covington and Burling who went into the Solicitor General's Office in 1958 or 1959--Wayne Barnett. When the new

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Solicitor General came in--Archibald Cox--Wayne Barnett suggested my name when the Solicitor General was seeking a replacement to fill a vacancy in the office. So my associations at Covington and Burling were relevant there.

B: Also to get it on the record, prior to 1961 had you had any direct political activity--participation in active campaigning or anything like that?

P: None.

B: And did you have any knowledge of Mr. Johnson, direct or indirect acquaintanceship with him?

P: No, I did not.

B: Then in 1961, as you said, you became an assistant to the Solicitor General in the Justice Department.

P: The first time I met Mr. Johnson is partially a further answer to your question. After I came into the Department of Justice, President Kennedy had a tradition, which I believe President Johnson followed, of inviting the members of the judiciary and of the law enforcement side of the federal government to the White House once a year. The evening had a name, but I can't recall it. At the first one of those that I attended, my wife and I met then Vice President Johnson and his wife in the West Room of the White House. We merely had one of those rather formal kinds of "hello" and introductions. My only recollection of President Johnson is that he was very gracious in introducing my wife to his wife. I don't think I met him again until I went to the White House as his advisor for National Capital Affairs.

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B: Which was some years later.

P: That was probably in 1962 or 1963, and I went to the White House in February of 1967.

B: While you were the assistant to the Solicitor General from 1961 to 1964, what were your general activities? Did you have any specific activities in civil rights?

P: No. The Solicitor General's Office is small--about ten attorneys. Each of the assistants takes cases that are assigned to him and works on the briefs and works on appeal memoranda. Civil rights was not an area of specialty of mine in that office. There was a man named Bruce Terris who had joined the office before me, and he generally reviewed the draft briefs that came up from the Civil Rights Division on major civil rights cases. I handled just the routine assignments that came my way, and I did assist the Solicitor General with respect to matters involving the definition of the country's boundary--so-called underwater lands problems.

B: The tidewater problem?

P: That's tidelands and mud lumps and other esoteric fields.

B: That's a problem that is quite close to the heart of Mr. Johnson's Texas. Did you ever get any kind of political pressure on that?

P: I assisted Solicitor General Cox in drafting a long opinion on the ownership of the so-called mud lumps in the Mississippi Delta. Those are the buildups of land in the middle of the Delta as a result of sediment coming down the river. There was a major issue where the Interior Department, the Justice Department, and primarily the state

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of Louisiana were at odds over the disposition of those mud lumps under the Tidewater Act of 1953. I'm confident that the matter was subject to approaches from the White House. But the mandate which Mr. Cox had from Attorney General Kennedy, and I'm sure that he had a discussion or discussions with President Kennedy, was to resolve it on the basis of the statute, its legislative history, and the case law. We proceeded to do that. One of my assignments was to read all of the legislative history. The Tidelands Act had been subject of a filibuster--

B: That's a lot of material.

P: I read thousands of pages. By and large, the disposition of the mud lumps was--I think there's a Latin term, causus omissus--there just did not seem to have been real consideration or understanding of the matter in any of the minds of those who dealt with the overall legislation, although we found a few scraps here and there.

B: Has that been resolved?

P: The object of our efforts was the reaching of an opinion which the Solicitor General did do, and memoranda were prepared and sent through the Attorney General to the President, and it was resolved. In the broad, the result was that the Tidelands Act had transferred ownership rights in the minerals below the mud lumps to the recipient states and those who received through the states.

B: I suppose the major case in that area was United States v. Texas and Louisiana, but I've forgotten the exact dates of it. Were you involved in that?

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P: I wasn't involved in those cases. Those cases had spent themselves prior to the Tidelands Act; and the Tidelands Act was a response to the ruling of the Supreme Court that the United States had ownership in these offshore lands. I did have involvement in the United States v. California, which was a case brought very early, and one which made some of the historic decisions that led eventually to the Tidelands Act. Those cases seem never to die, and I was involved in the litigations during the period of 1961 to 1964.

B: I know that Attorney General Kennedy on occasions used what he called a "team approach" in various matters in the Justice Department where people, regardless of their division or specialty, would all concentrate on one thing. In the light of this, did you get involved in any of the civil rights crises of those years--the Old Miss affair or--?

P: Yes, I did. I guess it was September of 1962 when the crisis at Ole Miss culminated in the disorder on the campus when James Meredith was to matriculate. It was not, however, the result of the Attorney General's team approach, but rather the result of pressure for people to deal with the duties that came on that weekend.

At Covington and Burling I had practiced law with Burke Marshall who was then the assistant attorney general in charge of the Civil Rights Division. I had sought to accompany him when he came to the Department of Justice and had said, "Take me along as an attorney in the Civil Rights Division." I can recall him advising me that he was going to retain the staff attorneys already there and for that

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reason he didn't think that there was any job available which was good enough for me. So I had no option to go.

B: Do I infer that Mr. Marshall then had no real idea of how busy the Civil Rights Division was going to get?

P: No. I think that he retained the people who were working in the Civil Rights Division--they had his confidence, and he wasn't going to ask them to leave, so he didn't have openings. The Civil Rights Division has always had difficulty securing enough appropriations for personnel needed to enforce the full ambit of the laws committed to its responsibility. Eventually, I went into the department in the Solicitor General's Office.

I had been in the Solicitor General's Office a little less than a year when Ole Miss came. I recall on Sunday night I was at home, and one of my law classmates from Yale Law School--Howard Willens, who had gone into the department with Herbert Miller in the Criminal Division, called and asked if I could come down to lend a hand in the Attorney General's Office because there was trouble at Ole Miss. Willens was about to leave the department to go out to an airfield with others who were going down there.

B: That would have been Sunday night when the violence was breaking out?

P: That's right. So I went down, getting there about eight o'clock. I took up a station on the telephones in the office just to the east of the large Attorney General's office where Robert Kennedy made his office. I manned those phones most all of the night until early morning. My recollection is that when I began, nobody was writing

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anything down. I undertook to start keeping a log and did do so, along with others who then came to assist me.

I recall that Ramsey Clark, assistant attorney general, Lands Division, joined me in maintaining the communications. We had an open line with Lou Oberdorfer, assistant attorney general in charge at the Tax Division, and with Nick Katzenbach, the deputy attorney general.

B: Where were they?

P: They were at two locations. One was in the Administration Building which was under siege. Lou was at another location. I occasionally talked to Assistant Attorney General Norbert Schlei who had succeeded Nick Katzenbach as the legal counsel. History records it was an awfully difficult night there. I don't know how much you want me to go into it.

B: As much as you'd like to.

P: The one thing I recall which is relevant to the handling by law enforcement officers of the disturbances that we have today is that what we had there were federal marshals who were really not heavily trained or probably trained very much at all in the handling of mass disturbances.

B: Many of them were Border Patrol people--

P: They were Border Patrol and marshals, and they were not trained in defending themselves or a building against persons who were shooting at it and throwing bricks at it and otherwise trying to rush the building. Early in the evening when the seriousness of the matter

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became clear, the order was given for troops to come in. They were flying in. That took a longer time than had been anticipated. It was one of the first, if not the first, occasions where the President called out troops to assist in enforcing a federal court order. The lesson learned there was that you always had to allow a longer lead time for troops to get in than what might have been the original official estimate. Life being what it is, that's perhaps always the case.

But the delay in getting the troops there put these marshals and Border Patrolmen and the Department of Justice people in a terribly difficult situation. I recall on this open telephone line--let me break there a minute.

At one point after I had arrived at the department that evening, Burke Marshall and Attorney General Kennedy left to go to the White House. My best recollection is that there was also an open line to the White House, and we at the Department of Justice were not on that line. But we were a party to whatever orders went down to Nick Katzenbach who was the federal official in charge.

B: In other words, the White House line also went directly to Oxford.

P: I believe they may have had a direct line to Oxford, Mississippi, but I'm confident that the orders given to Katzenbach came through the Department of Justice because I recall that it was clear to me from the phones that the federal officials on the campus did not consider that they had authority to use firearms, and that their entire defense

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of themselves and of the people with them was through the use of tear gas.

B: Did they even have firearms with them?

P: Marshals all have sidearms, and I'm sure they had other firearms. By saying I'm sure, I am not a witness to that. I know for a fact that the federal marshals wear sidearms. At one point, they began running low on tear gas canisters, and Don Coppage, one of the Border Patrolmen, had gone to get some additional tear gas. Those on the telephone recorded his real heroism in bringing this truck through a barrage of rocks and some gunfire, to bring in the tear gas. It happened that the marshals and others were running out of their tear gas, and the request was made to us at the Department of Justice for authority to fire back if there were further rushes and if there were no tear gas--no means of defending the federal marshals and other federal officials. No authority was ever given to fire.

B: That quite surely went to Attorney General Kennedy and President Kennedy to make that decision, I would assume.

P: I would be clear that it did. Those of us on the telephone relayed the request. My recollection is that the request was repeated several times and made--I believe my notes would reflect who made it and when it was received. I believe that the Deputy Attorney General, Mr. Katzenbach, made the request. The request was for authority not, as I recall it, to open fire, but authority to use firearms if tear gas ran out and there was no other recourse to defend the officials there. The authority was never given. I consider that the handling of the

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matter was exemplary in the use of minimum force necessary to secure the objectives of law enforcement.

B: That means though that the President and the Attorney General, I presume, would have seen some marshals injured perhaps rather than fire into that crowd.

P: There were some marshals injured.

B: I mean further injuries than occurred.

P: As it developed, Coppage and the additional gas got back to the marshals at the very moment, as I understand it, that the gas ran out. The new gas came, and the officials were able to continue to hold off the marauding parties on the other side.

B: Do you recall anything of the decision to call in the troops? Did you pass information that was relative to that?

P: I don't recall whether the decision had been made before I arrived or was made while I was there. I do recall the anguish that was felt at all levels at the delay in the arrival of the troops.

B: Did that get pretty violent--cursing the army or anything like that?

P: No.

B: The troops after all were in Ventress [?], which is sixty or seventy miles away from Oxford, as I recall.

P: Yes. Strangely enough, my recollection is of no cursing the whole night over anything but of great concern that those troops weren't arriving. The obvious nature of the crisis and its seriousness was such that the people in Washington were trying to do everything that could be done to get the troops there--it was just a fact that had to

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be accepted. Either they were getting there or they weren't, and one was trying to do everything in one's power to get them there. It was a terribly serious situation. I recall talking on this open line to senior officials of the Department of Justice who were behind desks and actually being fired on while they were talking to me on the phone.

B: Do you recall any of the kinds of things they would say? Was there any levity in it, or just shock?

P: There was some levity. It was so incongruous to be sitting on the phone in the Attorney General's office, except for the fact that it was late at night and there were more people there than normal--it was of course orderly and so different from what the people were experiencing who were living at the other end of the telephone line. I recall a feeling of great admiration for the calmness and sense of command maintained by Mr. Katzenbach. He'd had no training to be a commander of troops in the field. He'd been in the military--he'd had a breadth of prior experience, but he was the deputy attorney general and wasn't chosen because he could undertake a mission of the kind in which he was engaged. From everything I could tell, from what he said on the phone, and what those who were right with him were saying, he managed that difficult situation in an excellent fashion.

B: What was Mr. Clark doing? He was in the office with you?

P: That's right. He and I manned these phones. We considered--and Attorney General Kennedy considered--the receipt of and response to the questions and reports coming through this telephone line to be of such importance that two of us stayed on that line without interruption

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until well after midnight. Mr. Clark was an assistant attorney general at the time, and he would be passing information while I was recording some, or vice versa.

B: Did you also have a line to Jackson, to anyone in the capital of Mississippi?

P: No. I know that people remarked that there had been a conversation at some point with Governor Barnett--

B: Probably earlier in the day as I recall.

P: Yes. But I am uninformed about that. There were other lines--there were lines to the War Room at the Pentagon and lines to various military people. I may have manned an open line of that type at some point, but I had very little to do with the arrangements being made with the military.

B: For the benefit of future scholars, are your phone logs that were made that night a part of the Justice Department's records now?

P: I'm confident that they are.^{*} My recollection is that they were typed up the next morning. There was quite obvious concern to know just when certain things had happened and how much time had elapsed between one point and another point, and the logs were useful from that standpoint.

B: That's why I asked. Future scholars are going to have to do the same thing, perhaps in some calmer perspective, and such a thing would be invaluable to them.

* I believe they may be available in the Kennedy Library. Pollak, 2-1-83.

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P: I thought so. I felt a very definite sense of the history of the events. Therefore, there was an opportunity to try to record as much as possible of what was going on.

I have some dim recollection that I may have in my own papers a copy of the notes. I can remember starting out just writing them on the back of some scraps of paper. Then we got more and more organized.

B: In the week or so after the Ole Miss crisis, was there any sense of reappraisal in the Justice Department that civil rights was going to be more difficult than perhaps had been anticipated?

P: Well, I guess I just don't know because--

B: I guess you would have gone back to work in the Solicitor General's Office.

P: I would have gone back to work in the Solicitor General's Office. I recall some small continuing involvement in a few issues that grew out of the Ole Miss matter for a day or so after that at Burke Marshall's request. I'm unable to recall just what it was, and I'm not absolutely certain that I'm not thinking of a later event. There were questions about nationalizing the guard or other law matters, and I can recall rousing Leon Ulman, the second assistant in the Legal Counsel's Office, out of bed about 4:00 a.m. to come down and do some legal research that we needed done.

B: Did you get involved--that would have been in 1962--in 1963 there were the Birmingham demonstrations, the Medgar Evers' assassination, the freedom walks--?

P: I was not involved in those at all.

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B: Moving forward kind of slowly in time here, you were still in the Justice Department when President Kennedy was assassinated and Mr. Johnson acceded to the presidency. A subjective kind of question. Do you recall any feeling in the Justice Department beyond the shock of the assassination, any feeling of dismay that now Lyndon Johnson would be president?

P: No, I don't. I have very vivid recollections of the day and indeed of my whereabouts and I'll recount them.

But let me back up one moment. I did undertake some responsibility for Attorney General Kennedy in the summer or late spring of 1963 in connection with something called the President's Task Force on a National Service Program which is the precursor of the domestic peace corps or VISTA. I was for a period of from probably May or maybe even earlier in 1963 through the end of August and early September of 1963 the lawyer for this task force. That task force prepared the facts for and presented and supported legislation to create a domestic peace corps.

B: I had down here to ask you about how much of what later became the poverty program in its broadest sense developed out of the Kennedy years.

P: A good deal did develop out of it.

B: In the Kennedy Administration in the kind of work you were doing, as you've just described, was there a kind of concept that this might become a broader, general anti-poverty program?

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- P: That there was some feeling of that kind. The group that I became associated with that was working on the National Service Program included a number of people who had worked with the President's Council on Juvenile Delinquency, which was a Justice-HEW effort. A number of people who had worked in that juvenile delinquency effort then became involved with David Hackett, who was a special assistant to Attorney General Kennedy, in this undertaking in support of a domestic peace corps. The going was sufficiently hard in securing approval from the Congress for creation of this National Service Program that the thoughts of those working on it didn't move very much beyond achieving what we were trying to achieve. Had it been achieved, then the domestic peace corps would have or could have become a vehicle for a broader domestic anti-poverty effort.
- B: Was there any particular locus to the opposition in Congress?
- P: That was summer of 1963. It was my first exposure to the legislative side of government, to the presentation of legislation. We presented the legislation first in the Senate, and there was a lot of support for it, and the bill passed the Senate. Passage, however, was by a smaller margin, 44 to 40, than we needed. President Kennedy lost the support of the southerners and of the Republicans, and the margin in the Senate was not enough to get the bill moving along in the House. It never came to a vote in the House. If I were to look at it coldly, there were many things the President was trying to achieve in the summer of 1963. While Attorney General Kennedy gave this effort as much of his support as he could, and while the service program effort

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was really sponsored by a task force which included all of the cabinet people, it just wasn't a big enough undertaking to command very much time of the White House, and we just couldn't swing it on our own. We were never without support from Attorney General Kennedy. It's just that when you're working on something like that, you really have to make it yourself, meaning your team of people has to make it or the project will not succeed. The White House can't really devote that much of its attention to that kind of undertaking.

It was true later to some extent when Mr. Shriver was supporting and trying to secure passage of the anti-poverty legislation. President Johnson was very strong for it, but in the end the people who had to secure the passage were Sargent Shriver and those working with him.

B: The people who have to get out on the Hill and talk to--

P: That's right. You just have to work it through and answer the questions and get the pieces of paper up there.

B: Did you find in the early stages the idea of the National Service Corps was associated in the minds of some members of Congress with civil rights, to its detriment? I'm an expert at giving these broad, vague questions.

P: The National Service Program was not heavily identified with an anti-poverty effort as it was presented in the summer of 1963. It was impressed with the heavy poverty input in the spring of 1964 when it was added to the anti-poverty bill. It was not added to the anti-

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poverty bill until the anti-poverty legislation was fully drafted. I participated in that and can recount the background.

B: The original idea was more of a New Deal-type employment?

P: The original idea was associated with a cadre of young and not young-- it wasn't going to be limited to the young--domestic peace corpsmen like the overseas Peace Corps. The corps was going to spend its efforts in many different areas--poverty being one, mental retardation and the state mental hospitals being another. It was going to deal with the problem areas that exist in the United States. They weren't then, and they aren't today, only poverty problems. It had a broader focus. With very good sense, as VISTA was then created in the spring of 1964 as part of the anti-poverty program, the poverty focus was highlighted, and that gave a way to create the domestic peace corps. But as we worked on it in the summer of 1963, mental health, juvenile delinquency, community development, Indians, the elderly--it had many different foci.

B: Is it possible to pin down exactly who or what group of people originated the idea of a domestic peace corps?

P: Yes. The major sponsor was Robert Kennedy. I'm confident that the insertion of the VISTA program into the anti-poverty bill, which came late, was at the urging and insistence of Robert Kennedy. It wouldn't have been in there if he hadn't pushed for it.

There was concern back in the summer of 1963 by the Peace Corps people--Sargent Shriver's people--and I could not be a witness to know whether this reflected the views of Mr. Shriver or not, but

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there was concern by the Peace Corps people at some levels that creation of a domestic peace corps would harm the overseas effort. Maybe they couldn't get enough volunteers, maybe it would tarnish the undertaking. In my work with the service program people, while I secured some very worthwhile suggestions and help from Bill Josephson, the general counsel of the Peace Corps, and while Sargent Shriver was on the task force along with other cabinet people, the Peace Corps was not a big booster of the domestic peace corps. I never thought that it was created out of the overseas Peace Corps. Really the idea was developed and launched more from the Committee on Juvenile Delinquency, and Robert Kennedy, Richard Boone--Dick Boone--Dave Hackett, being the ones that I associate with the idea.

B: This lack of interest on the part of Peace Corps in the domestic service corps, you said that that was not necessarily from Mr. Shriver himself, but from the lower level--

P: I just couldn't tell. Suffice it to say that Mr. Shriver in that summer when we needed greater interest to pass this legislation was not on the hustings up on the Hill for the legislation. The overseas Peace Corps people--and I don't mean the Peace Corpsmen, the volunteers, but I mean the administrative people--must have made a judgment that they had their fights to fight and they had a tough enough time doing that, and they really couldn't spend their credit on this domestic effort. I never felt that we had any opposition there. We were never undercut, but we were not favored with strong support from that quarter. I think the hearing records up on the Hill would

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show that, where we had hearings, the strong support came from Robert Kennedy and probably Willard Wirtz and others that had their focus on domestic matters.

B: Would it be convenient for you to go now into the assassination and the transition, and then come back to the formation of--?

P: Sure. I'd like to mention one other thing because there's a man involved in that National Service Corps effort who is now a congressman. Robert Kennedy looked over a number of people to head up this task force, and I can remember John Glenn's name being mentioned.

B: That's the astronaut John Glenn?

P: That's right. Ultimately--by ultimately I don't mean that they'd asked others, I wasn't party to that--William Anderson, the ex-skipper of the Nautilus submarine, who had taken it under the North Pole, that was the first submarine to go under the North Pole, was selected to be the staff head of this task force. I don't think he had ever been in Washington except in a naval capacity, and it was a hard assignment for him. He gave it the very best he had and had much that was inspiring. He's a very taciturn man and it was hard to know often what he was thinking. He comes from Tennessee. I was often surprised that a man who had spent his career in the navy had as deep a feeling for the deprived persons as he had. I can remember when he went out to a mental institution in Maryland--Rosewood--his reaction was that this was a searing experience. He put a great deal into this effort, and ultimately the bill didn't pass. Then he went I think to the

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Freedoms Foundation, and then ultimately ran for Congress from Tennessee. He's now in his third term.

B: He's a Republican too, isn't he?

P: No, I think he's a Democrat. This experience probably served him very well, contributed very much, if you will, to his education.

B: Was he out of the navy when he served as staff head?

P: He was. He had just recently gotten out of the navy.

You asked earlier, and I can mention--I think it's sufficiently reflected on the public record--who were the opponents of this National Service Corps. In early or middle summer, Congressman Samuel Devine of Ohio, and Congressman [H. R.] Gross of Iowa, for whatever reasons, attacked the task force on the ground that this interagency body to which various of the federal departments had contributed funds under Section 696 of one of the titles of the United States Code, was not entitled to spend the money without a line appropriation of the Congress. There's a significant amount of law on how agencies of the government can band together and create a task force. The congressmen were making the point that the task force was engaged in lobbying the Congress, and that it was an unwarranted expenditure.

B: That sounds like the kind of argument that could be a rationalization for other reasons for opposing the bill.

P: They were opposed to the undertaking. It was probably seen in the summer of 1963 as an effort of the President to launch some further do-good undertaking which these men and others wanted to oppose. They asked the Comptroller General to look into it and I, as the

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lawyer for this group, spent a lot of time pulling together all of the facts with respect to where the funds had come from and what we did, and wrote a long letter to the Comptroller General. Ultimately, the charges were laid to rest. But I counted those men as opponents of the undertaking.

You asked me earlier about the assassination. By September I had discontinued my activities for the task force because the bill was really dead by then, and had come back and recommenced my activities with the Solicitor General. I recall on November 22 that I had gone to lunch with my colleagues and had just come back from lunch, and Dallas being an hour behind us, we had gotten some kind of rumor of the assassination, and then had gathered in one of the offices--Bruce Terris' office--to listen to the radio. We then lived through that period of time when we learned that the President was dead.

My most vivid recollection of it is the feeling then of being almost physically sick and wondering in myself how I could feel so strongly at this news. There gathered with us were all of the members of the Solicitor General's Office other than Mr. Cox. The orientation of the office is legal, but certainly supportive of the kind of undertakings which President Kennedy made and then later President Johnson made. I don't recall any statements about President Johnson at that time. The focus of everyone there was on the loss of the President and if things were said, and I'm rather doubtful they were, my recollection is that the concern would only have been that

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the Vice President was an unknown quantity. All of us there felt very much the difficulties that piled themselves on the new President. So our reaction was one of bereavement at the loss of the President and of support for the new man--whatever our attitudes toward him may have been at the time of the 1960 nominations--because of the tremendous burdens that he was going to have to undertake as our president.

B: There has been a lot of speculation about alleged rivalry between the Kennedys and Johnson, particularly in the Justice Department where Robert Kennedy was so closely identified. Did you see any of that before or after the transition? There has, for example, been some speculation that Mr. Johnson perhaps thought after he acceded to the presidency that the Justice Department was not fully his so long as the people there were so closely identified with Robert Kennedy's tenure.

P: I probably saw less of that and have less to recount of that maybe than others. I was personally associated with Robert Kennedy in connection with the service corps undertaking, I dealt with him directly on some matters. I was brought into government by Archibald Cox who Mr. Johnson really let go as solicitor general, I guess after the 1964 election. I was close to a good number of the assistant attorneys general who were appointed by Robert Kennedy, and yet in late 1966 or early 1967, President Johnson asked me to come over to the White House to serve as his advisor for National Capital Affairs. At least insofar as my own experience was concerned, my association with the Kennedys and my quite obvious high regard for them and pleasure at

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serving with them didn't put me in a position where I couldn't serve President Johnson and have his confidence.

B: I've also heard it said--this isn't directly related, but I've heard it said that that fall before the assassination that Robert Kennedy was rather discouraged with the public fire that he had drawn and the Justice Department and at the legislative difficulties you talked about, and might even have been considering resigning. Did you ever hear anything like that?

P: I didn't see that at all. President Kennedy in his legislative program had tough going in the summer before the assassination, and that probably accounted for the President and his administration being less able to support this rather small matter of the National Service Program. It was a disappointment to me that there was not stronger support able to be given, but I think the President was beleaguered in efforts to achieve the civil rights legislation and other legislation which he was supporting, and for which the Congress was really jumping all over him. I did not have any contact with Robert Kennedy which would indicate he was thinking of resigning. He did not leave until September 1964. I knew Attorney General Katzenbach--I had known him at Yale Law School some--and was therefore interested in what would happen at the top of the Department of Justice. I didn't know that Robert Kennedy was going to leave until relatively soon before September.

I want to say something further about friction between President Johnson and Attorney General Kennedy. Maybe it was just being a

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newspaper reader, but there may be things I experienced which indicated, or which gave me knowledge of, that friction. I can't really recall them to state here. It may be that when I got over to the White House as advisor I saw some aides of the President who reflected some antagonism to Robert Kennedy. I always wondered--not always, because I didn't see much of it--but to the extent I saw it on the Johnson side, I always wondered whether they were reflecting what they thought the President wanted rather than what in fact he really wanted. I continued, even while I was at the White House, on the occasional times when I had matters with Senator Kennedy's office, to get along well with him. If there was that friction, I lived apart from it, and it never got in my way on either side.

B: It's almost time for your appointment.

P: Okay.

[End of Tape 1 of 1 and Interview I]

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Legal Agreement pertaining to the Oral History Interviews of Stephen J. Pollak

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Stephen J. Pollak of Washington, D.C., do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of personal interviews conducted on January 27, January 29, January 30, and January 31, 1969, in Washington, D.C., and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

(1) The transcripts shall be available for use by researchers as soon as they have been deposited in the Lyndon Baines Johnson Library.

(2) During my lifetime the tape recordings shall be available only to those researchers who have secured my written authorization. Thereafter, the tape recordings shall be available to all researchers.

(3) Subject to the restriction set forth in paragraph (2) above, I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.

(4) Subject to the restriction set forth in paragraph (2) above, copies of the transcripts and tape recordings may be provided by the Library to researchers upon request.

(5) Subject to the restriction set forth in paragraph (2) above, copies of the transcripts and tape recordings may be deposited in or loaned to institutions other than the Lyndon Baines Johnson Library.

Stephen J. Pollak
Donor

October 4, 1983
Date

Robert M. Hale
Archivist of the United States

October 31, 1983
Date