

INTERVIEWEE: FRED M. VINSON (Tape #1)

INTERVIEWER: T. H. BAKER

October 22, 1968

B: This is the interview with Fred M. Vinson, Jr., Assistant Attorney General of the Criminal Division, Department of Justice.

Mr. Vinson, if we may begin with something not directly related to your present job, your father, former Chief Justice [Fred M.] Vinson [Sr.], was active in public affairs during the period President Johnson was in Congress. Do you have any recollections of relationships between your father and Mr. Johnson in any way?

V: Well, I know that President and Mrs. Johnson were very close and very warm personal friends with both my father and my mother. Of course, my father died in 1953 and I think that warm relationship with my mother has continued. Actually, I suppose the friendship grew out of another friendship of my father's. I suppose his closest friend in Washington was Speaker Rayburn of Texas, and of course Speaker Rayburn and the President were very close friends too.

B: I would assume that friendship began--the friendship between Mr. Johnson and your father--about when Mr. Johnson first came to Congress. Your father was in--I think his last year in Congress was Mr. Johnson's first year.

V: I think that's right. There was an overlap of perhaps several years. My father came to Congress in '23, and he left Congress for the bench--the Court of Appeals in 1938.

B: Mr. Johnson arrived in a special election in '37.

Do you recall any stories about Mr. Johnson and your father during those

days--political or social?

V: Not really with any specificity.

B: When did you first meet Mr. Johnson?

V: Well, I first met the President, I would guess, in the middle '40's. I was in college. And I recall meeting him one spring.

B: Do you recall your first impression?

V: Yes. A big, strong, friendly man.

B: Did you have any political or social relationship with Mr. Johnson before your appointment as Assistant Attorney General?

V: No. I don't think so in the sense that you're speaking of. I did volunteer to work for President Johnson in the 1964 campaign and did devote probably six weeks of endeavors.

B: What sort of activity were you doing then, sir?

V: Actually, I was flying around setting up regional and state organizations meetings.

B: General organizational or--?

V: Yes. Political organizational work.

B: Not restricted to the "Lawyers for Lyndon" groups or anything like that?

V: That's correct. I had likewise volunteered my services in 1960.

B: You were politically active in the '60 campaign too?

V: Yes. Actually, I had the role of being campaign coordinator in some states where they had no permanent campaign coordinator.

B: Do you recall which particular states those were?

V: I'm sorry you asked that question, because those states went very heavily Republican. I was in Kentucky, Tennessee, Oklahoma, and to a lesser degree in North Carolina.

B: In '60 there were no permanent Kennedy-Johnson campaign coordinators in those

states?

V: There were none in Kentucky and Tennessee. I suppose there were half a dozen or ten states that had no permanent outside campaign coordinator for a variety of reasons.

B: One reads so much about the magnificent Kennedy organization in '60. This doesn't seem to square that.

V: I think someone probably made a judgment that there were these few states that should not have someone plumbed down from outside into the midst of the organization.

B: On the grounds that outside interference would be resented, or on the grounds that they were going to go Republican anyway?

V: Well, I don't think you can generalize. I think the situation was different in different states.

B: Did Mr. Johnson campaign in many of your states in 1960 as the vice presidential--?

V: Yes, he did, as did President Kennedy.

B: Do you recall anything about the impact of Mr. Johnson's campaigning in the 1960 election?

V: Not really. I remember, however, he was very warmly received in Kentucky. But again my work principally was organizational.

B: Is that kind of thing difficult, to come in from outside and set up an organization, or keep going an organization?

V: Or meld several organizations. Yes. It's very interesting work though. It takes you a while to establish relationships before you can actually get to work.

B: You were also on the Inaugural Committee for Mr. Kennedy's Inauguration, were you not?

V: Yes, I was general counsel of the inaugural.

B: Do you recall any particular difficulties, problems, incidents, in connection with that?

V: I can remember it seemed like one mass of problems because you have a very short period of time to really establish and run a multimillion dollar business--I suppose that's one way to express it.

B: I never thought of it that way, but I suppose it is, if temporary, still a pretty big business. Your work, then, involved the legal aspects of financing and so on?

V: Well, the legal aspects certainly--financing only in the sense of preparing guarantee agreements. As you may know, inaugural committees get off the ground by volunteer contributions which are to be refunded to the extent of revenue. Generally speaking, all revenues are refunded--all contributions are refunded. In 1960, I remember we had a surplus of approximately a quarter of a million dollars which was given to charity.

B: Did you serve on the '64 Inaugural Committee too?

V: No, I didn't. Well, I served, yes, but not as an official.

B: Now, to move closer into your present job--what were the circumstances of your appointment to this job? Did you have any hint beforehand or any prior consultations about your appointment here?

V: No, not at all. In the period from 1960 to, well, into 1964, I had received calls from various people about a number of different government jobs, but it just wasn't the right time for me to leave my law practice and come into government. There were a variety of reasons that compelled me in that direction.

B: If I may insert here for the record, you were with a Washington law firm.

V: Yes, I was a partner in a law firm in Washington; I've practiced law here

since 1951.

B: Then presumably you got a call that did attract you. What were the circumstances there?

V: Well, I got a call from the President actually. I was out of town. And when I got back to town, I learned that the President wanted to speak to me. And the next call I got was either from Nick [Nicholas de B.] Katzenbach or Ramsey Clark--I don't remember which. At this time Mr. Katzenbach was Attorney General and Mr. Clark was the deputy. I came down to the Department of Justice and had lunch with them. It was just a very general exploratory lunch.

B: Was the specific job mentioned at that--

V: Not really. I think there were some--in reconstructing that conversation, I think it was fairly clear what job they were talking about, but there were no specifics.

B: And then when did a specific offer come?

V: A few days after that. I visited again down here, and they discussed the possibility of my taking this job.

B: What's the reaction of a man when he's offered what must be an extremely difficult and important position like yours?

V: Well, my reaction actually was varied. I was honored; I appreciated it; it was a very interesting job, but also there was the problem of a family to raise, a standard of living which have evolved, and a very significant pay cut.

B: May I ask, sir, because I think this is one of the problems about getting people in government service--if you don't wish to give the exact figures, about what is the percentage of the pay cut from a successful law firm to an Assistant Attorney General's--

- V: Well, that depends. At that time an Assistant Attorney General's job was \$27,000, I believe, and most successful lawyers make many times that.
- B: Then, what's on the other side? What is attractive about government service in general, or this job specifically?
- V: Well, it would be difficult to answer that question without being somewhat corny. I think that everybody owes their country some services, and most of us, of course, serve in the military. That's another obligation you owe your country. Of course, I was always raised sort of in public life; my father was in public life from probably age 28 until his death. It's a very satisfying thing, I think, to feel that you can make and are making a contribution, no matter how small it might seem in the big picture.
- B: Then you did decide to accept the Assistant Attorney General position?
- V: Yes, and I'm very happy I did because on the selfish side, it's a very stimulating experience. I think particularly my job for a lawyer--it's certainly not the best job in the government, but it certainly also is one of the most interesting.
- B: At this time, this was in 1965, during this process of your being offered and accepting the job, did you speak personally to Mr. Johnson about it?
- V: No, I didn't. As I say, he tried to reach me and I was out of town. When I came back I talked to the Attorney General and the Deputy Attorney General, and he was out of town.
- B: Up to and including after your confirmation, you had no direct contact with him?
- V: That's correct.
- B: At this stage of the game, again, for the record--
- V: Except by mail, I might add.
- B: What sort of letter did you get?

V: Well, I wrote him a letter and got a very nice response.

B: Do you mind summarizing your letter and his?

V: Well, I'm afraid you catch me ill-prepared. That has been almost four years ago.

B: At this stage, I think it would be proper if you can for the record briefly describe the functions of the Criminal Division. I suspect the interview will bring out the details.

V: Well, the Criminal Division has many facets really. As the head of a legal division in the Department of Justice, you're sort of a managing partner of a very large law firm. In the Criminal Division, for instance, now we have approximately 170 lawyers, so you have a number of administrative problems--budgeting, recruiting, organizational.

B: May I ask--for your division, these are your problems--you are the administrator, the budgeteer for--

V: That's correct. You're not always the last word; our budget process for instance. We get up our own budget figures; we submit them to the Administrative Division; the Administrative Division and the Attorney General really, through the Administrative Division, makes the ultimate determination. In the case of the Criminal Division, it has always been very close to what we've asked for. It then goes to the Bureau of the Budget which can approve, can pare, or infrequently can add. Then you go the legislative route.

B: And what areas in general does the Criminal Division have responsibility for?

V: I suppose it would be easier to break that down into three or four very general areas, and I might illustrate with specifics. One of the principal jobs of the Attorney General is legal counsel to the President--to the executive. And in the area of our responsibility, of course, we do that

spadework for the Attorney General. An illustration might be the advice to the President with respect to selective service matters--the validity of regulations or actions of the Selective Service System.

Our principal line responsibility is the supervision of all federal criminal prosecutions. This gets you into close contact with several dozen federal investigative agencies to whom you must furnish guidance. But the principal means of exercising this responsibility lies with your supervisory authority over United States Attorneys' offices. There are ninety-three of them, one in each federal district, and they have offices ranging from two assistants up to sixty-three or sixty-four assistants. These United States Attorneys' offices try some 90 percent of all the criminal prosecutions in the federal system. We're responsible for seeing that these cases are tried well; that uniform policies are applied throughout the country.

Closely aligned to that particular responsibility is the responsibility for significant cases. We have a cadre in the Criminal Division of highly experienced trial lawyers and appellate lawyers who are equipped with expertise, specialties. For instance, complicated fraud cases. We have a number of lawyers who travel the country supplementing the efforts of the United States Attorneys. Also, where there are highly significant cases such as the Hoffa case, the Baker case--

B: Excuse me, sir. The Baker case?

V: Yes. The Cargill case--that was a case of the lawyer and the Supreme Court Justices in Oklahoma. We furnish a team of trial attorneys under my direct supervision to handle those matters.

Then in the organized crime area, we have a very large organized crime section; it's about 40 percent of our manpower. And they're an operative section. They're in the field with the mission to, I suppose, if he were

in the Department of Defense it would be described as "seek and destroy." They're charged with the responsibility of coordinating all investigations against members of organized criminal cartels, and following through on these investigations by way of grand jury action and trial and appeal.

Another increasingly important function of the Criminal Division might be described as "fire fighting." You have all sorts of difficulties and disorders that have been with us in this country for several years. The Criminal Division has had a laboring oar in many of those.

B: You're referring, sir, to the urban riots and similar kinds of things?

V: Yes, and demonstrations. Take the march on the Pentagon last year. I suppose we had thirty or forty lawyers committed to that--the planning and then the post-arrest process. In the urban disorders several years ago--I guess three years ago--we created a special unit in the Criminal Division. We called it our "Summer Project." To gather intelligence from all over the country with respect to potential situations, and then to act as the eyes and ears of the Executive should troubles break out.

B: In other words, your division does a good deal of investigative work as well as prosecution and trial work?

V: No, not as such. No, this division has very close relationships, however, with all the investigative agencies. I guess the closest we come to actual investigation is where we use the grand jury as an investigative tool, but our lawyers do not get on the streets in an investigative capacity. However, they work very closely with those who do.

B: Does your department also have the function of assisting in the drafting of legislation?

V: Yes, that's the next function I was going to mention. We have a legislative and special projects section which is charged with the responsibility for

drafting or commenting upon and developing a department position for all legislation in the criminal area. And I suppose the last function we perform you might describe as--it's a research function of sorts; probing for the buried issue, I suppose is another way to describe it. I could illustrate this best by several recent examples. We have a Bail Reform Act, for instance, that has passed with the very salutary purpose of reducing the number of those held in jail pending trial. The bail system in this country has never worked well. You have many people held in jail for want of bail who are no danger of flight, no danger to the community; they're merely held there because that was the system. You also have the reverse side of that coin. You have a lot of very violent people against whom you've established probably cause to believe they've committed a crime of violence and there's some interest to society in keeping them in jail. So the Bail Reform Act, I believe, was passed in 1965, which was designed to take care of both sides of the coin.

B: What you mean is that in cases like this, your division or the Department of Justice takes the initiative in pointing out the problem and beginning the process of correction?

V: Yes. Well, it's more a research problem. For instance, we went into the District of Columbia over a six month period to see what was happening with respect to bail. Had there been any increase in those being released without money bond, and then to see what happened to those people when they were released with specific reference to what crimes were committed by those on bail. And we developed figures somewhere between 10 and 12 percent of indictments in this six month period involving those who were released on bail.

B: And these are the facts upon which legislative drafts are made then?

V: Sure. You have to have the data before you can make recommendations. This

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is still in the process of study, however, but you can handle situations like that without legislation. If you can isolate the type of repeaters, you can give precedence to that sort of case in the court. You can insure that those who commit crimes of violence whom the courts might release on bail are very promptly brought to trial, and that's the real answer to so many of our problems--being able to get people to trial and get the innocent acquitted and get the guilty convicted and on their way to jail much more speedily than we seem to have been able to do.

B: Then, sir, does the division have any other general functions?

V: I think that is fairly descriptive of the work we do.

[End of Tape #1]

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By Fred M. Vinson, Jr.
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