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INTERVIEWEE: FRED VINSON (Tape #2)

INTERVIEWER: T. HARRI BAKER

November 26, 1968

B: This is the second interview with Mr. Vinson in the Criminal Division.

We talked last time generally about the functions of the division. To get a little more specific, one question of which I am not at all sure of the answer--do you participate as head of this division in legislative drafting?

V: Yes, we have a section--the Legislation Special Projects Section--in this division which actively participates in drafting legislation in the criminal field and also comments on various proposed testimony, responses to congressional inquiries about legislation that we don't initiate.

B: Would the major act of legislation since your time here in '65 be the Safe Streets Act of '68?

V: Unquestionably the most significant piece of legislation.

B: Can you outline your division's contribution to the origin of the idea of the act and then on into the specific drafting of it?

V: Well, I think it would be fair to say that the origin of the act was clearly the work of the President's Crime Commission.

B: That's the one Mr. Katzenbach was chairman of?

V: That's right. The then Attorney General was chairman, and James Vorenburg was the executive director. And they came forth with a massive report--an excellent report which--well, I guess one way to summarize it, they had pointed to the many parts of our criminal justice system that needed drastic revision and massive infusions of tender loving care and money.

B: I was going to say--one of the major suggestions and major innovations of

the law was the federal aid to the law enforcement--

V: That's correct. The federal role in law enforcement, as most people think of law enforcement, is very limited. The federal government doesn't have policemen; we don't have a national police force and we don't want one. In the whole federal establishment we have only twenty-three thousand investigative types, and this includes Fish and Wildlife inspectors, Department of Agriculture inspectors--the whole gamut of investigative people in the federal government. Out of that twenty-three thousand you probably don't have more than eight or ten thousand who at any given time are engaged in the investigation of hard core crime. By way of comparison, New York City has about twenty-eight thousand policemen, so the thing that we have to remember is that law enforcement in this country is a matter of local initiative and local resources. The Safe Streets Act recognizes, however, that the federal government can play a role in upgrading law enforcement throughout the country by a grant program.

B: Now, precisely how did that report of the Crime Commission turn into a proposed law? How does that procedure work?

V: The major thrust of the Crime Commission report was that we should and could double or triple the budgets of our law enforcement agencies. Now, I'm speaking broadly of law enforcement--your police, your courts your correctional systems. In the whole country, we spend a little more than \$4 million dollars a year in these three areas which is far less than we spend on whiskey and tobacco, for instance.

The report pointed to gross deficiencies in our correctional system. It pointed to the fact that there were fifty thousand vacancies in your local enforcement agencies; it pointed to the fact that our courts were woefully congested and short of personnel--short of judges and short of

supporting personnel. To remedy these matters takes money. And they suggested that the federal government could assume a role of assistance without in any way disturbing the historical responsibility of local and state governments in this area. So with that germ of an idea, we met on many occasions at the White House.

B: Who would be "We," sir?

V: Well, the general meeting would consist of Nick Katzenbach, Jim Vorenberg, Joe Califano, Harry McPherson--two gentlemen of the White House staff; often the then Deputy Attorney General, who soon became Attorney General, Mr. Clark, and myself. And that was the nucleus of the group, but we brought in other people such as Charlie Haar from HUD who had played such a large responsible role in the Model Cities Program. And out of these meetings came an outline for legislation. There were many hard issues to face, of course, that were hammered out over a period of time.

B: Would the President sit in on such meetings?

V: No. I'm sure that he sat in on a number of meetings, but the working meetings I'm talking about were--

B: What were some of the principal hard issues that had to be worked out?

V: Well, a threshold issue was do you just say, "Here is the money," to the states and to the cities, and let them take money and do as they wish with it; or do you restrict the use of the money or do you retain a federal handle over the use of the money?

Another threshold issue, and one that was finally resolved in Congress in a manner diametrically opposite to the way we resolved it, was whether the money should be given to the states or whether the money should be given to states and cities. We took the position that the states, with very few exceptions, had no real role in law enforcement--the narrow meaning of law

enforcement--that the states--

B: Police force--

V: Police agencies. But the states had a very substantial role with respect to courts and corrections, so we wanted flexibility. We wanted to be able to make grants to states and also make grants directly to the larger metropolitan areas--the cities and the counties that make up the very large urban centers in the country. Congress came out the other way. Congress in effect adopted a bloc grant approach.

B: While these discussions were going on, it must have been known that you were involved not only in important, but what was getting to be a rather emotional area in which Congress might want to have some independent say. At the drafting stage, was there any attempt to sound out the wishes of leading congressmen and take them into the plans in some way?

V: Not by me. The Criminal Division has always had very minimal contacts with the Congress, because we like to think that our work in the criminal area is apolitical. I am confident, however, that others who are more involved with legislative process made those soundings. Actually, it was a coalition; the Democratic leadership in both Houses was solidly behind the administration proposal--the details of the administration proposal, but a coalition that was basically made up of Republicans and Southern Democrats moved the thing the other way and there was a lot of backlash with respect to the Office of Education and their grants and their guidelines. And those who ultimately prevailed in the Congress seemed to react to this to a very great extent.

B: Do you feel that that act as it eventually came out, as you say in some ways materially changed by Congress, is good enough? Is it just a beginning in what needs to be done in this area?

V: Well, it's certainly just a beginning in terms of funding. We sought--

B: You mean in total amounts available?

V: Yes, in authorizations for appropriations. Of course, something like this of necessity starts slowly and should, because the first money put out is planning money; and the great amount of money that's needed, of course, will be in the grant--the action grant area. And also you can't start--this is a brand new enterprise that was preceded only by a twenty-five man staff of the Law Enforcement Assistance Office which had a very modest grant program here--a pilot project sort of an operation. So staffing up takes some time. We sought \$100 million dollars for the first year of operation, and got an appropriation ultimately of \$63 million dollars. I think the President stated in one of his recent crime messages that it was entirely possible that after a few years of operation that we might want a billion dollars to grant to cities and states in order to allow them to professionalize their police; to cure their court problems; and to upgrade their correctional systems.

B: Did you have an opportunity to see Mr. Johnson's private reaction to that bill as it eventually came out of Congress?

V: No, I didn't.

B: Are you directly involved in working now either in an advisory or an action capacity with local police officials in relation to these funds that are available?

V: Not directly, no, because a new office was established here--the Law Enforcement Assistance Administration. They are a separate entity, and they have the responsibility for administering the act.

B: I wondered if they called upon the expertise of the several Assistant Attorneys General--

V: Yes, they do. They call upon the expertise of the Criminal Division, of the Bureau of Prisons--

- B: Do you find local law enforcement officers receptive to this? Are they more receptive than their congressmen might have been?
- V: Well, of course, you have to remember that we, under the present plan, unless the states completely abdicate their responsibilities under the law, we cannot make grants directly to cities. The city has to include its programs within the state plan and look to a state agency for its money, and the state agency will act, hopefully, as an efficient conduit to allow federal monies to assist local law enforcement.
- B: I'm asking you for a prediction now--is it your opinion that this will be sort of a future pattern of what has been called the "law and order problem"--a combination of federal aid with the main burden lying on the local areas?
- V: Yes, I think so. I think it has to be that way, and that's--I regretted very much that the law and order issue seemed to be so predominant in the federal campaign of this fall.
- B: You mean the presidential campaign?
- V: For President. Because I don't think anybody wants to see us head in the direction of a national police force. And if we are not to head in that direction, you have to have local responsibility for law enforcement. There's so much you can do in the area of consolidation of local law enforcement, however, that I hope the states in their plans will aim in that direction. You have 40 thousand different police agencies in this country.
- B: You mean a situation in which sheriffs' deputies and city police force and state highway patrolmen all have overlapping responsibilities in one area?
- V: Yes, there are some metropolitan areas in this country that will have as many as forty independent police agencies. It's a very difficult problem to cope with because it's a sensitive political issue. You know, every hamlet and every village wants their own police force. It's a very

inefficient way to do business, and at worst these metropolitan areas can consolidate many of the auxiliary services with respect to police; for instance, communications, purchasing, recruitment. If we cannot overcome the political hurdle, if we can't convince a little town of five thousand that they would be better policed if they let a countywide organization police them, we could at least head in the direction of consolidation of certain of the services and functions of the police.

B: Does this create a kind of special problem for the U.S. Attorneys who are right there on the scene having to work in their prosecutions with these multiple jurisdictions?

V: Not really. It creates a problem for local prosecutors. U.S. Attorneys, of course, prosecute cases that ordinarily 99 percent of the time have been investigated by federal enforcement agencies.

B: To move into another area of your work, again, is it fair to say that one of the major emphases of the Criminal Division recently has been in organized crime and particularly the strike force concept?

V: Yes, that's quite true. We have about 170 lawyers in the Criminal Division now, and 70 of them devote their full-time attention to our organized crime program.

B: What was the origin of the strike force idea--the idea of combining across agency lines the emphasis on organized crime? I know the President made a message on it. I was wondering if the idea perhaps originated here before that message?

V: Yes, the idea did originate here in the Criminal Division in our Organized Crime Section. Henry Peterson is the--He's a career attorney here; he has been in the business of fighting organized crime since the early '50's, or middle '50's certainly. He was the deputy chief of the section when I came

here--he's now the head of our section. And the idea arose--I think it's fair to give Henry the lion's share of the credit for the concept.

B: You know, if this is a proper question for observation, it seems like such a logical concept one wonders why it was not done before. Were there political or administrative reasons why such an idea could not be done before '66 or so?

V: I think the idea really evolved. You had no organized crime program until 1961. Attorney General Kennedy gave a great deal of personal attention to the organized crime program. I think when he came into office you had seventeen lawyers in the Organized Crime Section; and I think under his leadership, the number went up to approximately sixty lawyers devoting full time to this. They were given geographic assignments, and in the area of their responsibility, they were supposed to get the heads of the relevant federal investigative agencies together and were to coordinate their efforts. And this was done, and it was done successfully. The next logical step was to get together a core group of supervisors from the relevant agencies to work with our lawyers who would impanel grand juries or have grand juries impaneled, and these supervisory people from the various agencies in turn would work with their agency in place in that city.

B: Has the interagency cooperation worked well?

V: Yes, I think so. I think so. I think the task force concept itself breaks down some of the very normal, natural barriers between agencies. You see, the federal agencies, with the exception of the FBI which has a fairly broad jurisdiction--the other agencies which have so much to contribute have very narrow jurisdictional limitations. The Secret Service, for instance, is interested in counterfeiting in addition to one of its basic missions--presidential-vice presidential protection. The Bureau of Narcotics has an



obvious limited jurisdiction; the Department of Labor likewise; Internal Revenue Service Intelligence likewise--oriented to the tax laws. But so much intelligence and so much useful information can fall between the slats. Where you have this tunnel vision it's necessary to develop a concept and a working plan that pulls these agencies together, it makes them immediately aware of investigations being conducted by others; subjects of investigations; what sort of information is helpful. And we educate when we bring in these supervisors from the agencies to form a task force. The first thing we do is to educate them as to the jurisdiction and the problems and the sort of evidence that we're looking for in the area of responsibility of the other agencies to eliminate the tunnel vision problem.

B: It's pretty common knowledge that Mr. Hoover and the FBI can on occasions be jealous of their independence and their prerogatives. Has the FBI worked well in cooperation with the other agencies?

V: They work very well now. That was not always the case. The FBI took the position that they would not participate actively in the task force. That means that they would not assign an agent to work with the task force exclusively. Mr. Hoover had what he thought were very sufficient reasons for this; the FBI agent is responsible only to his own agency. I can understand that. The bureau position also was that--I think their fear really dated back to the '50's. In the late '50's a group of lawyers were sent out on an organized crime crusade, and it was not a sustained effort; it was sort of a spotty operation. They were very limited in manpower, so I'm not being critical of them--they just didn't have enough people and enough money to accomplish a great deal. And I think frictions arose between that group and the FBI, and I think the FBI sort of viewed our program

as maybe more of the same. And they feel--You see, the FBI position, and this is so true, that you don't need these crash programs--you need sustained constant pressure on the nerve centers of organized crime. And that's 100 percent true.

B: Was this program in the '50's operated out of the Criminal Division?

V: Yes. Well, not really--it was operated, I think, as an adjutant of the Attorney General's office and then was sort of phased into the Criminal Division in the late '50's.

B: Was some of the FBI's early reluctance involved in their unwillingness to allow their raw files to be used by other agencies?

V: Well, I don't think I would express it that way. I don't think the FBI makes its raw files, as such, available to anybody, but they never had any reluctance to make their intelligence data available to other agencies. The FBI is really the only agency that has an intelligence orientation. Other agencies need to become a little more intelligence oriented, because at this time the FBI intelligence is really 90 percent of our intelligence data in the organized crime field.

B: You said, if I understand you correctly, that Mr. Hoover was at first reluctant but then came around. What made the difference?

V: Well, I don't know that that's a real accurate way to characterize what happened. I don't think the FBI was happy with this concept, and we had some problems of liaison in our initial project. Since that time, however, the relationship between the FBI office in the area of our operation of a task force has been superb.

B: What working definition of organized crime do you use in these task force operations?

V: Well, the task forces are aimed at what some call "Cosa Nostra," the

syndicate, the mob--that apparatus--

B: May I ask here--is "Mafia" a proper term, or is that just a popularization of--?

V: That's a proper term. I think that's a synonym in most people's minds for Cosa Nostra. That is the target of the task forces. Our Organized Crime Section, however, has a little broader definition of organization crime; it's any large continuous criminal conspiracy made up of people who make a career of crime.

B: Is national included in that definition?

V: Not necessarily, no. In order for us to be interested in it, however, it must be a substantial organization, and it must be the sort of organization that local law enforcement is either unable to cope with or unwilling to cope with.

B: One of the features of the task force system has also been a geographical concentration, hasn't it? Don't you single out an area and concentrate the multiple investigative functions there?

V: That's right. Our pilot project was Buffalo, New York; we chose that as a testing ground because there was a relatively small well-defined Cosa Nostra organization that had great activity in a number of illegal areas--gambling principally, Shylocking, extortion. We then moved task forces and now have task forces in the field in Brooklyn, in Philadelphia, in Chicago. We will soon have a task force in Miami, in northern New Jersey; we also plan them for early next year in Missouri--Kansas City and St. Louis, and in Ohio.

B: In determining these areas in which the task force will go, in addition to the factors you mentioned about Buffalo, does the status of the local police force have anything to do with it?

- V: Not really, because in all of these areas, the situation is such that the locals just can't cope with it. You have interstate activity in some areas; you have some corruption that makes it difficult for local law enforcement to cope--80 percent of the problem really is concentrated in the greater New York area (I include northern New Jersey in that), and in Chicago. There are six different organizations operating in those two places, five of them in the greater New York area. Then you have another trouble spot in New England, but we've recently convicted the leader of Cosa Nostra in New England; you have another trouble spot in Miami; you have another trouble spot in Philadelphia, where we now are you have another trouble spot in-- I left out Detroit. Incidentally, we now have a task force in Detroit.
- B: Do you get involved in political considerations in selecting these?
- V: Not at all.
- B: It's not considered?
- V: No.
- B: Chicago, for example. Mayor Daley's prominence in the Democratic Party does not have anything to do with your choice there?
- V: Not at all. We take them on where we find them, and most of them you find in the New York-New Jersey and Chicago areas.
- B: Do you find that these task forces may be having the effect of scattering organized crime? That is, if you move a task force into one area, do the leaders of organized crime simply move off to another one?
- V: No. It doesn't have that effect at all. What our objective is, of course, is to shake up the organization; to incarcerate the leaders of the organization. It has had several other effects however. One effect that has been noticeable over the last year or so is movement out of some areas into other

area. I speak of areas of illegality--planned bankruptcy was a favorite pastime of organized crime up till about two or three years ago, a great deal of it in the New York-New Jersey, Chicago and Philadelphia areas. We brought at least a dozen significant prosecutions of scam, planned bankruptcy, and they seem to have moved out of that area. They now concentrate their efforts on gambling and on Shylocking, which is extortionate lending.

B: There has been some criticism, not very large I think, but some criticism that the attack on organized crime involves a misuse of the tax laws--using the tax laws as sheer punitive devices.

V: Well, I think that goes all the way back to Al Capone. I think a lot of people were critical, and probably rightly so, of the fact that here an underworld emperor has to be brought to his knees by use of the tax laws rather than by use of substantive criminal laws. It's my personal belief that there is nothing intrinsically wrong in using criminal tax laws. A hoodlum should pay his taxes just as a businessman or a doctor, should pay their taxes. If you find that an underworld character has not paid his taxes, he certainly should enjoy no immunity. And I personally have no difficulty, knowing that these people don't pay taxes and knowing that the average taxpayer thereby pays a disproportionate amount of taxes--it doesn't bother me a bit to utilize the tax statutes against them.

B: A layman gets the impression that using the tax statutes is often the easiest way in the sense that it's the best way to get evidence that will stand up in court--is that a fair estimate?

V: Well, it's really not the easiest way in a sense, because a tax investigation is a very lengthy, complicated investigation. The reason that you sometimes resort to the use of tax statutes is because of the nature of the organization

you're up against. You see, you have a national commission that fixes policy for the Cosa Nostra, made up of some ten or eleven bosses of individual families (they call themselves families rather than gangs, but it does not connote blood relationship); the boss of each family has his outfit organized along paramilitary lines--you'll have an under-boss; you'll have a counsellor; and then you have what they call "capos" which are really their squad leaders, and under them are your foot soldiers--to analogize further. So the boss is insulated by at least three layers from the on-going, active illegality, so it's very difficult to convict the boss of gambling--a gambling violation--or to convict the boss of Shylocking. The boss will be furnishing the money that the capo will see is put out at usurious rates, and will see is collected by strong-arm methods, but it's very difficult to tie the boss into that. So our philosophy is to go for the jugular vein and to use whatever tool is available, and it sometimes happens to be the tax laws.

B: Have you ever thought of asking for legislation which would make it easier to attack organized crime at the top, or would it be possible to frame such legislation?

V: Well, we think right at this moment that we don't need additional substantive legislation. There are a few proposals floating around, but they're relatively minor. There have been laws proposed as to the Mafia which would be similar to the Smith Act, for instance, which was aimed at the Communist party. But we all know the fate of the Smith Act.

B: That's why I added that phrase--it would seem to be difficult to frame laws that would not be unconstitutionally broad.

V: That's right. There's also a proposal floating around now in Congress to make it unlawful to invest money in any interstate endeavor when that money

15

has been acquired by illegal means. Well, if you can prove the money has been acquired by illegal means, you have your prosecution. You don't need this further statute.

B: This brings up another area of controversy and constitutionality. Can I assume that you do not use electronic surveillance in the organized crime--

V: You can assume that we do not use illegal electronic surveillance in the organized crime program.

B: Do you use it under the statutory authority?

V: No, we do not. The distinction I was trying to make is consensual versus non-consensual electronic eavesdropping. For instance, we will use electronic devices on informants, for instance, who are going into the den of thieves for their protection, and also for evidential purposes. And this has never been considered illegal by our courts, where a party to the conversation consents to the transmission of the conversation.

B: Even if the other parties have not?

V: That's correct.

B: I know this is one of the areas of at least public controversy. Would you like to be able to use electronic surveillance more extensively?

V: Would I like to be able to use it?

B: Yes, sir.

V: The administration's position has consistently been that we should not employ wiretapping or surreptitious bugging of premises except in the national security area. And we've taken that position consistently, publicly, and before congressional committees. As you know, the administration was opposed to the Title III of the Omnibus Crime Control Act, which contains--that which we proposed, the Right of Privacy Act--which makes illegal any private usage, or any usage, or wiretapping or bugging that isn't accomplished by

means of the court approval procedure that's set up in that statute.

B: I was really trying to put you on the spot asking whether or not you agreed with the administration position.

V: Well, I realized that was what you were trying to do.

B: Let me phrase it another way. There is some debate over whether or not electronic surveillance is practical; that is, from just a pragmatic standpoint, regardless of constitutional principles or ideals--whether or not it is of any use--

V: The Attorney General has raised that issue. He has stated that it takes anywhere from four to a dozen men to man a wiretap; it's his view that that manpower utilizing other investigative techniques--interrogation, surveillance, physical surveillance--would be a more effective use of that manpower. Personally, I have some difficulty with that view. My reservation about the use of electronic techniques stems from a little different viewpoint. I personally think that a limited usage of electronic surveillance--wiretaps and bugging--would be efficacious. The difficulty I have, really, is in controlling it--I mean the reservation that I have is in controlling it. I was very distressed by the statute which gives local prosecutors the right to go before local judges and wiretap or bug. I think we won't know for a couple of years--maybe longer than that--exactly what use this technique has been put to. I have reservations about who controls the use, and how much you could limit it. There are enormous pressures to use this sort of shortcut in investigation, and the thing that I fear, or would fear about it, is that the use would get out of hand. My definition of organized crime is a very narrow one. I don't know what my successor's definition would be. The present Attorney General, I think, would define organized crime very narrowly. I don't know what his successor's view would be. And the statute,



of course, isn't designed for use just in organized crime cases. The statute is designed for use with respect to an enumerated list of crimes. The fear I would have is that the usage would not be restricted to the very serious crimes.

B: Well, it has also been said that people involved in serious major crimes don't talk about them, even in private, where electronic surveillance might be useful. Is that a valid idea too?

V: No, I think that's not true. I think that's not true.

B: The idea would be that presumably regulated and cautiously used electronic surveillance could overhear things which would give you investigative leads?

V: Yes, that's my belief, but, as I say, my reservation stems from the fact that I'm not sure that anyone could stand up to the pressures generated to use it more broadly. I guess what I'm saying is that I might be for it if I could be the arbiter of where and when it was used, but I'm not sure who else I would trust.

B: That seems like a fair enough comment. While we're in that area, not pertaining necessarily to organized crime only, another area of controversy has been the Supreme Court decisions on police procedure--Escobedo and Miranda and their related decisions. What's your opinion on these? Have you found that they hamper prosecuted activities?

V: You know, there've been many studies made of the effect of Miranda, but I don't think any of them are very revealing. I don't think we have any quantitative measure of the effect of a decision like Miranda on the day-to-day police work. There are several problems. One, you have nothing against which to compare it. You have no base, no pre-Miranda base. Secondly, it's very difficult to make a valid and reliable survey of police techniques and the efficacy of police techniques, although it's possible to

do the latter; it's impossible to get a pre-Miranda base for comparison. It has been no problem in the federal system. The FBI has given similar warnings since 1948, but I think we have to realize that the federal investigative problems cannot be equated with the problem of the local policeman. Local policemen unanimously feel that Miranda has hampered them. Many people, I would guess, in the academic community particularly, feel that it has not or should not have hampered them. It's a very emotional issue; I personally don't think the Miranda decision was a very good court decision, although I certainly understand it's predicate. And I think the reason for that decision is closely related to the matter we discussed before--the need to professionalize and upgrade your enforcement agencies in this country.

B: You mean, the Miranda decision has had the effect of creating a morale problem among local policemen?

V: Unquestionably. The police for the last decade have been subjected to a great deal of buffeting and it has been cumulative, and Miranda was just one part of it. And I think police morale is at a low ebb and has been for several years, and this is a very important factor in their performance. I think it's very unfair to criticize the court and the court's decisions, because obviously the problem of police morale is a much broader problem than anything caused by court decisions.

B: To move into another case, can we take now the assassination of Dr. Martin Luther King? Were you involved in that from the beginning, that is, from the moment of the assassination, the investigation and so on?

V: Yes, there were two divisions here that were involved really. The Criminal Division and the Civil Rights Division. Because there was a potential violation of one of the civil rights statutes, Section 241 or 242 of Title

19

18. Also, when [James Earl] Ray was identified as a suspect, a murder charge was placed against him and then a federal warrant issued under the Fugitive Felon Statute. And because the investigation was--well, although it was centered in Memphis where the shooting took place, the investigation proceeded to encompass the whole United States, Canada, Mexico, England, Portugal, and it basically was an FBI investigation.

B: That has been described as the most massive manhunt in the nation's history. Is that a fair estimate?

V: I think it's a very fair estimate. Certainly, in my experience of just shy of four years, it was the most massive effort.

B: Did the President get directly involved in that? That is, did you get any word from the President to press this case?

V: I didn't. I'm sure that the Attorney General kept the President fully advised as to our involvement. You'll recall the tragic aftermath of that killing--the disturbances in scores of cities. So, the matter was genuinely one in the national interest.

B: The circumstances of the hunt for Ray or of Ray's activities have given rise to a good deal of talk about presumed conspiracies. Have you had a chance to formulate any opinion on that?

V: Well, here I think I should first enter a caveat into the tape. As you know, the presiding judge in Shelby County, Tennessee, who will try the case, has entered an order which in effect proscribes anyone who has any connection with the case from making any statements about it. So I would ask that anything we say about the Ray case be subject to very rigid restrictions insofar as dissemination--publication--are concerned.

B: Yes, I think we can do this formally later on, but I think perhaps, at least until the case reaches its ultimate disposition, it should be restricted.

V: Right. You know, it's always difficult to prove a negative, if not impossible. I think all we could say at this time is that we have no evidence of any conspiracy or of the involvement of others.

B: What was the difficulty in tracking down Ray? One thinks of the Criminal Division and the FBI as being just about the best there is in that kind of thing, and yet it seemed there for a while to be a fairly merry chase.

V: Well, it was a merry chase. It's much easier to find a needle in a haystack than to find a very ordinary looking person in a land of 200 million people whose borders are relatively free. And as we now know, Ray spent a significant part of the time he was on the loose in Mexico and Canada. Ray had set up an identity of sorts after he escaped from the Missouri State Prison, and I think the FBI--you gave credit to the Criminal Division and the FBI--but in fairness you must say that the job of tracking a fellow like this down is an investigative job and one that I think was performed very ably by the FBI.

B: Did you find adequate cooperation with local officials in this case, in Memphis, Shelby County, Atlanta, elsewhere as the case went?

V: Oh, yes. The FBI has told me they just got excellent cooperation from all local law enforcement, and I think a real plug is well deserved by the Canadian police--the Royal Canadian Mounted Police. They did a magnificent job. And then of course Scotland Yard was actually responsible for apprehending Ray at Heath Row(?) Airport. Just as an interesting vignette, I met the plain clothes sergeant who saw Ray in an airport ticket line, and I was thanking him on behalf of our government for his alertness. And he said, "Yes," he said, "It was very satisfying to be able to go up and tap that chap on the shoulder and say, 'Excuse me, sir, would you step over here a moment? I'd like to have a word with you.'"

B: What was your reaction when you heard that he had been finally run down?

V: Well, we got that news on a very sad day, as you know. It was the day Robert Kennedy was to be buried here in Washington, and we had planned a brief memorial ceremony here at the department. The funeral cortege was to stop outside the department in remembrance of his service here as Attorney General, and I had a very minor part to play in the arrangements here at the department. I had come down to the office that Saturday early, and we got the word that morning that he had been apprehended and fairly conclusively identified in London. It would, I guess, probably be an understatement to say it was a great relief and a great blessing, because at that time rumors were circulating wildly with respect to the crime itself; also there were some undercurrents of criticism directed at the department and at the FBI for perhaps not doing enough, which were entirely unjustified. So, it was a very great relief.

B: Did you make immediate plans then to go to England?

V: Yes, the Attorney General asked me, oh, I suppose it was about 2 o'clock that afternoon, if I could catch a plane that afternoon or that evening and go over there.

B: It is unusual that you as head of the division would handle an extradition case, isn't it?

V: Well, the Criminal Division has the basic responsibility in extradition matters.

B: I meant that you yourself would go.

V: Yes, I think it's fairly unique. I think there were good reasons for it, however. We had only about three or four people who were generally familiar with the entire investigation; I was one of them. And secondly, we had other problems involved that needed looking into that probably required

someone at the level of an assistant attorney general go over there.

B: You mean other problems not pertaining to the Ray case in relation to Great Britain?

V: Well, problems of security, for instance. We just can't afford another Ruby-Oswald incident in a case of this sort, and one of my missions there was to be sure that the British appreciated the great national interest and they would keep the prisoner in a very secure manner--secure from both himself and from outside.

B: Did you have any difficulties in that regard?

V: Not at all. No, the British were--I think it's fair to say they were somewhat sensitive on this point because for a period of several years they had had great security problems in their jails. And they had just not long before received a report of the Mountbatten Commission which resulted in a reorganization of their prison system.

B: This was the general problem of escapes from their prisons, I believe.

V: Yes.

B: Did you have much time to prepare for that? As I recall, there was a potentially difficult question in that Britain does not allow extradition for political offenses.

V: Well, that was one of the defenses raised in the extradition proceeding. Probably all extradition treaties do have that exception--that you cannot extradite one for a political offense. We didn't look upon that as a significant problem, however, because it was not really a political offense within the contemplation of extradition treaties; to hold that this was a political offense would mean that when any celebrated or famous person was assassinated, his assassin could leave the country and have a form of immunity from prosecution. I think civilized nations couldn't tolerate that

result. The problem we had was in wanting to move very swiftly. Ordinarily, it takes about thirty days to get together extradition papers. And in this case, I guess the first thing I did over there was to engage English counsel, which must be done in extradition matters to get from them some idea of the quantum of proof necessary to maintain an extradition order.

B: Engaging a local counsel in that case surely was not a hit-or-miss affair. Does the Department of Justice have standard contacts with other countries in cases like that?

V: Ordinarily that's done by the Department of State--our embassies. So I consulted with the Ambassador; with the Minister of Embassy--Phil Kaiser; with the Consul General, Mr. Herfurt, whose responsibility it ordinarily is to engage counsel; and found that there was a solicitor who had handled a substantial number of extradition cases for the United States over there, and so I chose him.

B: Where did Ray's counsel come from in Britain? Did the Embassy assist him?

V: No, they have in England the same sort of legal aid procedures that we have here for indigents. He had to sign an affidavit requesting legal aid and saying he couldn't afford it. They have committees which then furnish counsel to one such as Ray.

B: Those proceedings actually went fairly rapidly, didn't they?

V: Yes, it ordinarily takes thirty days to get your papers together. It's a highly technical proposition in addition to your problem of what evidence you're going to present to the court over there. But I acted as the conduit between the English counsel and our people here. The problems were opposite. English Counsel, of course, in a case such as this, wanted all the evidence, which is not necessary in an extradition proceeding. You need only to make a prima facie case; and our people here, of course, wanted to give as little

as they had to give so I acted as the middleman and the arbiter in deciding that which we would make available to the English counsel. And the people here at the department actually worked day and night for about three days getting together the various affidavits; and then they were called by telephone and dictated over the phone to U.S. Attorneys' offices all over the country who were then given the responsibility for tracking down the witnesses and getting the documents properly executed. It involved such things as finding one witness in the Colorado River gorge who was on a hunting trip. We had to get--it was either the governor or the Secretary of State of Missouri off the golf course on a Sunday afternoon. I think our U.S. Attorney in Missouri borrowed a friend's airplane to make several trips in search of affidavits.

B: None of those witnesses had to go to England, did they? It was all done by deposition?

V: No, the only witness we took over to England was an FBI fingerprint expert, and he identified the fingerprints of the man in the dock as being identical with the fingerprints of the person named Ray who escaped from a Missouri penitentiary and as being identical with the fingerprints found at various other places.

B: Were you all by yourself in England? Did you have a staff with you--assistants?

V: No, I was by myself.

B: There must have been an awful lot of work.

V: It was a full three or four days.

B: Did you meet Ray at any time during that?

V: I saw him; I never spoke with him. Scotland Yard was nice enough to take me to the prison where he was initially being held to show me the security precautions, and I saw him through a peephole, but I never spoke to him.



B: What about the security precautions for bringing him back?

V: I was responsible for devising the plan by which we got him back. He was brought back on an air force jet by four FBI agents.

B: Actually, you had already left?

V: Yes, I was back here then.

B: You were back here by then.

V: I was over there twice. I went first and stayed until we made our filing with the court, and then I went back a day or two in advance of the hearing.

B: For the hearing itself?

V: Yes.

B: Again, as I recall just from the newspapers, the hearing, from the point of view of your office, went very smoothly, didn't it?

V: Yes, it did. It was very ably handled by English counsel.

B: And so too did the security arrangements.

V: Right.

B: Did your office or the FBI have anything to do with the security arrangements in this?

V: Not really. The Bureau of Prisons sent their security chief down to assist the sheriff of Shelby County who's responsible for jail security, and we made Bureau of Prisons people available to him for advice and consultation, but did not actively take a part in that. They were very receptive to that assistance however, because it was an unusual set of circumstances for them.

B: Any of these security precautions, as I understand them, are almost unbelievable.

V: Well, I think we agreed before--you just can't afford another Oswald-Ruby incident.

B: Incidentally, has your office been involved in Los Angeles in the aftermath

of Robert Kennedy's assassination--the Sirhan Sirhan case?

V: Tangentially, yes. [That case had a] slightly different set of circumstances because the assailant there was apprehended immediately and taken into local custody, so there was no immediate federal investigation. The FBI furnished assistance to the locals, but that made it a different kettle of fish. We've maintained contact with local authorities, both prosecutive and those charged with security, however.

B: Is there anything else about the Ray case that stands out in your mind that should be recorded at this time?

V: Not really. I think that covers it pretty well.

B: Perhaps I should put in the record that the Ray case is still very much up in the air. Very recently there was a change in lawyers and a postponement of the trial, probably for several months.

V: Yes, and I think it's understood that this will not be made public in any way until that trial is over, and if there is a conviction and it becomes final.

B: Yes, sir. All right, sir, we'll end it there for the day.

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