

THIS TRANSCRIPT CONTAINS RESTRICTED MATERIAL

INTERVIEWEE: FRED M. VINSON, JR. (Tape #3)

INTERVIEWER: T. H. BAKER

December 16, 1968

B: This is a continuation of the interview with Fred M. Vinson, Jr., the head of the Criminal Division. As in the previous tapes, all of this material is to be restricted until otherwise designated by Mr. Vinson.

In regard to the question of the urban disorders--the whole series of them--your division played a major part in the march on the Pentagon in the spring of '67, didn't it?

V: Yes, that's true. I think you need to go back to the summers of '65 and '66 to see the historical development of our role in matters having to do with all sorts of disorders. A need became apparent to centralize and coordinate all intelligence that we had coming in about disorders, and that sort of information was funneled into what we called our summer project, for lack of a better name; and as the name denotes, it started out as a headquarters or a listening post to consolidate, summarize, and evaluate information out of urban centers relating to potential disorders and disorders. And out of this operation grew a capability to deal with such matters, so when what you term the march on the Pentagon developed this unit also assumed the duty of collecting and evaluating intelligence with respect to that matter.

B: Is that unit cooperative within the Justice Department here--that is, it involved the activities of more than one division?

V: Oh, yes. As a matter of fact, over a year ago it was set up on inter-divisional basis with input, of course, from the FBI, the Civil Rights Division, the Criminal Division, with some relationship with the Community Relations Service. But now it's being brought back into the Criminal Division as a unit.

B: From where did the intelligence--the information--come?

V: Most of it [comes] from the FBI and in turn, they get a great deal of their information from local authorities. But we also set up a network of U.S. Attorneys and Assistant U.S. Attorneys who were responsible for feeding in information and being sure that we touched all the bases. We also got information from military intelligence, Secret Service, Bureau of Narcotics, Office of Economic Opportunity.

B: In the case of the Pentagon demonstration, did this also involve what might be called "preventive action" before the march?

V: To a slight degree. You see, the demonstration focusing on the Pentagon cut across a number of federal agencies. For instance, the Department of Interior and the Park Service--some of their land was involved; the initial assembly point being in the Lincoln Memorial area. And, of course, you had the Department of Defense; you had problems with Virginia State Police; and the Department of Justice took on the sort of coordinating role in the federal establishment with respect to this matter.

B: Who specifically in the Department of Justice--would that have been your function primarily?

V: I had a great deal to do with it, but actually the Attorney General was very actively involved in the planning.

B: Any particular difficulties arise in getting all the several jurisdictions operating together?

V: No, not really. There was no real unanimity in approach to the problem at the outset, but before the demonstration took place, I think that everyone pretty well agreed as to the approach we'd take to it.

B: Did this involve some sort of agreement on guidelines for reaction to the protesters?

V: Yes, that's quite right.

B: What sort of guidelines did you lay down?

V: Well, your first issue was the permit issue. What do you do or say when a permit is sought? And it was our view really that these people were coming here, and they were coming here in large numbers; and we preferred to have them in an area where they could be handled with greater ease than, say, if they were diffused all throughout the city. And out of that reasoning came the permit to use the north parking lot--the area immediately adjacent to it--at the Pentagon.

B: Obviously, these are questions prompted as much as anything else by the current controversy over the recent Chicago affair of this summer. There's such a startling difference between the handling of the march on the Pentagon and the activities in Chicago this last summer. What makes the difference in that kind of case?

V: Well, I suppose it's your basic approach to the problem as much as anything. And given that, then it's the amount and kind of manpower you have and how much discipline you have.

B: Does that mean the use of federal troops as opposed to police forces?

V: No, I wasn't thinking of federal troops as such in terms of discipline. We actually used U.S. marshals as the arresting force at the Pentagon. My recollection is we had six-seven hundred plus arrests over there in a two day period; United States Marshals made those arrests, but of course you did have substantial military contingents there marking the perimeters of the permit area.

B: Hasn't there been some difficulty in using marshals in the sense that assembling a large force of marshals requires in most cases deputizing other government agencies like Border Patrol and so on?

- V: Right. We've only got about 700 marshals all over the country, so you don't have an extremely large force to start with. But at the Pentagon we used exclusively marshals and border patrolmen. We had several hundred, perhaps 50-50.
- B: Were these men specially trained in any way?
- V: Well, that might be overstating it to say they were specially trained. Most of them had been there before at places like Oxford [Mississippi]. Also they were brought in early, and there were a number of lectures and conversations with them as to what to expect and what our reaction should be.
- B: Has there been any thinking in the Justice Department toward establishing sort of a permanent but floating force of federal agents of some kind to handle this sort of problem? I realize this gets into the knotty question of a national police force.
- V: Yes, it sure does, because, as you know, in the federal establishment you don't have what you'd really view as police; people whose duty is to be on the streets or at certain places for preventive purposes--street work. We just don't have any federal force.
- B: I know that traditionally, and probably legally, we do not. On the other hand, recently, in the last years, there have been situations in which there appears to have been a public demand for that kind of thing, if not a practical need. And I was wondering what sort of thinking has been going on about it.
- V: Well, my thinking is that you shouldn't have such a federal force. The Pentagon, of course, is a very special area as is Washington, D.C. in general. But elsewhere you just have to develop local capabilities to handle these situations. That's where they should be handled. And I'm afraid if you created this floating federal force, you would find locals a little too willing to abdicate their responsibilities. We can't have a large enough

force, really, to handle--

B: You fear that if there were such a federal force it would just have to keep getting larger and larger until it became a national police force, I guess.

V: Yes, and you don't need this force very often. You'd have a large static force that would--if this were its training, and if this were its mission--they'd really have nothing to do most of the time.

B: Obviously, the Pentagon and Washington itself, as you said, are special cases in that the problems of jurisdiction, although complicated, are after all ultimately federal. But what about a case like, say, the Detroit riots that summer of '67? Does your division get involved in that kind of thing?

V: Yes. Of course, we were the eyes and the ears of the federal executive branch. We set up a control center--communications center; we have direct communications with the military, with Washington, D.C. police, with the Attorney General, with the White House; and it sort of acts as the nerve center for whatever federal effort is called for. Before federal troops are committed to any such area, there is a great need to know what's going on; there's a great need to evaluate the situation because some time the President, with the assistance of the Attorney General, is going to be called upon to make a decision as to whether federal troops should be committed.

B: One minor point, sir. Did I understand you to say that in the case of, say, Detroit your communications would involve connections with the Washington, D.C. police?

V: No, I was merely ticking off all the direct wire communications we have. That, of course, would have no relevancy to a situation outside Washington. But we feel we have a very special responsibility in Washington, so we do have direct communication with all the major police forces in Washington.

B: Which would be used, say, as in the case of the disorders that followed the assassination of Reverend King?

V: That's right.

B: In a case like Detroit, who from your office is actually on the scene? Do you use the resident attorneys and marshals?

V: Yes, we would use ordinarily the United States Attorney and some specially designated assistants. My recollection in Detroit is the United States Attorney was right with the commissioner of public safety and the police chief most of the time.

B: I know that Deputy Attorney General Warren Christopher was in Detroit representing the department. Did you go yourself?

V: No, I didn't. We usually--in a disorder situation, we'd send a ranking officer in the department together with perhaps a team of three-four-five people.

B: Do you have men within the department now who specialize in this kind of thing?

V: Well, we have this intelligence unit and we have a standby plan where we draw senior attorneys as duty officers and so forth. We have standby teams to go to cities. And we have, unfortunately, developed some expertise in this area.

B: Presumably this is now institutionalized and will continue.

V: Yes. We don't have a permanent super structure for this, but most of the plans are of a standby nature with the exception of this intelligence unit.

B: This is inter-divisional too?

V: The team concept? Yes. I think the teams are ordinarily headed by people such as the Deputy Attorney General, myself--I was the senior civilian representative for the federal government in Baltimore during the disorders.

For three days prior to that, I had been in Washington, D.C. police headquarters as our representative there.

B: This was the period right after the assassination of Reverend King?

V: Yes. April of '68.

B: What all does that involve as in the case of, say, Washington or Baltimore in the spring of '68? What does your job as head of the team require?

V: Well, you're the senior civilian of the federal government on the scene.

As such, you have to stay in very close contact and have a very close working relationship with the general who is in charge of the federal troops and the National Guard who are federalized when the troops are committed.

You also must stay in touch with the political structure of the city and state. For instance, in Baltimore we assisted the city in establishing the temporary detention facilities, and we assisted them in setting up a court system which would be geared to the emergency. Also, it involved consultations with the governor of Maryland whose responsibility it is to declare the limits of curfew, for instance. And we made our recommendations to him as to the need for curfew--the question being what hours curfew should cover. It also involved putting the local and state officials in touch with federal officials who could be of assistance; for instance, surplus food people, public health service for medicines, and the civil defense people who stockpile certain emergency supplies.

B: Did you have to make this up all as you went along, or did you have prearranged plans for this kind of thing?

V: We really didn't develop detailed prearranged plans until this past spring. However, we had had this sort of a mission with respect to Washington, D.C., so we were aware of the scope of the problems.

B: What's the relationship between this function of your office and the unit the

Pentagon now has on contingency plans for civil disturbances?

V: Well, it's a developing one really, because it's only very recently that the Pentagon set up this directorate. They set up once about a year or so ago, but my recollection is that it was not at the same level as their present plans--present plans being for a civil disorder directorate. We really worked directly with the Army operations command, Chief of Staff of the Army and his people.

B: In Washington and Baltimore, did you have any direct contact with Mr. Johnson in those affairs?

V: No, my contact with the President was through the Attorney General and on rare occasions through some special assistant at the White House--Joe Califano or someone like that.

B: This last summer and the riots in Chicago at the time of the Democratic national convention, what sort of machinery from your office went into effect there?

V: Well, the only actual machinery here that was relevant to that had to do with, again, the operation of this intelligence unit. I believe Mr. Christopher, the deputy, and Roger Wilkins--Community Relations, are the two who went to Chicago in advance of the convention and talked to officials there. So, I have no firsthand information about that.

B: But a team such as you've mentioned was working there?

V: I don't know what it did, actually. But we did have people there.

B: Does your division's activity on the scene also involve--I'm sure this is the wrong legal phraseology--watching out for possible violations of federal law which would later be cases that you would prosecute?

V: Oh, yes. And also as intelligence develops, having informal contact with the FBI as to the potential for cases. One other amusing aspect of our



duties in the Pentagon matter involved setting up a communications network using Border Patrol equipment--automobiles with radios and people with walky-talkies in the crowd. I'll never forget the morning of the march coming to the office quite early and finding ten of our lawyers from the Organized Crime Section dressed up like hippies who were here to be briefed before they went out into the crowd that morning.

B: Where did they find the costuming?

V: Well, that's a very good question--a very good question. I think some of them have children of a proper age--

B: Did you require them not to get their hair cut for six weeks before that?

V: Right.

B: Did they get away with it? One would think that an apparent hippy carrying a walky-talky would--

V: We were somewhat disturbed by the potential for trouble in this, so our instructions were unequivocal that they should stay on the fringes and move with the crowd as best they could, but not to overly expose themselves. Actually, it worked out quite well. They weren't bothered, and they did keep us informed immediately of any developments and of the crowd mood and so forth.

B: Was ten enough in that huge crowd at the Pentagon?

V: Ten is probably an understatement. It just happened to be ten of our lawyers; we also had a number of border patrolmen, and we had a number of border patrol cars.

B: Is such--gee, I hate to use a dramatic term like undercover work, but is that kind of thing standard in all of these team activities in the disturbances?

V: No, it's not. We make use, however, in the disturbances of postal inspectors who will cruise certain areas in their automobiles; Military Intelligence has a significant input in this regard. We also try to establish contact

immediately with the intelligence unit of whatever police force is involved. So, there's a lot more intelligence input of that sort in an urban disorder context.

B: Whom do you use when you need someone who can go into the Negro areas unobtrusively? Do you have Negro attorneys or marshals who can perform that function?

V: Yes, we do. And Community Relations Service, of course, has that duty as an ongoing part of their responsibility. But one of the things that the senior civilian representative is supposed to do when he hits a disorder area is to make contact with local civil rights leaders--to get a feel for the situation. And this is done in various ways. I know in Baltimore we used some very fine federal attorneys who were Negroes. In other cities you might use other avenues of approach.

B: Do you find that you often get conflicting information?

V: No question about it. One of the real difficult problems is getting hard information in a disorder situation. It's very difficult to do. For instance, I went to Baltimore as part of an effort to evaluate the need for troops--troops hadn't been committed yet when I was there, although they were moving. They were on the way. And the first story I heard was that crowds from 100 to 500 were roaming the streets; one crowd of 500 was supposed to be marching on one of the police divisional headquarters. The first thing I did was take a helicopter tour of the city, and it totally disproved these rumors about these large crowds. The streets were relatively deserted. And in the disorder areas--there were probably three principal areas--there just were no large crowds.

B: Do you ever come across anything that smacks of the repeated charges that such disorders are deliberately fomented or accelerated by conspiracies of

various radicals?

V: No. We really--I think Mr. Hoover testified before the Commission on Disorders to the effect that to date--at that time--we had no such evidence, and I think it's safe to say we still have no such evidence. I think you need to distinguish between conspiracies to foment disorders and what happens after a disorder starts.

B: That's why I phrased it "to foment or to accelerate."

V: Yes. I think it's probably safe to say that after a disorder starts, there are people who try to take advantage of it in several ways. I think there's some evidence of a little organized looting, so a criminal element may take advantage of it in that way.

B: Well, for example, in the Washington riot of April '68, a recent book, Ten Blocks from the White House, attempts to indicate that there was some organized arson.

V: We've looked into that, and we can't prove it. We can't prove it. That's not to say that there weren't people who were encouraging other people to make and throw Molotov cocktails, for instance. That's a distinct possibility, but we can't prove it in a court of law.

B: I assume it's a difficult thing to prove--perhaps not quite as difficult as disproving a conspiracy.

V: Well, proving the negative is always impossible.

B: Was your connection with the Chicago riot this past summer close enough to allow you in any fairness to evaluate the controversies that have come out of that?

V: Well, yes, because we have a grand jury inquiry going on both sides of the coin. We're investigating both alleged incidents of police brutality and alleged violations of certain of our anti-riot statutes. So for that

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reason--those investigations and the grand jury inquiry is not completed, so I'm reluctant to discuss it except in this very restrictive way.

B: With the understanding that this will be restricted for so long as you feel it necessary and presumably so long as those cases are still in the court, the controversy seems to revolve around basically the discipline of the police forces. The [Daniel] Walker Report ["Rights in Conflict"] uses the phrase, "a police riot."

V: Well, I think that's a very unfortunate term--"police riot." I would certainly not characterize what I understand happened as a police riot. I think it's quite clear, however, that police discipline on a number of occasions and a number of different locations broke down very badly.

B: Again, there's the contrast in the discipline of the enforcement agencies between there and other similar examples, including the Pentagon affair and even Washington. So far as I know, there were not many such criticisms in Washington or Baltimore in April of '68.

Is it hoped that the kind of activity that the new Safe Streets Act is designed to encourage will perhaps help this sort of situation?

V: Can't help but help. If you have more policemen, better trained policemen, better educated policemen, you have better police forces.

B: Will it help the intangible factor of police morale?

V: I think it should. I think esprit de corps is a necessary ingredient of a good police force, and I think it's a lot easier to have this spirit which is a large part of morale if you have a good, well-trained, well-led police force.

B: Do policemen at the patrolman level--not necessarily at the leadership level--down on the beats, do they tend to resent federal involvement in these affairs? Do your people on the scene--your attorneys and marshals

and such--

- V: There may be a little of that at all levels. However, when there's real trouble--when the disorder is of such dimensions as to either require federal troops or where the situation is somewhat ambiguous--you'll find that they are very anxious for federal involvement, which is a sort of danger in itself.
- B: That's exactly what you said earlier about the danger of local forces abdicating--they think the federal forces will do it. I was thinking more of a different kind of level. In Chicago, for example, if your U.S. attorneys were on the scene, the policemen must have known that the attorneys were watching them as well as watching the protesters. I was wondering if they received any verbal or physical abuse themselves.
- V: I'm not aware of any, and our Assistant U.S. Attorneys were on the scene out there. They were on the streets. But I'm not aware of any friction in that respect.
- B: To move on into a different area, unless there's something else you think should be recorded about your part in the urban disorders, one of the major areas of controversy in the Johnson Administration has been the Bobby Baker case which the Criminal Division has gotten involved in. What was the status of that case in '65 when you became Assistant Attorney General?
- V: There was a grand jury inquiry which had been launched, oh, four or five months prior to my coming on the scene.
- B: And was still in progress?
- V: Oh yes. It was really in early stages.
- B: Am I correct that a federal attorney named Bill Bittman was handling the case for the Criminal Division?
- V: Yes, he was a lawyer in the Criminal Division. He was one of about four lawyers

who were working in connection with the investigation. This, of course, is another case that's still in the courts and has to be restricted.

B: I understand. Is there anything unusual in the fact that the Criminal Division handled that case when it involved, among other things, tax matters?

V: No, nothing at all, when you put the matter into context, because it did not start out as a tax investigation. It started out as an investigation of a number of alleged violations. The indictment, the way it finally came out, was about half and half. I would guess half the courts involved tax matters, and half involved straight criminal law matters. And when we saw that tax was involved late in the investigation, then the Tax Division here in the department assigned a senior attorney to the team of attorneys who were handling the matter.

B: To your knowledge, did Mr. Johnson get in any way directly or indirectly involved in the prosecution of the Baker affair?

V: To my knowledge, he was never involved in any way.

B: It must make a difference, however, when--laws aside, when you know very well that you have a touchy political case which involves at least in some way the President of the United States.

V: Yes, well, that creates a--Well, it's an unusual happenstance; any time a principal subject of an investigation has had close contacts with someone in high levels of government, you have a potential, or another subjective, problem at least, but in this case it was no problem because our philosophy here was that we'd been appointed by the President to do a job and to do a job the way it should be done right down the middle. So it's really not a factor that should influence you, or that you can let influence you.

B: Granted that objectively it's just another case, subjectively is there any temptation to be extra careful with it--to avoid even the appearance of

possible political interference?

V: Sure. I think appearances are very important in the area of criminal law and criminal justice. You not only must do justice even-handedly, you need to give the appearance that you're doing that.

B: It seems to have worked. In the later stages of the case, at least, there doesn't appear to have been very much political discussion about it.

Were the same factors involved in the [James] Hoffa investigation? Again, perhaps it should be pointed out that that was already well underway and beyond its first court test when you arrived, was it not?

V: Yes. Both Hoffa cases had resulted in convictions, and the appellate process had begun when I got here. You do have enormous pressures where you're taking on the labor leader--a man who is the head of the largest union in the country. My involvement in the Hoffa matter had to do with not just the appeals, but a continuing succession of motions filed at Supreme Court, Court of Appeals, and district court levels. I think now we've successfully opposed the fourth motion for a new trial, for instance, in the Chattanooga case.

B: What sort of pressures get involved? You mean from labor leaders or politicians?

V: Well, it's a subtle thing. I can think of several committee inquiries that, while they didn't focus on the Hoffa matter, certainly they had at least peripheral connection with Hoffa matters.

B: You mean congressional committees?

V: Yes.

B: What would those be?

V: There was one committee of the Senate that held hearings that basically involved the use of electronic surveillance by federal agents, and they kept moving in close to the Hoffa context.

B: The Justice Department did use electronic surveillance in the Hoffa investigation, didn't they?

V: No. No, they did not.

B: I'm sorry. My information--my memory is faulty.

V: Well, we were charged with that, and I think you need to define terms. To my knowledge Mr. Hoffa was never the target of any electronic surveillance.

B: Then how did it get involved in the case?

V: Well, in the Chicago case we informed the Court of Appeals that--now, my facts are a little fuzzy--that perhaps two of the defendants in that case had been overheard, and this material was turned over to the court. But that in itself does not mean that Mr. Hoffa was the target or the subject of any electronic surveillance.

B: This may be another overly dramatic question, but in that case or in your organized crime activities, do you ever get physical threats or threats of physical violence?

V: Do I personally? No. Occasionally, you might hear some ambiguous statement that you could take as a threat if you wished to, but actually prosecutors are not subject to direct threats often. It has happened, but it doesn't happen very often. Since I've been here, I think we've only been concerned in two cases about possible danger to prosecutors. The real dangers are to witnesses in these cases, and we expend a great deal of money to furnish protection to witnesses.

B: I remember in the Hoffa case, in the Chattanooga trial, a witness was carefully protected in advance of the trial, and I assume after the trial too.

V: Well, there was one witness in that case that we furnished marshal protection to for several years.

B: Before and after?



V: Yes.

B: Can you keep that up forever? You sooner or later have to abandon protection of them.

V: Well, you should abandon such protection if you feel that the danger is removed or over. We have done it with respect to organized crime witnesses for as long as a year, but we ordinarily, once the conviction becomes final, we try to relocate such witnesses and establish a new identity for them either in this country or elsewhere.

B: At federal expense?

V: Yes.

B: Your department is also involved in the draft dissent cases--those involving the Selective Service Board. The case of Dr. [Benjamin] Spock I assume has been the major one.

V: I think it's the most celebrated one certainly.

B: Is this a difficult area of law enforcement because of the public controversy that surrounds it?

V: Yes, it's a very difficult area because you have to distinguish between protected speech and perhaps unprotected speech coupled with conduct, or just distinguish between speech and conduct. For instance, if a man stands up and makes a speech to a bunch of college kids and berates the policy with respect to the Viet Nam war--calls it typically an amoral conflict and says that no one should participate in it--that's one thing. If this same man stands up, makes the same statements, asks those present to bring their draft cards up to him, and then this man journeys to Washington, New York, or elsewhere to turn the cards in and actually participates by conduct in what is an impedence and a hindrance to the Selective Service System, that's in our view not protected speech; it's not symbolic conduct. It's conduct

which involves violation of law.

B: That was precisely the issue in the case of Dr. Spock and his associates, was it not? A determination of the line between speech and conduct?

V: That's right. A line between protected speech and conduct.

B: Where is that determination made? That is, presumably someone in this department decides to prosecute.

V: Yes. Well, in these cases it's the Criminal Division.

B: Do you yourself have to do that, or is there some sort of collegiate process?

V: No, it's basically my decision. I would, of course, on a case of this nature consult with and seek the advice of my superiors--the Deputy and the Attorney General, but it's basically a Criminal Division responsibility.

B: This could hardly be done in absolute judicial objectivity either. For example, do you get pressures on this kind of case?

V: Oh, sure. There's a great deal of pressure from Congress, I think, to prosecute these aiding and abetting cases; and we, however, have developed certain standards that we apply with respect to the conduct involved.

B: This is sort of a philosophy of what is permissible conduct?

V: Yes. It's drawing a line where you don't chill dissent, but yet don't permit overt violations of law; and there are some gray areas in there that makes it fairly difficult. Take the Oakland [California] Induction Center disorders, which were massive and which were aimed right at a federal interest. In that case, however, the local authorities handled the situation, and I think admirably, at great cost to themselves--costs in terms of dollars. They also had investigated the matter very thoroughly and wound up indicting about seven of the leaders of those demonstrations aimed at the Oakland Induction Center, so we deferred to local prosecution there.

B: In these cases too, intelligence in the sense of information must be a key factor in your decision.

V: That's right. Provable facts as opposed to newspaper stories.

B: This devolves upon your U.S. Attorneys again?

V: Well, the gathering of the facts is a function of the Federal Bureau of Investigation, sometimes aided by a Grand Jury inquiry that is ordinarily run by the United States Attorney's office, sometimes with our assistance.

B: What's your relationship with General [Lewis B.] Hershey at the Selective Service?

V: Well, that's a very good question. I've met with the general on a number of occasions. He is a delightful man who has served his country well and long. We've had our disagreements.

B: Disagreements along the line of his wishing indictment or prosecution in cases where you feel that is not warranted?

V: Yes. That's right.

B: Has he a different set of standards from you in deciding these gray areas?

V: I've not discussed the precise situation that you and I were talking about in terms of gray areas, but I'm sure that's right. I guess the disagreement that we had with him that received the most publicity had to do with what sort of conduct could be the predicate for reclassification. You remember the Ann Arbor [Michigan] sit-ins where a group of college students sat in and around the Selective Service Board. There was a letter that the general sent out with which we took issue, the Selective Service position seeming to be that you could take conduct which well might involve protest--protest of the war; protest against the Selective Service System, and use it as a predicate for reclassification. We took the position that only where Selective Service regulations permitted reclassification, only when there

was a default in one's personal obligations to the system, such as possession of a card, for instance.

B: I remember the dispute, but I've forgotten the outcome.

V: Well, a number of these cases got into the courts and were resolved our way.

B: Is it possible that some of the pressures you get from Congress may at least in part originate with General Hershey?

V: Well, I have no reason to believe that that's so.

B: Are there any other major cases or controversies about which you think something should be placed in a record like this? Just offhand, the only other area I can think of that has received a good deal of public controversy is the Las Vegas skimming cases which I suppose are related to the organized crime activities.

V: Yes, that's right. We brought several cases against a number of people involved with casinos out there, and they were tax cases alleging that money had been skimmed off the top of the gambling receipts before they were reported as gross receipts. And these cases--the several that we brought--ended in either guilty or nolo contendere pleas this past year.

B: There were also countersuits filed by some of those charged, but those would have been civil suits, I assume.

V: Yes. Some of the Las Vegas operators filed civil suits against the FBI--not the FBI really, but against some individually named agents, alleging invasion of privacy because of electronic surveillances.

B: Did your office get involved in that?

V: Yes, they were handled by the Civil Division, but we were closely involved.

B: At the time, there was some speculation, and I believe even some charges, that there might have been a deal in the making--withdrawal of all of those civil suits in return for withdrawal of the tax suits filed against them.

Was there any truth in that?

V: Yes, I recall the charges well, and it just wasn't true. There was a juxtaposition of timing that may have given that appearance, but the fact of the matter is that the disposition of the criminal cases by guilty pleas or nolo pleas was very satisfactory to us, the problem being that the judge did not see fit to give any jail time.

B: Which, of course, is beyond---

V: Which is a matter we have no control over.

B: Sir, is there anything else you think we should cover?

V: I don't believe so. I think that fairly well wraps it up.

B: I have one question which really--we're getting out of controversy, but it's one we're generally asking a lot of people about government service in general. Do you have any difficulty getting good men to work for the government?

V: No, we're blessed here in the Department of Justice, I think, by being able to recruit very able young lawyers.

B: Young lawyers right out of law school?

V: Yes, and some who've had some experience--some we bring in from our U.S. Attorneys' offices; others are with the government for awhile, go out, and want to come back. The greater problem we have is in keeping these very able young lawyers. Now, when I say young lawyers, I'm covering a span from right out of law school till up in the middle-late thirties.

B: When you hire, do you hire for a certain time period? Do you require them to sign on for so many years?

V: We tell them we expect them to stay at least three years. Some of the divisions here require some sort of signed agreement to stay three or four years; the Criminal Division has not done that. One of the problems here

is just pure economics. A very able trial lawyer--experienced trial lawyer--I can pay after a number of years of service \$19-,20-,22,000. These very able trial men can and do join private law firms and make double that at the same state in life. Now, there may be a change coming because this past year all your larger law firms in some of your big cities have increased enormously the beginning salaries for lawyers.

B: I knew they had, and I was going to ask if you could compete with the starting salaries at that level.

V: I don't think we can.

B: I assume that's going to be a trend in major law firms.

V: I don't think we can. However, we can compete another way. We will probably lag several thousand dollars a year behind with what they can offer, but we can offer a very exciting time; we can offer some rich experience; and the government lawyer, I am quite sure, receives responsible assignments, where there's a great deal of individual responsibility and freedom much before that same man would receive that same degree of responsibility in private practice.

B: More trial experience, I would suppose?

V: Yes, more trial experience and also more real responsibility in policy areas, too?

B: How long does it take you to take a new man and make him an effective attorney for the Criminal Division?

V: Well, it depends on where he winds up in the Criminal Division. We have an appellate section that writes all the briefs and memoranda and opposition in the Supreme Court in criminal cases. A bright guy out of law school within two years can make a substantial contribution over there. As a trial lawyer, he can be given some trial experience within two years, but he's

not yet experienced enough to be a lead attorney in a major case. That takes longer.

B: I suppose this then is precisely the locus of the problem. If it requires two to three years to make him effective and if at the end of two to three years they begin moving on into higher paying private positions, you're running a first-class training school for private law.

V: That's the problem, and what we need to do is to develop a way to raise the average length of time a young lawyer spends here.

B: You do have, though, a permanent Civil Service staff of attorneys who are here and have been here for some time?

V: Yes. And very competent people.

B: I was trying to think of some subtle way to ask the question--they are very good men? You don't find them to be set-in-their-ways bureaucrats?

V: No, that happens, of course. But I know big law firms that have their share of deadwood and non-contributors too. But one of the really pleasant early surprises that I got in my government experience was the realization that you had a cadre of very dedicated, very effective, career attorneys here.

B: Do they accept new men easily? For example, your case. You come in as a boss of many of these men, and they know you are temporary for a lesser or greater time, and they're going to be here for all practical purposes forever. Does this create a command problem for you?

V: Well, there's certainly the potential for a problem there, but I think it's a problem that's easily handled. You have to conduct yourself in order to be effective. You have to conduct yourself in a way where you not only provide leadership, but you gain the respect of these people.

B: Does the public position of the President and the Attorney General affect this relationship too?

V: I'm not sure I understand the question.

B: I'm not sure it's an intelligent question. Do administrations in the largest sense create an atmosphere of good or bad morale?

V: No question about that, yes.

B: What would be the atmosphere of this one?

V: It has been very good under difficult circumstances, because the preceding administration--President Kennedy with his brother as Attorney General--The Attorney General was an extremely powerful figure in inter-agency dealings, and for obvious reasons. Attorney General Kennedy also had a great and abiding interest in matters that were close to the operation of the Criminal Division--organized crime; labor racketeering, matters of that sort, because he had some background and experience. I think after President Kennedy's death that there probably was a feeling of let-down, because you had a lot of young lawyers here who'd been brought in in 1961--had been here three years, four years, and you know, nature abhors change and people do. But Nick Katzenbach, and after him Ramsey Clark, made their commitment to our interests--interest of the Criminal Division--very clear, as did President Johnson. So, while I think there may have been a letdown for a period of some months, it was a very transient effect.

B: Does the public controversy hurt?

V: Public controversy with respect to what?

B: The whole law and order controversy which among other things has the implication, probably unwarranted, that somebody isn't doing their job. Does that kind of thing affect your people?

V: Not really, because I think those who work closely with the problems of law and order know what a phony issue that was for a national political campaign.

B: My phrasing was wrong, because it's pretty clearly a misconception as to what



the function of the Justice department in the Criminal Division is that gives rise to the controversy. I was wondering if the misconception doesn't sometimes frustrate the people involved.

V: Well, it frustrates me on occasion, because I know, as well as anybody else, that the federal government has a very small handle on the issues of law and order that most disturb people. Your crime in the streets, your robberies, your burglaries, your muggings.

B: Do you ever get the feeling you'd really like to talk back publicly?

V: Sure, but I think the Attorney General did a very splendid job, and it was a job I think he didn't relish, because he, too, felt that the issue was phony and shouldn't be in a national political campaign. Everybody's against crime, you know. But no, I never felt any overwhelming urge to take the podium.

B: Anything else you'd like to say on the record, sir?

V: No, I believe you've plowed all the ground there is to plow.

B: Sure appreciate your time and patience with us. Thank you very much.

V: It was a pleasure.

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Date March 17, 1972

Accepted Harry J. Middleton - for  
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