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John F. Kennedy History, Memory, Legacy: An Interdisciplinary Inquiry

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John F. Kennedy
History, Memory, Legacy:
An Interdisciplinary Inquiry

Edited by
John Delane Williams
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and
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Gregory S. Gordon

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The University of North Dakota, Grand Forks

www.und.edu/JFKConference

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John F. Kennedy
History, Memory, Legacy:
An Interdisciplinary Inquiry

Introduction

Gregory S. Gordon

On September 25, 1963, President John F. Kennedy traveled to Grand Forks, North Dakota, greeted its citizens while touring the city, and delivered a speech at the University of North Dakota Field House, which addressed important issues still vital today: environmental protection, conservation of natural resources, economic development, the struggle between democracy and totalitarianism, and the importance of education and public service. The University conferred on the President an honorary Doctor of Laws degree. Over 20,000 people assembled on campus that day to see JFK -- the largest campus gathering in UND history. Tragically, less than two months later, the thirty-fifth President of the United States was assassinated in Dallas.

To commemorate the forty-fifth anniversary of the President's Grand Forks visit, and in tandem with the University's one hundred and twenty-fifth anniversary, UND organized a September 25-27, 2008 conference to foster interdisciplinary discussion and analysis of the issues addressed in JFK's UND speech, as well as other significant issues of the Kennedy era, including civil rights, space exploration, the nuclear threat, and the influence of the media on presidential politics. The Conference also explored issues related to the President's assassination within weeks of his UND visit. With one of the finest aerospace schools in the country, a nationally renowned Energy & Environmental Research Center, an innovative Peace Studies Program and faculty expertise in areas as diverse as international law, Beat poetry, voting rights, supply-side economics, and forensic anthropology, the University of North Dakota was an ideal venue for this interdisciplinary exploration of the Kennedy era.

Moreover, scholars from institutions as varied as Grinnell College and the University of Maryland joined UND faculty in examining Kennedy-era themes through various academic lenses, including literature, political science, film, economics, philosophy, law, history and the sciences. Critical contributions were also made by a former Deputy Assistant Attorney General for the U.S. Department of Justice, Civil

Rights Division, a United States District Court Judge, and academics from other countries, such as Britain and Germany.

Anchoring the Conference were keynote addresses by President Kennedy's Special Counsel, Ted Sorensen, the last living member of JFK's inner-circle, and Richard Reeves, his biographer and award-winning author of what is considered by many to be the authoritative work on JFK's administration – *President Kennedy: Profile of Power*. Finally, the UND Eternal Flame, at the heart of campus, provided a fitting locale for a JFK memorial service.

From all the scholarship and discussion of those three scintillating days, we present this publication of Conference proceedings, which includes the papers presented and transcripts of significant addresses and discussions. We are very pleased to make this scholarship easily accessible to the public through this on-line format.

The materials presented here represent a fascinating mix of eyewitness personal accounts of the Kennedy years and scholarly analysis of perhaps the era's most critical issues. Some of the papers offer ground-breaking research into such topics as East German intelligence gathering in connection with JFK's Berlin visit, the impetus behind development of a consular relations treaty, and the Kennedy administration's policy on civilian use of nuclear power. Other papers suggest compelling revisions of conventional wisdom on familiar topics such as the Cuban Missile Crisis and the Vietnam War. And, when viewed in their entirety, the papers have great breadth.

That breadth is apparent from the beginning. Part II of the compilation covers the topic "JFK, Literature, and the 1960s." This section features works on the poetry of the early portion of the decade, including Dr. Heidi Czerwiec's insightful look at the period's Confessional and Beat poets ("The Long Shadow of the Confessional and Beat Poets") and Katie Stephenson's brilliant exposé on the relationship between Allen Ginsberg and the music of the era ("A Revival of Poetry and Song: Allen Ginsberg, Rock and Roll, and the Return to the Bardic Tradition"). Other papers in the section touch on the JFK assassination, including Lucia Cimpean's trenchant analysis of Don DeLillo's Lee Harvey Oswald *roman à clef*, *Libra* ("Living and Writing on the Edge in Don DeLillo's *Libra*"), and Michael Snyder's fascinating examination of alleged assassination conspirator Clay Shaw's work as a playwright and its connection to Shaw's possible involvement in the conspiracy.

Part III of the compilation, "JFK and the World," considers President Kennedy's impact on foreign policy and space exploration. Some of the topics covered here one would expect to find, such as the Peace Corps, Vietnam, the Cuban Missile Crisis, and the Space Program. "Experiencing the Peace Corps" captures an interdisciplinary panel discussion moderated by UND Professor Robin David. The interlocutors were UND

Professors and Peace Corps volunteers Kathy Gershman (Bolivia, 1967-69, healthcare), Michael Beard (Iran, 1968-70, English education), Joe Vacek (Georgia, 2006, judicial reform and English education), and Cory Enger (Niger, 2006-08 sustainable agriculture). Each described his or her individual Peace Corps experiences, which provide great perspective as they took place during the bookend decades of the program in the 1960s and the 2000s.

Many wonder if the United States would have descended into the bloody abyss of the Vietnam War if President Kennedy had been reelected in 1964. In "JFK and Vietnam: An Unanswered Legacy in Film and History," Scott Racek focuses on the CIA-sponsored November 1963 assassination of Vietnamese President Ngo Dinh Diem in trying to disabuse readers of the notion, accepted in the popular imagination and in the cinema, that JFK would have withdrawn all American troops from Vietnam had he lived. This analysis is rounded out by Albert Berger in his paper "The Indochina Bind: John Kennedy and Vietnam." Dr. Berger explains that the Vietnam quagmire was the unfortunate byproduct of Democrats' worst fears about the potential of a new McCarthyism that might have turned them out of office had they abandoned Indochina to the Communists.

Dr. Berger also demythologizes the thirteen most dramatic days of the Kennedy presidency in his paper "The Cuban Missile Crisis and New Narratives of the Cold War." The paper reveals that, far from the omnipotent nuclear menace portrayed by the American press and politicians in the period leading up to and during the Crisis, the U.S.S.R. was in a vastly inferior military position to the United States. Dr. Berger establishes that Khrushchev used bluff and bluster to compensate for the inferiority but after his ouster -- due in large part to the Crisis -- the Soviets invested in closing the vast military gap and inaugurating the policy of Mutually Assured Destruction (MAD).

Finally, there has always been much speculation about President Kennedy's motives in ramping up the American space program for a 1960s moon launch. In "We Choose to Go to the Moon!: JFK and the Race for the Moon," Richard Collin details and analyzes the Cold War strategic thinking behind President Kennedy's push to land a man on the moon by decade's end. Given the decline of NASA in recent years and its fight to remain relevant, this is a valuable and timely contribution.

The balance of Part III occupies ground less trodden. Much scholarship on JFK's Cold War foreign policy has centered on the administration's dealings with the Soviet Union. But President Kennedy never lost sight of the era's other Communist behemoth, China. In his paper "There Are Bigger Issues at Stake": The Administration of John F. Kennedy and United States-Republic of China Relations, 1961-63," Dr. Charles Pellegrin explores the evolution of JFK's China policy. His is a well researched examination of how that policy began to veer away from total support of Chiang Kai-shek's Republic of

China and position itself to improving relations with Mao Tse-tung's People's Republic of China.

Similarly, foreign policy experts have shed relatively little light on the Kennedy administration's achievements in the area of consular relations. Cindy Buys helps fill this void by offering fascinating insights on the Kennedy State Department's pivotal role in codifying the international law of consular relations. "JFK's Legacy Regarding Consular Relations Law," explores the JFK-orchestrated negotiation of the Vienna Convention on Consular Relations, the bilateral U.S.-U.S.S.R. Consular Convention, and the continued importance of consular treaties today.

Finally, Dr. Robert Waite's ground-breaking scholarship in his paper "JFK, Berlin and the Berlin Crises: 1961-1963" rounds out this Part of the compilation. Based on his original primary-source research of East German Secret Police ("Stasi") archives, as well as reviews of East German newspapers from the period, Dr. Waite shows that East German officials and the media considered President Kennedy's summer 1963 "*Ich bin ein Berliner*" visit to Berlin quite provocative. He also demonstrates the surprising level of grief East Germans experienced shortly thereafter in the wake of JFK's assassination.

Part IV of this compilation, "JFK and the United States," turns the focus inward and examines some of JFK's domestic policies. It begins with perhaps the most important domestic issue JFK faced -- civil rights. From the Freedom Riders to the March on Washington, with its famous "I Have a Dream" speech, there are many powerful associations between the Kennedy years and the Civil Rights Movement. This section benefits from the scholarship of Brian Landsberg, a former Deputy Assistant Attorney General of the Department of Justice's Civil Rights Division. As a Division line-attorney in the 1960s, Professor Landsberg operated on the Movement's front lines and provides his insights about it in his paper "The Kennedy Justice Department's Enforcement of Civil Rights: A View from the Trenches."

Professor Landsberg's paper calls into question the notion that, despite some of the powerful symbolism of its era, the Kennedy administration was ultimately ineffectual with respect to promoting and securing equal rights for America's black citizens. He demonstrates that, without Congressional authorization, and in addition to its Herculean efforts to secure voting rights and equal access to interstate transportation for African-Americans, the Division was active in devising ways to combat racial segregation of public schools. To place all that in context, Professor Landsberg has also contributed to Part IV a "Civil Rights Chronology: January 1961-November 1963."

This section concludes by analyzing a topic little explored until now: JFK's energy policy. In "Atomic Power, Fossil Fuels, and the Environment: Lessons Learned and the Lasting Impact of the Kennedy Energy Policies," Joshua Fershee contributes

innovative research and analysis regarding the complexity of President Kennedy's energy policy and its visionary global approach. Professor Fershee demonstrates that JFK sought to promote conservation while appropriating nuclear steam generation for civilian energy use and expanding American infrastructure for coal and electricity. He concludes that, from a strategic perspective, JFK's bold and expansive vision should still serve as a model for modern policymakers.

Many commentators have noted that, for politically strategic purposes and unlike any president before him, John F. Kennedy used the media to establish a glamorous image and style, posthumously embodied in the term "Camelot." Part V of the compilation, "JFK – Media, Image and Legacy," considers the implications of this trend-setting presidential phenomenon. It begins by chronicling early opposition views of Camelot in Laura Jane Gifford's paper "Kennedy's Loyal Opposition: *National Review* and the Development of a Conservative Alternative -- January-August 1961." Next, Dr. Richard M. Filipink examines the evolution of JFK's image over time in "Primarily a Political Problem": Constructing the Image of the Kennedy Presidency, 1961-Present." Using the Cuban Missile Crisis and Vietnam as analytic prisms, Dr. Filipink traces the development of JFK's public persona from Cold Warrior-icon, as crafted by Kennedy biographers and historians in the 1960s and 1970s, through a 1980s transition period, to a new statesman-figure created for the 1990s and 21st century.

In the Section's third paper "JFK: The Exceptional Idea," Dr. James Boys explains how the term "*Kennedyesque*" entered into our political and cultural lexicon and how it continues to exert considerable influence on the American national psyche. Dr. Boys demonstrates how all office seekers and statesmen try, to one degree or another, to partake of or co-opt the Kennedy style but ultimately come up short because their efforts are measured against what Boys describes as the "sentimental constructs of the Kennedy golden age." Finally, Mary Stromme concludes Part V by specifying the Kennedy impact on the most recent presidential contest. In her paper "Rhetoric in the Campaign Website of Barack Obama," Stromme recalls the central role of television in JFK's political fortunes and compares it to the comparable role played by the internet in the political rise of our most recent president, Barack Obama.

Part of the Kennedy mystique is inextricably bound up in his assassination – the poignancy of a vibrant leader violently and graphically cut down in the prime of life amid an adoring public. Part VI, "The Death of the President," attempts to measure what happened that day in Dallas, both in terms of emotional impact and forensic investigation. With regard to the former, Eleanor Williams connects her personal anguish of that day to the iconography of the Kennedy presidency and to larger national themes in her paper "That Day in Dallas." Similarly, Dr. Steve Andrews's paper "'I Looked Up and I Looked Down': JFK, Mrs. D, and the Space of Citizenship," explains how November 22, 1963's collective grief brought the first glimmerings of an American identity to a

young adopted boy taken from his foreign birthplace and brought to an unwelcoming rural America. Finally, in "The Day Kennedy Was Assassinated," David Marshall describes the moment that time and all of humanity seemed to stand still in Grand Central Station when it was announced that President Kennedy had been killed.

The balance of Part VI deals with the evidentiary and forensic aspects of the assassination. Many Americans reject the conclusion of the Warren Report that Lee Harvey Oswald acted alone and believe there was a conspiracy behind President Kennedy's assassination. Gary Severson and John Williams point to possible North Dakota conspiracy links in their scholarship. In his piece "Three Gunshots at Life," Severson tells the story of *Life* magazine Managing Editor Edward K. Thompson, a native North Dakotan who was closely connected to the infamous "Zapruder film" – the most complete visual recording of JFK's murder. Does Thompson's connection to the Zapruder film leave possible clues about an assassination conspiracy? In a separate paper, "Lee Harvey Oswald: North Dakota and Beyond," Severson teams up with John Williams to demonstrate that there may have been a Lee Harvey Oswald double living in Stanley, North Dakota during the 1950s. They contend this doppelganger might have been controlled by the United States government for eventual use in the alleged assassination cabal. Looking at the bigger picture, James Fetzer presents a treasure trove of photographic and diagrammatic material that he believes points to a conspiracy to assassinate President Kennedy in "Dealey Plaza Revisited: What Happened to JFK?"

Finally, the Conference was honored and enriched by the presentation of U.S. District Judge John R. Tunheim, who had previously served as the Chair of the JFK Assassination Records Review Board. In "Workings of the Assassination Records Review Board," Judge Tunheim traces the Board's origins and explains how it pursued the painstaking work that led to the release of thousands of new assassination-related documents to the public.

Although it appears first in the compilation, I have reserved Part I for last here to highlight its moving and meaningful impact. Titled simply "The Presidency," it includes the timeless words of President Kennedy himself in the transcript of his address to the University of North Dakota on September 25, 1963. And it provides the insights of the man who wrote that speech for JFK, Special Counsel to the President Ted Sorensen. I felt privileged to have a discussion with Mr. Sorensen on the stage of the Chester Fritz Auditorium forty-five years to the day after President Kennedy's historic appearance on the UND campus. In that conversation, whose transcript is titled "I Was Chief of Staff for Ideas," Mr. Sorensen shared fascinating personal insights about his relationship with the president, his work at the White House, and his participation in some of the most significant events of the twentieth century, including the Cuban Missile Crisis.

Part I also includes the moving words of UND President Robert Kelley at the memorial to President Kennedy held at the campus's Eternal Flame. Finally, it concludes with the remarks of perhaps the finest chronicler of the Kennedy administration – award-winning author and journalist Richard Reeves. His remarks, titled "President Kennedy: Profile of Power," dig deeply into the territory covered by Reeves's acclaimed 1992 book of the same title. Focusing chronologically on one 48-hour period in June 1963, Reeves demonstrates that, unlike conventional presidential histories that handle themes individually in serial fashion, the actual experience of the presidency, in real time, consists of several themes intersecting simultaneously. In this case, he considers JFK's drafting and delivering the epochal "peace speech," the stand-off at the schoolhouse door with George Wallace as the University of Alabama was being desegregated, the drafting and delivering of JFK's great civil rights address immediately after the stand-off, the iconic self-immolation of the South Vietnamese monk, and the assassination of NAACP leader Medgar Evers. It is a fascinating exposition.

I would like to thank Drs. John Delane Williams and Robert G. Waite for their devotion and hard work on this project. Without them, and their fine organizational and editing skills, this publication would never have seen the light of day. I would also like to thank UND Conference Service's Robyn von Ruden, who was instrumental in helping us organize and conduct the conference, and Doris Boernhoft, UND Computer Services, who helped us integrate this material into the online format. I must also express my gratitude to those who worked with us on the JFK Conference Committee and to the University for its tremendous support. It has been a team effort from the beginning.

The University of North Dakota sesquicentennial celebration seemed a fitting framework in which to commemorate JFK's historic UND visit. We believe this publication beautifully captures the creative and interdisciplinary spirit of that commemoration. Americans in 1963 no doubt understood that President Kennedy chose UND for his North Dakota visit because it was the flagship university of a great state. More than four decades on, our national gathering to discuss JFK's life and legacy served as a welcome reminder that UND remains one of the premier higher learning and research institutions on the Great Plains. We are grateful and proud to be a part of this intellectually vibrant campus at the country's center and from this unique vantage point we are thrilled to reach out to the world at large and give it this publication about our nation's thirty-fifth president. We hope you will enjoy it.

PART I
THE PRESIDENCY

Chapter 1

Address at the University of North Dakota September 25, 1963¹

President John F. Kennedy

Mr. President, Governor Guy, Senator Burdick, Secretary Udall, Senator Mansfield, Senator Metcalf, other Members of the Senate who may be here, ladies and gentlemen:

Politics is a somewhat abused profession in the United States. Artemus Ward once said, "I am not a politician and my other habits are good also." But I would like to say it has some advantages. It permitted me to go from being a somewhat indifferent lieutenant in the United States Navy to becoming Commander in Chief in the short space of 15 years, and it has also permitted me to become a graduate of this university in 30 seconds, when it takes you 4 years. So in determining what career you should follow, you might consider this lowly profession.

I am glad to be here at this college. Prince Bismarck, who was named after Bismarck, North Dakota, once said that one-third of the students of German universities broke down from overwork, another third broke down from dissipation, and the other third ruled Germany. I do not know which third of the student body from this school is here today, but I am confident that I am talking to the future rulers of not only North Dakota, but the United States, in the sense that all educated citizens bear the burden of governing, as active participants in the democratic process.

I have come on a journey of 5 days across the United States, beginning in Pennsylvania and ending in California, to talk about the conservation of our resources, and I think that it is appropriate that we should come here to North Dakota where the whole struggle for the maintenance of the natural resources of this country, for the development of the natural resources of this country, in a sense, began. I do not argue whether it was Harvard University or North Dakota that made Theodore Roosevelt such a man and such a conservationist, but I am sure that his years here in North Dakota helped make him realize how expensive, how wasteful was indifference to this great resource

¹ "Address at the University of North Dakota. September 25, 1963," *Public Papers of the Presidents of the United States, John F. Kennedy, 1963* (Washington: United States Government Printing Office, 1964), 715-719.

and how valuable it could become. He put it on much more than the material plane. He said it was the moral obligation of a society, in order to preserve that society, to maintain its natural endowment.

In 1963 we face entirely different problems than we faced at the time of Theodore Roosevelt. The fact of the matter is that because we have so much in surplus in the United States, there is some feeling in many parts of the country, and I am sure not here, that we can afford to waste what we have. I don't believe that at all. I think what we have to decide is how we can put it to best use, how we can provide in 1963, and in the whole decade of the 1960's, a use of our natural and scientific and technological advances, so that in the years to come the 350 million people living in the United States in the year 2000 can enjoy a much richer and happier life than we do today. And unless we make the proper decisions today on how we will use our water and our air, and our land, and our oceans, unless we make the comparable effort, an effort comparable to what Theodore Roosevelt and others made fifty years ago, we are going to waste it.

The fact of the matter is that, in the field of conservation, every day that is lost is a valuable opportunity wasted. Every time, particularly in the East where they have such a massive concentration of population—every time an acre of land disappears into private development or exploitation, an acre of land that could be used for the people, we have lost a chance. We will never get it back. The fact of the matter is that land will rise in value, and unless we set it aside and use it wisely today, in 1970 or '75 we won't have the chance. As you know, along the Atlantic coast, nearly all the sea, the beach, is owned by comparatively few people. We were able to set aside, a year ago, Cape Cod Park, which is near to all the people of New England. We are talking about doing the same on the Delaware River. We are talking about doing the same in northern Indiana, near Gary. We have to seize these opportunities--we are now talking about doing the same in northern Wisconsin--we have to seize these opportunities to set aside these wilderness areas, these primitive areas, these fresh water areas, these lakes. We have to set them aside for the people who are going to come after us.

Now we have to not only to set them aside, but we have to develop them. We have to purify our water. We have to make this a richer country in which to live, and it can be done. This State of North Dakota should know it better than any. This state had, 30 years ago, three out of every hundred farms lit by electricity, and now, nearly all are. What was 30 years ago a life of affluence, in a sense today is a life of poverty. This country moves ahead. This is a much richer country than it was 15 years ago, but it is so because decisions were made in those days which made it possible for us to live much better today. You cannot live in North Dakota, you cannot fly over this State, without realizing how wise were those who went before us and how necessary it is that we make the proper decision.

Theodore Roosevelt once said that the White House is a great pulpit, from which to preach, and I would like to preach not only for the vigorous life which he preached for us physically, but also for us in our time, facing entirely different problems, to make the same wise, vigorous decisions which he made for the conservation of our natural resources so that you and your children can enjoy this great and rich country. Nature has been so generous to us that we have mistreated her. Now, when our country is becoming increasingly crowded, when science and technology waste so much of what we have, we have to realize that time is running out for us.

So we come on this trip to remind the American people of what they have, and to remind the people what they must do to maintain it. Here, only a few minutes from here, is the Garrison Dam. Just to show you what decisions made by us today can do for the people in North Dakota in the 1970's, that one dam alone will have a water area, man made, as great as the total water area in North Dakota when this project was begun in 1946. Nature put the lakes there fifty years ago. Now, man makes them. And man improves what nature has done. I have strongly supported the Garrison reclamation project, which will use water stored behind the Garrison Dam, and I am confident it will make a major contribution to the development of America.

This is a matter of concern to all Americans. I think sometimes we read too much about the problems of particular areas, and maybe North Dakota may not be so interested in the beaches along the Atlantic coast or along the Gulf, or along the West Coast, and people in the East not so much interested in the Garrison project in North Dakota, which is far away, but this country is not far away. It is closer than it has ever been before. When you can fly across it in 5 hours, when more importantly than transportation is the fact that we are one people, living in 50 States and living in hundreds of communities, what happens on the East Coast where your children may some day live, what happens in the Middle West, where the children of the people in New England may some day live, and what happens on the West Coast, are of concern to of all of us.

Therefore, this impressive chain of dams, which includes Garrison, has been called with some accuracy the Great Lakes of the Missouri, which belongs to all of the people. Behind these dams, the Big Muddy is turning blue, and soil is being saved, crops are being irrigated, recreation opportunities are growing. And this whole problem of recreation is going to be one of one of our most promising and important areas of human activity in the next 10 or 15 years.

Automation, which is a technical word, and which brings grief, can also bring a good deal of pleasure. If you realize that we are moving more on the railroads of the United States with half as many people working on them as worked 15 years ago, the question is, what has happened to those 50 percent of the people and what are they doing,

and how are they spending their time? And what is true on the railroads is true on the farms, where with a steadily diminishing population, we farm more and more.

How are we going to find work for those people? Those of you who are studying here and are concerned with the social sciences, which you must be, must wonder how you are going to find work for the millions of people who are coming into the market every year seeking jobs. I said, in speaking on our tax bill the other night, that we are going to have to find 10 million jobs in 2 ½ years. How are we going to find them? What individual actions must be taken and what national actions must be taken to find 10 million jobs for your sons and daughters in the short space of 2 ½ years? What are you going to do with 8 million people coming into the labor market in the rest of this decade who haven't graduated from high school? How are they going to find work? Fifty years ago, 30 years ago, they might have worked on a farm, or could have done heavy labor. But today what is needed are skills and the uneducated man or woman is left behind. It is as inevitable as nature.

These are the problems which face the great democracy of ours. They cannot be solved by turning away, but can be solved, I believe, by the united intelligent effort of us all. And what is true of people is true of animals. We have only about half as many cows as we had 30 years ago, and they are producing about 25 percent more milk. What is going to happen to all of the people who once did all of the jobs which are no longer needed? By wise national policy, involving monetary and fiscal policy, I believe that we can stimulate this economy of ours to absorb these people. And also we should make life in this country so beautiful that, as the hours of work lessen, and they are now 40 hours and some day there will be less, people will have some place to go and some place to find close to nature to enrich their lives.

So what I am saying now, in a sense, is that we are the heirs of Theodore Roosevelt, and what we must do today is prepare for those who are our heirs. The steps we take in conservation and reclamation will have very little effect upon all of us here immediately and in this decade. What we are doing in the real sense is preparing for those who come after us.

We are gradually narrowing the differences between the standards of living of our city and our rural populations. Parity of farm income is important. But beyond that, we are gradually, too slowly but gradually, achieving a parity between urban and rural people in other aspects of life, in their ability to obtain electrical service, in their power and resources available for economic development, in their facilities and opportunities for recreation. We are seeking, in short, a true parity of opportunity for all of our people, north and south, east and west. It will not come overnight, but the example of what has been done to light the farms of this state in 30 years shows what can be done when the government and the people, working closely together, work for the common interest.

When I think what REA has done for this state and all of the fight against it when it was first put into effect, isn't it astonishing to you that this country, after the end of World War I, in many ways, a much more virgin country, passed through a recession in 1921, 1922, and 1923, a depression, in fact, and a panic, passed through a period of low farm income and depression on the farm through the rest of the twenties, and then moved through a depression of such staggering dimensions that it existed from 1929 to the outbreak of World War II, and yet from 1945, while we have moved through periods of recession, we have almost tripled our wealth in the short space of 18 years. And we have not passed through a period in any way comparable to the early twenties, or the desperate days of the thirties. And a lot of that is because the decisions which the Government and the people made in the thirties, which makes it possible for us, moving on that base, to determine wise policies in the sixties.

There is an old saying that things don't happen, they are made to happen. And we in our years have to make the same wise judgments about what policies will ensure us a growing prosperity as were made in the years before. The whole experience between two world wars, which was so tragic for this country, should tell us we cannot leave it to mere chance and accident. It requires the long range judgment of all of us, the public judgment, not only the pursuit of our private interests but the public judgment of what it takes to keep 180 million people gradually rising. And anyone who thinks it can be done by accident and chance should look back in history of 1919 to 1939 to know what can happen when we let natural forces operate completely freely.

Five billion dollars were advanced under REA to 1,000 borrowers. More than 1,500,000 miles of power lines have been built serving 20 million American people. This has been a sound investment. Out of roughly 1,000 borrowers, co-ops, only one is delinquent in payment, and the total losses on the \$5 billion advanced is less than \$50,000. Here in North Dakota, REA-financed rural co-ops serve on the average, barely more than one electric meter per mile of line, compared to an average in urban based utility systems of 33 meters to each mile of line.

There are the things which can make the great difference. What I urge upon those of you who are students here is to make determinations based on life as it is, on facts as they are, not merely here in this community, not merely in North Dakota, not merely in the United States, but in this dangerous and varied world of hours in which we play such a leading and responsible part. Unless the United States can demonstrate a sound and vigorous democratic life, a society which is not torn apart by friction and faction, an economy which is steadily growing- unless it can do all those things we cannot continue to bear the responsibilities of leadership which I think almost alone have prevented this world of ours from being overrun. The fact of the matter is that there are many things happening in the world which should serve to encourage us, as well as discourage us.

If 5 or 6 years ago anyone had ever visualized what has happened behind the Iron Curtain and the Bamboo Curtain they would have been regarded as completely unrealistic. All of the pressures which have been brought to bear on life in the Communist world have been brought to bear in part not only because of the inner contradictions of the Communist system itself, but also because the United States chose in 1945 to assume the burdens of maintaining a watch at the gate of freedom when so many other countries who so long had carried a heavy responsibility around the world were prostrate and defeated. So this country has done a good deal.

I come here today to say it can do a good deal more. And I urge those of you who are students here to recognize the obligation which any educated man or woman must bear to society as a whole. This school was not developed merely to give its graduates an economic advantage in the life struggle. We do not seek merely, I am sure, at this school to graduate lawyers, or farmers, or doctors who may lead their communities in income. What we seek to advance, what we seek to develop in all of our colleges and universities, are educated men and women who can bear the burdens of responsible citizenship, who can make judgments about life as it is, and as it must be, and encourage the people to make those decisions which can bring not only prosperity and security, but happiness to the people of the United States and those who depend upon it.

So in that great effort, I urge you to participate. Nothing will give you more satisfaction. No need is greater. And I hope that all of us, not only in our field of immediate interest, but in the field of our resources, will also make the necessary and immediate decisions.

Marshal Lyautey, who was the great French Marshal in North Africa, was once talking to his gardener and he suggested that he plant a tree, and the gardener said, "Well why plant it? It won't flower for 100 years." And Marshal Lyautey said, "In that case, plant it this afternoon."

I think this is good advice for all of us.

Thank you.

NOTE: The President spoke in the University field house at Grand Forks after receiving an honorary degree of doctor of laws. In his opening words he referred to the University's President, Dr. George W. Starcher; governor William L. Guy and U.S. Senator Quentin N. Burdick of North Dakota; Secretary of the Interior Stewart L. Udall; and U.S. Senators Mike Mansfield and Lee Metcalf of Montana.

Chapter 2

Presentation of Robert Kelley, President of the University of North Dakota, at the Eternal Flame Memorial Ceremony, JFK Conference, September 23, 2008 [1]

On November 22nd in 1963, I was leaving my college cafeteria when a friend approached me and breathlessly told me that President Kennedy had just been shot just down the road from where I was in Dallas. I did not learn until later that evening the details of that moment and that the country had lost its President and young leader to an assassin's bullet. As all Americans of that generation, I have never forgotten it. Through the remainder of my student years at the University California at Berkeley, and through the remainder of the decade of the 60's, I felt acutely the loss of JFK and his leadership.

Some few weeks before his death, President John Fitzgerald Kennedy visited the University of North Dakota and the city of Grand Forks. The visit was part of a five day tour of the United States addressing a variety of domestic projects, managing the nation's natural resources, among these projects was the Garrison Dam on the Missouri River, which created Lake Sakakawea. During his address to the campus he remembered Teddy Roosevelt and his love for North Dakota. In his speech, JFK looked ahead to the year 2000, when he estimated that some 350 million people would rely on the country's natural resources.

Kennedy said at that time, quote, "Unless we make the proper decisions today on how we shall use our water, and our air, and our land, and our oceans, unless we make the comparable effort, an effort comparable to what Theodore Roosevelt and others made 50 years ago, we are going to waste it." Kennedy concluded his address that morning with the following thought: I urge those of you who are students here to recognize the obligation which any educated man or woman must bear to society as a whole. This school was not developed merely to give its graduates an economic advantage in the life struggle. We do not seek merely, I'm sure, at this school, to graduate lawyers, farmers, doctors, who may lead their communities in income. What we seek to advance, what we seek to develop in all of our colleges and universities are educated men and women who can bear the burdens of responsible scholarship, and citizenship, who can make judgments about life as it is, and as it must be, and encourage the people to make those decisions which could bring not only prosperity and security, but happiness to the people of the United States and those who depend upon it."

These words were true in 1963 and they are true in 2008. It's an honor to remember the life and contributions of John Fitzgerald Kennedy.

1. The presentation by Dr. Kelley was recorded by Sean Windingland, and along with many of the other presentations at the JFK Conference, placed on Youtube. Using the recording preserved by Windingland on Youtube, John Delane Williams transcribed Dr. Kelley's presentation.

Chapter 3

“I Was the Chief of Staff for Ideas.” A Conversation with Ted Sorensen

Theodore Sorensen and Gregory S.Gordon

Theodore Sorensen, speech-writer and senior policy adviser to JFK from his days in the Senate to his service in the Oval Office, sat down with Gregory Gordon, Assistant Professor of Law, for an unusually candid and informative conversation. Dr. Robert Kelley, President of the University of North Dakota, provided the introduction. Here is what each had to say:

President Kelley: Theodore Sorensen was born in Lincoln, Nebraska, went to the University of Nebraska and attended law school at the University of Nebraska. After law school, he went to Washington D.C. where he would ultimately work with JFK. This experience would grow not only into a partnership with the President, but also into a friendship that would last until the President’s death in 1963. Ted met with JFK on a daily basis as the President’s speech writer and special counsel. As a result of this relationship, Ted Sorensen is a prominent figure in the history of our country. He composed JFK’s soaring rhetoric and exerted great influence on his policies. We see Ted’s influence present at great moments in American history, moments which included the face-down with the Soviets over the Berlin Wall, the Cuban missile crisis, the civil rights marches on Washington, domestic energy policies, conservation of natural resources, and with our US policy in Asia and the founding of the Peace Corps. Leaving the White House following JFK’s assassination, Ted joined a New York City law firm where he has been engaged in international law, advising governments, multi-national organizations and major corporations around the world. He is the author of a best-selling biography on JFK and remains active in political and international issues. I’ll digress from my prepared comments for just a moment and say that after dinner with Ted I know him to be a man of humor, great warmth, and an abiding affection for everyone who comes into contact with him. Ted - it is a wonderful pleasure to have met you. Ted lives in New York City with his wife Gillian. I found out at dinner that she is also an assistant for Kofi Anan. She too has a very distinguished background. Hosting Ted Sorensen this evening will be Professor Gregory Gordon, Assistant Professor in our School of Law. Greg is the Director of the Center for Human Rights and Genocide Studies and teaches in the areas of criminal procedure, international law, and international human rights law. Prior to joining the faculty of law at the UND, Greg was Senior Trial Attorney in the Office of Special Investigations in the U.S. Department of Justice, Criminal Division. He also has served as Assistant U.S. Attorney for the District of Columbia and worked as Legal Officer and Deputy Team Leader on the International Criminal Tribunal for

Rwanda in Kigali. Please join me in welcoming Mr. Ted Sorensen and Professor Greg Gordon to this great conversation.

GG: Thank you Dr. Kelley for that warm and generous introduction. Good evening Mr. Sorensen and thank you for being with us tonight. This is a unique and fascinating opportunity for us to hear the thoughts and recollections of President Kennedy's closing living adviser. I'm going to ask some questions and then we are going to open it up to the audience to ask you some questions. I know you have an excerpt from your recent book, *Counselor: A Life at the Edge of History*, which came out, I believe, in May. We have a copy of it here with us and we will finish with you reading a selection from your book. Let me start with the beginning of your relationship with JFK. I think we would all like to know how you originally met President Kennedy and what were your first impressions of him?

TS: After law school I went to Washington because I thought I might find the kind of legal work there - public policy, national, international matters - that I probably would not find in my home city of Lincoln, Nebraska. After two early jobs, one for a federal agency, one for a temporary congressional committee, and that temporary committee expired, I had to start looking for a job all over again because in 1952 President Eisenhower had been elected - the first Republican in 20 years - he requested a freeze on the executive branch employment so I could not return to my old job. The chairman of that committee I was serving said "Don't worry. There are some new Senators. Some of them come from the House and I've worked with them. I'll recommend to them that they take a look at your availability." He and his chief of staff sent letters to three new Senators who had formerly worked with Senator Douglas of Illinois, the Chairman. Of those three, one was Mike Mansfield from nearby Montana. One was Scoop Jackson, or Henry Jackson, of Washington, also of the Northwest. And the other was John F. Kennedy of Massachusetts. I don't think to my knowledge that I ever heard back from Mansfield, but both Jackson and Kennedy said, yes, they would be glad to interview me. I had interviews with both. In Kennedy's case he had been a Congressman and he had invited me to meet with him in his old House office building but the newly elected Congressman assigned to that office was moving in that same day. All was chaos and confusion inside. So he took two chairs and placed them in the doorway. We perched on those chairs and had about a five minute interview. There wasn't time for a serious investigation of my credentials, but I was impressed. Impressed, first of all, that he did not try to impress me. Here he was a millionaire, a war hero, a Harvard graduate. He had everything. And he was a newly elected member of the Senate. He didn't try to talk about that or impress me about how important he was. He didn't act in a pompous, self-important way as so many politicians do. He was just a good guy. I liked that. As it turned out, for the next 11 years he was a good guy.

GG: He took you all the way ultimately to the White House. When you went to the White House with JFK you described your role there as Special Counsel to the President and you indicated in your book that your role encompassed advising the

President on policy and serving as a speech writer. I was wondering, what was the relationship between speech writing and policy making when it came to domestic affairs?

TS: In a way, I had been doing that during his eight years as United States Senator. In the White House it was even easier, except I had a lot more to do. But I was a policy adviser and I would take part in the meetings on domestic policy where decisions were made. It was easy to watch the President make a decision. I could see what evidence impressed him. I could see what arguments meant the most to him. I could see what his responses were and then walk a few steps down to my office, not far from his, and put all that into a draft speech. Other presidents have had speech writing departments and the departments are usually not even in the White House. They are in the Old Executive Office Building across the street. They have seven or nine word-smiths sitting there, waiting for the phone to ring. The chief of staff calls up and says the President would like a speech on Haiti. Who knows about Haiti? Who will write a speech for the President on Haiti? And someone will say, I will, and that someone might never have met or seen the President, much less have the slightest idea what his position is on Haiti. I couldn't do that and I certainly wouldn't enjoy it compared to the relationship I had with John Kennedy.

GG: You knew the President's thoughts, probably, as well as anyone.

TS: Yes. When I went into the White House I had been with him for eight years.

GG: One last question related to this. Were there some times when there was an inconsistency between writing and policy making?

TS: No.

GG: That must have made the job easier.

TS: Well, I think I say in the book, being very immodest, but comparing myself with others and I have known many presidential speech writers, they have to submit their draft to the head of the communications department. I was the head of the communications department. Then they had to submit it to the chief of staff for ideas. I was the chief of staff for ideas. I only had to submit my draft to one person, John F. Kennedy.

GG: And you had two assistants, as I recall, when you were in the White House.

TS: I had two deputies. It was called the Office of Special Counsel. They were actually lawyers, practicing law while I was working on policy matters, and for the most part they did not get involved with speech writing. Of course, John F. Kennedy did. Once in a while we drew on the wonderful historian Arthur Schlesinger who was gifted. During the first years, Richard Goodwin, who had worked with me during the campaign,

was in the White House and assisted me. But he then transferred over to the State Department and then the Peace Corps. So, basically, my two assistants worked on appeals from independent boards and agencies and those sort of legal questions. Much as I tried to get rid of the speech writing job, the President kept piling more and more responsibilities on me, but he wouldn't let me give it up.

GG: As a result, you have this incredible opportunity to work with the President on a daily basis and to know what he was thinking and as well to be his adviser and special counsel. During this time with President Kennedy in the White House what actions that you took or decisions that you made do you believe have had the greatest impact on the course of history?

TS: I didn't make decisions. If you're a speech writer you always have to keep in mind that you're just a speech writer. You're not the president. You don't make decisions. You don't decide policy. The President does that. I had a background in civil rights that he did not, and perhaps my advice on that policy and the speeches I drafted regarding that policy helped to influence him as his brother Bobby, the Attorney General, was also influencing him. But influencing him even more was what was going on in our country - civil rights became a burning issue, north, south, east, west, it became a moral issue. It became a legal issue. It was an issue that the President of the United States could not ignore. So I don't even take the credit for pushing him over that line. Events pushed him over that line.

GG: The book points out that you were active early in your life with civil rights. It is something that you believed in deeply and cared about. When you started at the White House, I get the impression from your book that civil rights was not at the top of the agenda at the very beginning of the administration.

TS: No. It was not for two reasons. One, it had not been one of Kennedy's chief interests. He was more focused on foreign policy and to some extent making certain that the economy remained strong because he had not had an exposure to civil rights issues, although he began talking about it in his campaign. When he got to the White House the congressional leaders said that 20, or was it 23, Democratic Congressmen had lost their seats in 1960. It may have been Kennedy's fault because his religion turned a lot of people against the Democratic Party. And they said in the previous session of Congress there had been attempts to have a civil rights bill and it failed. If it failed in the previous Congress it certainly wasn't going to pass with 23 fewer House Democrats and for Kennedy to go through the motions of symbolically sending up a civil rights bill would only antagonize the so-called 'Dixiecrats', those southern Democrats, to vote against the rest of his program. Well, the rest of his program, that he wanted passed that first year included a lot of provisions to help people at the bottom of the economic ladder, including blacks. Minimal wage, better public housing programs, aid for economically distressed areas, and why jeopardize the prospects of that legislation which would actually help black Americans just to go through the political symbolism of sending up

legislation that had no chance of passing.

GG: It must have been gratifying, as time progressed, when you got to the point when it was politically viable to work on civil rights legislation directly.

TS: Truth of the matter is it was never politically viable because JFK knew that it was going to cost the Democratic Party the South and Lyndon Johnson particularly weighed in with that point. It turns out that they were right. The Democratic Party has lost something like seven out of ten presidential elections since Kennedy and Johnson. The only three exceptions were Southern governors - Carter and Clinton - and it is because we have lost all the southern border states in almost all of those elections.

GG: Can we say then that the civil rights legislation that you worked on and that was ultimately passed during the Johnson administration was a great act of courage?

TS: Yes, of course it was because Kennedy knew that it was. I still think, and both he and I hoped, that he would still win the reelection to the second term because he gained enormous popularity in all other parts of the country. And surely some southern states would recognize his leadership ability and the New Deal economic programs that had done so much to revitalize the South back in the 30s. But yes, he knew it would endanger the prospects of his party.

GG: If the book, *Profiles in Courage*, were updated that that would seem to be a chapter. I was thinking about the decision making in the White House, especially early on. People have heard about the Bay of Pigs and I know that President Kennedy felt that that was not an operation that went well, that he did not feel good about it. What changed in the White House after the Bay of Pigs in terms of the way operations were conducted?

TS: It is a very important question. Since Roosevelt, people get this idea that the real time for showing what you can do with the new president while the so-called honeymoon was on, the real time was the first 100 days. Roosevelt talked about the first 100 days. In his inaugural Kennedy said that all this *will not* be done in the first hundred days. But there was the Bay of Pigs, an operation that had been formulated by holdover CIA and military leaders who had a lot of credentials, the grey hair and the medals. So, he believed them. He believed them when we were definitely going to overthrow Castro; that is once the Cuban exile army landed on the beaches of the Bay of Pigs the Cuban people would rise up and throw out Castro. That was not very likely because the Cubans who were against Castro were all in Miami or Cuban prisons. So that was one of many false premises which they sold to Kennedy and he kicked himself afterwards for having believed them. But two good things came out of that disaster. One was that he didn't make it worse. They wanted him, when the invasion failed, to go back and dig the hole deeper by sending US airplanes over to bomb Cuba and Kennedy was smart enough to realize that when you are in a hole the first thing to do is to stop digging. Second, he learned lessons so that a year and a half later when we had another crisis in Cuba, the

Cuban missile crisis, the people were different, the procedures for making decisions were completely different. He wanted to know the pros and cons of each one. The policy was different because he had decided that, as I said to some students at lunch today, you don't solve political problems - whenever Americans talk rather dismissively about other countries and the need for 'regime change' that's a political problem and you don't solve political problems with military force. So the whole approach to the Cuban missile crisis was completely different, thank goodness, otherwise we wouldn't be here talking, and it was completely different in the results.

GG: Obviously, he had people connected to the Cuban missile crisis that he had confidence in and whom he could trust.

TS: Yes, on the first day, the first day I can remember very clearly and it was the only time in my life when I can remember what day of the week it was that something happened. On Tuesday morning, October 16th, he called me in and told me what the reconnaissance planes, the U2s over Cuba, had photographed from 50,000 feet up. It was the beginning of the Soviet nuclear missile site and he was calling a meeting for later that morning, not for two months later after he had gone back to the ranch to clear brush, a meeting for later that morning. Not the National Security Council but those individuals in government whose judgment he wanted and whose recommendations he trusted - a dozen of us or so. The National Security Council has a membership set by statute and there were some members of the National Security Council whose recommendation he wasn't interested in, and in addition to that everyone who thinks he is important in Washington has to attend the National Security Council meeting and to show his importance he has to bring along his deputy. And for the deputy to prove his importance he has to bring along an assistant. And pretty soon the meeting is too big to a.) make the kind of crisp recommendation that Kennedy liked and b.) to keep a secret. Kennedy felt that we had a brief advantage because the Russians did not know that we knew. Therefore, if we could keep it secret we would have time to work out our response without some pre-emptive action by them making public that they had the missiles there, panicking the American people or inducing Congress to pressure the President into doing something he did not think was very wise.

GG: He was being very calm during this incredible era.

TS: He was calm. He was detached. He still had a sense of humor. The cool way he led that group through our deliberations, day and night, was extraordinary.

GG: What was your specific role in that group?

TS: If you have seen the movie *13 Days* which is a pretty good, accurate movie. Of course, my wife said that it was too bad that Warren Beatty wasn't available to play me. If you see that it is clear that the director of the movie decided that my role was to worry. Every time the camera turned on the poor guy picked to play me he had his hand

on his chin and his brow furrowed. He was worried. But I had to do more than worry. I was the NSO, a hold-over from the speech writing. I still had to put some words on paper. One came early in our deliberations when the idea - everybody's first idea was to surgical air strike, send bombers to bomb and knock the missile site out. Bobby Kennedy, who had a moral core, said yes and then we'll kill a lot of innocent Cuban civilians working at the site. We got to notify people that we're going to drop bombs.

GG: Didn't he make an analogy to Pearl Harbor?

TS: He said that's Pearl Harbor in reverse. The Air Force was not too happy about notifying the target. I was asked to draft a note from Kennedy to Khrushchev to be delivered by a secret, high-level emissary. Once I had the assignment everyone began to weigh in on their conditions they sought. They said don't make it an ultimatum. Superpowers don't respond to an ultimatum. Don't make it complicated. Khrushchev will just negotiate the complicated provisions for months while he finishes the missile site. And don't make it too one-sided or history, posterity, will blame us for mankind's final war. I went back to my office and tried drafting a message that would meet all those conditions. I finally came back and reported it was impossible. Of course it was going to sound like an ultimatum - it was an ultimatum. So that was one specific role I had besides worrying. Finally, after there was a consensus in favor of the quarantine or blockade, and I was in the group that favored that option, we called the President back from Chicago. As I mentioned in the news conference earlier today, the President felt that all of us should keep to our commitments and regular schedules, not to let people guess that there was some emergency that was causing everyone to stay in the White House. So he, the next day, Wednesday, the 17th, that's why I can't believe that anyone is talking about canceling or postponing the [Presidential candidates'] debate now because of the crisis. The President didn't cancel the election and he didn't even cancel his own campaign schedule. He went to Connecticut to make a speech the next day while the rest of us who were meeting came back and the meetings resumed. On Friday, he went to the mid-West and Chicago. On Friday evening or Saturday morning, Bobby, the Attorney General, his brother, called him and said we have reached a consensus. Please come back. When he landed I handed him a one page memorandum which I think is in the book and which summed up my views -- what I thought was the irrefutable case for the quarantine options and the irrefutable case against the surgical bombing followed by an invasion option. Then, after the President selected the quarantine option he wanted to deliver a speech on the evening of Monday, October 22nd. He had only learned about it October 16th. We had completed our work and had a response ready to announce six days later on October 22nd. That was the speech in which he told the American people what we had discovered and what we were determined to do about it. I have been asked about this all over the country over the last few years and for some time. Men about your age, Greg, come up to me afterwards and thank me for making the President's speech to the country that night so scary they were able to convince their girlfriends that it was the last night on earth.

GG: That must have been the ultimate date movie....

TS: We continued to be in session. There were high points and low points. Finally, on Friday night, October 26th, a letter came in from Khrushchev through a secret back channel that I tell about in the book also. I was involved a little bit in that secret back channel. That letter from Khrushchev, even though it was full of threats and denials, also had buried within it at least the seed of a possible peaceful resolution of the crisis. On Saturday the 27th the Ex-Com as it was called, the Executive Committee of the National Security Council, the name was just made up, there was no such thing, met to decide what to do about that letter. The day was full of bad news. Another letter came in, this one not from Khrushchev personally - it sounded like it was written by the Soviet military presidium - it was stiff in tone and it said they were not going to do anything unless Kennedy took NATO missiles out of Turkey. We can't do that in a hurry by ourselves. Then we got a briefing from the CIA that the over-flight planes have shown that the missile sites were just about completed and ready to fire. We were meeting in the Cabinet Room. Today, I am told, the Cabinet Room has become a reinforced concrete bunker, safe from outside bombardment. It wasn't then. We knew if we took the wrong course that would be our last day. Other bad news. One of the U2 planes over Cuba had been shot down; the only fatality of the entire crisis. The low flying reconnaissance planes that I never fully liked because they were easy targets were fired upon by Cubans. The shooting down of the U2 plane could only have been done by a Soviet surface to air missile. The military insisted that because we needed that high flying reconnaissance to give us eyes on what was going on that we would have to retaliate and bomb that surface to air missile. Kennedy said there will be time enough to decide that. Let's wait. Let's wait to see how this correspondence turns out. Then, I think you mentioned this, then in the middle of all this tension, on the edge of war, a note comes in from the Pentagon that an Air Force plane - I think it was a fighter plane - based in Alaska had been sent out to sample the air, to see if the Soviets have been testing their nuclear weapons in preparation for war. Truth of the matter is that we were testing our nuclear weapons. This fighter plane had navigational controls which malfunctioned and he flew - how do you lose your way when with the North Pole there is only one way to go and that's south - he flew out over Siberia, over Russian territory when both sides are on the edge of war! The Soviets understandably thought that this is the beginning of World War III and scrambled their jets. That was the message that came in and it was received in stony silence broken by JFK saying well there is always one son-of-a-bitch who doesn't get the message. So then we were to decide about the two different letters. Again, we sat around the table arguing. Tommy Thompson was the wisest among us, a career foreign service officer who had been Ambassador to Moscow. He even knew Khrushchev personally. He said ignore the second letter. Answer the first letter. Bobby Kennedy and I said yes, that's what we should do. I pointed out that there were some parts in that first letter that could receive a constructive response. Finally, the President said all right. You two draft a reply. So that is a long answer to your question about what role I had. It was more than speech writer.

GG: That is an incredible story and I am glad that we got to hear it. It shows, I think, what a great role JFK played in being calm and being a good leader during this

incredible crisis. Historian Thomas Carlyle believed in the 'great man' theory of history and that is primarily single individuals and their personal decisions more than other forces that shape history. Did JFK's tenure in the White House lend support to Carlyle's theory?

TS: Yes, it did, particularly in the Cuban missile crisis because we found out afterwards that had we bombed and invaded as the Joint Chiefs and later on the Congressional leaders were urging, there were increased Soviet troops on the island equipped with tactical nuclear weapons and the authority to use them on their own initiative in the event of an American attack. Had they used nuclear weapons, even tactical nuclear weapons, against American forces, no doubt we would have responded with tactical nuclear weapons. No doubt they would have responded with perhaps strategic nuclear weapons and we would have gone up that same nuclear escalator until both sides had devastated each other. Maybe totally eliminated from the earth each other's country and then radioactive fallout from nuclear explosions could be carried by wind and water to the far reaches of the earth until the planet is what scientists call a nuclear desert.

GG: I have to fast-forward and come to 2008. I am curious to know what you see in common between the presidential election this year and in 1960.

TS: There are many similarities between the presidential election this year and in 1960. President Kennedy, or Senator Kennedy, they said there is a young, relatively new United States Senator running in 1960 and there is a relatively young new United States Senator running in 2008. They said that Kennedy was too young and inexperienced. He said experience, that is like the tail lights on a boat that show you where you've been and not where you are going. Kennedy was given no chance of winning because of his demographic obstacle - his religion. The country had never elected a Catholic president. Obama is told that he can't win because of his demographic obstacle - the country has never elected a president whose skin is black. Religion, it seems to me was more relevant to what people think about and how they decide the presidency than skin color. Yet, if we are in a contest of nerves it is true that Kennedy was under 44 years old and the country had never elected a president under 44 years old. Neither had they elected a president who was running for his first term over 70 years old. That, I think, may have more effect on a man's performance in the White House than being too young. Being too young was an advantage for Kennedy. He had the energy to stay up all night with Bobby, me and a couple of others the night the University of Mississippi was integrated by the admission of James Meredith who encountered a violent mob. He had the energy to work day and night during those 13 days that I just mentioned. He also appealed to the emerging young leaders of the world, and in Africa in particular but also in Latin American nations there were young leaders rising to the fore. They identified with Kennedy. In my international law practice I had the opportunity to meet many of them. They told me how on election night in 1960 they stayed by their radios until the wee hours of the morning to find out if their candidate, Kennedy, had won. This year I have

received a letter just before I came out here from one of Asia's most distinguished statesman whom I met when he was at the United Nations. He said to me the day Obama walks into the White House the opinion of the world for the United States will rise dramatically. So there are many, many similarities. Kennedy appealed to the young and Obama is bringing them back. For many years young people had been disillusioned, with good reason, with American politics and presidents. They've become cynical about it all, but Kennedy brought them into politics and government. Obama is doing the same thing. Kennedy had perspective on American foreign policy because of the years as an Ambassador's son he had lived abroad. Obama has also lived abroad as a young man. So the number of parallels is remarkable. It's a little more negative, even dirty campaigning, which I don't like this year. Kennedy had the ability to laugh it off. In the book I quote one of my favorite lines in which he said "Mr. Nixon in the last ten days has called me a radical, a spendthrift, a pied piper, this, this and this, and all I've done in return is call him a true Republican and he says that's really getting low."

GG: You have now spoken about a lot of the similarities between JFK and Obama, but aside from race and the fact that President Kennedy had a privileged upbringing, what do you see as the difference between the two?

TS: Kennedy was a war-hero. He had learned first-hand about the horrors of war and that was one of the reasons that, like Obama, he was determined to never start another war. Obama came to that conclusion on the basis of his principles and his religious beliefs. He is a Christian, by the way, and not a Muslim. That's important. Kennedy said in his American University commencement speech the world knows that America will never start a war; this generation of Americans has seen enough of war. So, our last two presidents did not serve. Obama has not served in the military but he has, never-the-less, a commitment against war as he demonstrated in opposing the war in Iraq before it started. Also, both of them went to Harvard.

GG: In the interest of balance, John McCain, apart from the military career, what similarities do you see between John McCain and JFK?

TS: John McCain is a conservative Republican who has views, particularly on domestic policy, completely at the opposite end of the spectrum from Kennedy's views on the economy, on social justice, on women's rights. John McCain, unfortunately, drew different conclusions from his war service than Kennedy did from his. John McCain seems to favor the Bush policy of perpetual war against one country after another. Kennedy, as I said, was totally opposed to war so I don't see any similarities between those two. Also, as I said, Kennedy was the youngest man at that time to be elected president and if McCain were elected he would be the oldest man to be elected president. They are quite different.

GG: Assuming that he were alive and in office now do you think that JFK would be as effective in today's much changed political landscape versus what it was in the

early 1960s?

TS: I think so. He would be effective in any political landscape. He was completely relaxed, whether on television or on the public platform. He had this wonderful sense of humor. He was unbelievably good looking. He simply had a personality and a manner of speaking that enabled him to build bridges to just about any audience, north, south, east, and west, rich or poor. He was a terrific campaigner and I believe he would have been reelected to a second term.

GG: I wonder if he would have wanted to be in politics today given the way that media scrutiny has gotten so intense since the early 1960s. Do you think that he might have thought that being in politics would have been too much of a burden given today how much politicians are under the microscope?

TS: There's a lot of speculation about that. He was a man who conducted himself in a way...I have a chapter in the book about his personal life which I have never written or talked about before. I say that he was sufficiently careful and discreet in his selection of both companions and places. He didn't use the oval office. I don't think there was that much difference. After all, he was set upon leading this country away from the Eisenhower-Dulles foreign policy based on what was called massive retaliation because he thought it was a danger to our country. Even though he suffered from a very bad back and it was sometimes painful for him to climb up those steps to the airplane and to climb down later to stand on truck beds making speeches endlessly, shaking all those hands until his own hand became blistered and raw. He was a rich man. He didn't need that job. He could have been taking in the breeze on the beach at Hyannis Port. I don't think that other burdens that you referred to would have prevented him from trying to save his country no matter what. Just as, I might add, Obama could have been a partner in a big Chicago law firm instead of out there, day and night. I'm sure he's hurting his back and hand too because there is nothing more exhausting than running for President of the United States. And that is even more so for the staff than the presidential candidate. He gets to go to bed at night while the staff stay up and work all night. I salute Obama as I saluted Kennedy for being willing to seek the presidency because a lot easier, more comfortable choices were open for the both of them.

GG: Thank you very much.

Chapter 4

President Kennedy: Profile of Power

Richard Reeves

With an Introduction by Robert Boyd

Introduction, Robert Boyd, University of North Dakota, Vice President Student & Outreach Services:

I am Bob Boyd and it is my privilege to be able to introduce our speaker this evening. I have also been asked to read one letter that we have received. We had our national delegation from Washington on our invitation list, but there are some things happening in Washington right now that kept them from coming. We did receive a letter from one of our senators and I have been asked to read it. "Thank you very much for inviting me to be part of the John F. Kennedy Interdisciplinary Conference and community celebration. Unfortunately, the Senate is in session and I am unable to be with you. I do want to tell you what a wonderful idea it is to host a celebration to commemorate the 45th anniversary of President John F. Kennedy's visit to Grand Forks. I also want to extend my warm welcome to Richard Reeves who will provide a wealth of knowledge about legacy of John F. Kennedy's presidency for our great country. President Kennedy's life was cut short just two months after his 1963 visit to the University of North Dakota and in nearly three short years of his presidency he inspired the American people to great accomplishments. When he told the American people that our country was going to put a man on the moon by the end of the decade he didn't say I think we are going to do that, or we hope to do that. He said that America is going to accomplish that feat. He inspired so many Americans to be part of something bigger than themselves and that is the lasting legacy of President John F. Kennedy. I hope you have a wonderful conference in celebration. Sincerely, Byron Dorgan.

We sincerely appreciate that comment from him.

It is a pleasure this evening to first of all welcome all of you here to this wonderful facility and to another great event in this series of events in the John F. Kennedy: History, Memory, Legacy Conference. It has been a great conference and tonight we are going to add to its outstanding success. I hope many of you have had the chance to participate in some of the other activities.

Tonight we have the pleasure of hearing from Richard Reeves. Undoubtedly, Mr. Reeves is one of America's preeminent political authors. Although he is the author

of what most people agree is the authoritative work on our 35th president, a book entitled *President Kennedy: Profile of Power*, he demonstrated his ability to cross political lines by writing books on both Nixon and Reagan. I have read them too and all three are terrific. It should be noted that all three of these Presidents visited UND. Mr. Reeves is indeed a person of many accomplishments. He has won national awards for non-fiction; he became national editor and columnist for *Esquire* and *New York Magazine*, a chief political correspondent for *The New York Times*. And if that were not enough he has worked extensively on television and in film. He even appeared in the movie 'Sea Biscuit.' I am a horseman and that was a great movie, as far as I am concerned. Mr. Reeves has served as chief political correspondent on 'Front Line' and for contributions to ABC and CBS. Mr. Reeves, it is a pleasure to have you in our city and to have you at UND and to have the opportunity this evening to hear from you.

Richard Reeves:

Thank you. The pleasure is all mine. It has been a pleasure to part of this program. It was also a privilege to share part of this with Theodore Sorensen. I am not sure that he is always so happy being referred to as the last living member of the Kennedy circle, the inner circle. Actually, there were only three people in the inner circle - the President, Ted Sorensen and Bob Kennedy. It was also nice because Ted's wife and my wife worked together at the United Nations. His wife Gillian was the deputy to the Secretary, Kofi Annan, and my wife was the American director to the UN under Kofi Annan. Every moment here has been pleasurable. I was actually surprised - I didn't know the weather was always like this. But in good weather and bad I am glad to be here.

First, how I began writing this book. I was the chief political correspondent for *The New York Times* and then began to write books, to work for magazines. But like many people I know I wanted to write fiction - you never have to leave the house. So, there came a time when we had our fifth child, who is now the Wisconsin director for Barack Obama. In 1984, we had decided that if the Mommy and the baby were both healthy we were going to move to Paris and Daddy was going to write a novel.

Well, Daddy started a novel called *The President's Diary* and it didn't work. I did not have the skills it took - because diaries are never true. Back then, if you write something as pure diary how do you signal to the audience or the reader what's true in this and what's not? But in doing it I read all the diaries of all of our presidents.

In the middle of all that process I happened to read a book which I would recommend to all of you. It is called *The Emperor* and is by a Polish journalist named Ryszard Kapuscinski. It is a biography of Haile Selassie. It is extraordinary. It opens with Kapuscinski wandering the back streets of Addis Abba talking with people who were in the Emperor's court. And these are amazing stories. Haile Selassie would walk

lions - he had two lions - through his gardens every morning while a man called the Minister of the Pen would run along behind him hiding behind trees. If the Emperor had an idea he called for the Minister of the Pen who would write it down. As I read the book I wondered what did all this seem like to Haile Selassie.

Now, I didn't know anything about Ethiopia or emperors, but I did know a good deal about presidents. I had been a White House correspondent. I was in school when John Kennedy was president. I have spoken with, sometimes at great length, and have worked with all of the presidents who succeeded him. I knew that you could reconstruct a president's life or a president's day. The records, recordings, memories, interviews - interviews are particularly important - and often the meeting with the President is the highest point of someone's life. I rarely found anybody who met with the presidents I have written about who did not keep a record of what happened during that meeting. Often, a researcher's dream came true when they said, well, I always meant to give my papers to a library but they are in the garage if you want to look at them. Do I want to look at them?! I thought I could write what it was like to be President of the United States. As for Kennedy, Ted Sorensen wrote a great book called *Kennedy* and Arthur Schlesinger wrote a great book called *A Thousand Days* about the Kennedy presidency.

There were flaws, I thought, in those books and in most conventional history. And that is that classic history cleans up the mess. When people write a book it's divided into sections like the economy, civil rights, the war. That makes it all seem very logical and as if everyone knew what they were doing. Of course, history knows how it all ends. The president didn't know how it all would end. What I wanted to do was write history forward, to write it as it looked to the man at the center. What did the President know and when did he know it? What did he know when he made a decision to have the United States overthrow the government of South Vietnam? I thought that could be done because there was that much material and because I was a journalist and I knew one thing which I was pleased to hear Ted Sorensen talk about as well. What we forget if you read conventional history is that all of these things happened at the same time. I was astounded when Barack Obama said - I hope he got it from one of my books - that a president has to be able to do more than one thing at a time in the dispute with John McCain in the debate tonight in Oxford.

That is the reality: all of these things were happening at the same time. I'll give you one example, but I am going to talk more about this. October 7th, 1963. One of the great days in John Kennedy's life. He signed the nuclear test ban treaty, the first nuclear treaty between the nuclear powers. That was also the day that at a National Security Council meeting he signed off on the overthrow of the Diem government in South Vietnam which happened less than a month later. Most people have forgotten this because after President Diem of South Vietnam was overthrown and assassinated, John Kennedy lived only three weeks and died on November 22nd of the same year.

That, to a certain extent, is what being president is like - not just one thing a day.

In conventional history books, the overthrow, the disastrous overthrow, of the Diem government--as Collin Powell would later say of Iraq, you break it you own it. We broke Vietnam and we owned it for a long time. The nuclear test ban treaty and the overthrow of President Diem in most history books are 500 pages apart. In John Kennedy's life they were 20 minutes apart.

I was also protected by the Sorensen and Schlesinger books because they were so good that even though hundreds of books have been written about Kennedy in the 25 years after them, no serious, or very few serious books have been written in that period about the 35th president and many of them were very specialized, such as Kennedy and Africa, Kennedy and the Ukraine. Because of these two great towers of political writing by eye-witnesses as opposed to outsiders Kennedy seemed to me to be really a fertile field. That's why I picked him. It gives me great pleasure that the preeminent histories have been written by journalists and have tended to be chronological, whether it be Robert Caro, David McCullough, David Halberstam, Tony Lukas, Taylor Branch, Stanley Karnow, all journalists who have written probably the most influential histories in our time.

There were a few other things that I knew that I learned in the White House. One is the presidency is a reactive job. The president is there to react to events that no one has predicted. To a certain extent, I will dwell on that fact.

The second thing that I knew from watching and reading is that we judge our presidents by one, two, three big things. No one remembers whether Lincoln balanced the budget. Presidents are there to respond to events unpredicted and often unpredictable. We don't pay our presidents by the hour. Ronald Reagan was considered to be lazy because he worked a 9 to 5 day. Yet he was an extraordinarily effective president--between naps.

I also learned that being smart, having a high IQ, is not a qualification for the presidency and maybe quite the opposite. Sometimes when you look at Barack Obama you wonder if he's not too thoughtful to be president. If it was just raw intelligence, which Obama clearly has, there would be statues out there of Herbert Hoover, Richard Nixon, Jimmy Carter, and Bill Clinton. They were the smartest presidents we have had in modern times. And, in general, they were presidents who failed. The job is not about intelligence. It is about judgment. It's about what you do if the locals start to shell Fort Sumter, or if you discover that there are missiles in Cuba, or if the Iranians grab our diplomats, or if a plane flies into the World Trade Center, or big banks begin to fail.

You can hire intelligence - you can find an awful lot of smart people in this country. The judgment of how to deal with those things is quite a different thing. I would argue that the current presidential race is a dramatic and great race - I teach at the University of Southern California and it is a pleasure to find that young people are interested one more time, as they have not been since 1960, 1968, and 1980, in the

process of how our country runs.

If we ignore the other obvious questions of race, age and party ideology, John McCain is an extraordinarily impulsive man. Some are using the term erratic as a euphemism for that, but we have had impulsive presidents before, Harry Truman among them, who succeeded. What happens if you have an impulsive president and a Cuban missile crisis at the same time? Would you move immediately? Obviously, Kennedy succeeded in that adventure because of patience and a willingness to let things work themselves out without trying to destroy the island of Cuba. John McCain strikes me, and I have had a lot experience with him, as that kind of man. He picked a vice-president he didn't know. That was an impulsive decision by someone who did not think it out.

On the other hand, I am writing a book now on the Berlin airlift. Although the National Security Council, the Joints Chief of Staff headed by General Omar Bradley, and the cabinet voted unanimously against trying to stay in Berlin, Harry Truman decided immediately that we would and that was what led to the Berlin airlift.

Would a president who was thoughtful and patient have done that? Would Barack Obama have done that? I don't know the answer to that question but I do know that that is one of the great issues between these two men. It is impulsiveness versus a kind of thoughtfulness. John Kennedy was about as pure a politician as you could find. However he came to it - the death of his brother, the ambition of his family, the rise of Catholics in this society - I for one have always believed that the confrontation between the preachers in Houston and candidate Kennedy, Senator Kennedy, has been overrated. My feeling is that it was World War II that created the rise of Catholics in America and of Catholicism. A third of the country in the 1940s was Catholic. They were discriminated against in large parts of the country and had been for a hundred years. Suddenly we are thrown into a situation that requires total commitment and everybody with a pulse. What I read out of that is that the acceptance of a Catholic president is in the scripts of World War II movies.

If you look at all those movies with Bill Bendix playing the Irish guy and Richard Conte playing the Italian where they list off the names of Johnson, Langilla, McCarthy, and what-not, we are all in this together. The message was, I suspect, that that was what made it possible for a Catholic to become president of the United States.

The divisions in the country over Catholicism, which were very great at the time, were resolved during the war. We are going to find out in this election, I suspect, whether the divisions of race in this country have been resolved or how resolved they have become. As I said, Kennedy was a pure politician. If I had to define that in one sentence I would say that he couldn't stand to be alone. Politicians are people who need action all the time, who need people around them all the time, who need to be at the center of things.

Kennedy himself always thought he would die young. He had every disease known to man. As Bob would say, if the mosquito bites my brother the mosquito dies. One of the things that helped my book get to where it was, it was one of the first examinations of the truth about John Kennedy's health, the diseases he had, the fact that he had had the last rites of his church three times before his 40th birthday. The fact that he had a terminal disease. The fact that he used amphetamines among other drugs because he was in pain all of the time.

Knowing or thinking that he would not live to an old age, he lived life as a race against boredom. He had to be stimulated every moment by one thing or another. He had said to friends that he wanted to be president because it was the best job in the world because it had more action than any other job.

A third thing that was unique to him and important to us was that John Kennedy refused to wait his turn, and now, I would argue, no one does. I'll talk about Kennedy as a cultural figure, as we live and see the world and not just its politics. He could never have become the nominee of the Democratic Party by depending on the party as it existed in the 1950s as a series of fiefdoms with bosses who controlled large areas of the country.

Kennedy was the first self-selected president. He went out for two years, more than two years, before the 1960 Democratic convention and campaigned in every state where there were primary elections, which were nothing; primary elections had no influence in 1956 when compared to 1960 when Kennedy decided that he could woo the press - his only job, other than the military, had been to be a newspaper reporter. Many of his friends were journalists and he was extraordinarily popular among journalists. They were the same generation, the same age. They were all the enlisted men and junior officers of World War II. They bonded that way. Journalism was the same as politics and many other parts of American life in that way. By the time the democratic convention came, much to the surprise of the favorites, Lyndon Johnson, Richard Russell of Georgia, John Kennedy had that nomination won.

As Ted Sorensen said in his appearance, they had it won but barely. If they didn't win on the first ballot and, as you recall, the ballot was alphabetical and John Kennedy was nominated with the votes from Wyoming. If he had not won that roll call vote he thought that that would be his last shot at the presidency, that the forces that opposed him and they composed most of the party, would unite against him. As it turned out, it was his strategy that worked.

In terms of wanting to be at the center of the action you can learn a great deal about any president, and probably about any man or woman who run an operation, about how they organize that operation. A Dwight Eisenhower becomes president and creates a replica of military structure. Very few people get to talk to the commanding general- in the pyramid where ideas were exchanged and synthesized, and decisions only come to the president, if it is impossible to make a decision at a lower level. That is the way

Eisenhower saw the world. It worked effectively for him.

Other presidents used other systems. Richard Nixon designed a system that was specifically designed to keep all but the tiniest inner circle away from him. Richard Nixon tried to take over the country with a kind of coup against his own administration. After he was reelected in a landslide in 1972, he decided that he wanted to change many people in his government, including the cabinet. The ones he picked to stay had to sign a 15 point contract that was done at Camp David. One of the provisions of that contract was they would not try to talk to him. Richard Nixon was uncomfortable talking to people including his own people.

John Kennedy, on the other hand, organized his White House and his administration which was much smaller - there were only about 20 people in the Kennedy White House. Ted Sorensen and I, years ago when I was working on this book, sat down and took his job description in the White House - counsel to the President - and compared it with the structure of George H.W. Bush's White House, the first President Bush. His old job had been divided by then among 221 people. That is one of the reasons we have some of the problems that we have today.

Kennedy's structure was a wheel and spokes with himself as the hub, at the center. None of the people along the spokes of that wheel communicated with each other without first going through the hub, without first going through the President. Kennedy let them know, in general, only what he wanted them to know and they were all nervous most of the time. This was a very tough guy who stripped away old friends who were no longer useful in his drive for the ultimate power.

Because you only knew what your relationship was with the President you could only talk to the President. You knew other people were doing the same thing on different spokes of that wheel. Kennedy wanted total control over those people and he wanted to be the center of all action. He was a young man. He wanted to know everything that was going on; quite different from, say, a Reagan or an Eisenhower.

He wins the Presidency, the first Catholic, a Democrat from Massachusetts. It was, in some ways, a relatively dull campaign. Two lieutenants in the Navy, Kennedy and Nixon, who agreed on almost all of the fundamentals of foreign policy. There was very little argument in America about what our foreign policy should be. As we look back today, it was a pretty tepid campaign compared with what we see all around us right now.

He becomes President - I love the fact that one of the speakers used a phrase that I used in this book: that his presidency had an extraordinary "density of events." Things had been repressed during the war. People, colonies, were exploding all over the world, all over at home. After all, we had a colony here, too, and we used the word "Negro" to describe it.

Kennedy becomes President and all hell breaks loose. If you judge Presidents by the big ones there are four things that are essential to think about John Kennedy. One, he was the first President to come into office since 1812 who had to face the fact that the United States was vulnerable to direct attack. Soviet strategic missiles could reach the United States by 1960. The last time anybody had been able to wage war on us, on our own territory, was the War of 1812.

I would argue that in the new nuclear world it was a safer world when Kennedy left office, when he was killed, than when he took office. Among other things, the nuclear test ban treaty had been signed. The Soviet Union and the United States were able to come to agreement on the disarmament—that was a totally new thing.

He had to handle, and handle well, crises that no one could have predicted - the building of the Berlin Wall, the installation of Soviet missiles in Cuba - and I think there was less chance of confrontation when he left office than when he began.

John Kennedy didn't give a damn about civil rights. I don't think there was any prejudice in the man but he was running a Democratic Party which depended upon the votes of black people in the places where they were allowed to vote and a Congress controlled by Southern whites. The last thing he needed or wanted was a racial confrontation in the country. He got it and as I will talk about here he did an extraordinary thing that a democratic, small 'd', politician can do. That is he sided with the minority against the majority, a tiny minority, a hated minority in many parts of the country. John Kennedy put the weight of the federal government behind them and I'll talk about how he did that.

Finally, he's the President who got us into Vietnam. The Kennedy people, Ted Sorensen among them, have done a hell of a job of saying that it was Lyndon Johnson who got us into Vietnam. In fact, it was John Kennedy and the decision to overthrow the government of South Vietnam, which was overthrown on November 1st, 1963. President Diem and his brother were assassinated. That surprised Kennedy and it shouldn't have. If you run a revolution or a civil war you kill the leaders of the other side before they come back to get you. It was his decision to let that go ahead that made Vietnam an American colony. We then let it be run by our ambassadors, by the CIA and by a string of hapless generals who had been corporals in the French army when it was still French Indo-China.

We broke it and we owned it. We paid a high price for all of that. I want to mention before I go into that in detail the talk and character of politicians. I am a great believer that there is such a thing as private character and there were such things in John Kennedy's private character which you wouldn't wish for your children or your family.

There is also such a thing as public character and it is as President that Kennedy should be judged by whether he brings out the best in the American character or the

worse in the American character. I would argue that in general John Kennedy brought out the best in the American character whereas a President such as Richard Nixon, bright as he was, as accomplished as he was, managed to bring out the worst in the American character.

As to his own character, John Kennedy obviously was a philanderer - I guess that was his wife's business - but he lived as a rich boy who did anything he wanted to during his life. Daddy and the lawyers were always there to take care of it. In those days rich people could live that way. Maybe they can today. I don't know. He lied consistently and necessarily about his health. He never took a medical exam when he became a lieutenant in the Navy. His reasoning was no one of his generation would have influence in the United States if they did not serve in that war. Yet, he could never pass the physical examination for the Navy or any other service. His father arranged for him to get an appointment as a lieutenant junior grade in the United States Navy without taking a physical test which he would have surely failed.

Moving on to the civil rights question and his views on that. I think this is essential in looking into any president - what they think privately and what they do publicly is part of the way to judge them. Dwight Eisenhower was a racist and in private it was very obvious to his friends. When *Brown v Board of Education* was passed by a unanimous vote to desegregate public schools with all due speed Eisenhower was angry as hell that Earl Warren, the man he had appointed, the former governor of California, had kind of rigged this decision. But Ike never said a word in public. Had Dwight Eisenhower, with his enormous popularity in the country, said that he was strongly against this decision, which was his job to enforce, that's what the executive branch does, if he had admitted what he thought, actually thought, the country would have been torn apart. We would have been in much worse shape in terms of race than we were. Eisenhower kept his own counsel on that.

John Kennedy was from a different generation and his first slogan in politics, when he ran for Congress in 1946, was "The New Generation offers a Leader." He was a very generational figure. He represented those young men who went overseas in World War II, and their wives and their families.

John Kennedy learned about the Freedom Riders when he saw a picture of their bus burning on the front page of *The New York Times*, the burning of the bus in Anniston, Alabama. He called in his civil rights advisor, Harris Wofford, who was a white man, who later became a Senator from Pennsylvania, and he said "what the hell is going on? Who are these people? Get your friends off those god-damned busses." Wofford said "How am I going to do that?" And Kennedy said, "Tell them to fly." Planes as opposed to buses were not segregated at that time in American history. This was driven by college students, by young, black college students in places like North Carolina. The impact of sit-ins and then the Freedom Riders and then the demonstrations in the streets of southern cities became national issues because of a new technology, television.

One thing to remember about John Kennedy is that when he became President we were using mimeograph machines. By the time he finished the presidency Xerox machines and transistors had been invented. That changed totally the way government operated, changed totally the amount of secrecy possible-- the democratization of information. And this affected the presidency greatly. There would have been no 'Pentagon Papers' if there hadn't been Xerox machines. Kennedy said "where are these people getting these ideas?" And Wofford said "They're getting them from you, Mr. President." Kennedy was giving speeches about individual freedom, about the rights of man, as the French would call it. He was giving those speeches and they were aimed at Eastern Europe, at the communist empire. They were being heard, however, by young black students, by young black veterans back from the war who took it as an accurate description of their place in the America of their time. Then, along came television in that period and all of us saw how blacks were living in this country.

Martin Luther King was a great leader because he understood that the way to deal with injustice in America was to use American rhetoric and ask people if they were the people they said they were. That in large measure is why that revolution succeeded. It is also why John Kennedy had to deal with it. He would have been glad never to have had to deal with that. He hoped to pass it on to his successor.

We also remember Kennedy as a man for all generations, young forever, dying young. Youth translates into hope and new generations translate into hope. Before the memorial ceremony on campus they played excerpts from tapes of Kennedy speaking. What I thought of when I heard that was that Kennedy, like Reagan, like Lincoln, understood that in the presidency words are more important than deeds. Again, we don't know if Lincoln balanced the budget.

The presidency is not about running the country. It's about leading the nation. Words are what we remember. It is the words of Kennedy that we remember, not the specifics of the Civil Rights Bill of 1963.

At the same time he was a towering cultural figure. John Kennedy was a genius in the sense that, as all geniuses such as Picasso, Freud, Einstein, are people who change the way we see the world. John Kennedy changed the way we saw the world and the way we saw ourselves.

We were wearing those three button tubular suits, thin ties with button down shirts. John Kennedy had long hair. He didn't wear hats. He wore two button, rolled lapel, European clothes. He literally changed the way we dress, certainly if you were a man. Then there was his wife's influence. They taught us how to be rich. America was not rich before World War II.

Part of the enduring legacy of Kennedy is as a cultural figure. He invented 'cool.'

And we all bought into it. He was a role model for the people we wanted to be. That doesn't mean he was a nice man. He was a rich man who used people and abused some. But I would argue that he passed the great test of the presidency which is to bring out the best and not the worst in the country.

It's ironic that in Ted Sorensen's presentation he focused on the same period of 48 hours that I focus on at great length in this book. I am going to describe those 48 hours - Ted is protecting the president a little more than I might. This is what happened beginning on June 9th, 1963.

On that morning President Kennedy landed in San Francisco - he had been in Hawaii for a conference, the US Conference of Mayors, trying to persuade the mayors to use political influence, particularly on House members, to pass what became the Civil Rights Bill. He landed in San Francisco and met Ted Sorensen, who was, as he said, his intellectual blood-bank, his speech writer, and book writer.

Kennedy talked to Sorensen about his ideas on things like speeches or books. Then, Sorensen would go off on his own and write a draft based on those ideas. These would go back to Kennedy and he would rewrite it quite extensively. He was a good writer, though not as good as Sorensen, and eventually they would come up with an end product. The end product this time, which had been in the works for three months, was the 'peace speech.'

Norman Cousins, the editor of *The Saturday Review*, a popular magazine of the day, essentially left-wing, had spent time with Nikita Khrushchev and talked about nuclear disarmament with Khrushchev. Khrushchev went through what he saw as the America betrayals--we were building a picket fence of missiles around the Soviet Union. He somehow saw that differently than we saw it. He said "I'm willing to talk about these things, disarmament, peace but Kennedy has to make the first move. I can't stand up to my own generals and my own Politburo and say that I am going to soften my attitude towards the Americans. Not while you are building missiles in Turkey." Cousins came back and told Kennedy that. Kennedy called in Sorensen and they began work that spring on "the peace speech."

That Sunday, June 9th, Sorensen got on the plane and on the flight back to Washington they edited that speech which the President was scheduled to give at 10 AM on the morning of June 10th, the next day, at the commencement of American University in northwest Washington.

It happened that that same day a Chinese delegation in Moscow wanted to meet with Khrushchev. They felt the Russians were going soft on the Americans because of Khrushchev's grudging admiration of Kennedy. The Chinese wanted to present a letter to Khrushchev but they were not allowed to. The delegation was headed by a man named Deng Xiaoping. They were essentially thrown out of Moscow, first real proof we had

that monolithic communism was certainly communism but it was not monolithic. There was a great split between the Chinese and the Soviets which had essentially been discounted by our intelligence agencies.

Air Force One landed at 9:15 in the morning on June 10th. Kennedy got into a steaming bath which he had to do to relax his back muscles. He stayed in there for a half an hour, got into a limousine and drove up Wisconsin Avenue to American University. He gave the speech. Ted Sorensen said that he thought it was the best speech that Kennedy had ever given. I think it was one of the greatest speeches ever given by an American president. And I am going to read a bit of it because every word that I am going to say had not been heard by Americans up to then. This was when Kennedy had to make the first move for Khrushchev and he said that day at American University: "Some say that it is useless to speak of world peace or world law or world disarmament - and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude - as individuals and as a Nation - for our attitude is as essential as theirs....Let us examine our attitude toward the Soviet Union....As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements - in science and space, in economic and industrial growth, in culture and in acts of courage...[N]o nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. As least 20 million [Russians] lost their lives... [I]n the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."¹

Words like that had not been spoken to the Soviets, particularly our admission of their sacrifice in World War II - 20 million people killed, mostly by the Germans. That was the signal that Khrushchev seized on, although we didn't know that at the time.

Kennedy went back to the White House after the speech, talking to people, in this case Ted Sorensen, saying that that speech might cost him the presidency. How would the Soviets react to it? How would the Americans react to it? As he walked in the White House door and back toward the Oval Office his brother Robert came running out and said "You have to see this." It was Governor George Wallace on television at the University of Alabama and what Wallace was saying was a repeat of his inaugural address: "Segregation now, segregation tomorrow and segregation forever."

Tomorrow had come. The federal courts had ordered the university to admit the two Negroes, Vivian Malone and James Hood the next day, June 11th, 1963.

There has been a good deal of discussion and wonderful scholarship on that

¹ *Public Papers of the Presidents of the United States John F. Kennedy 1963* (Washington: United States Government Printing Office, 1964), "Commencement Address at American University in Washington." June 10, 1963, 460-462.

subject;-- the desegregation of the southern universities-- at this conference. It came the next day and George Wallace was standing, as they say, in the school-house door of the University of Alabama. As the officers of the National Guard said yesterday at the dedication ceremony for the flame on campus, the way the National Guard works is that they are commanded by the governor as the commander-in-chief. In Alabama the commander was George Wallace. However, they are still elements of the United States Army, Air Corps or Navy, and the president can federalize them.

George Wallace was standing at the school-house door to prevent this two young Negroes from registering at the school. They were surrounded by soldiers wearing the uniform of the United States Army, the National Guard. At 11:34 on the morning of June 11th Kennedy federalized the National Guard and the same people who had been taking orders from George Wallace turned and marched him off the campus on the orders of the President of the United States.

Vivian Malone and James Hood entered the University of Alabama at Tuscaloosa with escorts from the Justice Department. The window in the third floor above that door opened and one white student leaned out and waved the American flag back and forth as Hood and Malone went in.

Kennedy watched that scene on television and felt that he had to go on television and speak about it. This time there was no text. There was no speech worked over for weeks. He felt that it had to be done, that he had to choose sides. One of the things he learned and this he had learned from George Reedy, who was Lyndon Johnson's press secretary, who in a memo to Johnson that he transmitted to Sorensen and Sorensen gave to Kennedy, said that the racial violence in the country was going to continue and was going to get worse until the President took sides. The blacks thought he was their guy. The Negroes thought this was a new time, a new generation, the torch had been passed to a new generation which had different attitudes about race, about justice, about equality and about democracy.

The Southern Democrats in Congress thought, and most Southern officials thought, that Kennedy was just doing this for political reasons. He was, after all, a Senator from the North and he was just talking. What Reedy said in that memo was that the violence will continue until you choose sides. That is when John Kennedy put the government of the United States on the side of the minorities.

Speaking only from notes, there was no text. He and Sorensen were dictating to two different secretaries before Kennedy went on the air at 8 o'clock that night and spoke for 18 minutes, much of it ad-libbed. "This afternoon, following a series of threats and defiant statements, two clearly qualified young Alabama residents who happened to have been born Negro, were admitted. I hope that every American, regardless of where he lives, will stop and examine his conscience about this and other related incidents. When Americans are sent to Vietnam or to West Berlin we do not ask for whites only." Then,

ad-libbing, "This is not a sectional issue, not a partisan issue. This is not even a legal, legislative issue alone. We are confronted primarily with a moral issue. It is as old as the Scriptures and it is clear as the American Constitution. If an American, because his skin is dark cannot eat lunch in a restaurant open to the public. If he cannot send his children to the best public schools available. If he cannot vote for the public officials who represent him. Then who among us would be content to have the color of their skin changed. Who among us would then be content with counsels of patience and delay. We face, therefore, a moral crisis as a country and as a people."

The President put the government on the side of the minority. The President defined it as a moral issue, not a legal issue, not a regional political issue. That was one of the great speeches in American history and that was largely ad-libbed. If he did nothing else in his life we would honor him.

The field agent of the NAACP, the National Association for the Advancement of Colored People, in Jackson, Mississippi, was driving along and heard that speech on the radio. He was driving along, heard the speech and thought it was so extraordinary, that he stopped his car at a gas station, called his wife on the telephone and said "Keep the children up. I want to come home and talk to them tonight about what has happened in our country."

He did that. He drove into his driveway. His name was Medgar Evers, and when he got out of the car, holding tee-shirts, a pile of tee-shirts he had been delivering marked "No More Jim Crow." He stopped in the driveway. His children ran out the door toward him. He was shot and bled to death in front of his children.

At the same time, John Kennedy who was depressed because the Soviets had not answered or responded at all to the "peace speech" was called by his brother at midnight, as Medgar Evers was bleeding to death-- and as in Saigon Thich Quang Duc, a South Vietnamese monk was burning himself to death. Bobby, though, was not calling about that. He had news from Russia. Robert Kennedy called to tell his brother that *Izvestia* had reprinted the entire text of the American University speech in Russian, the first time that that has ever happened.

That's 48 hours in the life of an American President. That is what it is like to be President.

PART II

JFK, LITERATURE AND THE 1960'S

Chapter 5

THE LONG SHADOW OF THE CONFESSIONAL AND BEAT POETS

...from notes given as a discussant at the 2008 JFK Conference, UND
Heidi K. Czerwiec

From the point-of-view of a creative writing professor, the greatest influence on perceptions of poetry writing today come from the two mid-20th-century schools of poetry known as the Confessionals and Beats. Confessional poetry is a co-opting of lyric poetry wherein autobiography equals authenticity, the more shocking the more privileged; poetry as therapy. Beat poetry purported to be anti-intellectual, “organic,” and professed “first thought, best thought,” despite the fact many of its practitioners taught in universities, were well-schooled in craft, and revised extensively.

I. Confessionals: include primarily Robert Lowell, Sylvia Plath, and Anne Sexton, but also W. D. Snodgrass, John Berryman, Randall Jarrell, and Robert Duncan. Characterized by identifying the poet with the poem’s speaker (before 1950, the lyrical “I” was assumed to be a construct), and the use of formal poetics, possibly to attempt to contain life’s ugly underside or as a foil to represent the inability of containment.

Those who are/were proponents feel Confessionalism allows for self-expression, especially for those whose voices had been suppressed (women, homosexuals):

“Rationalism erected a taboo of social shame that lasts against the story of the soul, against the dream and inner life of men the world over, that might be read were the prejudices of what’s right and what’s civilized lost.” –Robert Duncan, *Claims for Poetry*

“To tell the truth to our daughters requires that we acknowledge it ourselves. The poem becomes the tribunal where a persona will not suffice. . . . As the poet refuses to distance herself from her emotions, so she prevents us from distancing ourselves. We are obliged to witness.” –Alicia Ostriker, *Claims for Poetry*

“This drive to self-knowledge, for women, is more than a search for identity: it is part of our refusal of the self-destructiveness of male-dominated society.” “In those years formalism was part of the strategy – like asbestos gloves, it allowed me to handle materials I couldn’t pick up bare-handed.” –Adrienne Rich, *Claims for Poetry*

The problem for some of these writers was that while white heterosexual male experience and lyric poetry could be universal, other points-of-view could only be personal. Some asserted the personal is political – but lyric is often subversive; need it be confessional? Others continue to struggle to reclaim the lyric from the confessional:

“The term ‘confessional,’ first used to describe the self-revealing poetry of Robert Lowell [et al] has become – often with justification – pejorative.” –Joan Aleshire, *After Confession*

Aleshire distinguishes between “lyric: the poem of personal experience [which] can, through vision, craft, and objectivity toward the material, give a sense of commonality with unparalleled intimacy;” versus confessionalism, the intent for “self-display” which “lets the facts take over. . . a plea for special treatment.” She also cites Stephen Yenser who distinguishes between “gossip” (fact, data, raw material) and “gospel” (parable, pattern, truth).

“[Sexton and Plath] gave women of my generation permission to write of the macabre, of bedlam, abortion, depression. . . . But poetry is not a cure-all nor does it promise compassion or forgiveness.” –Colette Inez, *After Confession*

“Beware the poet who values content more than the handling of content, a danger especially present in our most personal poems.” –Stephen Dunn, *After Confession*

II. Beat Poetry: precursors include the “Black Mountain” poets – Charles Olson, Robert Creeley, and Denise Levertov; main practitioners include Allen Ginsberg, Gregory Corso, Lawrence Ferlinghetti, Gary Snyder, others. Characterized by so-called “organic form,” process over product, “first thought, best thought.”

Proponents espoused poetry inspired and formed in the moment as more authentic: “Any *form*, and ordering of reality so implied, had somehow to come from the very condition of the experience demanding it.” –Robert Creeley, *Claims for Poetry*

“Writing poetry is a process of discovery, revealing *inherent* music.” Organic form is “a *method of apperception*. . . based on an intuition of an order, a form beyond forms, in which forms partake, and of which man’s creative works are analogies, resemblances, natural allegories.” “The forms more apt to express the sensibility of our age are the exploratory, open ones.” – Denise Levertov, *Claims for Poetry*

Poetry written in this manner was considered more in touch with the primitive, vatic self, and set itself against intellectual institutions:

“Poets, as few others, must live close to the world that primitive men are in. . . . Poetry, it should not have to be said, is not writing or books.” –Gary Snyder, *Claims for Poetry*

“As the poet stands open-mouthed in the temple of life, contemplating his experience, there come to him the first words of the poem.” –Denise Levertov, *Claims for Poetry*

Yet these arguments run counter to actual practice – these poets revised heavily, and had to choose how to shape their work:

“The measured, or formal, the contrived, the artificial are, we feel, insincere; they are perversions of the central value of our life, genuineness of feeling. . . . [But] if informality and antiformality are positive values, then the problem of form is how to get rid of it. But to get rid of it we must keep it; we must have something to get rid of.” –J.V. Cunningham, *Claims for Poetry*

“Forms in the phenomenal world are no more abstractions than any other forms.” – Hayden Carruth, *Claims for Poetry*

“Blake’s voices returned to dictate revisions. The more intimately we observe any poet who claims extremes of inspiration or craftsmanship, the more we realize that his claims are a disguise.” – Donald Hall, *Claims for Poetry*

Even Levertov warned that “organic” was not an excuse for sloppiness: “Not only hapless adolescents, but many gifted and justly esteemed poets writing in contemporary nonmetrical forms, have only the vaguest concept, and the most haphazard use, of the line.” –from *Claims for Poetry*

III. So where does this leave poetry today?

The special danger, particularly for young writers, seems to come from one of Confessionalism’s lasting effects: writers who assume self-expression equals therapy: “Writing a good poem about how bad you feel doesn’t protect you from that feeling or release you from it.” –Alan Shapiro, *Quote Poet Unquote*.

If nearly all the poets of this school committed suicide, did writing such poetry save them?

Other lasting influences of the Confessionals and Beats:

- 1) Readers who assume the speaker-“I” is the same as the autobiographical author: “Readers encountering the “I” may substitute an interest in the affairs and concerns of a presumably real person for the experience of the poem.” –Carol Frost, *After Confession*. I’ve seen this myself countless times in student workshops where students ask “Did this really happen?” and place higher value on that work.

- 2) Writers who interpret the Beats' anti-intellectual stance as meaning *not reading* – the Beats themselves were intimately familiar with the canon of poetry, especially the Romantics, Blake, Whitman, etc.
- 3) As technology (radio, TV, Internet) becomes more omnipresent, the popularity of hearing a poet read live also increases – however, this corresponds to an emphasis on authenticity, and on privileging the poet and his/her life over the poetry.
- 4) Poetry slams are geared toward social listeners, and as a result, the highest scores usually go to autobiographical poetry – the more tragic the better.

Ultimately, I find it both fascinating and troubling that two mid-20th-Century groups of poets – mere drops in the body of written work – could have such a lasting effect on our assumptions about what poetry is and should do. I hope our examination of these schools and their positions, and some of the critiques of those positions, will help us to understand those effects, and question them for ourselves.

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Chapter 6

“A Revival of Poetry as *Song*” Allen Ginsberg, Rock-and-Roll, and the Return to the Bardic Tradition

Katie M. Stephenson

Resistance to Allen Ginsberg has a long history. His provocative style shocked the country, challenged the ethics of the Cold War consensus, and spurned a long and ugly battle over censorship in the courts of San Francisco. However, Ginsberg's connection to the pulse of mid- to late twentieth century culture cannot be denied, and his presence as a vital, poetic link between the work of several early major poets and the music of the psychedelic scene cannot be overlooked. He was the self-proclaimed and quite serious poetic disciple of William Blake, Walt Whitman, and Ezra Pound, and he felt that these poets called for and inspired a return to a mystical, bardic tradition of poetry. He recognized an answer to that call in the work of many of the big names in music, including Bob Dylan, the Rolling Stones, and the Beatles, and considered these figures' combination of instruments, rhythm, and thoughtful lyrics to be a more full-bodied poetic form. As a study of the shifts in Allen Ginsberg's work (including *Howl for Carl Solomon* (1956), *The Fall of America: Poems of These States* (1972) *First Blues: Rags, Ballads, and Harmonium Songs* (1975), and various selections from his later works) will support, Ginsberg became increasingly influenced by the style of his rock-and-roll counterparts and strove to become a part of the bardic movement that they reinvigorated.

Ginsberg worked tirelessly and meticulously to compose *Howl*, the famous lamentation for “the best minds” of a generation and his first major poem (*Howl* line 1). He became inspired to write the poem in October of 1954, as he looked out of his New York apartment to the city below. Staring across at the buildings, he was seized by the notion that “he saw the lights of those buildings transform into the face of an evil monster,” and that “Moloch whose eyes are a thousand blind windows” became the driving image of the poem (Morgan 184). He began writing *Howl* that very night and would devote “all-day-long attention” to it for over a year (Carter 184; interview with Fortunato, et al. 245). He finished the first and last sections by August of 1955, but his journals from the rest of that year and into 1956 reveal the large extent to which he was still absorbed with finishing the rest of the work (*AG Trust*). When Ginsberg wrote *Howl*, he was acting more as a poet, in the traditional, formalist vein, than he ever would again. In the writing of that controversial piece, Ginsberg spent hours hunched over a typewriter, belaboring over form and meter and fighting to master the words on the page. In other words, he was a poet who was honoring the time-honored tradition of other poets.

Both the content of *Howl* and Ginsberg's journal entries from the mid-1950s show his active engagement with the work of several major poets during the time that *Howl* was written. William Blake was one of these poets, and in fact, Ginsberg owed *Howl*'s very existence to him. In 1948, Ginsberg experienced an auditory hallucination as he read Blake's "Ah Sun-flower!." He believed that he heard the voice of the poet reading the poem. When Ginsberg's mind wandered to another of Blake's poems, "The Sick Rose," he felt the sensation that "the entire universe was revealed to him," and Ginsberg "spent a week after this living on the edge of a cliff in eternity" (Morgan 103; *The Book of Martyrdom* 266). Ginsberg's mention of "radiant cool eyes hallucinating Arkansas and Blake-light tragedy" in *Howl* is a reference to his Blake experience (*Howl* 12-13). Although this incident was a definitive moment in Ginsberg's life, and one which he would repeatedly seek to recapture through the aid of drugs and mysticism, he was initially frightened by it. Naomi Ginsberg, Allen's mother, had recently been committed to Pilgrim State Hospital in New Jersey on grounds of insanity, and his fear that the hallucination was symptomatic of an inheritance of her mental illness prompted him to admit himself to the Columbia Psychiatric Institute, where he met Carl Solomon, the man to whom he referred in the extended title of *Howl*, on the first day of his stay (Carter xv).

However, it is Walt Whitman, more than any other, upon whom Ginsberg called as a muse. Ginsberg had adored Whitman's work since the age of fifteen, and by the time he began working on *Howl*, he believed Whitman was the greatest poet in American history (*AG Trust*; Morgan 210). As his reading lists from his 1955 and 1956 journals demonstrate, Ginsberg was reading Whitman hungrily while he was writing *Howl* (*Journals* 215; 233; 294). At the time, he was "getting interested in free verse and long-line poetry," forms which he utilized in *Howl*, and he looked to Whitman for guidance in these efforts (167). Ginsberg explained that he "began ransacking all the literature I could find to correlate with that, including reading Whitman from beginning to end" (167). In his diaries, Ginsberg recorded several dreams about Whitman, and there is even an entire entry dedicated to exploring "the guarded look in Whitman's eyes – as in the Brady photo" (273). In short, Ginsberg was completely consumed with Whitman during the period of *Howl*'s creation.

Howl's epigraph is drawn from Whitman's "Song of Myself," and, in many ways, the poem acts as an artistic tribute to its predecessor. Like Whitman, Ginsberg utilizes lists and free verse, and *Howl* has the same visual look on the page as "Song of Myself." Furthermore, Ginsberg identified with Whitman as a homosexual, and though Ginsberg's images are much more explicit than Whitman's subtle and often ambiguous ones, there is a common thread. Ginsberg seems to have adopted even the persona of the poet of "Song of Myself." When an interviewer later asked him how he felt when he was writing *Howl*, Ginsberg replied that he had "a sense of being self-prophetic master of the universe" – quite the Whitmanesque sentiment indeed (interview with Clark 53). However, as Ginsberg lays out one jarring image after another, it becomes obvious that *Howl* is also a conscious contradiction to the celebratory tone of "Song of Myself." Whereas Whitman embraces the musicality of language, Ginsberg acts in a willful struggle against it. Ginsberg delivers sordid, and often obscene, depictions of those, among others, "who burned cigarette holes in their arms protesting the narcotic tobacco haze of Capitalism"

and those “who poverty and tatters and hollow-eyed sat up smoking in the supernatural darkness of coldwater flats” (*Howl* 31; 4). He draws on discordance to underscore the criticisms he delivers of America because, after all, his poem is not a song of himself but a howl for “the best minds” of his generation (*Howl* 1). Nevertheless, Ginsberg’s contemporaries recognized the Whitmanesque quality of his *Howl*. When Lawrence Ferlinghetti heard about Ginsberg’s reading of *Howl* at Six Gallery in San Francisco, he wrote him to say, “I greet you at the beginning of a great career” – a direct echo of Emerson’s words to young Whitman (*AG Trust*).

Ezra Pound was another significant source of inspiration for Ginsberg in the long months he spent composing *Howl*. Ginsberg’s extensive readings lists from this period show that he was pouring rapidly through not only Blake and Whitman but also Pound. In 1954 and 1955, Ginsberg read the *Cantos* and other Pound works repeatedly and studied Pound’s poetic method very carefully (*Journals* 28; 55; 213-14). A journal entry dated May 29, 1954, shows that Ginsberg copied down Pound’s “The Red Wheel Barrow” and took note of all of its nuances, especially Pound’s use of structure, space, and the positioning of images. When asked about the line in *Howl* which begins, “who dreamt and made incarnate gaps in Time & Space through images juxtaposed...,” Ginsberg named “Pound’s discovery and interpretation of Chinese” as his inspiration (*Howl* 74; interview with Fortunato, et al. 249). When Ginsberg began work on *Howl*, he had already attempted, without success, to meet his literary idol three times. Nevertheless, in a 1956 journal entry, Ginsberg related that he “woke up chilled by my scholastic inadequacy and looked at Pound’s collected *Literary Essays*” (*Journals* 231). Although Pound had refused to meet him in person, it was still Pound to whom Ginsberg turned for solace and wisdom in times of artistic self-doubt.

T.S. Eliot’s presence, and particularly that of *Four Quartets*, is also felt in *Howl*. Ginsberg was devouring Eliot’s work as well in the mid-1950s. In his journals, Ginsberg recorded dreams about Eliot and careful studies of his poetry. The fact that *Four Quartets* was one of the first works to which Ginsberg turned in the effort to recreate the Blake experience reveals his opinion of the power of the work, and its influence on Ginsberg translated to *Howl*. Ginsberg employs Eliot’s objective correlative in images such as that of the “tubercular sky surrounded by orange crates of theology,” and he takes up Eliot’s struggle to redeem time through his depiction of the individuals “who threw their watches off the roof to cast their ballot for Eternity outside of Time” (*Howl* 50; 54). These four poets – Blake, Whitman, Pound, and Eliot - served as Ginsberg’s main sources of inspiration during the writing of *Howl*, and as he read through their poems, studied their work, and even dreamed about them, he thought of himself as actively engaging with them through his own poem.

Although Allen Ginsberg wrote *Howl* with these more traditional poets in mind, he craved creative collaboration with his peers, and he found it at the 1955 Six Gallery reading. At this historic meeting, several Beat poets gathered together to share their work, and Ginsberg, for one, “was determined that this should not be the typical, dry, staid, academic affair that poetry readings had tended to be” (Morgan 208). He was anxious about the meeting at Six Gallery; the occasion marked only Ginsberg’s second

experience with a reading and the first time that *Howl* would be presented to the public. However, the crowd's reaction was overwhelming, and Ginsberg was ecstatic (209). He found that he gained confidence in a situation which could only be compared to "a kind of cross-fertilization, as when jazz musicians are suddenly turned on by each other and perform at the top of their form" (210). Ginsberg felt that the raucous collaboration of the Beats was similar to that of musicians, and he thrived on it. The other poets and the audience responded to it too, and word about the Six Gallery reading spread quickly. In response to the great demand for a repeat performance, the events were recreated a few months later at the Berkeley Town Hall (215). Ginsberg's "new friends in San Francisco were hot, blazing with enthusiasm and ideas," and their influence led Ginsberg to challenge his beliefs about poetry (210). He formed a distaste for the belabored, stringent forms of the establishment and "began to view poets who wrote in traditional forms as nothing more than trained dogs" (210). With his fellow Beat poets, Ginsberg formed a connection of mutual support that he could never have had with his former literary heroes, and he came more and more to look to his peers for inspiration.

However, it was Bob Dylan who would fundamentally alter Ginsberg's already shifting definition of poetry. He met Dylan in 1964 at his own party, where Dylan was the guest of a friend. When the subject turned to poetry, Ginsberg was pleased to hear Dylan's compliments of Jack Kerouac, and the two became "fast friends" (Morgan 383). He already enjoyed Dylan's music and was especially impressed by his lyrics. In fact, Ginsberg felt that Dylan's "Masters of War" was "almost a cowboy version of Blake" and confessed that he cried the first time that he heard it (382). Although, at this point, Ginsberg mentally separated the station of the musician from the post of the poet, "the line between poetry and music was fading," and he claimed that Bob Dylan was "as good as a poet" (Morgan 394). The warm feelings were mutual, and Dylan's 1965 *Bringing It All Back Home* album is a testament to their burgeoning friendship. A picture of Ginsberg was featured in the liner notes, along with a comment from Dylan expressing his dismay over the fact that "Allen Ginsberg was not chosen to read poetry at the inauguration" (Hishmeh 397). Ginsberg's association with Dylan led to his interest in other musicians, and soon "his consciousness was being consumed by the Beatles" (Morgan 395). In fact, he approached Dylan's and the Beatles' music with the same enthusiasm he once brought to volumes of Blake and Whitman. In 1965, Dylan introduced Ginsberg to the Beatles, and once again, friendships were established almost immediately (409). Ginsberg "felt that the music was a breakthrough that was destined to change society once and for all," and soon, he would connect it to his work as a poet (394).

Allen Ginsberg was enamored of the musical counterculture. On one level, he coveted the attention, fame, and glamorous lifestyles that his musician friends enjoyed. In the mid-1960s, when he first began attending parties and concerts, he "was envious as he watched Dylan and the Beatles hailed by a new generation" (Morgan 410). However, as his exposure to the musical scene grew, he began to realize that the musicians were doing much more than winning fans and fame. They were revolutionizing poetry.

Ginsberg felt that, somewhere along the way, poetry had lost the key components of its original nature. In his view, each stage in the evolution of the form marked an increase in its degradation. When poetry was tied to dance and the natural rhythm of the body, it was at its zenith. It lost the important physical aspect when it was reduced to music and shed the critical musical aspect when it was relegated to the spoken word. Finally, poetry was condensed to its weakest, most “disembodied” form – words on the printed page (interview with Aldrich, et al. 157-58).

In the late 1960s, Ginsberg developed a theory that the movement towards reviving that vital bardic tradition had begun with his earliest poetic idols and would extend past his contemporary musical champions. His definition of poetry shifted again, and he now came to think of it as “what has been lost and what can be found” (interview with Carroll 173). Ginsberg was always careful not to place Ezra Pound above Walt Whitman and proclaimed him “the greatest poet of the age! Greatest poet of the age...certainly the greatest poet since Walt Whitman” (interview with Durham 347). However, he believed that Pound had made the first step in recovering poetry’s former glory by bringing the form back to the spoken word and further described him as “the first poet to open up fresh new forms in America after Whitman” (347). He basically modeled his theory of the evolution of poetry on “Pound’s famous scheme...where he saw the trouble with poetry is that it departs from song, and the trouble with song is that it departed from dance” (interview with Aldrich, et al. 157). Because he believed that Pound was “the one poet who heard speech as spoken from the actual body and began to measure it to lines that could be chanted rhythmically without violating human common sense,” he named him as the poet responsible for giving voice back to the words on the page (Durham 347).

Furthermore, Ginsberg felt that the Beat poets, including him, had responded to Pound’s influence and had ushered in the next important change in poetry. He explained that “the next step after Pound modeling words from actual speech...is to bring it to chant – chanting is the next step – which is what we did” (interview with Aldrich, et al. 158). He argued that, although their work was largely excluded from the academy at the time, they were “carrying on a tradition, rather than being rebels” (interview with Le Pellec 302). Whereas “the academic people were ignoring Williams and ignoring Pound...and most of the other major rough writers of the Whitmanic, open form tradition,” the Beats “had that historical continuity” that connected them to both past and future (302). According to Ginsberg’s developing theory, it was the Beat poets, not the mainstream writers, who had recognized Ezra Pound’s call, and their work served as a link in the intergenerational effort to reclaim the bardic tradition of poetry.

Ginsberg argued that, in turn, members of the musical counterculture, and especially Bob Dylan, had initiated the next step of setting poetry to song. He felt that Dylan built upon the chanted verses of the Beats and that he had been “influenced by the whole wave of poetry that went before and...got to thinking of himself as a poet, except a singing poet” (interview with Aldrich, et al. 157). When he met Dylan in 1964, Ginsberg perceived that “a torch had been passed,” and he celebrated this “revival of poetry as *song*” as both a crucial step in the history of poetry and a way of connecting his new

friends to his old muses (157). He very clearly tied the two as being parts of the same, large movement to take poetry “beyond the printed page” (157). He even spoke of the musical counterculture in terms of his earliest poetic influences by pointing to their “messages about tolerance, *transcendancy*, and ecstasy” and by stressing the “*Whitmanic* adhesiveness from generation to generation” (emphasis mine; interview with Elliot 69; interview with Le Pellec 302).

Of course, Ginsberg recognized that there were further steps to be taken. The full realization of the bardic tradition would require the reunion of verse, rhythm, and dance, and he saw as much in “[Mick] Jagger and the others,” with their “shamanistic dance-chant-body rhythm ‘I wanna go hooome, no satisfaction!’” (interview with Aldrich et al. 158). Once again, Ginsberg related this type of fully “embodied” poetry back to the initial efforts of earlier poets and explained that “what’s happening with rock and roll, with all the body thing which is being laid on...is actually a return to the cycle, following Pound’s critical analysis, in a way” (158). Ginsberg claimed that this chain of influence would continue, until “ultimately what you can expect is a naked, prophetic kid getting up, on a stage, chanting, in a trance state, language, and dancing his prophecies” (158). Thus, according to Ginsberg’s theory, the collected efforts of Walt Whitman, Ezra Pound, the Beat poets, Bob Dylan, and other members of the music industry would fully re-embodify poetry and produce a “return to the *original religious shamanistic prophetic priestly Bardic magic!*” (158).

As Ginsberg became more immersed in the late 1960s’ psychedelic scene, he spent considerable thought on working out this new theory of poetry. The connection it posited between his literary heroes, his Beat peers, and his rock and roll sidekicks excited him. He explored all of the implications of such a large movement of poetry and worked to bridge the connections between his literary ancestors and his musical peers. When he was finally allowed to meet Ezra Pound in 1967, Ginsberg was eager to discuss music, and he came ready with the Beatles’ *Sergeant Pepper’s Lonely Hearts Club Band* album and Bob Dylan’s *Blonde on Blonde* in hand (Morgan 444). When he related this experience later in life, he commented that Pound “sat through about two hours of Dylan and the Beatles, so he heard that at least. That was nice. Patient man” (interview with Durham 350). Although Pound was virtually mute throughout the entirety of their meeting, Ginsberg did not take his silence as a show of disapproval of the music, for as Olga Rudge said, “if he didn’t like it, he would have gotten up and left the room” (350). Similarly, in his first conversation with the Beatles, Ginsberg turned the conversation towards poetry, sat down in John Lennon’s lap, and asked if he had ever read William Blake (Morgan 409-10). It was as if Ginsberg wanted Pound and the Beatles to see the same connection that he saw. He hoped that Pound, the initiating link in the recovery of poetry, could hear in the Beatles’ music what his work had inspired. In turn, Ginsberg wished that the Beatles, a key component of the next phase of poetry, would recognize their artistic lineage in Blake’s work. Ginsberg strove to involve even his deceased literary heroes in his excitement over his new theory. He detected an early impulse towards the bardic movement in Blake’s work and, claiming that it was the poet’s original intention, sought to “re-embodify” Blake’s poems. In 1968, he began his effort to set Blake’s *Songs of Innocence and Experience* to music. Blake had written music to

accompany the poems and had sung them for his friends. However, he had not recorded his musical notations, so Ginsberg composed “contemporary scores” of his own and released them as an album in 1970 (Morgan 457; *AG Trust*). Soon, Ginsberg’s interest in the connection between poetry and music would be reflected in his own work as well.

Ginsberg soon grew weary of representing the outmoded link in the bardic chain. Although he felt that the Beats had served a vital role in the bardic revival, the torch had been handed off to the musicians, and his 1972 *The Fall of America: Poems of These States* is the product of one of Ginsberg’s earliest efforts to align his work with this next generation of poetry. In the effort to “re-embodiment” his poetry, Ginsberg chose not to compose his works on the page but to return to an oral tradition, and he received Bob Dylan’s help in this aim. In 1965, in the effort to encourage his friend’s natural talent at impromptu poetry, Dylan gave Ginsberg six-hundred dollars to buy a Uher tape recorder. The recorder was “a state-of-the-art machine for 1965” and could operate on battery power for up to ten hours (Morgan 418). Uher recorder in hand, Ginsberg hopped in a Volkswagen Microbus and set on a tour of America, “noting whatever struck him, from newspaper headlines to bits of conversation to billboards to music and news he heard on the radio” (Carter 54). Ginsberg was inspired to compose by the things he saw and the people he met, and “the tape recorder gave him a whole new approach to composition, making it much easier to sketch words and phrases and sounds wherever he was” (Morgan 420). No longer chained by a typewriter to the desk in his apartment, Ginsberg could speak oral poetry into his recorder as he experienced war-time America, in all its turmoil, firsthand. In 1966, he began translating the recorded tapes into the manuscript that would become *The Fall of America* (*AG Trust*).

The most famous, and perhaps most moving, poem in *The Fall of America* is undoubtedly *September on Jessore Road*. Ginsberg was inspired by a 1971 trip to Calcutta to write the poem. In September of that year, Keith Richards of the Rolling Stones funded Ginsberg’s trip with the hopes that he “could report on the terrible tragedy of the millions of people fleeing from the civil war in Bangladesh” (Morgan 480). When he arrived in Calcutta, Ginsberg witnessed the deplorable conditions of the people there. Hundreds of sick, hungry individuals were crowded together in “makeshift tents” and “cardboard houses” with no sanitation or protection from the elements, and Ginsberg found the sight of them “heartbreaking” (480). Moved by the experience, Ginsberg sought to give voice to those individuals he saw in Calcutta with *September on Jessore Road*. He hoped to reach a wide American audience with the poem and to expose the hypocrisy of a country that would fund a war in Vietnam but leave countless individuals around the world to die of the lack of basic necessities.

With *September on Jessore Road*, Ginsberg delivers essentially the same critique of modern America that he does in *Howl*. As he traveled and composed spontaneous poetry with his recorder, Ginsberg hoped to be able “to update and rethink Whitman’s celebration of America” (Carter 54). Just as he had with *Howl*, Ginsberg found that he took a much grimmer view of his country. In *September on Jessore Road*, Ginsberg gives a picture of utter despair and destitution. He writes of individuals of all ages with nothing but pain, mud, death, and sadness. Babies are shown with “Bellies swollen,”

children are “weeping in pain,” parents are “dying for bread,” and the elderly are “silently mad” (*September* 2; 104; 9; 12). Ginsberg pleads with Americans to realize that, although the scene he depicts exists for them only “on planet TV,” it is all too real for many (130). While Americans worry over problems that do not even exist, such as what to “buy with our Food Stamps on Mars,” people in other parts of the world are dying needlessly (120). Furthermore, in Ginsberg’s opinion, it is not only the American people who are at fault. Although the American government celebrates its humanity, Ginsberg claims that the country chooses to squander its riches on meaningless wars rather than invest the resources to rebuild human life. Thus, when the people of Calcutta cry, “Where is America’s Air Force of Light?,” Ginsberg can only reply sadly, “Bombing North Laos all day and all night” (87-88).

Although the subject of *September on Jessore Road* is similar to that of *Howl*, the poetic inspiration behind it signals Ginsberg’s shifting allegiance to the musical counterculture. In writing *September on Jessore Road*, he cast aside aspirations to imitate his former muses, such as Whitman and Blake, in the hope of being able “to offer Dylan a text equal to his own genius and sympathy,” and Dylan’s influence is strongly felt in the poem (*First Blues* iii). In *September on Jessore Road*, Ginsberg traded the sprawling, Whitmanesque style of *Howl* for rhymed couplets, lilting stanzas, and organized meter. Previous poets had utilized the same elements in their poetry, of course, but Ginsberg made it clear that he was using the forms of the musician, not the poet; in the conclusion of the book, he explains that he intended the poem to be “a mantric lamentation rhymed for vocal chant to western chords F minor B flat E flat E minor,” and in the preface of *First Blues*, he indicates that *September on Jessore Road* was written as a “blues” (*The Fall* 190; *First Blues* iii). Furthermore, Ginsberg referred to specific points in the work, not as lines in a poem, but as “lyrics” in a song (Carter 396). In the conclusion of the poem (or song), he asks repeated questions, such as “How many families hollow eyed lost?,” “How many loves who never get bread?,” and “How many sisters skulls on the ground?,” and his repeated answer is a resounding “Millions” (137; 139; 141). The structure is meant to emphasize the destitution of the people of Calcutta, but the question and answer style is more than a little reminiscent of Bob Dylan’s “Blowin’ in the Wind,” a song Ginsberg admittedly admired and claimed “could have been any little boy’s lyric fancy” (interview with Carroll 174). Although both *Howl* and *September on Jessore Road* lament the superficiality and ignorance of American life, Ginsberg’s poetic muses had definitely changed in the fifteen years since he wrote his first masterpiece.

Ginsberg dedicated *The Fall of America* “to Whitman Good Grey Poet,” but it is clearly the influence of his musical peers that permeates the book. Bob Dylan equipped him with the technology he needed to be able to compose spontaneous, oral poetry on the road, Keith Richards funded the trip which culminated in the birth of *September on Jessore Road*, and John Lennon provided him with the artistic support and reinforcement that he craved. When Ginsberg was writing *Howl*, he turned primarily to Pound for help; he repeatedly tried to meet him, and when he awoke “chilled” by his perceived lack of talent, he turned to Pound’s works for help (*Journals* 231). However, in 1971, when Ginsberg returned from Calcutta, it was John Lennon, not Ezra Pound, with whom he

wished to meet, and he immediately set out for Lennon and Yoko Ono's apartment in Syracuse. He read *September on Jessore Road* to Lennon and felt that the work had succeeded when it "brought tears to the musician's eyes" (Morgan 481). By the early 1970s, Ginsberg clearly looked to his musical counterparts, not his poetic predecessors or peers, for help, inspiration, and guidance.

The Fall of America was not Ginsberg's only project in the early 1970s, for he was working simultaneously on *First Blues*; in this work, Ginsberg reached beyond the oral poetry of *The Fall of America* to the next step in his self-devised hierarchy of poetic effort – the setting of poetry to song. With *First Blues*, Ginsberg adopted the artistic process of the musician. In 1971, he held a reading at New York University, during which he created impromptu poetry onstage. Unbeknownst to him, Bob Dylan was concealed in the crowd and was amazed by the performance. He called Ginsberg later that night and showed up at his apartment. Eager to make an impact upon Dylan, Ginsberg "tongued syllables and sentences" as quickly and skillfully as he could, while Dylan accompanied him on his guitar (*First Blues* iii). He was successful in impressing Dylan, and the informal jam session spurred a series of formal sessions together in the recording studio. Ginsberg created poetry "out of whole cloth in the studio, right on the spot," while musicians played instruments, ran over the music, and recorded (interview with Schumacher 437; *First Blues* iii). At last, Ginsberg had truly found the collaborative atmosphere that he had glimpsed for a moment at the Six Gallery reading.

Although the songs were in fact translated to the page for the 1975 edition of *First Blues*, Ginsberg was careful to preserve their original musical nature, even in print. The titles of the poems reveal their musicality; twelve of the thirty-two pieces included in *First Blues* are described as rags or blues, and the titles of several others, such as "Slack Key Guitar" and "Everybody Sing," are musical as well. For fourteen of the songs, he included the sheet music, carefully written out in his own hand. Ginsberg was also careful to emphasize the songs' spontaneous, mutable nature. In order to reveal "how raw mind actually sings," Ginsberg chose not to revise the songs for the print version of *First Blues* but rather to leave them just as they were in the studio, and "Put Down Yr Cigarette Rag" ends with the direction to "improvise further" (*First Blues* v; "Put Down Yr Cigarette" 49). Although the reader of *First Blues* cannot comprehend the work's full musical effect, the print version does retain vestiges of its original form.

Unsurprisingly, the content of *First Blues* reflects Ginsberg's continued adoration of Bob Dylan. The book is dedicated "To Minstrel Guruji Bob Dylan" and includes a tribute to the singer, entitled "On Reading Dylan's Writing." In this song, Ginsberg casts Dylan as a prophet-poet with a "heavenly soul" in which "God himself" has "entered" (19-20). He praises Dylan's unmatched talent and claims that "the dross of wisdom" has left him "lone on earth" (15-16). With the lines, "I've broke my long line down/ to write a song your way," Ginsberg acknowledges that he has emulated Dylan's music, but he is quick to remind him that the "Sincerest form of flattery/ is imitation they say" (7-8; 5-6). At the same time that Ginsberg was appropriating Dylan's musical style, however, he was becoming more convinced of the literary value of Dylan's work. When he was asked to speak about Dylan in a 1976 interview, Ginsberg replied that he was "a great poet,"

dropping the quantifying phrase “as good as” that he had attached to a nearly identical compliment in 1964 (interview with Chowka 391; Morgan 394). The title page of *First Blues* features a black and white photograph of Ginsberg and Dylan sitting Indian-style by the grave of Jack Kerouac, a poignant picture that casts Dylan as a member of the grieving literary community, and nowhere in “On Reading Dylan’s Writings” does he refer to Dylan as a musician. In fact, the title implies that the author of the poem is not listening to the songs of a musician but in fact reading the words of a writer. Thus, in the print edition of *First Blues*, Ginsberg blends the divisions between poetry and music by not only acting the part of a musician himself but also by casting Bob Dylan as a fellow poet.

In writing *The Fall of America* and especially *First Blues*, Ginsberg traded the toil of the poet – the work with pen or keyboard to bring the words on a page into submission – for the creative process of the musician. However, it is important to note that, for their first incarnations, Ginsberg reduced his creations into the form with which he was most familiar, and which was undoubtedly expected of him – lines of poetry on a page. The oral poetry on his tape recorder was later written down as *The Fall of America*, and although the spontaneous music of the studio was later released in Ginsberg’s 1983 double album *First Blues*, the songs were originally translated to the page and published in a print version. In the early 1970s, Ginsberg was more clearly aligned with his idea of the bardic movement than he had been twenty years before, but he had not yet shed the very restriction he had named as the binding force of the modern poet – the printed page.

From the mid-1970s to the end of Ginsberg’s life, his poems drew so close to musical numbers that they shed any semblance of classical poetic structure that would chain them to the page at all, and Ginsberg adopted a musician’s life, complete with busy tour schedules, collaboration with other musicians, and popular albums. In 1975, Bob Dylan called Ginsberg in the middle of the night, asked him to sing his latest work over the phone to him, and invited him to be a part of his Rolling Thunder Revue tour. There were more than seventy artists, including Joan Baez and Joni Mitchell, involved with the tour, and Ginsberg later described the group as “a traveling rock-family commune” (interview with Chowka 392). However, he emphasized his idea that the musicians recognized their art as poetry and related that they were all “calling each other ‘poet’” (392). He perceived the frequent request of “sing me a song, poet” to be a “good sign” of the health of the bardic movement (392).

Ginsberg’s other musically-inclined ventures were numerous. In 1986, he recorded with the Hobo Blues Band, and in 1988, he worked with Philip Glass to produce *The Wichita Vortex Sutra*, an opera which premiered at the Schubert Theater in New York (*AG Trust*). In 1993, Bono, the lead singer of U2, asked Ginsberg to perform “Hum Bom!” and “Put Down Yr Cigarette Rag” for a television special that was to be aired in both Europe and the United States (Morgan 627). In 1994, Ginsberg released *Holy Soul Jelly Roll*, the much anticipated four-disc collection of “poems and songs” from the entirety of his career (*AG Trust*).

In 1996, Ginsberg earned what has come to be seen as the pinnacle of success in the musical community – a popular MTV video, and one featuring a rock icon no less. In 1995, Ginsberg traveled to London to perform at Albert Hall. Before the show, he visited Paul McCartney at his home and asked him if he could recommend a musician to accompany him for the night. McCartney volunteered himself, and Ginsberg’s audience was stunned when McCartney appeared on stage with Ginsberg to perform “The Ballad of the Skeletons.” The event was filmed and released on MTV, where it “received significant air time” (Morgan 640-43). By the mid-1990s, Ginsberg had finally achieved his goal of connecting poetry to music.

In many ways, Ginsberg’s own assessment of his career and his critical reception do not match up. Overall, Ginsberg was unhappy with *Howl*. In his 1956 journal, he wrote that he was displeased with “the disorganization of it,” and when he received the first copy of *Howl and Other Poems* by mail, he was “ashamed it was so shoddy” (*Journals* 271; 304). Even after the support of his friends at the Six Gallery reading and their kind testaments at the censorship trial, “he wasn’t sure *Howl* was any good,” and the only praise of it that he could muster was the dubious compliment that it “almost convinces” (Morgan 252; *Journals* 304). When Fantasy Records offered him a contract to record *Howl* in 1957, he vehemently rejected it. In fact, he used obscenities to describe the poem and claimed to be “positive” that it “was written two years ago in limbo by somebody else, not me” (Morgan 253). In Ginsberg’s mind, poetry could always be improved by being set to music, and in 1994, he debuted his musical version of *Howl* with the Kronos Quartet in Carnegie Hall (*AG Trust*). *Howl* was not the only poem that he sought to redeem, and in 1983, he followed John Lennon’s earlier suggestion to set *September on Jessore Road* to song (Morgan 560). The poem was “gracefully set to music for a string quartet,” and Ginsberg performed it in 1986 when he received the Golden Wreath lifetime achievement award in Yugoslavia (593). By setting the poem to music, Ginsberg felt that he had restored *September on Jessore Road* to, and even surpassed, its original, spoken form. He also sought to improve upon that other project from the early 1970s, *First Blues*, and in 1983, he produced the album version of the work. Although the critical reception of the album was negative, Ginsberg “had never been so happy with a project. He loved everything about the album” (565). In July of 1976, Ginsberg wrote the poem he would name as his best. In that month, Ginsberg’s poet father, Louis Ginsberg, passed away, and Allen penned “Father Death Blues” on the plane ride home for the funeral (*AG Trust*). The poem was properly named as a blues, for it was essentially a song, and one which Ginsberg sang at every opportunity. The poet’s own feelings about his work speak volumes. Although most readers and scholars point to *Howl* or *The Fall of America* as his best works, Ginsberg was unhappy with both until he set them to music. He was exceedingly pleased with his album version of *First Blues*, a project which failed according to public opinion, and he named “Father Death Blues,” a song which most people have never heard of and which received only four mentions in all seven-hundred and two pages of Bill Morgan’s distinguished 2006 biography of the poet. The reason behind this seeming discrepancy is clear: Ginsberg favored those pieces which came closest to realizing his bardic vision.

Until his death in 1997, Ginsberg continued to reiterate his belief that the way back to true poetry is through music. In 1982, he responded to an interviewer's snide observation that "this great poet who's written classical stuff like *Howl* is now dabbling with rock 'n' roll, New Wave, and blues," with the response that "poetry and music have always been allied" (interview with Schumacher 442). Ginsberg went on to say that, although he was "a little late in practicing that," he was trying, through his musical endeavors, "to sharpen my practice and get back to home base" (442). He further argued that the musicality which he had introduced into his work was not a symptom of the degradation of his poetry but rather a sign of artistic maturity and "refinement" (442). Through both his work and his influence, he continued to try to convince poets and musicians of their inherent connectedness. When he met them in 1965, Ginsberg tried to educate the Beatles about William Blake. In 1996, he was still aiming to show at least one of them his artistic heritage, for he was working with Paul McCartney on haikus (interview with Silberman 548). He continued to argue for his theory of the return to the bardic tradition and the importance of the artists who represented each link. In a 1989 interview, he echoed the theory he had first put forth in the 1960s and explained that "poetry's extended itself in its own lineage afterward into John Lennon, the Beatles,...and Dylan...and I think after the wave of Whitman and then maybe another wave of Pound, it's...the strongest wave of American influence on world literature – the combination" (interview with Jarab 505). For Ginsberg, that combination of the two forces was always the key.

One cannot judge the accuracy of either Ginsberg's vision of the chain of influence in poetry or his theory of the correct path back to the bardic tradition. Furthermore, Ginsberg's success as a poet (or a musician, for that matter) is, of course, open to debate. All that is clear is that Ginsberg believed strongly in his theories himself, and as he changed from the figure bent over the typewriter, hoping to hear William Blake's voice again, to the figure onstage with the microphone in hand and the band behind, he undoubtedly felt that he had finally lived up to that self-description he had penned in his journal so many years before – "Allen Ginsberg Bard out of New Jersey" (*Journals* 168).

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Chapter 7

Living and Writing on the Edge in Don DeLillo's *Libra*

Lucia Campean

In 1988, a quarter of a century after John F. Kennedy was murdered, Don DeLillo published his ninth novel, *Libra*. In his alternative account of the event, its causes and aftermath, DeLillo brought together three parallel, eventually converging stories: a biography of Lee Harvey Oswald, a CIA plot meant to result in the near assassination of president Kennedy and the actual assassination of Castro, and the efforts made by a retired secret service agent to write a secret history of the assassination for the CIA.

Libra is divided into twenty-four chapters, of which half tell the story of Lee Harvey Oswald's life between 1956 and 1963 and are entitled after the places where he spent these seven years. The other chapters cover the plot against Kennedy and are named after the dates that mark its development between April and November 1963. A temporal gap inevitably occurs between the two narrative strands that run parallel to each other, but is eventually bridged, as Oswald comes into contact with the conspirators, in April 1963.

The first two chapters and the titles they bear are significant for both the content and the narrative strategy of the book. Content wise, the first chapter, *In the Bronx*, clearly points to Lee Harvey Oswald as the protagonist of the novel and to his status of a misfit, a figure of the underworld, riding the subway daily, in an attempt to meet other lonely frustrated people. The second chapter, *17April*, offers the reader a clue early in the novel about the main reason why, in this fictional world, Kennedy was killed: it was Kennedy's failure to make amends for the Bay of Pigs Invasion of April 17th, 1961, which resulted in what was probably one of the greatest embarrassments of US foreign policy. As far as the narrative strategy is concerned, the two chapters seem to make of *Libra* another novel with multiple beginnings in the tradition inaugurated by Italo Calvino's *If on a Winter's Night a Traveler*. However, as the reading advances and the plot, in both senses of the word, unfolds, the two beginnings converge, toward the end, in a story that defies ultimate closure and invites the reader to re-visit a world made of words.

Both Oswald's biography and the conspiracy narrative are subordinated to Nicholas Branch's account, meant to provide the CIA with satisfactory answers to the questions raised by the Kennedy assassination. The function of this character, which is ontologically superior to all the characters in the novel, whether they are based on real people or they are invented, is to endorse a small-scale conspiracy.

In *Libra*, the original plot is directed against Castro and not against Kennedy. Win Everett, a demoted CIA agent, who, after the Bay of Pigs fiasco, is forced to leave the

foreground and teach at Texas Woman's University, cannot reconcile with being relegated to a petty job and searches for a solution to make the administration go back to Cuba. He needs what he calls an "electrifying event" and he finds it, or, rather, stages it: an attempt on the President's life, in Dallas, that would point to the Cuban Intelligence Directorate: Kennedy must be scared into overthrowing Castro: "We don't hit the President. We miss him. We want a spectacular miss."¹ However, T-Jay Mackey, one of Everett's fellows, secretly alters the initial plan: he recruits Ramon Benitez and Frank Vasquez from the growing community of Cuban exiles in Miami, and Wayne Elko, a soldier of fortune, but fails to inform them that the shooting has to be a miss and not a hit.

The conspirators need a scapegoat and when Win Everett has devised a profile for him, by a lucky coincidence, George de Mohrenschildt, a CIA-related businessman and Guy Banister, former FBI agent, come up with Lee Harvey Oswald, a Marine who defected to the Soviet Union, lived in Minsk, married a Russian woman and, back in the United States, distributes "Hands off Cuba" leaflets and makes no secret of being a leftist.

In the scenario advanced by DeLillo in *Libra*, the first bullet, which hit Kennedy in the throat, is fired by Oswald from the Texas School Book Depository. His second bullet misses Kennedy, but hits Governor Connally. He then aims for the third time, shoots, and, as he fails again, he has time to see Kennedy's head blow off and is struck by the idea that he might have been set up. It was the Cuban exile, Ramon, who, from behind the fence on the Grassy Knoll, fired the fatal bullet. From here on, *Libra* follows the official version of the Warren Report Commission: Oswald kills Tippit then is apprehended by the police in the Texas Theater. Finally, he is shot by Jack Ruby, in the basement of the Dallas police headquarters, in front of a national TV audience.

David T. Courtwright is of the opinion that *Libra's* plot, both the story and the conspiracy, complied with the cardinal military rule of KISS: Keep IT Simple, Stupid! and, as such, evolves within plausible boundaries. The critic argues that, even if DeLillo's novel revises the Warren Report with fictional tools, it is, nevertheless, a piece of "minimalist revisionism." Upper-case Conspiracy would have been at odds with the realistic context described in *Libra*. By the same token, Oswald had to miss; otherwise, he would have contradicted himself and the novel would have lacked in thematic coherence.²

Don DeLillo corroborates Courtwright's interpretation when he points out that Oswald's final miss is yet another failure in the long range of failures that make up his life. In the end, even if he wished so much to become a historical figure and a constitutive part of his times, that is, to take his life into his own hands, Oswald lends himself to the circumstances that created him and, ultimately, to chance: "He misses because he is Oswald... the antihero can't even be a hero himself. Oswald has to know he has not killed the president. Another failure. It is the overwhelming theme of his life... Oswald

¹ Don DeLillo, *Libra*, Penguin Books, 1991, 27-28.

² David T. Courtwright, *Why Oswald Missed: Don DeLillo's Libra*, in Mark C. Carnes, ed., *Novel History*, New York, Simon and Schuster, 2001, 84-85.

would not have walked two blocks to shoot at the president. But the president came to him.”³

In what might be interpreted as one of several ways of debunking the Camelot myth, DeLillo chose Lee Harvey Oswald as the thematic center of the novel, rather than President John F. Kennedy. Oswald undergoes an identity crisis and needs to project it on the nameless, faceless people he sees everyday in the subway. He has to check his troubles against a group of people because by transferring his fear and discontent with society, he is reassured to belong, to be a cog in the wheel. He needs to experience anger within a framework which he creates and of which he then becomes part. Ironically, when he finds himself in Minsk and has the chance to be just a brick in the wall, as he has wished, he suddenly realizes he wants to dream the American dream: “He is a loner seeking connection in the United States, and he is a ‘comrade’ seeking individuality in the Soviet Union.”⁴ An excerpt from one of Oswald’s letters to his brother, which DeLillo chose as an opening to the novel, suggests that Oswald’s need to become integrated in the larger flow of History is a key theme of the story: “Happiness is not based on oneself, it does not consist of a small home, of taking and getting. Happiness is taking part in the struggle, where there is no borderline between one’s own personal world and the world in general.”⁵

If life could be compared to a circle, then Oswald could be pictured as the center and the circumference of his own circle. He is the lead character of the stories he himself has devised. His obsession with making projects of his self and trying to enact them reaches its climax toward the end of the novel, when Oswald is satisfied to have become part of History and to have found his goal, i.e., to analyze his assassination of the president. But Oswald did not live to enjoy self-discovery. The way he died, though, was consistent with the way he lived: he died watching himself die, he was actor and witness to his own assassination by Jack Ruby: “He could see himself shot as the camera caught it. Through the pain he watched TV (...) through the pain, through the losing of sensation except where it hurt, Lee watched himself react to the angering heat of the bullet.”⁶ The same uncanny effect is aimed at when another character, the wife of a CIA agent, suddenly realizes that Oswald can actually see himself die, and, thus, makes everyone watching his accomplice to the murder of the President:

There was something in Oswald’s face, a glance at the camera before he was being shot, that put him here in the audience, among the rest of us, sleepless in our homes— a glance, a way of telling us that he knows who we are and how we feel, that he has brought our perceptions and interpretations into his sense of the crime. (...) He is commenting on the documentary footage even as it is being

³ Don DeLillo, *The Fictional Man*, in *Carnes*, 92.

⁴ Christopher M. Mott, *Libra and the subject of History*, *Critique: Studies in Contemporary Fiction*, 35, 1994.

⁵ Don DeLillo, *Libra*, 1

⁶ DeLillo, *Libra*, 439.

shot. Then he himself is shot, and shot, and shot, and the look becomes another kind of knowledge. But he has made us part of his dying.⁷

This brief moment of communion in violent death, has been termed by Cain “a sinister vision of American oneness” and probably best explains DeLillo’s description of the Kennedy assassination as “the seven seconds that broke the back of the American century.”

In Timothy L. Parish’s words, “he goes from a writer of a plot he cannot complete to being an actor in a plot he did not write.”⁸ The critic believes that Oswald’s validity as a character is guaranteed by his writer persona. This was most apparent in his so-called “historic diary”, a piece of writing DeLillo found “enormously chaotic and almost childlike”, unlike a surprisingly “intelligent and articulate” radio appearance he made in 1963.⁹ To call Oswald a writer, even a “failed” one, based on a number of letters and some reading notes on Marx, Lenin and Trotsky is too much, unless the word is used in a broader sense to designate the notion of “plotter.” However, in DeLillo’s scenario, he ends up being just a pawn and a scapegoat.

It is a common narrative strategy, especially in the case of novels with a metafictional propensity, for an author to insert a representative of his own in the text, in order to orient or, as the case may be, disorient the reader with respect to which interpretive path he or she should follow. Usually, the delegate of the author is an artist, particularly a writer. Timothy L. Parish believes that “Oswald is the writer in *Libra* who compels and ultimately best represents DeLillo’s own authorial interest in the story” more so than two other characters: Win Everett, the demoted CIA agent who initiated the whole shoot-but-don’t-kill-the-President plan, or Nicholas Branch, whom the CIA authorized to go through all the evidence and write the secret story of the assassination. I would argue that a novel like *Libra* does not encourage such a reading simply because even as it advances an alternative explanation of the assassinate, it does so within a fictional framework that challenges closure: to intimate that Oswald is the delegate of the author in the text is to force the reader within an interpretive enclosure, which goes against the inner logic of the novel and is dangerous because of the nature of the association. Rather, I would argue that it is Nicholas Branch who echoes DeLillo’s “voice” in the text and his modernist take on historiography.

Parish concludes that: “In the fictional world of *Libra*, Don DeLillo, not Lee Harvey Oswald or the conspiracy theories, is the author of November 22nd, 1963 and its subsequent narrative possibilities.”¹⁰ This statement is rather superfluous to those who have no difficulty in discriminating between a factual and a fictional account. Surprisingly enough, there still are such people among well-read readers. The inability or

⁷ DeLillo, *Libra*, 447.

⁸ Timothy L. Parish, *The Lesson of History: Don DeLillo’s Texas School Book, Libra*, in *Clio*, Vol.: 30, issue 1, 2000.

⁹ Anthony DeCurtis, *Interview with Don DeLillo*, in *Introducing Don DeLillo*, edited by Frank Lentricchia, Duke University Press, 1991.

¹⁰ See Parish.

unwillingness to accept the aforementioned difference underlies George F. Will's "Shallow Look at the Mind of an Assassin" review of *Libra*, published in Washington Post, on September 22nd, 1988.

George Will characterized Don DeLillo's *Libra* as "an act of literary vandalism and bad citizenship," an "exercise in blaming America for Oswald's act of derangement," "valuable only as a reminder of the toll that ideological virulence takes on literary talent."¹¹ Will accuses DeLillo of inconsistency because on the one hand he stated in the final Author's Note that he had not tried to provide "factual answers" and, on the other hand, in an interview claimed to have developed "the most obvious theory" that "does justice to historical likelihood."¹² One doesn't need a second reading to conclude that the two statements buttress and not at all subvert each other. Will misread the phrase "historical likelihood," because he focused on the word "historical," whereas DeLillo's argument centers on the concept of "likelihood," the understanding of which is the key to the whole debate. The "as if" logic of fiction is the issue at stake and George Will failed to read *Libra* for what it is: a novel. Here is the Author's Note that DeLillo placed at the very end of the novel to create and maintain the suspense effect:

This is a book of imagination. While drawing from the historical record, I've made no attempt to furnish factual answers to any questions raised by the assassination. Any novel about a major unresolved event will aspire to fill some of the blank spaces in the known record. To do this, I've altered and embellished reality, extended real people into imagined space and time, invented incidents, dialogues and characters. Among these invented characters are all officers of intelligence agencies and all organized crime figures, except for those who are part of the book's background. In a case in which rumors, facts, suspicions, official subterfuge, conflicting sets of evidence and a dozen labyrinthine theories all mingle, sometimes indistinguishably, it may seem to some that a work of fiction is one more gloom in a chronicle of unknowing. But because this book makes no claim to literal truth, because it is only itself, apart and complete, readers may find refuge here_ a way of thinking about the assassination without being constrained by half facts or overwhelmed by possibilities, by the tide of speculation that widens with the years.¹³

Although this statement leaves no room for an interpretation of the nature of the account Will read *Libra* as a piece of historical writing. His critique takes a moralizing turn when he argues that novelists drawing on historical events should be true to life: they should be "constrained by concern to truthfulness, by respect for the record and a judicious weighing of probabilities."¹⁴ And when self-censorship does not work, George Will feels that it is his duty to warn the reading public against the harm a book like *Libra* might do. Based on a character's definition of "history" as "the sum total of what they

¹¹ George F. Will, *Shallow Look at the Mind of an Assassin* in *Introducing Don DeLillo*, edited by Frank Lentricchia, Duke University Press, 1991, 56.

¹² George Will, 56.

¹³ DeLillo, *Libra*, 458.

¹⁴ George Will, 56.

aren't telling us," Will counts DeLillo among the "paranoiacs" and "conspiracy addicts." But again, he fails to realize that this is a conviction of a character, i.e., a paper being living in an imaginary universe more or less tangential to the real world, and that a character's thoughts and feelings should not be attributed to the author. A one-to-one character-author correspondence is counterproductive first of all because an author cannot be identified with each and every character and second, because an author is ontologically superior to the figments of his or her imagination.

Will goes on to say that DeLillo, as the representative of the American left, saw the Kennedy assassination as "the turning point in consciousness" for Americans and the event that fueled Americans' skepticism about historical objectivity. The President was killed— sad, but true. The President is dead— long live the President. Oswald was killed— justice was done. Oswald is dead— long live America! The Warren Commission Report came out and questioning an officially established truth is an unpatriotic act. This, in short, is George Will's argument. His major criticism is that DeLillo pictured America as a sick society that breeds extremism and conspiracies" and Oswald as "a national type, a product of the culture."¹⁵ It is true that DeLillo placed Oswald within a social and political context, which could not be but America in the late fifties and early sixties— interesting times, to paraphrase the Chinese curse— but he did not portray Oswald as a national type— that is too far-fetched. Will goes as far as to suggest that DeLillo's definition of a writer as "the person who stands outside society, independent of affiliations (...) the man or woman who automatically takes a stance against his or her government" almost associates a writer with an assassin. A parenthetical note— "Henry James, Jane Austen, George Eliot and others were hardly outsiders." – comes down to saying: either you are with us, or you are out of the canon. It is Will's belief that DeLillo's political affiliations make him "a good writer and a bad influence."¹⁶

In an interview which appeared in Rolling Stone magazine one month after George Will's review, Don DeLillo emphasized the purely fictional nature of the scenario he advanced in *Libra*. However, he made it clear that the fictional scaffolding he raised was undeniably steeped in facts:

If I make an extended argument in the book it's not that the assassination necessarily happened this way. The argument is that this is an interesting way to write fiction about a significant event that happens to have these general contours and these agreed-upon characters. It's my feeling that readers will accept or reject my own variations on the story based on whether these things work as fiction, not whether they coincide with the reader's own theories or the reader's own memories (...) I wanted a clear historical center on which I could work my own fictional variations.¹⁷

¹⁵ George Will, 57.

¹⁶ See 15.

¹⁷ Anthony DeCurtis, *Interview with Don DeLillo*, 50.

If there is an ideal reader for the Warren Commission Report, then that is Don DeLillo, because he actually read the twenty-six volume report before he set to write what he called “a work of imagination.” Someone who has done so much research work, as DeLillo has done, must have his own opinion about the Kennedy assassination, although *Libra* makes no claim to historical objectivity. Without denying the importance of history as a discipline or the validity of historical writing, DeLillo’s endeavor proves that novelists do have a say not only in universal matters of the heart, but also in historical matters. Asked what fiction offers to people that history denies them, DeLillo answered that “fiction rescues history from its confusions (...) providing the balance and rhythm we don’t experience in our everyday lives, in our real lives (...) finding rhythms and symmetries that we simply don’t encounter elsewhere.”¹⁸

The Kennedy assassination has given rise to a great number of conspiracy theories and continues to challenge the minds of people looking for an answer, or, rather, the answer. DeLillo argued that this event has left an indelible stamp on the American collective psyche which has never recovered from the shock: “We seem much more aware of elements like randomness and ambiguity and chaos since then (...) we’ve developed a much more unsettled feeling about our grip on reality.”¹⁹ Moreover, due to the extensive media coverage of this tragedy, Americans have become aware of what DeLillo calls “a sense of performance.” This has been taken to the extreme by such people like Arthur Bremer and John Hinckley who “have a sense of the way in which their acts will be perceived by the rest of us, even as they commit the acts.”²⁰

Such an explanation cannot be conceived by people like George Will simply because it is an attack on the American way of life and the values it entails, such as the ideas of objectivity, justice, truth and progress; it is equal to saying that something is rotten in the United States and that would violate the City-upon-a Hill-dearly-held myth. The same way of reasoning accounts for the “lone gunman” explanation, which is rooted in the archetype of the individual, and overrules the possibility of a plot or conspiracy in the case of the Kennedy assassination. To accept that more than one person can be held accountable for the murder is to admit that America has degenerated to the level of the European way of solving conflicts. No wonder that George Will perceives a work of fiction like *Libra* as a threat and that he favors the banishment of the artist from the perfect State, so much like in Plato’s fashion.

The blatant ignorance of or refusal to distinguish between historical and fictional modes of reference reiterates the old Plato/Aristotle conflict over the concept of “mimesis.” In the last book of *The Republic*, Socrates, the creditable character in Plato’s dialogues, gives his reasons for having banished “imitative poetry” and the “imitative tribe” from the ideal state. Taking a bed as an example, Socrates describes the three levels discernible in the structure of each and every object: the original level is that of the ideal bed, created by God, the second level is represented by an actual bed made by the carpenter, who imitates God, and on the last level stands the poet or painter’s bed,

¹⁸ DeCurtis, *Interview with Don DeLillo*, 56.

¹⁹ DeCurtis, *Interview with Don DeLillo*, 48.

²⁰ DeCurtis, *Interview with Don DeLillo*, 49.

which is nothing but a second-rate copy. In Socrates' view, an artist doesn't have full knowledge of the object he tries to reproduce and the artistic product has no value in itself because it is two times separated from the truth. Imitation is not a serious activity because it draws upon the "rebellious principle" or the irrational part of the soul and impresses undesirable emotions upon the audience. The immediate consequence is that the audience will identify with and imitate what it sees. The only poetry that Socrates will allow in the State is "hymns to the gods and prayers to famous men." He concludes that "the imitative art is an inferior who marries an inferior and has inferior springs."²¹

Aristotle's point of view, on the other hand, is quite different from that of Plato. He believes that "it is not the function of the poet to relate what has happened, but what may happen, what is possible according to the law of probability or necessity. The poet and the historian differ not by writing in verse or in prose. The work of the historian Herodotus might be put into verse and it will still be a species of history, with meter no less than without it. The true difference is that one relates what has happened, the other what may happen."²² As far as tragedy is concerned, if it produces within the audience such feelings as fear and pity, it also turns them to good account, in the sense that these feelings also produce a purgation and thus an elevation of the soul during the aesthetic experience or what Aristotle calls "catharsis."

George Will's fallacy is that he dismisses fiction drawing on the historical record as a threat to common sense and denies the novelist the right to address controversial issues. Contrary to Will's belief, a novel like *Libra* rejects any claim to objectivity, without arguing against the idea of historiography. As DeLillo himself has explained, the novel might offer the reader a stay against the confusion raised by the assassination at least for the actual time of reading. But it can also prompt him or her to read history.

Apart from the morally and politically-oriented conflict that it raised, *Libra* became an object of dispute between literary critics that consider it to be another example of postmodernist fiction, more precisely of what Linda Hutcheon termed "historiographic metafiction", and those who argue in favor of it being a modernist novel.

As the very name points out, "historiographic metafiction" displays a hybrid nature due to its double orientation: it represents the meeting point of two opposite notions: art for life's sake and "art for art's sake." On the one hand, it is concerned with history and with the way in which the past has come down to us, and, on the other, it feeds on itself, due to its metafictional bias. Linda Hutcheon argues that such a narrative reconsiders the relationship between historiography and fiction, and concludes that they do not stand apart, due to the former's claim to objectivity and the latter's tendency to depart from and distort reality. On the contrary, historiography and fiction come together on account of their being mere discourses and, as such, prone to subjectivity. Since they are both products of the human mind, which is time-, space- and ideology-conditioned, neither can escape the personal touch inherent in any form of discourse. The fact that historiography sets forth with the end in view to offer an objective, credible picture of

²¹ <http://classics.mit.edu/Plato/republic.html>

²² <http://libertyonline.hypermall.com/Aristotle/Poetics.html>

“what really happened” does not exempt it from participating to a discursive experience. It only establishes degrees of fictionality among forms of discourse. After all, the very notion of picture cannot be conceived of independently of a beholder and a certain point of view, hence its built-in subjectivity. Fiction and historiography have a common intention. Broadly speaking, they are attempts to nibble at the strangeness of the past. They both endeavor to render coherent a chaotic reality, by translating it into a familiar language. Because they both use language as a means of expression, their communicative effectiveness is one of degree.²³

In what follows I will briefly analyze this process of relativization so as to provide the theoretical background the type of novel called “historiographic metafiction” is steeped in. The debate over the legitimacy of historical discourse and of history as a discipline is far from having been resolved. One might say that the blurring of the distinction between historical and fictional writing began with the so-called “linguistic turn” of the late sixties, which has brought about a reconsideration of the subject/object relationship in the process of representation. The idea that language is not a transparent medium and that our apprehension of reality is to a great extent linguistically determined underlies the skepticism about the possibility of mapping the past and acquiring historical knowledge. The relationship between history and art and that between history and science have been under debate and continue to be challenged. Such intellectual historians like Hayden White, Keith Jenkins or Frank Ankersmit, to name but three of the radical postmodernist vanguard, deny the validity of historical objectivity and the idea of history as a discipline. In his fairly recent book *Refiguring History. New Thoughts on an Old Discipline* Jenkins denounces historians’ attempt to be objective, arguing that their admittance of the element of subjectivity in the process of representation is hypocritical because they still try to be objective and thus, provide ultimate truths. This goal is unattainable in itself because of the impossibility of any kind of discourse to achieve any kind of closure and because the past— “the before now”— lends itself to revisionist interpretations and re-interpretations time and time again.²⁴

Jenkins rejoices in the infinite openness of representation and considers it the basis of experiencing otherness to the fullest, but what he fails to realize is that this radical mistrust of even trying to be objective ultimately leads to the state of being happy about being happy, or, in other words, being happy about nothing. While ridiculing the lament over the loss of an objective perspective and the death of historical discourse, Jenkins recommends ‘favorable dispositions’ to alternative modes of representations or what he calls “new ways of imaginings”: “a relaxed attitude towards creative failure”, “an attitude of radical and critical disobedience that... seeks no resolution or agreement about historical problematizations but celebrates the failure of each and every one of them”, “an attitude which disregards convention, disobeys the authoritative voice and replaces any definitive closure with an interminable openness, any exhaustive ending with an et cetera, and any full stop with an ellipsis...”²⁵ Despite claiming that postmodernism defies the very idea of a paradigm, which is in itself an enclosure, Jenkins strongly recommends

²³ Linda Hutcheon, *A Poetics of Postmodernism. History, Theory, Fiction*, 41.

²⁴ Keith Jenkins, *Re-Thinking History. New Thoughts on an Old Discipline*, Routledge, 2003, 3.

²⁵ Jenkins, *Rethinking History*, 6.

“attitudes”, as if he were writing a prescription or preaching to agnostics hopefully convertible to atheism.

Preaching is not exactly the kind of discourse sanctioned by “happy” postmodernists and the either/or logic of argumentation is theoretically foreign to postmodernism. Yet Jenkins uses it precisely in relation to historians whom, he argues, ought to have abandoned it and become “happy relativists.” Instead, they persist in writing well-documented, thoroughly researched books on the modernist premise that there is something out there that can be rendered objectively.²⁶ To admit that there are more points of view on a past event is not enough, it is veiled search for what Jenkins terms “history narrator as nobody effect.” What is required is radical relativization in order to be admitted among the elitist caste of postmodernists. Bernd Engler, too, complains about academic historians being reluctant to admit that what they produce is fictional accounts of a reality that can never be experienced immediately, but only through already acquired screens.²⁷ Jenkins maintains that historians, even the “enlightened” ones, need to understand that the new cultural paradigm revised the notion of representation by calling into question not the content of historical writing, but its form and the structural device that it uses.

Drawing on Hayden White’s argument that historical writing is no different from fiction because both the historian and the novelist are inescapably ideologically biased and use the same means of emplotment and argumentation, radical postmodernist theorists overemphasize the role of the imagination in relation to historiography. White claims that, since history uses the same narrative strategies that fiction relies on, no historical event can be inherently tragic, comic, romantic or ironic, to use Northrop Frye’s terminology. It is presented as such according to the point of view and the narrative pattern that a historian chooses before he or she sets out to elaborate what he or she believes to be a self-sufficient, objective account.²⁸ I would argue that an event such as the Kennedy assassination can only be tragic, irrespective of the cultural background or ideological leanings of the historian that deals with it. A novelist, on the other hand, can give the whole matter a comical or farsical twist in presenting Kennedy in heaven, confessing of his affairs, personal and public, in an attempt to atone for having led a “fake” life, as it is the case in Robert Mayer’s novel *I, JFK*.²⁹

Richard J. Evans took a stance on the champions of relativization when he compared historical research with a jigsaw puzzle: even if some pieces are missing and the historian has to reconstruct them from the actual remains at hand, he or she is still working within clearly defined boundaries and his or her imagination is held in check by verifiable data.³⁰

²⁶ Jenkins, *Rethinking History*, 5.

²⁷ Bernd Engler, *The Dismemberment of Clio: Fictionality, Narrativity, and the Construction of Historical Reality in historiographic Metafiction* in Bernd Engler, Kurt Muller, Eds., *Historiographic Metafiction in Modern American and Canadian Literature*, Ferdinand Schoningh, 1994, 17.

²⁸ Hayden White, cited in Engler, 24-25.

²⁹ John Hellman, *The Kennedy Obsession. The American Myth of JFK*, Columbia, New York, 1997, 162.

³⁰ Richard J. Evans, *In Defense of History*, Granta Books, 1997, 89.

John Lewis Gaddis's concepts of "actual replicability" and "virtual replicability" contribute to the same debate over the objectivity of historical knowledge. The difference between history and art can be drawn with respect to sources, real or invented, reliable or questionable. This is not to say that history is a science, as the historian cannot replicate the past in the same way as the scientist would make the same experiment several times with the same result.³¹

Keith Jenkins and other radical postmodernists find being different liberating, but they ignore the fact that something has to be different from something else, and that the "other" always has a counterpart. Diversity cannot be liberating in the abstract, it has to have a stable ground against which to assert its own identity. The solution radical postmodernists advance is self-undermining because on the one hand they foreground the necessity to abolish past systems of thought and the very idea of a system, and on the other hand they try to establish a paradoxical unparadigmatic paradigm which assumes ascendancy over all preceding theoretical structures.

Radical postmodernists or intellectual historians, as they sometimes refer to themselves, claim that all accounts about the past are fictional. However, for something to be fiction, there must be a counterpart that doesn't necessarily have to be objective according to nineteenth-century standards of empiricism, but that is closer to facts than the figments of one's imagination. I believe that one can still differentiate between a factual and a fictional account and I will try to prove my point by resorting to a set of concepts coined by Samuel Coleridge in *Biographia Literaria*, in 1817, namely: "suspension of disbelief", "fancy" and "imagination." The first one, "suspension of disbelief", specifies the dichotomy as far as the reader is concerned and has been defined as the postponement or cancellation of critical judgment required of the reader of a work of fiction in order for him or her to enjoy the reading process. Conversely, a reader of a historical account should maintain his or her critical judgment awake and alert and not take anything for granted. As far as the author is concerned, a historian makes use of "fancy," i.e., a kind of mechanical or logical faculty to associate materials already provided, whereas a writer of fiction uses his or her "imagination," i.e., a poetic faculty, which not only gives shape and order to a given world, but also creates new worlds.³² When the historian uses his or her imagination, especially in the case of virtual history, his or her imagination is no more than a methodological tool and not a constitutive or structural quality, as in the case of fiction. Needless to say that historical fiction requires of its readers a considerably greater amount of cooperation and suspension of critical thinking. However, Coleridge's theoretical distinction is, I believe, still valid and useful in grappling with this sensitive issue.

At first glance conservative critics like George F. Will and intellectual historians such as Keith Jenkins seem poles-apart with respect to the difference between literary and historical discourses, since the former draw a clear line between them on moral and political grounds, and the latter blur the difference between them on grounds I can only

³¹ John Lewis Gaddis, *The Landscape of History. How Historians Map the Past*, Oxford University Press, 2002, 43.

³² <http://www.english.upenn.edu/~mgamer/Etexts/biographia.html>

describe as radically postmodernist. However, they share one thing: the virulence with which they understand to engage in a debate. I believe that some tolerance on both sides would not go amiss.

Although less acrimonious than intellectual historians, postmodernist literary critics share their basic assumptions. They term *Libra* a postmodernist novel because it draws on what they consider to be the first postmodern event in American history and because it uses postmodernist techniques to deal with it. Dallas, November 22nd, 1963, had often been referred to not only as a turning point in the twentieth-century, but also as the event that ushered in the postmodern era. It is the point in time and space that engendered a culture of violence and, at the same time, a nostalgic longing for lost innocence.³³ Norman Mailer reads the Kennedy assassination as the moment since which “we have been marooned in two equally intolerable spiritual states, apathy or paranoia,” while Frederic Jameson interprets it as having raised the curtain on what he calls “a collective communicational festival.”³⁴ Drawing on Linda Hutcheon’s distinction between “events” and “facts,” that is, the real, historically accountable happenings and the historicized recording of them, which is time-, space-, and ideology-conditioned, Jameson suggests that the assassination established what had before been only a tendency, namely, the ascendancy of facts over events, as the media, especially television, gained more and more importance and influence in society.³⁵

Carmichael argues that *Libra* plays upon this cultural phenomenon extensively and that it dramatizes this crisis of representation that history writing continues to undergo. Furthermore, the critic maintains that DeLillo illustrates the shift from the modernist to the postmodernist paradigm most clearly in the narrative strand dedicated to Nicholas Branch and his efforts to write a secret history of the Kennedy assassination for the CIA. The retired agent characterized the Warren Report as “the Joycean Book of America” and “the megaton novel James Joyce would have written if he’d moved to Iowa City and lived to be a hundred” and the event that prompted it as having generated “an aberration into the heartland of the real.”³⁶ One of the paradigmatic features of postmodernism is the crisis of the subject and, consequently, of language. In this respect, Oswald’s own writings reproduced in the Warren Commission Exhibits, with their broken syntax, misspellings and malapropisms, are, in Carmichael’s view, additional proof that *Libra* draws on the postmodernist thematic repertoire.

Other literary critics, prominent among them Glen Thomas, insist on the postmodernist quality of narrative and character construction in *Libra*. For example, Win Everett’s plot rebels against its author, assumes its own life and ultimately kills him; the plan is challenged by Mackey retaliatory urge and by historical fact, since the initial miss turns into a hit. At the character-level, Oswald is the one most extensively analyzed

³³ Thomas Carmichael, Lee Harvey Oswald and the Postmodern Subject: History and Intertextuality in Don DeLillo’s “*Libra*”, “*The Names*”, and “*Mao II*”, in *Contemporary Literature*, Vol., 34, No., 2, Summer, 1993.

³⁴ Norman Mailer and Frederic Jameson cited in Carmichael, 207

³⁵ See Carmichael, 208.

³⁶ DeLillo, *Libra*, 72.

within postmodernist parameters: he is the marginal, de-centered figure, who lives his life in claustrophobia inducing spaces, struggles to become part of capitalized history and writes his way into a framework more coherent than the one he experiences daily, even though his texts are inarticulate and, at times, incomprehensible. Oswald's divided personality is most apparent at the end of the novel, when he is killed by Jack Ruby. The uncanny effect of his death is that he is portrayed as subject of and simultaneously witness to his own dying.³⁷ It is noteworthy that Glen Thomas's theoretical and interpretive leanings transcend the content and penetrate the language of his critical discourse. For example, he refers to Oswald's troubled character in terms of a "dispersed, split and fragmented sign," obviously drawing on the jargon of poststructuralist linguistics.³⁸

N.H. Reeve too admits that the aftermath of November 22nd, 1963, displays characteristics of postmodernism: inconclusiveness, skepticism about all-encompassing narratives and the proliferation of such questions as: who actually shot Kennedy? Was it from the Texas Scholl Book Depository or from behind the fence on the Grassy Knoll? Was there a lone gunman or a conspiracy that should be held accountable for the murder?³⁹ Notwithstanding these features partaking of the postmodernist paradigm, Reeve makes an even stronger case for the modernist bias that underlies even the most paranoid of theories: the belief in and the craving for "the pure and the uncontaminated"—this appears to be the driving force behind the plotters in *Libra*, as well as behind all those who still try to solve the Kennedy mystery.⁴⁰

Rather than considering *Libra* a piece of postmodernist fiction, and, more specifically, another example of the flourishing genre of "historiographic metafiction," Reeve believes that DeLillo's alternative account of the Kennedy assassination shares in the humanist, modernist endeavor to deal efficiently with chaos and to set the individual and collective consciousness at rest. By definition, "historiographic metafiction" purposely blurs the difference between history and fiction and questions authoritative and authorized historical truth. *Libra* goes beyond this rationale because, on the one hand, DeLillo uses historical evidence quite substantially, even as he draws attention to the fictionality of his account, and, on the other hand, there has never existed an undisputed explanation of the Kennedy assassination: the Warren Report raised question marks and suspicion from the very day of its release. Therefore, it would be fair to say that *Libra* is modernist in content and message, but postmodernist in technique and treatment.⁴¹

The modernist vs. postmodernist debate is ultimately a purely theoretical dispute that can never be resolved, simply because different critics use different criteria by which they label literary works as belonging to one or the other aesthetic code. Whether one favors the content or the narrative strategies in deciding where to place a work of fiction is another reason why this technical conflict cannot be settled.

³⁷ Glen Thomas, *History, Biography and Narrative in Don DeLillo's Libra*, in *Twentieth Century Literature*, Vol.: 43, No., 1, Spring, 1997.

³⁸ See Thomas.

³⁹ N.H. Reeve, *Oswald our Contemporary: Don DeLillo's Libra*, in Rod Mengham, ed., *An Introduction to Contemporary Fiction*, Cambridge, Polity Press, 2000, 135.

⁴⁰ N.H. Reeve, *Oswald our Contemporary*, 138.

⁴¹ See Parish.

Although the distinction between form and content is possible only for methodological and analytical reasons, I believe that the return to thematic criticism in recent years can partly be accounted for by works like *Libra*, which, far from neglecting the formal aspect and far from serving a propagandistic purpose either, do have a powerful message that cannot be overlooked.

In the case of *Libra*, the subliminal message has to do with the relationship between history and fiction. DeLillo's novel draws on the historical record and, what is more important, on a controversial event. As a "work of imagination," it is both world-reflecting and self-reflexive in a well-balanced proportion. Rather than endorsing an attitude of skepticism and distrust about the possibility of reaching a satisfactory explanation or about the use of undertaking such an endeavor, *Libra* reflects the individual's hope for and belief in a world that makes sense. Fiction and historiography, DeLillo implies, complement each other in the attempt to give shape and order to the world we live in.

Chapter 8

“I Feel Like a Spring Lamb” What Clay Shaw’s Literary Life Reveals

Michael Snyder

A massive body of work has been produced investigating the assassination of President John F. Kennedy, and one branch of this research focuses on Jim Garrison’s prosecution and trial of New Orleans businessman Clay Lavergne Shaw. The only person ever prosecuted in connection with Kennedy’s murder, Shaw is an intriguing personage with a contentious history. Despite all of the voluminous books, websites, and films that have been produced attempting to find answers to the lingering questions presented by the assassination and the Warren Report, relatively little is known about the particulars of Clay Shaw’s life.

Even reports of the basic facts contradict one another. For instance, of Shaw’s public school career, in 1969 attorney and Garrison critic Milton E. Brener writes, “Shaw quit before graduation” (62) and Professor Joan Mellen reports the same in 2005. Shaw, however, under oath states, I am a graduate of high school, I finished . . . in 1928” (“Testimony” 1). Brener claims that Shaw “took courses at Columbia University” (62). Shaw, however, when asked under oath by his attorney if he had attended college subsequently, said he hadn’t (“Testimony” 1). Did Shaw lie to Brener, or is Brener deliberately embellishing Shaw’s biography propagandistically in a book attacking Garrison subtitled “a study in the abuse of power”? Not one full-length biography of Shaw has been published, though researchers are at work. Even a pro-Shaw tome like novelist-playwright James Kirkwood’s *American Grotesque* (1970), which was enabled by Kirkwood’s new friendship with, and sympathy for, Shaw—brought about by *Midnight Cowboy* author James Leo Herlihy through Herlihy’s and Shaw’s mutual friend Tom L. Dawson¹ (Mitzel 8)—reveals much less about Shaw’s biography, politics, and philosophy than one would hope.

One of the fascinating facets of Clay Shaw is his early career as a playwright and his sustained interest in, and occasional authoring of, drama. It seems, however, that few know much about his literary output and even fewer have actually read his work. In fact, a Google search (July 2009) of “Clay Shaw” plus his early *nom de plume* “Le Vergne Shaw”—a variant of his middle name—yielded *zero* results. It is sometimes noted that at sixteen years old, Shaw wrote a one-act play, *Submerged* (1929), one successfully and frequently produced by amateur theatre companies in the thirties and beyond—this play,

¹ James Leo Herlihy told an interviewer, “The meeting with Clay Shaw was arranged by mail by a mutual friend, Tom Dawson, in late 1967 in New York. Clay was a beautifully civilized man, warm, considerate, utterly rational and free of the impulse to judge others” (Mitzel 8)

like Shaw's three other published plays, was actually co-authored with H. Stuart Cottman. The editor of the duo's third play *The Cuckoo's Nest* (1936) in his Foreword boasts that *Submerged* is "commonly acknowledged to be one of the best short plays written by an American. It is doubtful if any other one-act play is produced as frequently at this time" (3). In 1970 Kirkwood claims that it has "had thousands of performances and is still widely played by amateur groups around the country" (18-19). *Submerged* was first produced while Shaw was a student at Warren Easton High School in New Orleans (a school Lee Harvey Oswald also attended), and like the rarely-mentioned other three published plays, was directed by Miss Jessie Tharp of Le Petit Théâtre du Vieux Carré, who directed many plays at that historic theatre as early as 1918 ("Jessie"). All four published plays—*Submerged* (1929), *A Message from Khufu* (1931), *The Cuckoo's Nest* (1936), and *Stokers* (1938), are attributed to "H. Stuart Cottman and Le Vergne Shaw." Little is known of Herman Stuart Cottman, a classmate of Shaw's ("Clay Shaw"). Also a thespian, he played two roles in the original productions of his collaborations with Shaw. The Le Petite Théâtre in 1930 produced two plays he singly authored as "Herman S. Cottman": *For the Love of a Lady* and *Grandmere* ("Herman"). An actor named "Herman Cottman" plays the role of Officer Scott in Elia Kazan's film *Panic in the Streets* (1950), not credited onscreen—the film was shot in New Orleans, so this is likely the same Cottman.

Some might ask why one should care about plays that Shaw wrote as a teenager and young man. After all, we all go through youthful enthusiasms that may be disconnected to later life. But Shaw's early literary life was not just a phase later to be discarded. This facet of Shaw was deeply ingrained and important to his self-concept, and the work tells us something of the man. Shaw held literary aspirations throughout his entire life. Brener writes that Shaw penned a full-length play called *In Memoriam*, produced in New Orleans in 1948 (62). Professor Joan Mellen refers to a play authored under the *nom de plume* "Allen White," titled *Memorial* (130), perhaps the same play or a different draft, which is available in Shaw's manuscripts at the National Archives in Maryland. Shaw himself under oath stated, "in the early Fifties, I wrote a play that was produced here, and I used . . . the pen name, Allen White" ("Testimony" 2). Another Shaw play is *The Idol's Eye*, which Brener claims is published (63) but no bibliographic record exists. This may have been an alternative title of *Message from Khufu*. Later in his life Shaw would become friends with literary giants such as Tennessee Williams, Gore Vidal, and James Leo Herlihy. Shortly before his retirement, the multilingual Shaw traveled to Spain to obtain permission to translate a play by Alejandro Casona, *Los árboles mueren de pie* (*The Trees Die Standing*) (Brener 63-64). When Shaw retired early at age 51, he "wanted, from here on in, to devote my life to writing" (Kirkwood 19). Prior to his arrest, "in early 1967 he was working on a drama concerning Antonio Ulloa, the first Spanish Governor of Louisiana" (Brener 63) and after the conspiracy trial Shaw said he hoped to write "a couple of plays" along with a book about the trial (Kirkwood 473). Shaw described to Kirkwood an idea he had an idea for a play about the recurring problem of individuals abusing power, a dig at Jim Garrison. Even from a brief glance at the plays we can note Shaw's fondness of aliases. Though Shaw denied using the aliases "Clay Bertrand" or "Clem Bertrand," and remarked that the whole idea of him using an alias is "ridiculous" (Kirkwood 20), he had already used two in his literary life.

Researcher and author of *Let Justice Be Done*, William Davy notes that “the number of people identifying Shaw as Bertrand is well into the double digits” and that he “was told by a veteran New Orleans police detective that Shaw’s use of this alias was an open secret” (293).

Regarding the plays’ relevance to later events, I posit that a person’s character and outlook retains much continuity throughout his or her life. Political and moral views can change, but many of our most deeply-held beliefs are already imprinted by adolescence. Clay Shaw’s early plays tell us about the man: his desires, his psychology, and his politics, and bear interesting connections to Jim Garrison’s prosecution and trial of Shaw. Ultimately I will argue that what these works reveal about Shaw, and his deployment of symbol and allusion, provides additional support to arguments that Shaw was involved, to some degree, with a conspiracy to assassinate President John F. Kennedy. My reading of the plays in light of biographical information about Shaw’s unconventional sexuality will suggest a novel way of understanding the Garrison-Shaw trial, one previously unexplored. Due to their accessibility yet current obscurity, I focus on the four published Cottman-Shaw plays, which are available at some university libraries and can be accessed through interlibrary loan.

One revealing aspect of the four published plays is their homoeroticism, which is certainly more legible today than in the end of the 1920s and 1930s. This is immediately evident in the scenarios of the three one-act plays, tragedies all: *Submerged*, *A Message from Khufu*, and *Stokers*. All three plays center on half-dressed men trapped in enclosed spaces: a wrecked submarine, an Egyptian tomb, and a steam-powered yacht’s boiler room respectively. Two photographs accompanying *Submerged* show two high school companies’ stage set and actors. In the first picture of a prize-winning high school production, two of the chiseled actors are shirtless, and one is on his knees directly in front of three other sailors, with his face near the crotch of one and his hand on the knee of another. In the play’s directions, these sailors’ “bodies glisten with sweat and are smudged with oil and grime,” their torsos covered only by “sleeveless undergarments” (25-6). In *Khufu*, set in a dark, Egyptian tomb, the three young male assistants wear “dirty, torn shirts” (27). *Stokers* opens with Leon, a “tall, well-built, healthy young man” laboring shirtless in the boiler room of a ship. On the whole, sweaty, muscular men closed together in tight spaces is what we find.

In the last of the four published plays, the three-act farce *The Cuckoo’s Nest*, which reflects Shaw’s new environment of New York City, we find what seems to be a gay character, the “handsome youth of 24,” Barry Cragwell, played by Cottman in the original production. Barry is “darkly Byronic in appearance; he knows it and does not attempt to disguise it” (8). Barry’s connection to the bisexual English Romantic poet Lord Byron is suggestive. Shaw and Cottman’s Wildean romp follows the exploits of an eccentric family with a faded aristocratic legacy, the Cragwells of Nashville. Aunt Fanny, her nephew Barry and niece Phyllis, and a disgruntled servant wanting back pay travel to the Big Apple in order to demonstrate Barry’s concerto, but their intended auditor Mr. Stokowski has gone abroad. They make their way penniless into an outdated but charming rooming house to find no one home. With few options, they take up

residence, going so far as to impersonate the landlords, collecting rent from new roomers that a cab driver, who is in on the hoax, brings from the airport. One of these boarders, Minorah Judd, has fled her husband in Wichita. When Barry asks what happened, she replies that Barry will never believe her. Our first clue that there's something a bit off-center about Barry, comes when he, "*smiling wickedly*," replies, "I'm a very credulous person. You just don't *know*" (39). When Minorah reveals, "He struck me!" Barry, "*still smiling*," asks, "Once or twice?" (39). She cozies up to the quirky modernist composer Barry, wishing to "inspire" him, but he rejects her advances (40).

When Minorah's husband George Judd arrives in Act III, she refuses to return to Kansas with him, concocting a tale of romance between Barry and her. Barry assures George that Minorah is lying, but George is not convinced and charges at Barry. Barry finally pins the older man to the floor and shouts, "Your wife's nuts and you ought to know it. She's fabricating all this to send you away. I've never even looked at her emotionally. I wouldn't if I could. Take her away from you? Ye gods, I wouldn't have her. If she's what you like, that's fine; but please understand she's not what I like" (75). Exasperated, Barry here as much as admits that he is gay. After Minorah works herself into a frenzy and shakes Barry violently by his shoulders, he "*calmly slaps her face*" (76). George remarks that this is just what the doctor ordered, so Minorah smacks George. Barry then bursts into laughter and Minorah "*fetches him a blow*," so Barry "*fetches her another one*" in return. George chuckles, and Barry collapses laughing. Humor is derived in the way this quirky gay man, Barry, matches Minorah blow for blow, and how her husband enjoys it. The pleasure that the playwrights expect the audience to derive from this violence even suggests sadomasochism (S/M), a subject I'll delve into later.

After Minorah Judd rushes out, Barry and George have a comical reconciliation, with homoerotic undertones. Finding that they agree about the proper way to tame the shrew, Barry offers, "Allow me to condole with you." George, taking Barry's hand, tells the young man twice that he has "a good head," congratulates him, and even though Barry just insulted his wife, George apologizes to Barry and declares, "Say, I could use you in my business!" First Minorah was spellbound by this handsome young composer, and now her husband follows suit. With phallic, homoerotic humor, George asks him, "Know anything about brass nozzles? . . . They're very interesting after you get into them" (76). Ultimately George enlists Barry to compose music for the nozzle company's commercials, and after all this talk of nozzles, Barry sadistically quips under his breath that the music will be so high-class, "you'll choke, but you asked for it" (77). The homoeroticism of this play is suggested not only by the stylistic debt to Wilde's comedies, but also through allusion when one boarder remarks of the house, "why, Oscar Wilde might have walked about in this room" (34).

These homoerotic scenarios and allusions to homosexuality suggest that Clay Shaw was aware of the gay milieu and his own desires at a relatively young age, and further supports the sustained importance of this aspect of Shaw's personal life. While I will later further discuss the literary and biographical connections between Shaw and non-normative sexuality, specifically S/M, for now I only mention that these gay resonances in Shaw's work reinforce his longstanding same-sex desire. Given the need

for mid-century gays to be discrete, Shaw's sexual identity led to his involvement with the gay subculture of New Orleans, which then included such figures as David Ferrie and Perry Russo—and, according to some reports, Lee Harvey Oswald. Jim Garrison called Oswald “a switch-hitter who couldn't satisfy his wife” (Phelan 151). Sources in the older gay community, both unknown and as famous as Gore Vidal,² claim Oswald was a gay hustler who worked the New Orleans bars. When asked if Oswald seemed gay, New Orleans attorney Dean Andrews said that Oswald “swang with the kids” (Kirkwood 138), the Latino “gay kids” whom he called “Mexicanos” (130). Andrews remarked that he didn't know “squares” to hang out with gays, reckoning “birds of a feather flock together” (138). Andrews, who received a phone call from “Clay Bertrand” asking Andrews to defend Oswald soon after Lee's arrest, claims these gay Latino youths had earlier accompanied Lee to Andrews' law office (these were likely anti-Castro Cuban exiles). The sunglasses-sporting “hepcat” Dean Andrews was known in the New Orleans gay community as a sympathetic lawyer. Andrews said he had already received multiple requests from this articulate gentleman “Clay Bertrand” (a name Andrews took to be a pseudonym), to defend gay youths who had been arrested.

Several sources claim to have seen Lee Harvey Oswald with Jack Ruby in Dallas and that moreover, they were gay lovers. Jack Ruby's alias that he used in the gay scene, according to Garrison, was “Pinky” (Phelan 151), which was how Rose Charamie, a long-time dancer in his club, knew him. Charamie claimed that Ruby and Oswald, seen together by multiple witnesses at Ruby's club, “had been shacking up for years” (“Rose” 203). The author of an excellent study of Ruby, journalist and researcher Seth Kantor writes that Ruby's defense psychiatrists decided he was a latent homosexual (323-24). Kantor notes that when arrested, Ruby was a 52-year-old bachelor who spoke with a lisp, enjoyed applying oils and creams copiously, and “lived with a succession of young men who sometimes worked as bouncers at the Carousel” (323-24). “Most women were commodities” to Ruby, women ranking third in importance to him following first, his bonds with men, especially the Dallas Police, for whom he felt a deep “love,” and second, his pampered dogs (Kantor 328-9).

One of Jim Garrison's early theories, which to his credit was deliberately not exploited during the trial by the prosecution, had to do with the “homosexual” link between the conspirators. One source, known FBI informant and “journalist” James Phelan, even claimed Garrison talked about a “homosexual thrill killing” similar to that committed by Leopold and Loeb (150). It should be noted that Phelan acted aggressively to undermine Garrison's case. Phelan did this not only through biased, vitriolic articles in the press maligning Garrison, but also by gathering information via mysterious “informants,” who were likely government agents, about the witnesses Garrison was to call, handing this information over to the defense (DiEugenio “Jim Phelan”). Whatever early theory Garrison may have shared with Phelan, he and James Alcock did by no

² Gore Vidal wrote a hand-written letter to Shaw researcher Don Carpenter from his Italian villa, responding to his queries (of which I own a photocopy). Vidal stated that Oswald was indeed a hustler in New Orleans and that Shaw had seen Oswald in the bars.

means exploit or emphasize the sexuality of the defendant, which was noted by gay author James Kirkwood³ (585, 590).

In addressing a more mature work, *Stokers*, I move from the personal to the political, arguing that this play is significant because it establishes Shaw's strong anti-communism at an early age. Shaw was born in a small Louisiana town, Kentwood, into a prominent Louisiana family. His boyhood occurred in the midst of the first Red Scare, a time when our country's business owners were asked, "Is your washroom breeding Bolsheviks?" Growing up in a community where his grandfather had been sheriff and his father had been a U.S. Marshall (Davy 71), Shaw was without a doubt patriotic. *Stokers* was copyrighted in 1932 but was revised and published in 1938 in the historical context of Hitler's Third Reich and the terror of Joseph Stalin's Great Purges in the Soviet Union.

In *Stokers*, a seeming radical communist, the middle-aged Karst, tries to convince the other stokers on a steam-powered yacht privately owned by an explosives manufacturer, to blow up the yacht in order to set an example for other radicals to follow in smashing capitalism, and die "a martyr's beautiful death" (13). The handsome, strapping Leon, a solid citizen, rejects the rhetoric and plans of Karst, but it seems that George, an educated young man from the elite class who has rejected his father's profit-obsessed, dehumanizing capitalism, subscribes to most of Karst's ideology. George has read his Marx and mouths such unwieldy lines as, "the only salvation is in forcing the masses to see that the path to readjustment lies in complete submersion of self into an organized destruction of the tyrannical capitalist rulers" (11). After Leon exits the boiler room, George enters and Karst gradually persuades him that the time for action is imminent—it is necessary that they martyr themselves in exploding the boiler room to take down the whole ship.

So far the play maligns communism and socialism in attaching it to violent sabotage and pointless self-destruction. But the playwrights go further in revealing that Karst doesn't even believe in his own propaganda. In reality Karst holds a personal vendetta against the yacht owner, the gunpowder manufacturer Mr. Manning, and the communist propaganda was a ruse. According to Karst, he himself innovated the explosives technology from which Manning profits: in earlier years Manning, then a pacifist, convinced Karst to drop his project because of the potential lethal cost to humanity, goes Karst's tale. Karst had made plans to get away on a rowboat before the blast. Glowing with an almost "*insane light*" Karst tells George: "You believed it all, didn't you? It sounds very fine, doesn't it? Beauty and glory—humanity and salvation and the power of purifying the earth! They're big words, and they took you in!" (19).

So the playwrights' moral is "don't be a dupe to communism." Even the "communists" don't really believe what they espouse, and are only looking to exploit and sacrifice others for their own gain, Shaw and Cottman suggest. Communism is also

³ Kirkwood deliberately concealed Clay Shaw's homosexuality, and his own, throughout *American Grotesque*. Kirkwood's stress upon Clay Shaw's lady friends and his narrative of his own encounter with a female prostitute during Mardi Gras deceptively imply that both were sexually interested in women, which was far from the truth.

attacked when Karst explains, after George asks why the other stokers were to die in his plot, answers, “You don’t matter” (20). Shaw and Cottman suggest that communist leaders are perfectly willing to sacrifice the individual to the “people’s cause” to which they only pay lip service. “The only way to ensure my plan was to get you to believe my fine speeches. Then *you* worked for me! I’m the one who matters” (20). The play warns how easily even the educated can be swept away by the menace of communist rhetoric; the description of George notes that he has “*evidently received what is optimistically called ‘higher education’*” (11).

This early demonstration of Shaw’s vehement anti-communism is important, given the nature of later accusations of conspiracy. Researchers and authors such as Joan Mellen, James DiEugenio, William Davy, and Jim Garrison argue that “free trade” advocate Shaw was involved with anti-communist groups and individuals, and was an informer for and asset of the CIA while he was head of the International Trade Mart in New Orleans, the predecessor of the World Trade Center there. “Shaw’s friends were extreme conservatives,” Mellen writes (129). Shaw’s involvement with groups infiltrated or backed by the CIA, such as the CIA front business PERMINDEX, Italy’s Centro Mondiale Commerciale, and anti-Castro Cuban exiles, connects him with ultra right-wingers, neo-fascists, and old-world aristocrats, all fierce anti-communists (Mellen 131-42, Garrison 100-04, Davy). Such parties held that John F. Kennedy was dangerously “soft on communism” and ought not to have withheld promised air support at the Bay of Pigs. Shaw, an international businessman serving American establishment neo-colonialist interests in Latin America (Gibson 171), did a banana-bunch of spying for the CIA (Mellen 134, Davy 195-201). Lee Harvey Oswald was also connected to the CIA, who “sheepdipped” the compliant Oswald as a “communist” with staged sidewalk scuffles and agitation for “Fair Play for Cuba” and TV talk show appearances of an ostensibly Marxist-Leninist Oswald. According to evidence presented by Professor Donald Gibson, Professor Joan Mellen, Jim DiEugenio, William Davy, and many others, Oswald, Ferrie, Russo, and Shaw were all radical right-wing anti-communists despite Oswald’s leftist front and Shaw’s “FDR-Wilsonian-liberal” facade.

Stokers, then, helps to further challenge Shaw’s presentation of himself, promulgated by charmed defenders such as James Kirkwood, as a classic “liberal” who felt that Kennedy was “a splendid president.” As is evident from such famous cases as Ezra Pound and Wyndham Lewis, poets, playwrights, and patrons of the arts are not necessarily left-leaning in their politics. On a sidebar, in light of Garrison’s accusations, there is an odd coincidence: *Stokers* depicts a middle aged man attempting to guide a younger man named Leon (as Lee Oswald was known to some) into a conspiracy to kill a prominent man of the power elite, with the intention of letting Leon be sacrificed in the end. In the play, however, the “not unusually intelligent” working-stiff Leon is never convinced. The real patsy here is George, also revealed to be an indecisive coward in the end. Karst fails to escape with his life, but neither does anyone else in the end. Thus the peril of Red rhetoric and as George’s father puts it, the “Parlor Pink” tragedy.

Politics doesn’t play as obvious a role in Cottman-Shaw’s second one-act play, *A Message from Khufu*, which exploited the contemporary craze for Egyptology following

Howard Carter's discovery of the King Tutankhamen tomb in 1922. Featuring an ancient Egyptian curse, deadly green vapors that dispatch those who disrespect the bones of Khufu, and a tomb wall that closes when an emerald is removed from a Khufu's time-wasted hand, to the contemporary reader the play is reminiscent of the adventure movie *Raiders of the Lost Ark*. According to the publisher, "a very successful contest play," *Khufu* seems to have been fairly successful if not nearly so as its predecessor. Howard University produced the play in 1933 ("Theatrical").

Relevant to later events, this play, using a sarcophagus with hieroglyphics and set in the Great Pyramid of Khufu at Giza, evidences Shaw's interest and facility in symbolism, code, and mysticism. The color symbolism of green, signifying envy and avarice, and connecting to Khufu's emerald, operates as Professor Arthur Hardin is revealed to be selfish and corrupt, determined to take all the credit for the discovery from Professor Britling, who is heading the overall excavation. Hardin plans to pocket and sell Khufu's emerald, refusing to share with his handsome assistants, who are AWOL from the Foreign Legion. Motivated by avarice, one of his helpers, Butch, suddenly stabs him to death. Also related to green, the Great Pyramid of Khufu is featured on the back of the U.S. One Dollar bill, tying into the play's theme of the consequences of greed, and tapping into mystical Egyptian symbolism, such as that commonly deployed by the Freemasons. Ben, the only character who feels that ignoring the curse of Khufu and disrespecting the tomb and sarcophagus is wrong, is the only one who survives when he replaces the emerald in Khufu's bony old hand and the stone wall re-opens. Here we find something indirectly political: a critique of Western, colonial Social Sciences plundering and disgracing the sacred burial grounds of non-First World and indigenous cultures and nations. After all, these men are led by a corrupt, greedy archeologist named Arthur.

Shaw's literary interest in hieroglyphics and their suggestion of enigma, encryption, and code foreshadows Shaw's involvement in the clandestine, enciphered world of the CIA. With regard to Garrison's charges later made at Shaw, one interesting coincidence is that in the original production of *A Message from Khufu*, Shaw played the brawny villain, dark-haired Butch, who knifes and kills the leader, the selfish archeologist Professor Arthur Hardin (played by co-author Cottman in New Orleans). Butch's use of a knife as weapon, penetrating another man, suggests phallic homosexual sadism. And surely there is some campy in-group humor evident in the fact that Shaw, an unusually tall and broad-shouldered masculine gay man, is playing a character named "Butch." (Recalling that this play is the work of men under twenty, it is also tempting to also see "Hardin" as a pun of "hard on" in Arthur's excitement and rapaciousness at the discovery of Khufu.)

Shaw and Cottman's Egypt play was in some ways a sequel to their most famous work, the 1929 tragedy *Submerged*. This debut, along with being their most successful and produced play, is also the most relevant to Clay Shaw's later involvement in conspiracy to murder President Kennedy, and crucially, features a character actually named "Shaw." As the title may suggest, the play carries Freudian undertones; the literal denotation of six trapped sailors submerged in the wrecked sub is paired with the

connotation of the subconscious, what lies beneath the surface of a person's actions and stated motivations.

The trapped submarine crew, the victim of a violent storm, is forced into one compartment of the sub, because water has broken into an adjacent part of the craft. The noble commander at one point informs the crew that the sub's oscilloscope is broken so they haven't been sending out distress signals after all. The commander announces to them that after much thought he has decided that the only hope is for him to sacrifice himself by launching himself out of the torpedo hold. This means certain death, but the plan is to strap their location onto his body, which will float to the top and be spotted by rescue ships. The conspiracy-minded reader notes here the introduction of the idea of the head, the "commander," being sacrificed for the good of the body, the social unit. This is a similar logic to that of the anti-communist conspirators who figured that the "soft on communism" commander-in-chief, JFK, must be sacrificed for the good of the body politic, in the face of the communist threat.

Despite the commander's noble decision, the crew refuses to allow the great man to sacrifice himself, in what amounts to mutiny. Two of the men volunteer to go in his place, while a third steadfastly refuses. They ultimately decide to draw cards and whoever has the highest card will be shot into watery oblivion, perhaps to save the rest. The "coward" Brice draws the highest, but he cowers and blubbers, saying he doesn't want to go. The "dreamer" Shaw steps up and offers himself as sacrifice, saying, "I wouldn't let you put him through that tube now if I had to kill every one of you with my bare hands. Now you've got to let me go" (40). Embracing death, he reveals, "I never did care. What does it matter, this endless, futile struggle. If I want to do it, I can. And I do want to do it" (41). Shaw injects Freudian and archetypal symbolism here, with Shaw's fascination for the sea representing his attraction to the mystery of death: "Who knows what lies out there? Many beautiful things are far beyond the imagination . . . Who knows what I may see?" (41). Shaw's obsession with the mystery of the sea and death, reveals Freud's Thanatos, or death drive. "It seems to me I've been searching for something all my life. I haven't found it, however much I've looked. The sea has always had something to tell me. I never could learn what it was. Maybe I'll find out now," Shaw says (41). The fact that the willing sacrificial lamb Shaw is ejected out of a phallic submarine to his doom, but to the possible rebirth of his fellows, suggests the connection between death drive and orgasm, Thanatos and Eros. (The coward Brice gets his comeuppance, as becomes a trademark of the Cottman-Shaw one-acters, since the remaining crew locks him into another compartment of the sub, which then unbeknownst to the rest, springs a leak.) The fate of the rest of the crew is unknown, but there is at least a shred of hope that the commander's plan, with Shaw as the sacrifice, will bring about their rescue.

The character Shaw in this play is most fascinating considered in light of later events and statements of Clay Shaw. In these plays, Clay Shaw reveals a literary mind facile in symbolism, allusion, and metaphor. If there is a correspondence between the character Shaw and the author Shaw, I wish to call attention to, first, the notion of the death drive, Thanatos, mixed with the life force, Eros, and second, Shaw as sacrificial lamb. It is today generally understood that Shaw was a gay man who participated in

sadomasochism (S/M), which I am not judging in the least. An FBI memorandum dated March 2, 1967 from W. A. Branigan to W. C. Sullivan, routed to several others, states that the FBI received reports in 1954, 1964, and 1967 that Shaw is “homosexual.” In 1964 one informant tattled that he had sex with Shaw, whom he described as a “brilliant and powerful man, given to sadism and masochism in his homosexual activities” (Davy 293, “Some”). Chains, five whips, ropes, black robes, several leather strips, “cat-of-nine-tails,” and “marble statues of penises” were all found in the upstairs bedroom of Shaw’s home by detectives following his arrest (Brenner 113, Tyler). But “the thing that astonished” former assistant D.A. William Alford most was two “very large hooks” mounted in a white beam on the bedroom ceiling. “You could clearly see, to the side of each hook, full handprints” on the white surface, Alford states in director Stephen Tyler’s documentary on Garrison’s investigation, *He Must Have Something*. “They were significant enough that you could tell many hands had been next to those hooks” (Garrison 171, Tyler).

Clay Shaw and his New Orleans high-society and media friends, and literary friends including Kirkwood, countered that these exotic items were merely Mardi Gras costumes. This, while likely true in the case of certain items, still doesn’t account for the hooks and leather straps, nor does it explain why “the whips had on them what appeared to be dried blood” (Garrison 171). If they were also Mardi Gras costumes, Shaw himself remarked that such garb exposes an inner truth: “Mardi Gras, the day we mask up and reveal our true selves” (Kirkwood 342). As *The Cuckoo’s Nest* would echo the style of Oscar Wilde, here Shaw echoes Oscar Wilde’s *bon mot*, “give [a man] a mask and he’ll tell you the truth.”

Shaw is said to have been particularly fond of the masochistic (M) role. Assistant D.A. William Alford states that after examining all of the evidence, “the logical conclusion that [he] arrived at was that” Shaw “had a masochistic side to him” (Tyler). Perry Russo, who testified for the prosecution, said that his “friends . . . people I’d generally associated with”—all participants in the S/M scene in New Orleans into “whips and belts and chains and belts” in Russo’s words—were well aware that Clay Shaw “entertained those kind of desires” (Kirkwood 611). Director Oliver Stone portrayed Shaw as a masochist in *JFK* but it must be noted that the scene was sensationalistic, exploitative, and homophobic and was denounced by some gay writers and critics such as Gore Vidal (Weir). Masochism is arguably a manifestation of Thanatos and Eros in a controlled situation. The masochist (M) desires to be hurt, punished, humiliated, maybe even to have his or her life threatened, and while this is exciting and arousing for the M, the S and M both know that they will not cross a certain line, no one will die.

But when Jim Garrison arrested and prosecuted Clay Shaw in New Orleans, the stakes were higher. Garrison knew that Shaw was only one small piece of the conspiracy, probably one involved in managing Oswald’s activities in New Orleans (Gibson 171). But with David Ferrie, Jack Ruby, Lee Oswald, and Guy Banister all dead, Garrison had to work with what he had, so he focused most of his energies and scrutiny on Shaw. Garrison did not have access to many of the then-classified documents that confirmed Shaw’s extensive involvement with the CIA (Mellen 143). With the aid of

information not available until after Garrison's death, Mellen, DiEugenio, and Davy make a strong case for Shaw's deep connections with the CIA, building upon Garrison's *On the Trail of the Assassins*. Shaw, who was seen by several witnesses in close company with Lee Harvey Oswald and David Ferrie in the town of Clinton, Louisiana (eight of whom testified to this under oath), was clearly involved with the conspiracy, but the precise extent of his involvement is still murky, even when we learn of all his CIA, anti-communist, ultra right-wing, and old-world aristocratic ties.

Like his dramatic alter ego Shaw, Clay Shaw was sacrificed, this time by the CIA, who felt that Americans were no longer buying the "lone-nut assassin" narrative. Shaw was to be a "limited hang out," a sacrificial lamb to attract attention away from CIA complicity. They knew that Garrison would not be able to prove Shaw's CIA involvement with the evidence to which he had access. In light of this sacrifice of Shaw, it is fascinating that when Shaw was asked before and during the trial, "how do you feel," Shaw repeatedly, to the point where Kirkwood says he could reply for Shaw, smiles and declares, "I feel like a spring lamb," (100, 101). Kirkwood, though a great storyteller, (see his novels *P.S. Your Cat is Dead* and *There Must Be A Pony!*) did not possess a particularly analytic mind, and never comprehended the significance of this repeated remark, which Shaw wanted to be recorded in the press and in Kirkwood's book. Here Shaw reveals his gift for symbolism and allusion. A "spring lamb" is a young suckling lamb, and while the expression "to feel like a spring lamb" connotes feeling energetic, with Shaw's literary mind and facility with symbolism, other layers reveal themselves. First, it also suggests that he is as innocent as a white, pure lamb. But "Spring lamb" also connotes "sacrificial lamb," a scapegoat. A sacrificial lamb is killed for the good of the rest of the social unit, who remain pure or are purified by the blood sacrifice. Clay Shaw knows he is being made a sacrifice by the CIA, and what's more, on some level, like his character "Shaw" in *Submerged*, something deep within him welcomes it, is excited by it. Shaw's repeated remark amounts to communicating to insiders that he is being sacrificed. Those with inside knowledge of his role as a CIA asset would be able to decode Shaw's remark when it appeared in print. Kirkwood—whose book, while significant and well-written, lacks "a shred of political insight" (Mellen 522)—never grasps Shaw's deeper meaning or wonders why he persisted in using that particular idiomatic phrase.

Shaw, at some level welcoming his own possible sacrifice, never behaved in the expected manner of a man accused of conspiring to kill a president. Shaw's cool affect and emotional bearing during the trial seemed strange to some observers. He even seemed cheery and affable prior to, and after each day's trial proceedings, with smiles and handshakes for the press and audience. James Kirkwood describes one of Shaw's entrances into the courtroom: "There seemed to be a genuine smile upon his face as he said, 'Good morning, good morning!' to members of the press and then took his seat [...] his early morning spirits were not dampened" (96). In the courtroom, whenever Shaw was spoken of, whether accused of conspiracy or homosexuality by the prosecution's witnesses, he would look each speaker directly in the eye, without a hint of suspicion, bitterness, or anger, almost seeming to welcome the verbal onslaught. Simultaneously, his death drive manifests in his chain smoking throughout the whole trial, a habit that would cause lung cancer, killing him in 1974.

Stated plainly, the Garrison-Shaw trial can be understood as a public performance of S/M. Like his character Shaw in *Submerged*, Shaw is at some level attracted to the idea of being sacrificed, of surrendering to death, the withheld telos of masochism. Garrison plays the role of sadist. Perry Russo's testimony was crucial for the prosecution's case, as both sides pointed out in their closing arguments, and Russo's words were likened to sadism by *S/M participants themselves*. Russo's friends, who as stated are into the S/M scene and know Clay Shaw to be also, "wondered where [Russo] was at" when they learned he was testifying against Shaw (Kirkwood 611). Russo said they teased him: "who am I beating up now," they would ask him, "and all that sort of stuff. They'd just rap on . . . I got a lot of that" (Kirkwood 611). As District Attorney, Garrison personally or through his detectives interrogates, surveilles, and arrests Shaw. During the trial he puts Shaw through a grueling, lengthy legal process, one that exposes Shaw's secret sexuality via witnesses like Russo, humiliating him. Shaw lived highly discrete public and private lives. Meanwhile Garrison himself doesn't even appear in court during most of the proceedings, as if to taunt Shaw with the image of Garrison relaxing in the pool or slumber room at the New Orleans Athletic Club (a male homosocial milieu that many of the city's power players, including Shaw and Garrison, frequented) while Shaw is laid out under the spotlight of public scrutiny. But in the back of Garrison's mind he doesn't know with any precision *how* guilty Shaw is, even if he is sure that Shaw is not innocent. Yet because Garrison is sure Shaw is involved to some extent, he wants to hurt and humiliate him.

Garrison didn't really want Shaw to die, as is fitting to the S role. Strangely, when Shaw was found not guilty, Garrison was "relieved." "I was really glad myself when the verdict came in. I felt relieved for the defendant," Garrison remarked (Kirkwood 574, 488). This seems like a rather unusual reaction, since, as Kirkwood noted, if you really know that someone was conspiring to kill the President, you would want him found guilty and punished. This suggests that Garrison was less than 100% sure that Shaw was deeply involved in the conspiracy. Today much more evidence, marshaled by Mellen, Davy, Gibson, and DiEugenio, points to Shaw's complicity much more forcefully, but Garrison was not allowed to access this.

So both Shaw and Garrison were on one level hoping for the guilty verdict, with Shaw subconsciously desiring to be that sacrificial "Spring lamb," a masochistic martyr like his character Shaw. On the other hand Garrison was consciously hoping for a guilty ruling to further debunk the Warren Report's conclusion that Oswald was a "lone-nut" assassin. But on another level they both wanted the "not guilty" ruling that was handed down—Shaw, consciously, for obvious reasons and Garrison, perhaps only subconsciously, due to his lack of unequivocal evidence that would clarify the extent of Shaw's involvement in the conspiracy. With the unavailability of slam-dunk evidence in Garrison's case and doubts about Perry Russo's and oddball Charles Spiesel's testimony, Garrison probably knew that it was unlikely that Shaw would be found guilty, yet he needed to expose the Warren Report and screen, for the first time, the Zapruder film in a public forum. Certainly a guilty verdict would strengthen the public's belief in conspiracy. Both Garrison and Shaw realized that a guilty verdict, though unlikely, was

possible, adding to the high-stakes S/M thrill of the case, that could actually lead to the M's eventual death if things got out of hand. Shaw was found not guilty, but according to Shaw his finances were depleted by legal costs and he had to go back to work (restoring and selling houses in the French Quarter) rather than pursue his desire to renew his writing.

Clay Shaw's plays have led me to a new, perhaps unusual way of thinking about the Garrison-Shaw trial. Regardless, what these plays reveal about Shaw's sexuality, politics, and psychology make them important documents that have heretofore been neglected. The importance of literary techniques such as symbolism and allusion to Shaw and their relevance to the assassination trial should not be ignored, nor the importance of Shaw's self-concept as a writer, a rhetorician, and weaver of tales. These plays help to establish at an early age Clay Shaw's homosexuality, his masochism, his death drive, and his stark anti-communism. These attributes support the arguments made by Garrison, Davy, DiEugenio, Gibson, and Mellen that Shaw was a conspirator. Beyond the relevance to later events, the Cottman-Shaw plays are economical, entertaining, sometimes thought-provoking minor works. *Submerged* was even dusted off for a 1997 production, a part of the Tennessee Williams/New Orleans Literary Festival. They are worth a read on their own merit, the product of a forgotten Twentieth Century gay playwright.

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PART III

JFK AND THE WORLD

Chapter 9

Experiencing the Peace Corps Panel Discussion [1]

Participants: Michael Beard: Served 1968-70 in Iran, English education
Cory Enger: Served 2006-08 in Niger, sustainable agriculture
Kathleen Gershman: Served 1967-69 in Bolivia, healthcare
Joe Vacek: Served 2006 in Georgia, judicial reform and English education [2]

Moderator: Robin David

Robin David: Welcome to the first session of the John F. Kennedy: History, Memory, Legacy Conference. I want to explain a bit about this session before we get started today, because this session is set up a bit differently than most will be at this conference. In other sessions, you might get to hear four or five scholars present their research on various aspects of JFK and his era. While most of us are academics, none of us have conducted studies on malaria rates among Peace Corps volunteers, or the GDPs of various countries before and after the presence of volunteers. Instead, the four panelists today all served in the Peace Corps, and we are gathered to discuss their experiences and their perspectives on the Peace Corps. So yes, these are experts, but their expertise comes from more of a personal authority. (And they'll probably have much better stories to tell than researchers might.) I hope and expect this to be an engaging discussion.

In the 1960s, an ad campaign showed potential volunteers two identical pictures of a shantytown with the captions "Chimbote, Peru" and "Chimbote, Peru, two years after the PC." Another showed one inch on a ruler and proclaimed, "This is how the PC measures success." Clearly, they wanted to show volunteers that progress is incremental; they'd not be saving the world. What did you expect to accomplish, and what did you actually accomplish? Any stories of your best accomplishments or biggest failures?

Joe Vacek: I characterize my journey as a series of downward adjustments. When I left I thought, "Good. I'm going to go save the world." I'm not even kidding; I had it written in the back of my planner under "Things To Do"—semi-jokingly. But when we got to our village in Georgia and realized not only are we supposed to do high-level things like teaching, we have to worry about people not even understanding that washing hands prevents parasitic illness, things like that. And it was a series of downward adjustments from there. It went all the way down to where I ended up with five parasites and had to be evacuated and go home early. I had wanted to stay there and make sure something good happened and it turned out I had to leave in the back of an

ambulance. That was a big disappointment for me. And, now, to learn nothing I would have done would have mattered anyway because now they're in a civil war.

But the friendships and experiences I got from it could overshadow that a little bit. It was a real adventure and I know I got more from it than I gave.

Robin David: That might be a good follow-up: Do you feel you gave more or got more from your experience?

Michael Beard: I was teaching four groups of 60 students, and teaching a first-year language to them had all sorts of difficulties. Some of them learned it very quickly, though, and that was very rewarding. Now, I have no way of knowing whether they actually used it later or forgot it, and consequently I think the most substantive sense of accomplishment I came away with was the individuals I came to know. I think of the PC as a collective, and I just imagine a lot more people in the U.S. who know a distant country, usually a Third-World country, and know the language and know how it fits into a global network. I think of that as somehow being an impact on our culture and that that in some ways is just as important as the impact that you have on the culture that invited you in.

Cory Enger: Going in, I didn't really know what I wanted to accomplish. I wasn't one of those who wanted to go save the world. I didn't want to get my hopes up and then go there and realize, "There's no way this is going to happen." Probably the biggest accomplishment wasn't project related, but was becoming accepted in my village as one of them, as one of the host country nationals I was living with. By being forced to learn the local language and sit down and talk with people everyday, it's a big challenge. Nobody spoke English, so I had to force myself to learn their language, learn their customs and way of life. Customs play a big role in Niger, and having respect for that is a big thing for them. As time went on I felt more and more comfortable, and the villages felt more and more comfortable with me. I felt I was becoming accepted as one of them in the village, and that enabled me to do more and more meaningful work.

Michael Beard: I was also in an Islamic community and a great surprise to me was to discover human universals, and that people who I'd been taught to feel would be fundamentally different from me were so similar with the same sort of goals. That was a very big and useful discovery.

Robin David: Why don't we follow that up by asking the question: what do you feel you've learned from the PC? What are the biggest lessons you took from it?

Joe Vacek: I think I concur with that, Michael, about some kind of a universal sameness. And I might add, Joseph Stalin was from the village where I lived. Everyone who lived there still thought he was a great guy. So we had quite a bit of a learning curve there, and I learned quite a bit from that. This person that we learned in our history texts was responsible for genocide and terrorism and all these sorts of things was still viewed

as a very fatherly, strong figure. And I came to appreciate that, and that was maybe necessary to keep that country together and running.

Kathy Gershman: One of the main things that I learned was that the Third World is not different; it's the United States that's different. We're the ones that are the oddballs.

And no one's mentioned that the PC trains you in a new language, and that is a gift. In three months you have to be reasonably fluent, because you're dropped off in the middle of nowhere, really, and you don't just live there; you have to do your job. Now many years later I can still pretty much hold my own in Spanish. So I learned a new language and I learned that all these other cultures are tremendously rich in diversity and tremendously enriching to your own life. And if you can manage to get there, I would say jump.

Joe Vacek: My wife and I combined made \$50 a month and were able to buy a lot of luxuries that no one else could. In fact, we gave away a lot of our money to kids who didn't have anything. I teach some policy classes on the environment at UND, and I wasn't kidding when I said that I have in the back of my planner to save the world. I still have that as a motto, tongue in cheek, because it's the only world we've got. And I don't think we can all live like we do here. I mean, you go home and you open the fridge and there's food there and you flush the toilet and it works and you flip the light switch on and if it doesn't work, you likely note it. It's completely the converse everywhere else. If something works, all the time, for more than one day, you think, "Wow. That was cool." That's kind of a shocker for most people.

Cory Enger: I definitely learned how to live on not as much as we have here. When you don't have electricity or running water, you definitely learn that you can still be okay when you don't have those things. We take those things for granted here. Since coming back things are still a little strange to me, getting used to things like that. But you can live on a lot less than you think you can, that's one of the things I learned.

Michael Beard: To say very much the same thing, to live closer to the ground is a great gift. But there's also the fact that people around you are sort of dissatisfied having experienced popular culture, seeing what America looks like. In many ways they were anxious to live less close to the ground. And there's a real dilemma there.

Robin David: The next question I'm going to ask involves peace and war, and PC service and military service. The PC has a complicated relationship with wars, especially the Vietnam War, but there are certain parallels as well. The philosopher and psychologist William James, early in the 20th century, claimed the need for a national service program as "the moral equivalent to war." There is something about the war experience that hardens people, that helps people in their development, that unites people. And all of you entered the PC in a time of war; two of you entered in 2006 and one in 1967 and one in 1968. My questions to you are did the fact that we were at war affect your decision to serve in the first place and did it affect your actual service?

Joe Vacek: Yes. My wife Kate and I went because we were thoroughly dissatisfied with the direction this country was going domestically and foreign-policy-wise. Looking back on it it seems a little odd that I chose to do that. I was an attorney at the time, and I am a white male. That's kind of where the power lies in this country—it's embarrassing, really. And so we left thinking we don't like the war, we don't like what's going on domestically, we're squandering our political capital. And so we put ourselves into the most difficult situation we could to make a big difference—a small one, yes. And I think that's what it was all about: showing our host family that we don't all live, like Michael was saying, like you see on television. *Baywatch* is still on frequently in those countries. They were a little bit shocked. "You mean you only brought two shirts along?" "Yeah." And we did that purposefully. We explained, "We don't have a large house. In fact, we lived in a small apartment before we came over here." And that helps. But there are only how many thousand PC volunteers and 6 billion people in the world. It just won't work out the way we did it.

Kathy Gershman: When I was in Bolivia we were sort of on the cusp of the post-Kennedy good feeling and it was not unusual to see a picture of Kennedy on the wall of extremely modest homes in the countryside. So we came in sort of on that wave, but the U.S. build-up in Vietnam had kicked in and most of the young men I served with including my later husband, were not interested in going to Vietnam. And when the election came around, I didn't like my choices. And this is the luxury of being an American. And this Bolivian *campesino* [farmworker] said to me, "Can you vote?" and I said, "Oh, yes. We can vote by mail." And he said, "Who are you going to vote for?" and I said, "Well, you know, I don't like either one of them, so I'm not going to vote."

And to this day, I can still remember how disheartened he looked. I think he just wanted to know someone who was voting in that election. I had a sense then of the connection to this big enterprise, this big war that's being voted on by the electorate and I didn't like either candidate so I just opted out; it was such an odd sensation to know the people were aware of that and that somehow I had let them down by opting out. So the war played a huge stress. We actually have a very good friend who was drafted out of PC service in Bolivia and brought home and then flunked the physical and managed to come back.

Michael Beard: One of the things I learned very quickly in our little village was how centralized Iranian political culture was and how everyone was a little bit scared. We always think of Iran as having been a positive, friendly place before 1979 and having changed after their revolution. I found it to be a place in which despite any close association you made, any friends you made, any participation in the community, they were simply too frightened to talk about politics in a wider sense.

I remember the day we cast our absentee ballots. When I got out to the post office a little bit out of town I got into a big conversation with the people at the desk about the fact that I was voting, but nobody asked who I was voting for. It was one of those things that was considered off-limits. And I think the attitude toward Americans, and this may

be more historical than now, was very positive in the sense that people really admired JFK. He had been assassinated four or five years previously and I remember an earlier PC volunteer had been given a plate with a picture of Kennedy on it. When people spoke of Kennedy with us it was always this image of the idealism of America.

But at the same time, people were very aware of the Vietnam War, and were very, very angry about it. I hardly ever listened to the news, but I remember being in a bus hearing the news in person. The first thing they did was to list how many Americans were killed in Vietnam, and I remember thinking, "That is an odd thing to be hearing on the radio news in a Third-World country." And I'm not sure I even knew what their attitude about that was, but it was clear that the Vietnam War was the other face of their attitude toward America. That was seen as our negative side as the memory of JFK was seen as the positive side, and I'm not sure if that was ever sorted out.

Cory Enger: The war didn't really play a role in me deciding to go into the PC. There were a couple of guys that I served with who had actually been in the Army before and had served in Iraq and other places. Their specific reason for going into the PC was as a statement. They had served in the Army and didn't believe it was the right thing to be doing, some of the things we were doing as a country, so they wanted to go into the PC.

As far as affecting my service, the people in Niger don't know too much about what is going on in the world, but they do know some of the bigger things. And sometimes I would get asked, "Why is George Bush going around the world killing everybody?" I would get questions about things sometimes, but not everybody thought I was a bad person from America.

Robin David: The next question has to do with the PC's role in foreign policy. The PC has a split purpose. In going to other countries, they are doing good for others. And in doing that, that enhances US relations in that country.

On September 11 of this year, Service Nation held a Presidential Summit with the two presidential candidates, and at that session John McCain was asked if the U.S. should be giving money to countries who do not like us, and he said, "No." He was asked, "Should we be giving PC volunteers to countries that do not like us, and he said, "Yes," that that was the one way to show other countries the true, great American spirit. And the audience cheered. But this duality of purposes has also been a source of conflict for PC Directors, presidents, and the volunteers themselves. Are we doing this to help others, or are we doing this to help ourselves? My question to you is, did you ever feel yourself to be a tool of American foreign policy? And did that create any conflicts for you in your service?

Cory Enger: No, I didn't feel like I was a tool of foreign policy. As a PC volunteer today, we're told we're American citizens going into these other countries. As far as I know, everywhere the PC goes, the governments there have asked for our help. The PC doesn't just go into countries and tell them, "We're going to put volunteers here

to help you.” As an American citizen going into another country to work and to help, we’re told we’re ambassadors, so we have responsibilities in how we act. So as far as feeling like a tool of foreign policy, no. But I was reminded that I’m an American and everything I say, everything I do, I stick out in my village and everybody’s going to notice it. So I had to keep that in mind for what I did and how I acted when I was there.

Michael Beard: An American overseas is suspected of being a tool of foreign policy whether you have any conscious awareness of it or not. And in some ways it does make you much more representative of your culture than you wish to be. And I feel that’s a really unsolved question. To what extent did I in fact represent not just a culture but edge over into representing a political system? I honestly don’t think I can answer that.

Kathy Gershman: I felt as though we were used to a certain extent. I agree with you, Michael, in that sometimes you’re used inadvertently. People accused us of being CIA spies when we were just there skin-testing for tuberculosis. We had a big public relations dust-up about that. On the other hand, the—well, I don’t know who they are. I think they maybe were the CIA. They asked us to map out the informal power structure of the villages where we were serving. That was quite an extraordinary request and some of us actually did refuse to do it. In those days, you just refused to do everything. But we just didn’t want to cooperate. We thought that we were being used as tools.

But I want to say that countries accept volunteers. They don’t all voluntarily request them. Sometimes they’re requested to request them by an administration who wants an American presence that will do good and be somewhat innocuous. But those governments can change and a week ago in Bolivia, for probably the second or third time since I’ve been there, the volunteers were airlifted out because the government was in an uproar. There was demonstrating in the streets and the PC Director of course couldn’t guarantee their safety, which is his first responsibility. So even though you are there at the invitation of people, PC volunteers can be in very risky postings.

Joe Vacek: During our swearing in ceremony, before we took the oath, the charge d’affaires gave us a little pep talk in which he said, “You are tools of foreign policy.” That’s a direct quote. It really irritated a lot of us, and in fact a number refused to swear in; they just left. The reason we were said tools was because of the oil line. A lot of us went over there in symbolic protest against that sort of imperialism. And it incensed us that this guy would have the gall to say that just as we’re about ready to swear in and promise to save the world.

Georgia did have, and I think still does to some extent, a good relationship with our administration. They loved Americans. We were rock stars. They loved George Bush, too. They viewed him as synonymous with Stalin. And that was a good thing in their village! My nickname in my village was “Little George Bush” because I drew a map or something, and that equated me with him. And I couldn’t live it down. So, yeah, we were definitely tools of foreign policy.

QUESTIONS FROM THE AUDIENCE:

Audience: What's the hardest thing being in the PC?

Kathy Gershman: The hardest thing was the loneliness. By about 8:00 at night everything is pitch black; nothing is moving. So you go to bed. And then you wake up with the roosters at about 4:30, 5:00. And you're always alone. Naturally, as a human, you want to communicate, but Spanish was not my first language. So loneliness was big, and I think fearfulness, too, worrying about whether you could get the job done and not bolt and have to go home. You were conscientious; you wanted to do it but weren't always sure you could.

Michael Beard: There's a kind of energy that I ran out of, and I remember reading of other PC volunteers who from time to time would just get really tired. And I think some of that is from going for long periods without speaking any English; you realize how much English matters to you. I think married volunteers have a certain advantage in that respect. That, and that constant question that you are asked about representing the government. That was tiresome.

Cory Enger: I would say definitely the most challenging thing was the language. In my case, I was in a small village where everyone spoke Hausa and they didn't speak anything else. So it was either speak Hausa with them or nothing. That puts a lot of pressure on you. We had two months of language training, so we're not placed there without knowing anything. But there's only so much you can learn in two months, and the rest you have to do on your own. Unfortunately, by the time I was done two and a half years later, I finally felt like I was getting the language. And that's what you need to be able to interact with the people and do your work as a volunteer. But maybe if the PC was a 5-year program, you'd still be saying the same thing at the end of your term.

Audience: I have a question about the alleged interest in PC volunteers by the CIA. When were you approached? Was it here or there? And do you have any knowledge of the CIA approaching former PC volunteers and trying to debrief them once they got back?

Kathy Gershman: It's hard to recall; it was so long ago. I think it must have come from people who served in foreign service in the embassy. The rumor among the volunteers was that our PC Director told the CIA, "Keep your hands off my volunteers. We're here to do a job." Another rumor that got going in the newspapers was started probably by some leftist group that wanted the U.S. out and decided that one way to do so was to say that these vaccinations were actually CIA-inspired. Like saying they're putting fluoride in the water. We were vaccinating people but we obviously weren't trained by the CIA. So I don't know anybody who was recruited, but I was aware of an attempt to have people supply information to some Americans in the Embassy. This was the era of Che Guevara so politically it was very hot.

Joe Vacek: And if I may add, there is a pretty extensive legal clearance, background clearance, you must go through to be a PCV. And if you have any sort of relationship or even dealings with the CIA you're not going to make it in.

Audience: Could you talk a little about the relationships you developed in the PC?

Cory Enger: The people in my village were some of the nicest, kindest people I ever met in my entire life. It was so hard to leave. The friendships I made there, it was so hard to leave them not knowing. . . I hope to someday get back to visit them, but I don't know. It'll be awhile. In order to be an effective PC volunteer, you pretty much have to have a good relationship with the people you're working with and the people you're living with.

Michael Beard: It's been 40 years and I still occasionally get a phone call from one of the neighbors in the village. It's been very surprising to me how much that has persisted.

Joe Vacek: I would like to say the same, but with this recent conflict—we lived in both of the cities that Russia shelled—unfortunately, I think most of the folks I worked with are dead. It hurts to say that, but it's reality.

Kathy Gershman: Actually, I've lost contact with some residents that I exchanged letters with for a few years. But I'm still in contact with some volunteers, including one I see every day.

Notes:

1. This panel session was recorded by Sean Windingland and, along with many other presentations, placed on You Tube. Robin David transcribed the discussion from that recording.
2. All participants were from the University of North Dakota.

Chapter 10

"There are bigger issues at stake": The Administration of John F. Kennedy and United States-Republic of China Relations, 1961-63

Charles J. Pellegrin

The administration of President John F. Kennedy (1961-63) focused considerable attention to foreign policy matters, most notably to Cold War disputes over Cuba and Berlin with the Union of Soviet Socialist Republics (USSR). In the meantime, the White House also faced crises with its anti-communist allies, particularly with the Republic of China (ROC) on the island of Taiwan, just off the coast of Mainland China. Relations between the United States and the ROC caught the attention of several of Kennedy's advisors, some of whom suggested that the Eisenhower-Dulles policy of containment and isolation of the People's Republic of China (PRC) should be reconsidered.

Much has been written on American Cold War policy toward China. While Nancy Bernkopf Tucker's research on U.S.-Taiwan relations remains the standard, works by Noam Kochavi and John Garver have provided fresh insights on this unique alliance. Nonetheless, the most recent works on American-Chinese relations have emphasized the adversarial relationship between the United States and the PRC, and little focus has been cast on the collision of allied interests and bureaucratic "turf battles" over policy.¹ These "turf battles," though, are not new to Kennedy scholars. For example, Political Scientist Graham Allison, in his classic work entitled *Essence of Decision: Explaining the Cuban Missile Crisis* (1971), hinted in his bureaucratic politics model that the Kennedy administration's handling of this October 1962 predicament may have reflected a

¹ Both Tucker and Garver view U.S.-ROC relations as a part of the larger American-Soviet-Communist Chinese Cold War competition and argue that the strong relationship between the United States and the ROC helped to drive a wedge between the Soviets and the PRC. Kochavi, on the other hand, suggests that Cold War hardliners in the Kennedy administration were not interested in rapprochement with the PRC. Nancy Bernkopf Tucker, *Uncertain Friendships: Taiwan, Hong Kong, and the United States, 1945-1992* (New York: Twayne Publishers, 1994), 94; John W. Garver, *The Sino-American Alliance: Nationalist China and the American Cold War Strategy in Asia* (New York: M. E. Sharpe, 1997), 1; Noam Kochavi, *A Conflict Perpetuated: China Policy During the Kennedy Years* (Westport, CT: Praeger, 2002), 250-51. In her latest work, Tucker moves past the Cold War and analyzes the larger security relationship between the United States and the Republic of China on Taiwan as well as the limitations of the relationship into the 1990s and the early administration of President George W. Bush. Nancy Bernkopf Tucker, *Strait Talk: United States-Taiwan Relations and the Crisis with China* (Cambridge: Harvard University Press, 2009), 6-8.

collision of interests between individuals and organizations within the executive branch.² Likewise, the American-Taiwanese relationship between 1961 and 1963 shows numerous examples of such collision of interests, which led to an ideological struggle over policy. By the end of Kennedy's presidency, disagreement within the administration led some American policymakers to become increasingly frustrated with Chiang and caused them to more openly reconsider the larger scope of China policy, even to the point of discussing a more flexible and accommodationist approach to East Asia.

But on the surface, Chiang Kai-shek, President of the Republic of China (ROC) on Taiwan, may have had much to look forward to going into the 1960s. During the previous decade, Chiang had been a strong supporter of American policy in East Asia. After the Korean War, the ROC received copious amounts of military aid and became an American client state. Chiang had hoped that this aid and support would continue through the new Kennedy administration. Having won the 1960 presidential election by an extremely slim margin, the new president could not politically advocate major changes in China policy.

Meanwhile, Kennedy had appointed a number of advisors who would suggest that the United States should re-think its China policy. Among the first of these appointments was Robert W. Komer, whom Kennedy appointed to the National Security Council staff early in 1961. A former agent of the Central Intelligence Agency, Komer recommended to National Security Advisor McGeorge Bundy that the State Department reconsider its Chinese relationships.³ Komer suggested that the United States "disengage, as skillfully as we can, from the unproductive aspects of our China policy, e.g., UN membership" ⁴ In his report titled "Strategic Framework for Rethinking China Policy," Komer did not accept the idea that the American position in the Far East hinged on Taiwan. Chiang, however, could not be allowed to lose power. Komer, therefore, proposed that policy toward the ROC allow for greater flexibility. The Kennedy administration had to convince Chiang that the U.S. would continue to defend Taiwan and to maintain its international presence in the UN. Such a program would be expensive, but in the end, the "sole determinant of our FE [Far Eastern] policy cannot be keeping Chiang happy or even of preserving Taiwan. There are bigger issues at stake."⁵ Kennedy also appointed a group of foreign policy experts and scholars, including Adlai E. Stevenson, III, W. Averell Harriman, and Chester Bowles, each of whom had been vocal critics of

² Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown and Co., 1971), 6-7, 144-47, 210.

³ *Contemporary Authors*, vol. 108 (Detroit: Gale Research Company, 1983), 272-73.

⁴ Memorandum from Robert W. Komer to McGeorge Bundy, March 1, 1961, *Foreign Relations of the United States, 1961-1963: Volume 22, Northeast Asia* (Washington: United States Government Printing Office, 1996), 19, hereafter cited as *FRUS 1961-63*.

⁵ Robert W. Komer, "Strategic Framework for Rethinking China Policy," April 7, 1961, Box 22, China, General, "Strategic Framework for Rethinking China Policy," 4/7/61, Papers of John F. Kennedy, Presidential Papers, National Security Files, Countries, John F. Kennedy Presidential Library, Boston, MA, hereafter cited as NSF, JFKL.

Eisenhower's containment and isolation of the PRC. They all shared the idea that the United States should work toward a policy of accommodation with the PRC.⁶

The appointment of Dean Rusk as Secretary of State was also a major factor in the development of U.S.-ROC relations during the Kennedy administration. In May 1961, Rusk met privately with President Kennedy to explore possible changes in China policy and to discuss the ramifications. Rusk stated that the United States could recognize both the PRC and the ROC, work privately to bring reconciliation between the two Chinas, or sit tight and do nothing. Kennedy, though, refused to initiate changes in China policy. Any changes in China policy, Kennedy warned, would divide Congress and the American people, and would hand the Republicans a political weapon to use in 1964. Rusk agreed with Kennedy, and as the Secretary left the Oval Office, Kennedy further warned Rusk, "And what's more, Mr. Secretary, I don't want to read in the *Washington Post* or the *New York Times* that the State Department is thinking about a change in our China policy!"⁷ Rusk publicly submerged his views with Kennedy's and did not directly initiate any new studies of China policy. Privately, though, Rusk contended that only by default was the ROC's government "the only Chinese government we [the United States] recognized."⁸

Meanwhile, the Kennedy administration inherited a foreign policy apparatus that did not encourage innovation. The State Department, especially the Bureau of Far Eastern Affairs, had been emptied of experts after investigations by Senator Joseph McCarthy (R-Wisconsin) targeted suspected communists. By 1961, the bureau had been staffed with stern anti-communists who favored containment and isolation of the PRC. Later that year, Kennedy assigned Harriman as Assistant Secretary of State for Far Eastern Affairs, who then appointed Edward Rice to the bureau from his position on the Policy Planning Council. Rice, a long-serving State Department analyst who had survived the McCarthy "witch-hunt," had long championed abandoning containment policy toward the PRC in favor of accommodation.⁹ While on the Policy Planning Council, Rice authored a paper that included a list of possible U.S. initiatives toward the Beijing regime, such as lifting the passport ban, opening arms control and disarmament talks, possible PRC representation in the United Nations, and ROC evacuation of the Offshore Islands. In short, Rice's paper proposed a policy that was flexible, moderate, and accommodating toward the Communist Chinese. Apparently, he greatly influenced several young staffers at the Far East office, such as James C. Thomson, Jr., and Roger Hilsman, to likewise advocate a more relaxed policy toward the PRC.¹⁰

⁶ James C. Thomson, Jr., "On the Making of U.S. China Policy, 1961-9: A Study in Bureaucratic Politics," *The China Quarterly* 50 (April-June 1972): 221-22.

⁷ Dean Rusk, *As I Saw It* (New York: W. W. Norton and Company, 1990), 282-84.

⁸ *Ibid.*, 284.

⁹ Thomson, 222-23.

¹⁰ *Ibid.*, 223-24.

Like Komer and Rice, Undersecretary of State Chester Bowles also questioned the direction of China policy. In July 1961, he circulated a confidential report entitled "Some Requirements of American Foreign Policy," recommending various changes in American foreign policy toward Europe, Africa, and Asia, but most significantly argued that both the PRC and the ROC threatened regional stability. Attributing its aggression to the famine and the government's failure to meet food requirements, Bowles claimed that the PRC was a regional threat that had to be excluded from the United Nations. But, he argued, Nationalist China represented just as much of a problem in East Asia as the PRC. If the United States disengaged from Taiwan, the situation in Taipei may become chaotic and difficult to control. Instability could cause a war between the ROC and the PRC, or a coup d'état that could result in Chiang's overthrow, or an attempt to turn Taiwan over to the Communist Chinese. Any future China policy, Bowles concluded would have to consider and balance these mutually explosive situations.¹¹

While some of Kennedy's State Department and White House appointees privately considered a more accommodationist China policy, Eisenhower administration stalwarts, like Everett F. Drumright and Ray Cline, opposed any such changes. A career diplomat, Drumright had been associated with the Nationalist Chinese government in various capacities between 1931 and 1946, and then returned to the Foreign Service in the Office of Chinese Affairs when Eisenhower became President in 1953. He firmly believed that the security of Nationalist China was vitally important to the United States.¹² His hard-line anti-communist opinions concerning China policy angered many of his colleagues in the Taipei embassy.¹³ Ray Cline similarly opposed significant changes in China policy. Since the Eisenhower administration, Cline had been CIA Station Chief in Taipei. Taking advantage of his position, Cline had become close friends with General Chiang Ching-kuo, President Chiang' son and Deputy Secretary General of the ROC's National Defense Council.¹⁴ Cline regularly conveyed Chiang's personal messages to the State Department and the White House. Chiang, Cline believed, feared the Democrats and contended that "the faintest indication of a change in U.S. attitudes can seem like a matter of life and death."¹⁵

¹¹ Chester Bowles, "Some Requirements of American Foreign Policy," July 1, 1961, Box 28, Bowles, Chester, 3/24/59-7/5/61, NSF, JFKL.

¹² Jay Taylor, *The Generalissimo's Son: Chiang Ching-kuo and the Revolution in China and Taiwan* (Cambridge: Harvard University Press, 2000), 238.

¹³ Interview with James Leonard, in *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, ed. Nancy Bernkopf Tucker (New York: Columbia University Press, 2001), 170-71. Leonard, Chinese Language Training and Political Officer at the Taipei embassy between 1957 and 1963, claimed that Drumright was "captive of this right-wing ideology on the China question." His difficult personality and his conservative politics angered the embassy staff, many of whom rejoiced at Kennedy's 1960 victory and disagreed with the way Taiwan had been governed.

¹⁴ Taylor, 239.

¹⁵ Memorandum from McGeorge Bundy to President Kennedy, July 7, 1961, *FRUS 1961-63*, 89.

One of the first China policy crises the Kennedy administration faced concerned irregular ROC forces which had been operating in the Burma-Thailand-Laos border region since the 1950s. In 1949, 11,000 to 15,000 Chinese Nationalist troops had fled China into this border region as the Nationalist government and most of the military retreated to the island of Taiwan. By 1961, despite two previous attempts to evacuate these irregular soldiers, some 10,000, including women and children, remained.¹⁶ While the Burmese government demanded that these irregulars be evacuated, Chiang continued to supply these troops.

In February, 1961, the Burmese shot down two ROC aircraft: a B-24 supply plane bound for northern Burma and a PB-4Y, supplied to the Nationalists through the U.S. Military Assistance Program (MAP). The Burmese government justified their actions on the grounds that irregular troops, armed with American equipment supplied through such airdrops, had instigated trouble within their borders. Understanding Burma's problem, President Kennedy wanted these irregular troops to be withdrawn from Burma to Taiwan or broken into small groups for resettlement in Thailand and Laos.¹⁷

Chiang, during a February 25, 1961, meeting with Drumright, denied harming American interests. When asked to evacuate the irregulars, Chiang stated that while doing so would meet with great resistance because of their deep hatred for the Chinese Communists, he also recognized the inconvenience and embarrassment the situation caused to the United States. Chiang promised to end the airdrops and to evacuate those irregulars who wanted to be evacuated. In the case of those irregulars who were not longer responsive to his orders, the ROC President promised to disassociate himself from them and terminate their resupply.¹⁸

Meanwhile, Secretary Rusk requested that Bureau of Far Eastern Affairs write a report on these ROC irregulars for President Kennedy. The report concluded that since the 1950s President Chiang had disregarded American requests to evacuate his irregular troops from Burma. The irregulars, moreover, threatened the internal stability of Thailand, Burma, and Laos, and their positions along the border with Mainland China jeopardized peace in the region. Some were also suspected of trafficking in narcotics. The report thus concluded that the irregulars had to be evacuated or dispersed. Fearing

¹⁶ "Chinese Nationalist Irregulars in Southeast Asia," May 4, 1967, Box 245, China Visit of C. K. Yen – Briefing Book 5/9-10/67, Papers of Lyndon B. Johnson, President, 1963-1969, National Security File, Country File, China, Lyndon Baines Johnson Presidential Library, Austin, TX, hereafter cited as NSF, LBJL.

¹⁷ Memorandum from John F. Kennedy to Dean Rusk, February 17, 1961, Box 87, Department of State, 2/16/61-2/28/61, Papers of John F. Kennedy, Presidential Papers, President's Office Files, Departments and Agencies, John F. Kennedy, Presidential Papers, President's Office Files, Departments and Agencies, John F. Kennedy Presidential Library, Boston, MA, hereafter cited as POF, DA, JFKL; Special Report No. 7, February 21, 1961, Box 87, Department of State, 2/16/61-2/28/61, POF, DA, JFKL.

¹⁸ Telegram from Embassy in the Republic of China to Department of State, February 25, 1961, *FRUS 1961-63*, 16-17.

that President Chiang would not cooperate voluntarily, the report suggested that Chiang could be manipulated by selectively limiting or ceasing military aid, refusing to train Taiwanese Special Forces, and not participate in planning operations against the Mainland.¹⁹

Some evidence suggests that Chiang feared such repercussions and ordered ROC irregular troops to disarm and return to Taiwan or settle as civilians. Nationalist Chinese General Lai Ming-tang, after meeting with Ambassador Drumright in April 1961, reported that some of the six hundred to seven-hundred irregulars living in the Burma-Laos-Thailand border and nearly one thousand living in Thailand "appear to have gone into civilian life." Drumright, therefore, believed that the ROC had honestly and diligently carried out the American request. By the end of the month, he regarded the evacuation as complete.²⁰

As the crisis over the ROC irregulars dissipated, the Kennedy administration faced a growing problem in the United Nations concerning ROC membership. Through the 1950s, there had been little challenge to Taiwan's status in the United Nations, but opposition increased in the 1960s.²¹ President Kennedy publicly pledged his support to maintain ROC membership in the UN and to keep the PRC out.²² Meanwhile, support for Taiwan slowly eroded as newly independent nations from Africa, some of whom were sympathetic to the PRC, joined the United Nations.²³ Given this development, several of Kennedy's foreign policy staff believed it was necessary to derive new ideas and tactics to ensure the ROC's continued presence in the United Nations.

In July 1961, Roger Hilsman of the State Department's Office of Intelligence and Research addressed the Chinese Representation issue. It was important, according to Hilsman, for the United States to firmly establish the ROC's claim on the China. Hilsman concluded that the most prudent course President Kennedy could take was to set up a commission to investigate the situation and provide further advice to the President. If the United States lost control of the issue, Hilsman wrote, "then doubts and tensions over

¹⁹ Memorandum from Dean Rusk to John F. Kennedy, February 20, 1961, Box 21, China, General, 2/20/61-2/28/61, NSF, JFKL; "United States Efforts to Effect Cessation of the Government of the Republic of China's Support of Chinese Irregulars in Burma-Laos Border Area," n.d., Box 21a, China, General, 2/20/61-2/28/61, NSF, JFKL.

²⁰ "Department of State Staff Summary," April 17, 1961, Box 88, Department of State, 4/61-5/61, POF, DA, JFKL.

²¹ Ralph N. Clough, *Island China* (Cambridge: Harvard University Press, 1978), 150.

²² Thomas J. Schoenbaum, *Waging Peace and War: Dean Rusk in the Truman, Kennedy, and Johnson Years* (New York: Simon and Schuster, 1988), 387.

²³ George T. Yu, "Africa in Chinese Foreign Policy," *Asian Survey* 28 (August 1988): 851.

United States relations to the United Nations would probably increase in the public attitude and in the legislative attitude."²⁴

On the other hand, Drumright and Cline argued that President Kennedy should take a more active stance. Ambassador Drumright expressed his concern that ROC officials feared that the Kennedy administration was looking for a convenient way out of the Chinese Representation issue at the ROC's expense.²⁵ Cline, though, worried that Taiwanese officials might not accept changes in American policy toward the ROC. Being that the Nationalists might lose the debate on their UN seat, Cline warned that Chiang would not in the future trust this new Democratic administration in Washington and would move forward on an independent policy of invading the Mainland.²⁶

Hilsman, Drumright, and Cline each contended that Taiwanese government officials had to be convinced that the Kennedy administration would continue to protect Taiwan's interests. On the other hand, the Kennedy administration could not allow the ROC to take action to guarantee their interests independently of the United States. President Kennedy echoed these sentiments during a July 1961 White House meeting concerning Chinese representation. The United States and the ROC, Kennedy stated, should have one common objective – to keep the PRC out of the United Nations.²⁷ Meanwhile, the Chinese representation issue became more complicated when the Soviet-dominated government of Outer Mongolia became independent and applied for admission into the UN. The ROC insisted that Outer Mongolia was a part of China and could not be admitted. Kennedy feared that a ROC veto of Outer Mongolia's membership could warrant a communist bloc push for Taiwan's ouster from the UN. Taiwan, contended Kennedy, should not veto Outer Mongolia's application into the UN.²⁸

At the end of July 1961, Rusk proposed a parliamentary ploy that would ensure the ROC its continued membership and would exclude the PRC from the United Nations. Rusk suggested that a representative group of UN members develop a majority proposing that the Chinese representation issue was an "important question" which required a two-thirds vote. This would hopefully delay any credentials vote regarding ROC membership.²⁹ Kennedy and Rusk had to convince the ROC not to veto Outer

²⁴ Memorandum from Roger Hilsman to Secretary of State, n.d., Box 22, China, General, 7/25/61-7/27/61, NSF, JFKL.

²⁵ Telegram from Everett F. Drumright to Department of State, March 20, 1961, *FRUS 1961-63*, 37.

²⁶ Memorandum from McGeorge Bundy to John F. Kennedy, July 7, 1961, Box 22, China, General, 6/28/61-7/7/61, NSF, JFKL.

²⁷ Memorandum of Conversation, July 28, 1961, Conference at White House on China Representation at United Nations and Outer Mongolia-United Nations Membership Application, *FRUS 1961-63*, 99-101.

²⁸ *Ibid.*

²⁹ Memorandum from Dean Rusk to John F. Kennedy, July 31, 1961, Box 113a, China, Security, 1961, NSF, JFKL.

Mongolia's application and go along with the "important question" proposal. But the Taiwanese had already begun to take steps to ensure their seat in the UN through an African aid program called Operation Vanguard. This aid program had the ulterior motive of securing future support from newly independent African nations for Taiwan's China seat in the UN. Meanwhile, the African nation of Mauritania petitioned to enter the UN. A Soviet veto of Mauritania's UN membership would threaten both Taiwan's aid program and its ability to secure future support among newly independent African countries to maintain its China seat.³⁰

Kennedy tried to convince Chiang not to become too involved in the UN representation issue. On August 15, 1961, Kennedy warned Chiang that he might not be able to rally majority support for continued ROC representation in the UN if the ROC vetoed Outer Mongolia's application. If the ROC lost its seat, Kennedy warned that the United States would not be able to generate support for military action to defend Taiwan if the Mainland regime chose to attack.³¹ Chiang responded that Outer Mongolia's application for UN membership was nothing more than Soviet blackmail, and that the United States and their allies should reject it and earn the good will of African states supporting the ROC's and Mauritania's membership. Chiang essentially refused to change his plans to veto Outer Mongolia's application.³²

Having made little headway to compromise with the ROC, Secretary of State Rusk instructed Ambassador Stevenson to move on the "important question" tactic.³³ Rusk also sent instructions to the American embassy in Taipei that, if Chiang planned to "go down with the ship rather than compromise on Outer Mongolia, the United States would share no responsibility for Chiang's decision. Rusk then urged Drumright to assure ROC officials that, because of their common interests, the United States would provide them the strongest support possible, but also reminded Drumright of the gravity of the situation, commenting that, "If we cannot persuade GRC . . . to meet us on any of several significant matters whom can we persuade?"³⁴

³⁰ Rosemary Foot, "Redefinitions: The Domestic Context of America's China Policy in the 1960s," in *Re-examining the Cold War: U.S.-China Diplomacy, 1954-1973*, eds. Robert S. Ross and Jiang Changbin (Cambridge: Harvard University Press, 2001), 269; Chiao Chiao Hsieh, *Strategy for Survival: The Foreign Policy and External Relations of the Republic of China on Taiwan, 1949-1979* (London: The Sherwood Press, 1985), 181-82.

³¹ Letter from President Kennedy to Chiang Kai-shek, August 15, 1961, Box 26, China, Subjects, Chiang Kai-shek, Correspondence 4/61-9/63, NSF, JFKL.

³² Letter from Chiang Kai-shek to President Kennedy, August 26, 1961, Box 26, China, Subjects, Chiang Kai-shek, Correspondence 4/61-9/63, NSF, JFKL.

³³ Memorandum from Dean Rusk to Adlai Stevenson, September 13, 1961, Box 22, China, General, 9/61, NSF, JFKL.

³⁴ Telegram from Department of State to U.S. Embassy Taipei, September 17, 1961, Box 25, China, Cables, 9/2/61-10/15/61, NSF, JFKL.

But by October, Presidents Kennedy and Chiang reached an understanding. The United States would vote for Outer Mongolia's admission, oppose Communist China's entry into the United Nations, and President Kennedy would reassure Chiang that his government had the right to represent China in the UN. Meanwhile, Kennedy would privately assure Chiang that a U.S. veto would be used to prevent PRC entry, if necessary. Finally, the ROC would not veto Outer Mongolia's application to join the United Nations.³⁵ On December 15, 1961, the "important question" resolution passed the General Assembly 61-34 with seven abstentions.³⁶

With the UN representation issue temporarily resolved, American policymakers became increasingly preoccupied with Chiang's oft-repeated statements and schemes to "retake the mainland." Chiang insisted on a Mainland return policy because his Nationalist government could not abandon its *raison d'être*.³⁷ Chiang's moment of opportunity to attack and retake the Mainland seemed to arise in the early 1960s as the Mainland suffered through one of the worst famines in recorded history. While the famine caused the deaths of between forty to eighty million people, Soviet premier Nikita Khrushchev recalled 1,400 scientists and engineers in April 1960, which led to reductions in industrial production, disruptions in the national transportation system, and transfer of workers to famine-affected areas.³⁸ Chiang's intentions toward the Mainland generated much concern and discussion in Washington, and many in the White House and State Department believed that he had to be reined in.

Meanwhile, the growing conflict in Vietnam threatened to complicate U.S.-ROC military relations. Chiang hoped to use the deteriorating situation in Vietnam as a means to become more involved in Southeast Asia and, in the long run, as another front in his civil war against Mao and the Mainland Communist regime. Differing views within the Kennedy administration added to the complications. While Defense Department officials sought to use the ROC in the ever widening crisis in South Vietnam, high-ranking State Department policymakers hoped to thwart Chiang's desires. William P. Bundy, Assistant Secretary of Defense, wrote that South Vietnamese President Ngo Dinh Diem wished to use Chinese Nationalist troops, naturalize them as Vietnamese citizens, and utilize them in the Mekong River delta, where there was already a large number of ethnic Chinese.³⁹

³⁵ Message from Ray Cline to McGeorge Bundy, October 14, 1961, *FRUS 1961-63*, 156-57.

³⁶ "Question of Representation of China in the United Nations; Restoration of Lawful Rights of People's Republic of China in the United Nations," in *Yearbook of the United Nations, 1961* (New York: Office of Public Information, 1963), 127.

³⁷ Chiao Chiao Hsieh, 140.

³⁸ Clough, 21; Jasper Becker, *Hungry Ghosts: Mao's Secret Famine* (New York: Henry Holt and Company, 1996), 85, 99, 274; Maurice Meisner, *Mao's China and After: A History of the People's Republic*, 3rd Edition (New York: The Free Press, 1999), 234-35, 237.

³⁹ Memorandum for the Record from William P. Bundy, October 25, 1961, *Foreign Relations of the United States, 1961-1963: Volume I, Vietnam 1961* (Washington: United States Government Printing Office, 1988), 434-36, hereafter cited as *FRUS Vietnam 1961*.

U. Alexis Johnson, Deputy Undersecretary of State for Political Affairs, warned that the presence of Nationalist Chinese troops on the Asian mainland would open a “pandora’s box,” drawing Chinese Communist intervention and exacerbating anti-Chinese prejudice in the region.⁴⁰

In February 1962, Chiang pressed Cline and Bundy that the United States and Taiwan, in a joint effort, should take immediate action to rescue the Mainland from the communists.⁴¹ Later, Ambassador Drumright met with Chiang and urged him to take into consideration world opinion and American responsibilities, because the Americans would be cautious about opening a new front in the Cold War. Drumright then warned the State Department that Chiang was determined to order a Mainland invasion that year. To prevent a war, the United States had to channel Chiang’s actions “in directions we deem appropriate.”⁴² Roger Hilsman also became quite nervous about a Mainland invasion after his March 1962 meeting with Defense Minister Chiang Ching-kuo, who proposed that the United States provide to Taiwan airplanes to drop several two hundred-man teams of paratroopers. Hilsman compared the Defense Minister’s proposal with earlier problems in Cuba, noting that the Mainland Chinese were discontented, but would not risk their lives unless they were very sure of success.⁴³

Despite such hesitations, Kennedy proposed to send American aircraft to Taiwan in March 1962, but refused to participate directly in Chiang’s plans. He suggested that the United States send to Taiwan two C-123 aircraft to be flown by Chinese crews trained in the United States. The C-123s could be used to haul cargo and as many as sixty-one fully-equipped troops.⁴⁴ Kennedy then asked Ray Cline to persuade ROC government officials to drop public discussion of plans invading the Mainland and make clear to Chiang “that no commitment was being made other than to prepare the planes and be willing to consider their use.”⁴⁵

⁴⁰ Letter from U. Alexis Johnson to William P. Bundy, December 13, 1961, *FRUS Vietnam 1961*, 733-34.

⁴¹ Telegram from William P. Bundy to Robert S. McNamara and McGeorge Bundy, February 24, 1962, *Foreign Relations of the United States, 1961-1963: Northeast Asia, Laos, Microfiche Supplement* (Washington: U.S. Government Printing Office, 1997), Document 35, Fiche 4 of 18, hereafter cited as *FRUS 1961-63 Microfiche*.

⁴² Telegram from Everett F. Drumright to Department of State, March 6, 1962, *FRUS 1961-63*, 189-90.

⁴³ Memorandum for the Record, March 19, 1962, Box 1, Folder 3, Papers of John F. Kennedy, Presidential Papers, White House Staff Files, Roger Hilsman Papers, John F. Kennedy Presidential Library, Boston, MA, hereafter cited as Hilsman Papers, JFKL.

⁴⁴ Telegram from Ralph Clough to W. Averell Harriman, March 30, 1962, *FRUS 1961-63*, 202-03; Tony Holmes, *Jane’s Historic Military Aircraft* (London: Harper Collins Publishers, 1998), 304; M. J. Armitage and R. A. Mason, *Air Power in the Nuclear Age*, Second Edition (Urbana: University of Illinois Press, 1985), 90; Ray L. Bowers, “USAF Airlift and the Airmobility Idea in Vietnam,” *Air University Review* 26 (1974): 8.

⁴⁵ Memorandum for the Record, March 31, 1962, *FRUS 1961-63*, 204-05.

Throughout early April 1962, Cline met regularly with President Chiang and Defense Minister Chiang Ching-kuo. In those meetings, Cline convinced the Chiangs to postpone the target date for an initial air drop from June until October 1, 1962, but President Chiang wanted Kennedy's reassurances that he would fully support the ROC's plans, especially regarding the drop date and mutual study of plans for military operations.⁴⁶ On hearing of Chiang's position, McGeorge Bundy warned Cline that the American position "must be that it stands on what is outlined . . . We cannot safely get ourselves in the position of negotiating on this."⁴⁷ Cline, delivering Chiang's response to President Kennedy's position, stated that Chiang was willing to take sole responsibility for any attack and that Taiwan was "obliged to take certain prudent military preparedness measures to be ready to intervene in case the situation deteriorates to the point where the U.S. agrees that action is in the Free World interest."⁴⁸

In May 1962, as tensions mounted between the United States and Taiwan over Chiang's preparations to attack the Mainland, President Kennedy appointed long-time family friend Admiral Alan G. Kirk (U.S. Navy, retired) as the new ambassador to the ROC.⁴⁹ After meeting with President Chiang in July 1962, Ambassador Kirk questioned whether the United States should provide bombers and landing craft to the ROC, or whether granting them to Chiang's government would display American trust in the ROC and indicate U.S. desire to help Chiang recover the Mainland. Kirk stated that the American response to the ROC request for such weapons was being taken by ROC officials as an indication of unwillingness to help. Nonetheless, Kirk advised the State Department to delay such deliveries because the types of material requested were obviously of an offensive nature and "its release to the [ROC] cannot be concealed."⁵⁰ He, therefore, proposed that the United States provide Chiang material on the condition that U.S. policymakers oversee Taiwanese military planning. This minimal aid would allow the Kennedy administration to back away from the previously approved 200-man drops because of the limited capacity of the C-123s. Harriman agreed with Kirk's proposal, which essentially assured that Chiang Kai-shek would not be able to launch an assault against Communist China without a large number of paratroopers.⁵¹

⁴⁶ Telegram from Ralph Clough to John McCone, April 14, 1962, *FRUS 1961-63 Microfiche*, Document 40.

⁴⁷ Message from McGeorge Bundy to Ray Cline, April 17, 1962, *FRUS 1961-63*, 218-19.

⁴⁸ *Ibid.*

⁴⁹ Robert Dallek, *An Unfinished Life: John F. Kennedy, 1917-1963* (Boston: Little, Brown and Co., 2003), 82; Nancy Bernkopf Tucker, ed., *China Confidential: American Diplomats and Sino-American Relations, 1945-1996* (New York: Columbia University Press, 2001), 175-76; Memorandum for the Record, May 31, 1962, Box 23, China, General, 4/62-5/62, NSF, JFKL.

⁵⁰ Telegram from Alan G. Kirk to Department of State, July 27, 1962, *FRUS 1961-63*, 294-95.

⁵¹ Memorandum from W. Averell Harriman to John F. Kennedy, August 8, 1962, Box 88, Department of State, 8/62-12/62, Papers of John F. Kennedy, Presidential Papers, President's Office Files, Departments and Agencies, John F. Kennedy Presidential Library, Boston, MA, hereafter cited as POF, JFKL;

In September, Kirk informed Chiang that the United States would send two C-123s to Taiwan when they were ready and the crews trained, but that President Kennedy refused to provide Chiang with the bombers and landing craft.⁵² Chiang then warned Kirk that if the Kennedy administration prevented the ROC from going ahead with these air drop plans, he would have great difficulty maintaining his and the ROC's military confidence.⁵³ The efforts of Kirk, Harriman, and others seemed to pay dividends. By the beginning of October, American officials in Taiwan noted a decrease in invasion rhetoric coming from the Taiwanese government and press. There were also no new reports of "forced-draft" activities, which indicated that military training was returning to normal.⁵⁴ Nonetheless, the ROC continued to launch small-scale intelligence gathering operations, using fishing boats as "motherships" to land infiltration teams on the Mainland.⁵⁵ Thomas L. Hughes of the State Department's Bureau of Intelligence and Research grew concerned that these missions would result in drawing the United States further into ROC plans for a full-scale invasion. Hughes concluded that the ROC would seek greater amount of American equipment and aircraft for larger operations, perhaps with a view to landing one or more 200-man teams on the Mainland.⁵⁶ Later, in February, Ambassador Kirk observed that Chiang and other ROC officials were exhibiting symptoms of "spring fever," building landing craft, training soldiers in a new airborne division, and publicly stating that the time to retake the mainland "was ripe, now or never."⁵⁷ In March, Kirk questioned whether or not "the retention of the island of Taiwan in friendly hands is vital to the interests of the United States."⁵⁸

Memorandum from W. Averell Harriman to Alan G. Kirk, August 8, 1962, Box 23, China, General, 7/62-8/62, NSF, JFKL.

⁵² Memorandum of Conversation, September 6, 1962, *FRUS 1961-63*, 306-11.

⁵³ *Ibid.* Delivery of the C-123s remained in dispute until February 1963. United States and ROC officials argued over control and ownership of the aircraft and how the aircraft were to be used. Kennedy proposed to send the aircraft to Taiwan but keep them under U.S. control and ownership with ROC crews. The aircraft were to be used in South Vietnam and in Mainland operations only with agreement of both the ROC and U.S. officials. According to Ralph Clough, Kennedy's proposal appeared to have been well received by President Chiang and his son. See note, Letter from John F. Kennedy to Chiang Kai-shek, February 15, 1963, *FRUS 1961-63*, 347; Memorandum from Ralph Clough to W. Averell Harriman, March 2, 1963, *FRUS 1961-63*, 352.

⁵⁴ Airgram from Ralph Clough to Department of State, October 12, 1962, Box 25a, China, Cables, 9/5/62-10/15/62, NSF, JFKL.

⁵⁵ Tucker, *Uncertain Friendships*, 64; Interview with Arthur Hummel, in Tucker, *China Confidential*, 210-11; Telegram Information Report, Central Intelligence Agency, December 28, 1962, Box 26, China, Cables, 12/62-2/63, NSF, JFKL.

⁵⁶ Memorandum from Thomas L. Hughes to W. Averell Harriman, January 11, 1963; Box 24, China, General, 1/63-3/63, NSF, JFKL.

⁵⁷ Memorandum of Conversation, February 4, 1963, *FRUS 1961-63*, 342-44.

⁵⁸ Memorandum from Alan G. Kirk to John F. Kennedy, March 29, 1963, Box 113a, China, Security, 1962-63, POF, JFKL.

Although President Kennedy continued to make public statements of support for Chiang through the spring of 1963, he and his advisors began privately to reconsider the necessity of providing military assistance to the ROC. In the wake of the Cuban Missile Crisis, the Sino-Soviet rift, the establishment of a Washington-Moscow "hot-line," and the signing of the Test Ban Treaty of July 1963, the worldwide diplomatic climate had shifted from potential warfare between the superpowers to their mutual impetus to negotiate.⁵⁹ Perhaps neither Kennedy nor his advisors were willing to chance the diplomatic gains of peace made with the Soviets by the summer of 1963, and were thus no longer willing to publicly support Chiang's plans to invade Mainland China.

On September 11, 1963, President Kennedy met with ROC Defense Minister Chiang Ching-kuo in the White House. Chiang, on behalf of his father, insisted that the United States and the ROC take advantage of the situation on the Mainland and requested five C-130 aircraft in addition to the C-123s requested earlier, and landing craft to conduct raids along the Mainland coast, with the goals of creating disruption and seizing one or more provinces "south of the Yangtze [River] when the time is ripe." Kennedy responded that American policy "should be determined by reality and not by hopes or optimism," and that the United States "did not wish to become involved in military operations where our role would inevitably become known and which would end in failure."⁶⁰

While the Kennedy administration attempted to prevent the crisis in the Taiwan Strait from becoming an all-out war between the PRC and the ROC, State Department staffers in the Policy Planning Council initiated a plan to moderate the American policy toward the communist world, including the PRC. Walt W. Rostow, the newly appointed Director of the State Department's Policy Planning Council, authored this report entitled "Basic National Security Policy," which suggested that the United States and the Soviet Union could negotiate agreements over areas of mutual interest. The Soviet Union would not "deliberately take actions which would bring about a general nuclear war," a war that no one could win.⁶¹ Rostow also hoped that this threat of mutual destruction from a nuclear war would modify U.S. relations with Communist China, suggesting that the United States "leave ajar possibilities for expanding commercial, cultural and other

⁵⁹ Dallek, 607-08; Vladislav M. Zubok, "Unwrapping the Enigma: What was behind the Soviet Challenge in the 1960s?" in *The Diplomacy of the Crucial Decade: American Foreign Relations During the 1960s*, ed. Diane B. Kunz (New York: Columbia University Press, 1994), 161; Frank Costigliola, "The Pursuit of Atlantic Community: Nuclear Arms, Dollars, and Berlin," in *Kennedy's Quest for Victory: American Foreign Policy, 1961-1963*, ed. Thomas G. Paterson (New York: Oxford University Press, 1989), 53; Gordon H. Chang, *Friends and Enemies: The United States, China, and the Soviet Union, 1948-1972* (Stanford: Stanford University Press, 1990), 235.

⁶⁰ Memorandum of Conversation, September 11, 1963, *FRUS 1961-63*, 386-92.

⁶¹ "Basic National Security Policy," June 22, 1962, *Foreign Relations of the United States, 1961-1963: Volume 8, National Security Policy* (Washington: United States Government Printing Office, 1996), 312.

contacts with Communist China"⁶² But while the United States worked toward normalization of relations with the PRC, Rostow stated that the U.S. should continue to work with the ROC. The United States should "make plain our enduring commitment to sustain and defend a free government on Taiwan"⁶³ Therefore, the United States should use its leverage to encourage Taiwan either to "withdraw its forces from the [Offshore] islands or to regard the islands as outposts to be garrisoned . . . if and when this can be done without damage to our position in the Far East."⁶⁴ Although Rostow did not specifically call for a "two Chinas" policy, the report very clearly stated that the United States should maintain relations with both the PRC and the ROC.

Understandably, Rostow's initiative provoked grave concern in the ROC. When Ting-fu Tsiang, ROC Ambassador to the United States, met with Dean Rusk in early July 1962 to discuss the Chinese Communist military buildup, he noted that opinion in Taiwan had become alarmed by Rostow's report.⁶⁵ This would inevitably mean, according to Tsiang, U.S. recognition of the PRC, the PRC's admittance to the UN, and American neutralization of Taiwan. All of this was deemed unacceptable. Rusk replied that he hoped the report would not be misleading or confusing and he would consider Tsiang's concerns, but he reassured him that "he did not want to give [the] impression, however, that there would be any major change in our publicly stated position."⁶⁶

Rostow's initiative never received a groundswell of support, nor did it immediately result in a change in China policy. Nonetheless, the report remains significant for several reasons. Although the Kennedy administration never formally approved the report, "Basic National Security Policy" acknowledged a shift in thinking at some levels in the State Department. Possible changes in China policy, including a more accommodating relationship with the PRC, were at least being discussed within the State Department bureaucracy. This report did not bode well for the ROC, which claimed to be the government of all China and continually labeled the Beijing regime illegitimate. Nonetheless, this report would influence future public statements of foreign policy with the communist world and might have influenced other State Department staffers to further challenge the established policies of containment and isolation of the PRC.

Bureaucratic changes in the Bureau of Far Eastern Affairs further contributed to the elevation of Mainland Chinese affairs on its agenda. Until 1962, a single China desk

⁶² "Basic National Security Policy," June 22, 1962, Document 271, *Foreign Relations of the United States, 1961-1963: Arms Control; National Security Policy; Economic Policy, Microfiche Supplement* (Washington: U.S. Government Printing Office, 1997), 163-64.

⁶³ Ibid.

⁶⁴ Ibid.; Editorial Note, *FRUS 1961-63*, 271. Rostow provided neither a time line nor a procedure for establishing and maintaining a "two Chinas" policy.

⁶⁵ Telegram from Dean Rusk to the Embassy in the Republic of China, July 7, 1962, *FRUS 1961-63*, 291-92.

⁶⁶ Ibid.

had handled affairs concerning both the Taipei and Beijing regimes. To bring Mainland Chinese affairs to the forefront, the Bureau in mid-1962 established two separate desks, which included a Mainland China affairs desk and a Republic of China affairs desk. This arrangement opened the door for the consideration of new policy ideas toward the PRC and allowed them to filter higher up the State Department bureaucracy. By late November 1963, the new Mainland China desk had been renamed the Office of Asian Communist Affairs and separated from the Office of East Asian Affairs, which handled matters concerning Japan, Korea, and Taiwan. The Office of Asian Communist Affairs could now freely access and influence policymaking.⁶⁷ Within the new Office of Asian Communist Affairs, staffers now had a degree of freedom to explore new opportunities toward the PRC without running afoul of the more staunchly anti-communist China hands in the Office of East Asian Affairs.

These organizational changes soon began to bear fruit. The Kennedy administration had initially considered Communist China an expansionist state that threatened regional security in East Asia and had to be contained.⁶⁸ A small group of State Department staffers, including Roger Hilsman, Assistant Secretary of State for Far Eastern Affairs, James C. Thomson, Jr., Special Assistant in the Bureau of Far Eastern Affairs, Lindsey Grant of Mainland China Affairs, and Allen S. Whiting, Director of the Office of Research for Far Eastern Affairs, contended that it was time to propose a more realistic China policy. Believing that the remnants of the "China Bloc" and the "China Lobby" would not mount much of a counterattack, they wrote a speech that outlined a policy of "firmness, flexibility, and dispassion" toward Communist China. The U.S. would firmly support its allies, in particular the Republic of China, and in their determination to halt aggression, but the U.S. would also be willing to negotiate with the Communist Chinese and dispassionately discuss and analyze mutual problems and seek solutions in their common interests. Once completed, the speech was sent to the White House and to senior officials at State and Defense for approval. Notably, the speech cleared the White House and the State Department without having been read by new President Lyndon B. Johnson, Assistant Secretary of State Harriman, or Secretary Rusk, who refused to go over the speech despite Hilsman's request.⁶⁹

Roger Hilsman delivered the televised speech at the Commonwealth Club in San Francisco, California, on December 13, 1963. Hilsman stated that, in the past, "emotionalism" and "misapprehension of reality" had guided American policy toward China. Instead, Hilsman echoed Rostow's suggestions in "Basic National Security Policy" and called for a China policy that sought to "keep the door open to the possibility

⁶⁷ Thomson, 226; "FE – Office of Asian Communist Affairs," undated, *FRUS 1961-63*, 397-99.

⁶⁸ James Fetzer, "Clinging to Containment: China Policy," in *Kennedy's quest for Victory: American Foreign Policy, 1961-63*, ed. Thomas G. Paterson (New York: Oxford University Press, 1989), 179, 197.

⁶⁹ Roger Hilsman, *To Move A Nation: The Politics of Foreign Policy in the Administration of John F. Kennedy* (Garden City, NY: Doubleday and Co., Inc., 1967), 351, 355; Interview with Lindsey Grant, in *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, ed. Nancy Bernkopf Tucker (New York: Columbia University Press, 2001), 193-94.

of change and not to slam it shut against any developments which might advance out national good, serve the free world, and benefit the people of China." He believed that the Chinese Communist, like the Soviets, might be amenable toward reaching "limited agreements which can bring some reduction" of danger between the United States and the PRC. Hilsman's speech was the first public statement by a high-ranking State Department official suggesting that the United States wished to reach an accommodation with the PRC if the PRC modified its hostility toward the United States. This did not mean, however, that the U.S. would abandon the ROC. Hilsman stated that the U.S. would continue to block Communist Chinese attempts to "commit aggression on its free world neighbors."⁷⁰

By the end of 1963, American officials had grown increasingly frustrated with Chiang Kai-shek and the status of China policy. Although President Kennedy did not publicly advocate change, his appointees and their reorganization of the State Department bureaucracy brought forth new approaches toward the PRC and the ROC. But as it seemed more certain that Chiang intended to be more aggressive toward the Mainland than the United States wished, some policymakers became more vocal in favoring a more flexible China policy. Their writings would influence East Asian policy through the end of the 1960s and the beginning of the 1970s, as the United States increasingly became involved in Vietnam and steadily reconsidered policy toward the PRC. In the wake of improving relations with the Soviet Union and deteriorating conditions in East Asia, there certainly were bigger issues at stake.

⁷⁰ Ibid.; Hilsman, 351; Roger Hilsman, "United States Policy Toward Communist China," *Department of State Bulletin* 50 (January 6, 1964): 11-17.

Chapter 11

JFK, Berlin, and the Berlin Crises, 1961-1963

Robert G. Waite

When John Kennedy addressed the nation at his swearing-in ceremony on January 20, 1961, he had nothing to say about Berlin, about the on-going crisis over the status of the occupied and divided city. Rather, the newly elected President spoke on other issues, especially “the quest for peace” and the “struggle against the common enemy of man: tyranny, poverty, disease and war itself.”¹ Berlin would soon, however, gain his attention. Tensions in the divided city had been growing since the end of World War II and the Berlin Question became a full-blown international crisis in 1958 when Soviet leader Nikita Khrushchev announced that the issue of Berlin had to be settled and that if the West did not agree to a peace treaty recognizing East Germany, the German Democratic Republic, his nation would. Access to Berlin would then fall to Walter Ulbricht and his communist government. Such actions meant that the allies would lose more than their strategic foothold in central Europe; their strength and determination to remain firm against the Communists would be thrown into doubt.²

Despite the absence of references to Berlin in his initial addresses as president, JFK had since his election victory begun to focus on Berlin, on the crises over the status of the divided city which could erupt at any time into a full-blown east-west confrontation. During his term of office as President, Kennedy took forceful and deliberate steps to reassure our European allies, West German leaders, and residents of

¹ “Inaugural Address. January 20, 1961,” in *Public Papers of the President of the United States, John F. Kennedy, January 20 to December 31, 1961* (Washington: United States Government Printing Office, 1962), 1-2.

² The literature on the Berlin crisis is extensive and most view the tensions between Kennedy and Khrushchev as a test of political wills. See, for example, Charles Sargent Sampson, *Berlin Crisis, 1962-1963* (Washington D.C.: US Government Printing Office, 1994); Honoré Marc Catudel, *Kennedy and the Berlin Wall Crisis* (Berlin: Berlin Verlag, 1980); Jack M. Schick, *The Berlin Crisis, 1958-1962* (Philadelphia: University of Pennsylvania Press, 1971); Peter Wyden, *Wall: The Inside Story of Divided Berlin* (New York: Simon and Schuster, 1989); Michael Beschloss, *The Crisis Years: Kennedy and Khrushchev, 1960-1963* (New York: Edward Burlingame Books, 1991); the chapter “The Berlin Crisis” in Theodore C. Sorensen, *Kennedy* (New York: Harper & Row, 1965), 583-601; and Andreas W. Daum, *Kennedy in Berlin: Politik, Kultur und Emotionen im Kalten Krieg* (Paderborn: Ferdinand Schöningh, 2003), who views JFK’s June 1963 visit as a high-point in post-war German-American relations and who examines the relationship within the context of the “cultural and emotional” fabric of the Cold War.

West Berlin, that the United States would stand by them, that the commitment to the post-war settlement remained unshakable. The way JFK handled the on-going crises over Berlin, the manner in which he responded to East German and Soviet challenges, the words of his speeches and television addresses, his very public art of diplomacy, and the historic visit to West Germany and Berlin in June 1963 reveal much about his leadership, his style of governing, and his effectiveness as President of the United States.

Berlin emerged as a source of contention between the Western allies – Britain, France and the United States – and the Soviet Union at the end of the Second World War when agreements divided the city into zones of occupation, each controlled by one of the allied powers.³ As tensions mounted over the post-war settlement and the seemingly steady advance and aggressiveness of Communism, the importance of Berlin as a flash-point between the world powers grew. Well before the 1960 presidential campaign, John Kennedy became aware of the sensitivity of the Berlin question. In 1959 he told an interviewer that Berlin was to be a “test of nerve and will.”⁴ While a Senator he served on the Foreign Relations Committee which held several hearings in 1959 on Berlin. Witnesses addressed the recent Soviet announcement of a deadline for a peace agreement with East Germany that would recognize its sovereignty. The Assistant Secretary for European Affairs told the Committee that it was imperative that the western nations, led by the United States, remain firmly committed to the maintenance of their “rights and position in Berlin, and access thereto” as specified in post-war agreements.⁵

In a speech on the floor of the US Senate on June 14, 1960, JFK elaborated his views on foreign policy, on dealing with the Soviets, on intentions for Berlin. Following the collapse of the U.S.-Soviet summit on May 10th and with the belligerence of Soviet Premier Khrushchev mounting, new approaches were desperately needed, the young senator told his colleagues. “The real issue of American foreign policy today...is the lack of long-range preparation, the lack of policy planning a coherent and purposeful national strategy backed by strength,” Kennedy explained.⁶ Only a militarily strong and powerful US could negotiate effectively with the Soviet leadership. Senator Kennedy offered a

³ See, *Dokumente zur Berlin-Frage 1944-1966* (Munich: R. Oldenbourg Verlag, 1967).

⁴ Quoted in Theodore C. Sorensen, *Kennedy* (New York: Harper & Row, 1965), 583.

⁵ “Statement of Livingston T. Merchant, Assistant Secretary for European Affairs, Department of State,” in *Executive Sessions of the Senate Foreign Relations Committee*, volume XI (Washington: U.S. Government Printing Office, 1959), 159; see also the testimony on March 10, 1959, “The Berlin Situation,” 211-240. William Taubman, *Khrushchev: The Man and His Era* (New York: W.W. Norton & Company, 2003), 403-412. See, Hans-Peter Schwarz, *Adenauer, Volume 2 Der Staatsmann 1952-1967* (Munich: Deutscher Taschenbuch Verlag, 1991), 550-557.

⁶ “Remarks of Senator John F. Kennedy in the Senate, June 14, 1960,” John F. Kennedy Presidential Library and Museum, www.jfklibrary.org/Historical+Resources.

well thought out 12 point program for “long-term policies designed to increase the strength of the non-communist world,” and Point 8 called for a “long-range solution to the problems of Berlin,” a solution based on unshakable commitments to Berlin and Germany.⁷

During the 1960 presidential campaign, two West German leaders told the *New York Times* that they hoped both Senator Kennedy and Vice President Nixon “would take a firm position on Berlin” because they expected East German head of state Walter Ulbricht to “warm up the ‘cold war’.”⁸ In the week prior to the November 8th election East Germany acted and “made a new inroad on the West’s position at Berlin” when its troops held several trucks bound for West Germany. The unpredictable Ulbricht moved again a month later when he “threatened...‘serious disturbances’” in traffic to Berlin if a trade agreement was not ratified. The East German Communist leader “demanded that President-elect Kennedy attend a summit meeting next spring to resolve the Berlin crisis.”⁹ Sentiment in East Germany was decidedly hostile to the new president. “One is reluctant to call this event an election,” commented East Germany’s leading newspaper, *Neues Deutschland*. “The so very important decision of who will be presented to the American people as candidates at all is decided in the small conventions of both bourgeoisie parties. They are nothing other than the political arm of big capitalist interests.” The newspaper termed both candidates “apostles of American imperialism” and saw little difference between them.¹⁰ Walter Ulbricht’s East Germany was preparing to step up the pressure on Berlin.

Recognizing the growing tensions over Berlin, commentators and pundits in the US called upon president-elect Kennedy to begin addressing them immediately. Roscoe Drummond wrote in the *Washington Post* that Berlin merited special attention during the months prior to the inauguration.¹¹ John Kennedy did spend time studying carefully two lengthy memoranda on foreign policy, one by Paul Nitze on “national security” issues and a second by Adlai Stevenson on foreign policy. Each identified Berlin a central issue because “the chances are that among their [leaders of the Communist nations meeting at the Kremlin] decisions will be efforts to test the mettle of the new American President -

⁷ *Ibid.*

⁸ “Berliner Court Candidates’ Aid,” *New York Times* (hereafter NYT) (July 24, 1960).

⁹ Gaston Coblenz, “German Reds Make New Berlin Inroad,” NYT (November 8, 1960). “Reds Hint Curbs on Berlin Trains,” *NYT* (December 19, 1960). “Ulbricht Seeks Kennedy ‘Summit’,” NYT (December 19, 1960).

¹⁰ “Kennedy ist neuer Präsident der USA,” and “Der neue Hut,” *Neues Deutschland* (November 10, 1960).

¹¹ Roscoe Drummond, “The Transition. U.S. Can’t Afford Standstill Period,” the *Washington Post* (hereafter WP) (November 7, 1960). See, Marquis Childs, “The Problems Of Transition,” WP (November 8, 1960).

perhaps on Berlin early next year.”¹² By early January, the newly elected President and Secretary of State-designate Dean Rusk “decided to look to this country’s most eminent Sovietologists for advice in helping frame policy for the years immediately ahead,” the *New York Times* reported.¹³

West German political leaders spoke up and they urged President-elect Kennedy to act forcefully on the Berlin question. Already on November 10th, Chancellor Konrad Adenauer “suggested” a meeting between JFK and Khrushchev to address a number of issues. Adenauer also anticipated a visit to Germany by President Kennedy the next spring and that he “to put West Berlin on his itinerary,” making him the first US president to visit the divided city.¹⁴ For the German Chancellor a Presidential visit was urgent because he “expects a serious Berlin crisis in the spring and wants to talk it over with Mr. Kennedy.”¹⁵ Adenauer and the leaders of France and Britain wanted a strong statement on the continuing presence of American forces in Europe, much as Eisenhower had provided. Shortly after the inauguration, the American ambassador to Germany “declared [that] the United States will not abandon its commitments to Berlin,” as he moved to offer reassurances¹⁶

Berlin came to be one of the most persistent and troublesome international issues faced by President Kennedy. It was, however, one of more than half a dozen hot-spots around the globe that threatened to push the US and Soviet Union to nuclear conflagration. During the first months in office, JFK had strikingly little to say about Berlin.¹⁷ West German leaders sent notes of congratulation to the president-elect. In a joint telegram, Chancellor Adenauer and Federal President Lübke congratulated JFK and assured him of the friendship and trust of the German people. They emphasized the

¹² Chalmers M. Roberts, “Kennedy Charts Possible Courses,” WP (November 20, 1960). See also Drew Pearson, “Rusk Called Middle-of-the-Roader,” WP (December 17, 1960); and Murrey Marder, “Major Shifts in Foreign Policy Handling Forecast,” WP (January 15, 1960).

¹³ “Mr. Kennedy’s ‘Sovietologists,’” NYT (January 9, 1961). Sorensen, *Kennedy*, p. 583.

¹⁴ “Begegnung mit Kennedy im February,” *Der Tagespiegel* (West Berlin) November 11, 1960. Flora Lewis, “K-Kennedy Arms Talks Suggested by Adenauer,” WP (November 11, 1960). “Kennedy Trip Seen. Adenauer Aide Says Visit to Europe in ‘61 Is Likely,” NYT (November 12, 1960). See, “Brandt Hails Kennedy,” NYT (November 14, 1960).

¹⁵ Flora Lewis, “Bonn Hears Kennedy Plans European Trip,” NYT (December 19, 1960).

¹⁶ On West German sentiment, see “Unsere Meinung: Kennedy und die Berliner,” *Tagesspiegel* (November 10, 1960). “U.S. Stands By Berlin, Envoy Says,” WP (January 27, 1961).

¹⁷ Khrushchev was, however, eager to negotiate on Berlin, writes Taubman in his authoritative biography, *Khrushchev*, 486-490.

“bond of fate” linking the two nations in their commitment of freedom and applauded the United States for its unflagging leadership, thereby strongly reminding the newly elected president of West Germany’s needs and expectations in the coming years, namely unyielding support and backing at any cost.¹⁸ In a radio broadcast West Berlin mayor Willy Brandt applauded JFK and assured listeners that “our faith in the future is also the result of the determination and clarity that President Kennedy stated that America is prepared at all cost to maintain freedom and to ensure the victory of freedom.”¹⁹

At a February 1, 1961, press conference the President was asked specifically about Berlin and he answered succinctly: “There is no change in our view on Berlin.” His statements reflected the views of the State Department which in a spring 1961 memorandum asserted: “However impelling the urge to find some new approach to the Berlin problem, the facts of the situation strictly limit the practical courses of action open to the West.” Of foremost importance was “the maintenance of a credible deterrent against unilateral Soviet action” on Berlin.²⁰

JFK explained his silence on Berlin to the West German foreign minister at a February 19th meeting. “The President was anxious to have the Germans understand the reason why his Administration had so far been silent on the Berlin question except for a comment made in answer to one question during a press conference,” a memo of the discussion noted. “This did not by any means signify a lessening of United States interest in the Berlin question,” the President insisted. “As long as there was a lull, however, he had not wanted to provoke either action or comment in the matter,” largely because JFK “expected renewed pressure by the Soviets in the coming months.”²¹ Hoping to clarify the stand of the US, West German Chancellor Adenauer came to Washington in April 1961 for a series of discussions with the President and members of Congress. The talks were fruitful, and in a joint communiqué the two leaders “reaffirmed the position of their Governments that only through the application of the principle of self-determination can a just and enduring solution be found for the problem of Germany including Berlin.” Furthermore, “they renewed their pledge to preserve the freedom of the people of West

¹⁸ “Lübke und Adenauer an Kennedy,” *Tagesspiegel* (January 20, 1961). See also, Manfred George, “Das schwerste Amt der Welt,” *Tagesspiegel* (January 20, 1961). For examples of the Soviet response, see “Shakhav on Inaugural Address” and “Pravda on Address,” in Foreign Broadcast Information Service (henceforth, FBIS), January 21 and 23, 1961. Schwarz, Adenauer, p. 629.

¹⁹ “Brandt begrüßt Kennedys Antrittsrede,” *Tagesspiegel* (January 24, 1961).

²⁰ “15. The President’s News Conference of February 1, 1961,” in *Public Papers of the President, John F. Kennedy*, 37-38; and “222. Remarks and Questions and Answers at the Press Luncheon in Paris. June 2, 1961,” 433. “12. Paper Prepared in the Department of State,” in *Foreign Relations of the United States, 1961-1963* (hereafter *FRUS*), Volume XIV *Berlin Crisis 1961-1962* (Washington: United States Government Printing Office, 1963), 33-34.

²¹ “5. Memorandum of Conversation,” February 17, 1961, *FRUS*, Volume 14, 9.

Berlin pending the reunification of Germany in peace and freedom and the restoration of Berlin as the capital of a reunified country.”²²

Soviet Premier Khrushchev did not remain quiet for long. In early January 1961 he reiterated the call for a separate peace agreement with East Germany. Khrushchev made it clear, once again, that “he would not shrink from war if the ‘capitalist’ and ‘imperialist’ powers resist a Communist victory” in the divided city, the *New York Times* reported. The expulsion of US, British and French footholds in Berlin was “the immediate objective.” Khrushchev acted at this time for several reasons, including the fact that Berlin was a convenient point for leveraging and pressuring the West, that his prestige was involved, that pressure from Ulbricht was a real concern to him, and that the current Berlin situation threatened the stability of East Germany.²³ As tensions rose in the spring, JFK directed the Department of Defense to “report to him promptly on current military planning for a possible crisis over Berlin.”²⁴

The next crisis came in June 1961 at the summit meeting in Vienna with Khrushchev, when the two heads of state addressed seven trouble spots.²⁵ At the conclusion of the summit, the Soviets handed US officials an aid memoire, outlining their position on Berlin which also attacked the West German government for its “saber-rattling militarism” and its advocacy of “the revision of the German frontiers and the results of the Second World War.” The Soviets called once more for a peace treaty making Berlin a “demilitarized free city.”²⁶ The summit concluded with “a sharp three-hour disagreement on all questions concerning Germany and Berlin,” wrote James Reston in the *New York Times*. JFK left Vienna “in a solemn...mood,” largely because “on the big disputes between Washington and Moscow he had found absolutely no new grounds for encouragement.”²⁷ A joint statement issued on June 4th, at the end of two days of

²² “The White House...Joint Communique,” April 13, 1961, National Archives and Record Administration (henceforth, NARA), CIA declassification project (these records are available only in the NARA Library). Schwarz, *Adenauer*, 633-637.

²³ “Challenge to a New President,” NYT (January 20, 1961). “4. Telegram From the Embassy in the Soviet Union to the Department of State,” February 4, 1961, *FRUS* volume XIV, 6-7. Taubman, *Khrushchev*, 396-441.

²⁴ “National Security Action Memorandum No. 41, Subject: Military Planning for a Possible Berlin Crisis,” April 23, 1961, www.jfklibrary.org.

²⁵ “26. Position Paper Prepared in the Department of State,” May 25, 1961, “Berlin and Germany,” *FRUS* volume XIV, 71-75. William J. Jordan, “Issues at Vienna: Seven Major Conflicts Between the Big Two,” NYT (June 4, 1961). For an explanation of Khrushchev’s stand, see Taubman, *Khrushchev*, 493-500. Richard Reeves, *President Kennedy. Profile of Power* (NY: Simon & Schuster, 1993), 157-158.

²⁶ Sorensen, *Kennedy*, pp. 584-586. “Telegram, To: Secretary of State,” June 5, 1961, NSA, Berlin Crisis, #59 BC02081. See, Osgood Caruthers, “Khrushchev Sets Dec. 31 Deadline For German Pact,” NYT (July 16, 1961).

²⁷ James Reston, “Vienna Talks End,” NYT (June 5, 1961). See also Murrey

“useful meetings,” noted simply that the leaders had discussed Germany and other issues. The statement contained no mention of Berlin.²⁸

After consulting with the French and British governments, the President responded on July 19, 1961, to the Soviet aide memoire on Berlin, dismissing it as “a document which speaks of peace but threatens to disturb it.” JFK stated that the “the real intent” was to have East Berlin “formally absorbed into the so-called German Democratic Republic while West Berlin, even though called a ‘free city’, would lose the protection presently provided by the Western Powers and become subject to the will of a totalitarian regime.”²⁹ The President’s resolve stiffened and he started to fully articulate his stand on Berlin in terms that the public could respond to. His rhetoric began to play a key role in shaping the mounting crisis over Berlin.

On the evening of July 25th the President stated his position to the American people in a lengthy radio and television broadcast. After summarizing the discussions with the Khrushchev and Soviet leaders, JFK stated that strong measures - a far-reaching military buildup - would be undertaken to ensure “our legal rights to be in West Berlin and ... to make good on our commitment to the two million free people of that city.” The President viewed the threat to Berlin as a “threat to free men” everywhere, thereby universalizing the danger.³⁰ Not wanting to over react, he chose his words carefully, determined to state in unmistakable terms the US commitment to Berlin, but also careful “not to drive the crisis beyond the point of no return,” advisor Arthur Schlesinger Jr. recalled.³¹ On this occasion as well and other crucial moments in the on-going crises over Berlin, JFK was unwavering in his stand. “We cannot and will not permit the Communists to drive us out of Berlin, either gradually or by force,” he asserted in the radio and television address. “West Berlin...has many roles. It is more than a showcase of liberty, a symbol, an island of freedom in the Communist sea. It is...a beacon of hope

Marder, “Kennedy, Khrushchev Conclude ‘Useful’ Talks,” WP (June 5, 1961).

²⁸ “225. Joint Statement Following Discussions With Premier Khrushchev in Vienna, June 4, 1961,” *Public Papers of the President, John F. Kennedy, 1961*, 438. Taubman, *Khrushchev*, 495, 499, 503.

²⁹ “292. Statement by the President Concerning the U.S. Reply to the Soviet Government’s Aide Memoire on Germany and Berlin. July 19, 1961,” *Public Papers of the Presidents, John F. Kennedy, 1961*, 521-522. “United States Note in Reply to the Soviet aide-mémoire of 4 June, 17 July 1961,” in D.C. Watt, editor, *Documents on International Affairs 1961* (London: Oxford University Press, 1965), 323-329.

³⁰ “302. Radio and Television Report to the American People on the Berlin Crisis. July 25, 1961,” *Public Papers of the President, John F. Kennedy, 1961*, 533-536. On the significance of the military build-up, a show of strength to convince Khrushchev that the US had sufficient forces in Berlin to prevent “any cheap and easy seizure of the city by East German guards alone,” see Sorensen, *Kennedy*, 588.

³¹ Arthur M. Schlesinger, Jr., *A Thousand Days* (Boston, MA: Houghton Mifflin, 1965), 391.

behind the Iron Curtain.”³²

As these strong statements make clear, the President made rhetorical choices, using carefully chosen expressions and phrases to rally support at home, to assure allies abroad, and to demonstrate convincingly to the Soviets that the US would stand firm on Berlin, even at the risk of nuclear war. His words resonated through West Germany and Berlin. In the address to the American people, JFK employed “rhetorical juxtapositions,” the pairing of opposite terms to make his points.³³ Speaking directly to the American people, the President sought, first, to reassure and express his solidarity with the audience by voicing their concerns as well, concerns that the US operate through strength and preparedness while at the same time the country strongly desired a peaceful solution. “We seek peace - but we shall not surrender.”³⁴ Second, JFK contrasted the sharp differences between the policies of the West and the Soviet Union on Berlin. All of the Soviet’s actions were anthesis to those of the West and he presented the current situation as a standoff between the evil East and virtuous West. Third, JFK made Berlin relevant to his audience by placing the city in a broader context, insisting that the “isolated outpost” was “not an isolated problem.” His immediate call for bolstering the military, clearly a direct result of the current Berlin crisis, was tied to long-term plans and the recent announcement by the Soviets that they were significantly increasing the size of their armed forces. Being strong militarily and showing an unwillingness to back down was crucial to the maintenance of peace, the President maintained.³⁵ Fourth, JFK linked individual with collective action as he urged Americans to be willing to “pay their fair share, and not leave the burden of defending freedom entirely to those who bear arms.” These burdens, the President stated, “must be borne if freedom is to be defended – Americans have willingly borne them before – and they will not flinch from the task now.” The President also called upon Congress to allocate the funds needed for the military build-up. These moves were essential to the US having “a wider choice than humiliation or all-out nuclear action.”³⁶

³² “302. Radio and Television Report,” 539.

³³ Kevin W. Dean, “‘We Seek Peace - But We Shall Not Surrender’: JFK’s Use of Juxtaposition for Rhetorical Success in the Berlin Crisis,” *Presidential Studies Quarterly* XXI(Summer 1991), 536. The following discussion relies heavily on Dean’s article. See also, Theodore O. Windt, Jr., “John F. Kennedy. Presidential Speechwriting as Rhetorical Collaboration,” in Kurt Ritter and Martin J. Medhurst, editors, *Presidential Speechwriting. From the New Deal to the Reagan Revolution and Beyond* (College Station, Texas: Texas A&M University Press, 2003), 92-107; and Denise M. Bostdorff, *The Presidency and the Rhetoric of Foreign Crisis* (Columbia, South Carolina: University of South Carolina Press, 1994), 5-24.

³⁴ “U.S. Believes West Must Hold Berlin As Fateful Symbol,” NYT (July 9, 1961).

³⁵ “302. Radio and Television Report,” 533. Dean, “JFK’s Use of Juxtaposition,” 537-538. “Khrushchev Halts Troop Reduction; Araises Arms Fund,” and “Excerpts From Khrushchev’s Address on Arms Policy,” NYT (July 9, 1961). Bostdorff, *The Presidency and the Rhetoric of Foreign Crisis*, 7-10.

³⁶ “302. Radio and Television Report,” 535-537. Dean, “JFK’s Use of Juxtaposition,” 539, 541. The JFK administration came to be very effective in using the media to get its

Following the Vienna summit, tensions persisted and events in Berlin threatened to boil over. During the night of August 12th, East German forces from the police and army descended upon the tenuous border with the western sectors. The troops acted quickly, stretching barbed wire, closing the border and halting all traffic with the West. The East German regime took this drastic measure for a number of reasons,³⁷ and it claimed that the fence was necessary because the border had been “abused for espionage purposes” and because of “continuing provocations.”³⁸ West Berlin Mayor Willy Brandt was outraged by the border closure and in a speech to a rally of an estimated 250,000 individuals called upon the West to respond “not merely [with] words but political action. Woe to us if through indifference or moral weakness we do not pass the test,” Brandt warned. “Then the Communists will not stop at the Brandenburg Gate. They will not stop at the zone border. They will not stop on the Rhine.”³⁹

The construction of the Berlin Wall was a serious blow to Allied policy, and it threatened to erode the faith of West Berliners in the promises of the western powers to protect and guarantee the city. That “both West Berlin and West Germany might lose confidence in the West” had become a real “danger,” the *New York Times* commented.⁴⁰ JFK responded with strong but limited action including troop reinforcements for Berlin, measures short of direct confrontation with the East Germans or Soviets. On August 18, 1961, he directed Vice President Lyndon Johnson to travel to Berlin on “an important mission,” telling him, “The main purpose of your mission is to reassure the people of West Berlin.” In a letter to West Berlin Mayor Willy Brandt, JFK expressed his “revulsion” at “the measures taken by the soviet Government and its puppets in East Germany.” The President called for strong measures and “decided that the best immediate response is a significant reinforcement of the Western garrisons,” a strengthening of Allied troops in Berlin.⁴¹ Mayor Brandt had wanted a stronger response from the American president. JFK’s letter, calm in tone, went far in clarifying for Brandt and other West German

message across; see Bostdorff, *The Presidency and the Rhetoric of Foreign Crisis*, 33-37.

³⁷ *Dokument zur Berlin-Frage*, 464-465. Corey Ross, “East Germans and the Berlin Wall: Popular Opinion and Social Change before and after the Border Closure of August, 1961,” *Journal of Contemporary History* 39(2004), 25-43. Sorensen, *Kennedy*, pp. 593-594.

³⁸ Sydney Gruson, “City Still Uneasy,” NYT (August 15, 1961). Flora Lewis, “Border Closing Angers Crowds On Both Sides,” WP (August 14, 1961).

³⁹ Sydney Gruson, “Brandt Note to Kennedy Urges ‘Political Action,’ Not Just Talk, On Berlin,” NYT (August 17, 1961).

⁴⁰ “Berlin: First Round,” NYT (August 19, 1961). For an assessment of German reactions, see CIA, “Current Intelligence Weekly Summary,” August 17, 1961, National Security Archive, Washington DC (NSA), Berlin Crisis, #41, BC02323. Brian Ladd, *The Ghosts of Berlin* (Chicago: University of Chicago Press, 1997), 12-25.

⁴¹ The White House, August 18, 1961, letter, JFK to Vice President Lyndon Johnson, NSA, Berlin Crisis, #37, BC02351. The White House, August 18, 1961, letter, JFK to Mayor Brandt,” NSA, Berlin Crisis, #36 BC02352.

political figures the position of the United States, that it supported West Berlin⁴²

A memo on the Vice President Johnson's meeting with the West German Chancellor commented that "the real situation in Germany was reflected in the warm, friendly, enthusiastic greeting the Vice President had received."⁴³ Newspaper accounts echoed that sentiment. "Mr. Johnson's presence and his words had an electric effect on the city," observed a reporter for the *New York Times*. "There were tears and cheers as he spoke to a crowd estimated at 300,000." Although he said "essentially nothing new," the visit and powerful words of support had their desired effect. The Vice-President directed some carefully chosen remarks to listeners in East Berlin, telling them: "Do not lose courage, for while tyranny may seem for the moment to prevail, its days are counted."⁴⁴ East German radio answered his call with a terse announcement: "Here is the latest weather report: Hurricane Johnson turned out to be harmless."⁴⁵

In his report to the President, Lyndon Johnson wrote: "From my opening statement to my message of farewell it was my constant purpose to remove doubts and anxieties about American policy in the face of the new communist challenge." The Vice President added that Germans regarded the present crisis as "essentially a confrontation of power between the Soviet Union and the United States." Johnson saw an opportunity to raise support among Americans for the administration's strong stand on Berlin. "While the whole world is watching Berlin we have a greater opportunity than we have ever had to drive home the unforgettable contrast between despotism and a free society." The record of Soviet presence is "a record of shame, of repression."⁴⁶

Tensions did not ease. During August and September, East German police and military confronted US soldiers on several occasions.⁴⁷ In a November 1961 interview with a Soviet journalist, President Kennedy stated bluntly: "Berlin and Germany have become, I think, areas of heightened crisis since the Vienna meeting, and I think extremely dangerous to the peace."⁴⁸

⁴² *Dokumente zur Berlin Frage*, 479. Sorensen, Kennedy, 593-595. See the analysis in Diethelm Prowe, "Der Brief Kennedys and Brandt vom 18. August 1961," *Vierteljahrshefte für Zeitgeschichte* 33(1985), 373-375.

⁴³ "Memorandum of Conversation," Bonn Germany, August 19, 1961, NSA, Berlin Crisis, #35 BC02364, 3.

⁴⁴ Sydney Gruson, "300,000 Applaud. Vice President Tells Them Washington Will Not Forget," and "Text of Johnson Speech," NYT (August 20, 1961).

⁴⁵ "Red Radio Gibes at Johnson," NYT (August 21, 1961).

⁴⁶ "Memorandum, To: The President, From: The Vice President," August 21, 1961, NSA, Berlin Crisis, #34, BC02375, pp. 1-3. Tad Szulc, "Kennedy Expects 'Difficult Weeks' On Berlin Crisis," NYT (August 22, 1961).

⁴⁷ The incidents are described in *Facts on File Yearbook 1961*, Volume XXI (New York: Facts on File, Inc., 1962), 335. See, *Dokumente zur Berlin Frage*, 530-539.

⁴⁸ "Transcript of Interview between the President and Aleksei Adzhubei (Editor of IZVESTIA)," November 25, 1961, NARA, CIA declassified files.

JFK went on to explain his opposition to a peace treaty between Russia and the German Democratic Republic, an agreement he described as “dangerous” because “the treaty will deny us our rights in West Berlin, rights which we won through the war, rights which were agreed to by the Soviet Union, the United States, Britain and France at the conclusion of the war, and which should be continued.” The President also voiced his deep concern that an agreement turning control of access to Berlin to East German authorities would permit, even encourage, them to “interfere with that right of access.” That would not to be tolerated or permitted to happen.⁴⁹ By stating his position to a Russian journalist, JFK was certain that his warnings would be heard loudly in the Kremlin.

During 1962 friction between East and West persisted and Khrushchev made repeated calls for a peace treaty and threatened to enact such an agreement with East Germany, the same cards played against former President Eisenhower. On May 20th, for example, the Soviet premier “warned the United States...that it would be dangerous to allow Chancellor Adenauer to delay an agreement on Berlin and Germany.” President Kennedy responded the next day with renewed pledges to Bonn “that West Germany’s interests will be safeguarded.”⁵⁰ In June, the Soviets protested “provocative” incidents along the wall dividing Berlin, and in fact both super powers grew concerned, fearful “that serious incidents could get out of hand and involve military units of the big powers.” These incidents included a series of four explosions that “tore holes in the Communist built wall” and a West Berlin police official identified as responsible “an active movement to get down the Eastern border fortifications.” East German officials warned that such incidents “could bring military clashes.”⁵¹ Khrushchev issued a statement on June 9th, voicing his concern over “several dangerous provocations on the part of the West Berlin police.” He noted also that on at least three occasions explosions have ripped the wall. The Soviet premier condemned these as the work of the “revanchists and militarists in West Berlin” and called for the actions to be taken to ensure “that no dangerous provocations are allowed against the G.D.R.”⁵² By the end of the year little had changed, with Khrushchev continuing to press for a peace treaty and President Kennedy stating yet again “that a solution of the German question can be found only in the preservation of the right of self-determination and that the freedom and viability of Berlin will be preserved in all circumstances and with all means.”⁵³

⁴⁹ “Memorandum, subject: Brief of Interview between the President and Aleksei Adzhubei,” November 30, 1961, NARA, CIA, declassified files.

⁵⁰ Seymour Topping, “Soviet Sees Peril in Berlin Delays,” NYT (May 21, 1962). Sydney Gruson, “Kennedy Renews Pledges to Bonn,” NYT (May 22, 1962).

⁵¹ Max Frankel, “Soviet Protests Berlin Incidents,” NYT, June 9, 1962. “Four Blasts in 15 Minutes Rip Reds’ Wall in Berlin,” and “East Germans Warn West,” NYT (May 27, 1962).

⁵² “Text of Soviet Note on Berlin Shootings,” NYT (June 9, 1962).

⁵³ Department of State, “Intelligence Note: Soviet Intentions on Berlin in the Light of Recent Private Remarks by Khrushchev,” NSA, Berlin Crisis, #9, BC02857. “508. Joint Statement Following Discussions With Chancellor Adenauer. November 15, 1962,” *Papers of the Presidents of the United States, John F. Kennedy, January 1 to December 31, 1962* (Washington: United States Government Printing Office, 1963), 825.

The long discussed presidential visit to Germany came only in June 1963. The announcement of a presidential trip to Italy, followed by a stop in Germany for a short “working visit,” came in January. “A side trip to Berlin had been rejected,” the *New York Times* reported in March, because the President chose “not to make a political ‘demonstration’ that might needlessly increase tension in that divided city and possibly impede constructive discussions between the United States and the Soviet Union.”⁵⁴ Political leaders in Germany hoped to still persuade JFK that a stop in Berlin, however brief, was important. A high ranking member of Adenauer’s ruling party extended a public invitation in early March, and the first public statement of a planned visit came at a March 21st press conference when a journalist asked the President “do you plan to visit Berlin” on the forthcoming trip to Germany and Italy. JFK answered simply: “I would hope that when I go to Germany that I would go to Berlin.”⁵⁵

The itinerary for this “informal working visit,” as the State Department referred to JFK’s trip to several West German cities and a single-day in Berlin, was released on June 18th. The President recognized the significance of the journey, and the State Department concluded that it “can be expected to attract more public attention and interest than any previous visit by a foreign statesman to modern Germany.” The visit came when the Kremlin seemingly had lost direction and initiative, thereby offering the President a window of opportunity to voice in the strongest terms and by his very presence the unflagging support of the United States.⁵⁶

Preparations had begun in earnest months earlier. On May 9th, press secretary Pierre Salinger traveled to Berlin and he “made a whirlwind tour of the route President Kennedy will probably follow,” the *Washington Post* reported.⁵⁷ For JFK the side-trip to Berlin had far-reaching significance. Following an on-going foreign policy battle with the Soviet premier and facing criticism at home on the necessity of an European trip, the President clearly believed that a stop in Berlin would make a powerful statement of US commitment to Berlin and the western alliance. “While officially labeled ‘informal working visit’, the President’s trip to West Germany and Berlin will have many of the trappings of a state visit and can be expected to attract more public attention and interest than any previous visit by a foreign statesman to modern Germany,” a State Department official wrote in a June 14th memorandum.⁵⁸

⁵⁴ “President Is Said To Bar Berlin Visit,” NYT (March 6, 1963).

⁵⁵ “Kennedy Is Give Berlin Visit Bid,” WP (March 12, 1963). “107. The President’s News Conference of March 21, 1963,” *Public Papers of the Presidents of the United States. John F. Kennedy, January 1 to November 22, 1963* (Washington: United States Government Printing Office, 1964), 274.

⁵⁶ “Kennedys Program in Berlin,” *Der Tagesspiegel* (West Berlin) (June 19, 1963). “194. Paper Prepared in the Department of State,” June 14, 1963,” FRUS, volume XV, 525. On “the lack of clear-cut direction” in the Kremlin, see Eldon Griffiths, “Groping in the Kremlin,” WP (March 16, 1963).

⁵⁷ “Pierre Salinger Pre-Views Berlin,” WP (May 10, 1963).

⁵⁸ “Paper Prepared in the Department of State,” June 14, 1963, FRUS.

JFK's European trip aroused critics at home and abroad who gave him "strong advice" that "the trip is neither necessary nor desirable," a reporter for the *New York Times* wrote. Domestic critics cited the growing racial tensions, unrest and violence in the South that needed the President's undivided attention. The reporter added, however, "for him to cancel the trip on the grounds of racial disturbances at home are so bad he cannot leave the country would be a sad admission which would undermine faith in America." Furthermore, much of the political uneasiness in Europe stemmed from "questions regarding American policy" although tensions with the Allies had eased considerably and JFK "thinks his presence may be of vast importance at this time."⁵⁹ According to a West Berlin daily newspaper, *Der Tagesspiegel*, President Kennedy also "wanted direct contact with the people...The President will personally renew the commitment to Berlin."⁶⁰ That observation was right - a strong show of US determination to West Berlin outweighed any further formal discussions of its status. The trip to Germany and Berlin would go far in setting the tone for next series of discussions with the Western allies and with Premier Khrushchev.⁶¹

On June 10th, just prior to the European trip, JFK delivered at Washington's American University one of the most important speeches on U.S. foreign policy when he called for new discussions with the Soviet Union on the question of atomic weapons' testing. It was a speech that also called for an end to the Cold War, for a new way of looking at peace, at solving world problems, at cooperating with the Soviet Union.⁶² The tone was strikingly conciliatory and the President offered specific steps toward a stronger peace. East German authorities praised the speech, terming it "the most far-reaching statement by an American president since the Second World War" on the "policy of peaceful coexistence against the politics of the American imperialists in the 'cold war'."⁶³ The speech appeared to set the tone for the forthcoming

⁵⁹ On Allied tensions, see Hans B. Meyer, "Kennedy kommt programmgemäß," TAGGESSPIEGEL (June 8, 1963). Carroll Kilpatrick, "Kennedy Differs With His Critics On Necessity of European Trip," WP (June 16, 1963). Tom Wicker, "Policy Gain Seen in Kennedy's Trip," NYT (June 21, 1963). A sense of the extent of racial violence can be gained from The New York Times Chronology, June 1963, www.jfklibrary.org/jfkl/templates/ArchivesNYTChronology. See, Central Intelligence Agency, "The Situation in West Berlin. Special Report. Office of Current Intelligence," June 14, 1963, www.foia.cia.gov.

⁶⁰ "Kennedy ändert Reisepläne...Kontak mit der Bevölkerung gewünscht," *Tagesspiegel* (June 6, 1963).

⁶¹ See, Murrey Marder, "Unforeseen Consequences. President's Trip Expected to Affect NATO's Future and Moscow Talks," WP (June 23, 1963).

⁶² "232. Commencement Address at American University in Washington. June 10, 1963," *Public Papers of the Presidents, JFK, 1963*, 459-464. "A Strategy of Peace," WP (June 11, 1963).

⁶³ "Wochenbericht über feindliche Manöver, Absichten und Maßnahmen gegen die DDR (2.6.-15.6.63)," Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der

European visit.

When the White House announced the President's schedule for the 10-day European trip it became clear that after stops in Cologne, Bonn, and Frankfurt, JFK would fly to West Berlin, arriving there on the morning of Wednesday, June 26th and departing that afternoon. In Berlin, he planned to give three speeches and stops to view the Wall at the Brandenburg Gate and Checkpoint Charlie.⁶⁴ West German media covered his visit to Berlin in depth – more than 1,200 journalists were accredited. Television and radio carried the historic visit live and broadcast the President's day in Berlin to millions in West Germany and to many residents of East Germany who had long turned to western television for news and entertainment.⁶⁵

From his arrival on June 23rd and his first remarks at the Bonn-Cologne airport, JFK was warmly received by the West German public. In Bonn, he addressed “hundreds of thousands of cheering Germans,” a *Washington Post* reporter observed, and pledged that the U.S. and its armed forces would remain in Germany to defend freedom.⁶⁶ At Frankfurt's historic Paulskirche JFK announced that “The purpose of our common military effort is not war but peace—not the destruction of nations but the protection of freedom.” And he added, “We work toward the day when there may be real peace between us and the Communists.”⁶⁷

In Berlin, JFK spoke initially to a group of union construction workers, voicing his identification with their city by stating “West Berlin is my country.” After a motorcade through the city, he paused on the steps of the Schöneberger Rathaus, West Berlin's town hall, to deliver one of his most famous speeches to a crowd numbering in the hundreds of thousands.⁶⁸ The American President voiced in unmistakable terms his commitment to Berlin. For those who apologize for some elements of Communism or who excuse its excesses, he tells the audience, “Lass' sie nach Berlin kommen. Let them come to Berlin” to see for themselves. Standing not far from the Berlin Wall, he called the barrier “the most obvious and vivid demonstration of the failures of the Communist system.” JFK's most famous line came twice in the speech when he

ehemaligen Deutschen Demokratischen Republik (henceforth BStU), Berlin, Zentralarchiv, MfS, ZAIG, 4415, p. 1. I am very grateful to Dr. Erika Schwarz for locating these records.

⁶⁴ “10-Day Itinerary of Kennedy Tour,” and Tom Wicker, “A Busy Kennedy Schedule for Europe Is Announced,” NYT (June 19, 1963). “Appointment Book,” Wednesday, June 26, 1963, JFKL, www.jfklibrary.org/jfk/modules/Diary. “Kennedy's Itinerary,” NYT (June 26, 1963). “Der Weg des Präsidenten durch Berlin,” *Tagesspiegel* (June 25, 1963)

⁶⁵ On the media coverage, see “Kennedy heute in Deutschland,” *Tagesspiegel* (June 23, 1963); and “Kennedys Berlin-Besuch im Fernsehen,” *Tagesspiegel* (June 26, 1963).

⁶⁶ Carroll Kilpatrick, “West Germans Hail Pledge by Kennedy,” WP (June 24, 1963). See also Tom Wicker, “Kennedy, in Bonn, Pledges to Keep Forces in Europe,” NYT (June 24, 1963).

⁶⁷ “266. Address in the Assembly Hall at the Paulskirche in Frankfurt, June 25, 1963,” *Public Papers of the Presidents, JFK, 1963*, 518, 520.

⁶⁸ “Acht Stunden eines großen Tages,” *Tagesspiegel* (June 27, 1963).

forcefully announced “Ich bin ein Berliner,” firmly linking all those committed to freedom, especially himself and America, to the city. Before leaving the city he gave another speech at the Free University, reaffirming once again “my country’s commitment to West Berlin’s freedom “ and restating “our confidence in its people and their courage.”⁶⁹

In Berlin and in the other German cities, JFK told the audiences that this was a period of transition for the Atlantic alliance and that “new links must be found to hold it together,” a reporter in the *Washington Post* noted. “In every speech he makes he stresses the ties that link the free world in such a way that the security of one is the security of all,” thereby strengthening the unity of the alliance. JFK was in fact speaking to millions of Europeans, assuring them “that this is a new man in a new Europe, and while he pays tribute to the past he is looking to the future,” using “rhetorical juxtapositions” as he had done in a number of other addresses.⁷⁰ That was exactly the message they needed and wanted to hear.

The visit proved to have additional ramifications. Not to be out-done by the American President, Walther Ulbricht announced just two days before President Kennedy’s visit that Soviet Premier Khrushchev would later that week be in East Berlin to celebrate Ulbricht’s 70th birthday.⁷¹ “Kennedy went to Berlin to hold up the trousers of the Social Democrats but nothing will come of it,” Khrushchev explained when he toured an East Berlin machine factory during his visit. “I have read that the President of the United States looked at the wall with dissatisfaction. He did not like it all, but me...I like it. It pleases me tremendously.”⁷²

Khrushchev also blasted West German political leaders, the “revanchists,” for their unrelenting advocacy of a western presence in Berlin. The Soviet premier spoke to the public, numbering only several thousand at East Berlin’s Red City Hall, most of who were members of the Communist youth group. “The GDR is an inseparable part of the greater Socialist family,”

⁶⁹ “269. Remarks in the Rudolph Wilde Platz, Berlin. June 26, 1963;” and “271. Address at the Free University of Berlin. June 26, 1963,” *Public Papers of the Presidents, JFK, 1963*, 524-525, 527. See, Tom Wicker, “Berliners’ Welcome Filled With Emotion,” *NYT* (June 27, 1963). “Präsident Kennedy: ‘Ich bin ein Berliner’,” “Der Kennedy-Besuch im Spiegel der Reden,” and “‘Alle freien Menschen sind Bürger West-Berlin’,” *Tagesspiegel* (June 27, 1963). On the East German response to the Berlin visit see Robert G. Waite, “Ich bin ein Baerleener.” JFK’s June 26, 1963 Visit to Berlin: The Views from East Germany,” forthcoming, *Journal of Contemporary History*.

⁷⁰ Marquis Childs, “JFK’s Message In New Europe,” *WP* (June 26, 1963). Daum, *Kennedy in Berlin*, 162, 164-166. “Kennedy unterstreicht die Rolle der Bundesrepublik in Europa,” *TAGESSPIEGEL* (June 25, 1963). “Der Kennedy-Besuch im Spiegel der Reden,” *TAGESSPIEGEL* (June 27, 1963). Willy Brandt devotes an entire chapter to the Berlin visit, see *Begnungen mit Kennedy* (Munich: Kindler Verlag, 1964), 191-211.

⁷¹ “Khrushchev Plans Trip to East Berlin to Honor Ulbricht,” *NYT* (June 24, 1963).

⁷² “K Visits E. Berlin Friday, Advancing Trip 2 Days,” *WP* (June 26, 1963). Quoted in Katharine Clark, “K Again Denounces Kennedy’s Trip,” *WP* (June 30, 1963).

he explained. Facing a thunderstorm, Khrushchev halted the speech and drove through the city in a motorcade that observers insisted “compared in no way to triumphant procession of Kennedy’s through West Berlin.”⁷³

The headline in the *Washington Post* read “K Berlin Visit Fails to Offset JFK Trip” and the article cited an Associated Press estimate that “not more than 250,000 in all saw Khrushchev” compared to an estimated 1.4 million who turned out for the American President in West Berlin. Khrushchev made a few pointed remarks aimed at the JFK visit, accusing the President of saying that he wanted to “normalize relations but his actions are such as to bring about just opposite,” as he contrasted the June 10th address at American University and JFK’s recent comments in West Berlin.⁷⁴ The view of Khrushchev’s visit from East Berlin differed, and the East German secret police, the Stasi, reported that the West had tried to “play down” the visit with the typical “inflammatory arguments.” For example, the western press wrote that the GDR and “especially” Ulbricht needed bolstering because of the growing “domestic insecurity.” And the Stasi noted, Khrushchev was “in the driver’s seat” on the Berlin question and “he could ratchet up the pressure at any moment if he had wanted to dampen the significance of Kennedy’s visit.”⁷⁵

Following the visits of Kennedy and Khrushchev to Berlin, tensions over the divided city mounted. The East Germans viewed, for example, “the numerous” state-sponsored visits to West Berlin and the related events as “provocations.”⁷⁶ During the fall incidents along the Wall or on the access routes to Berlin mounted. In early October, for example, East German border guards “provoked” a brief confrontation on two occasions when they “hurled stones at United States military police patrols” in Berlin. The Americans responded with tear gas and smoke grenades.⁷⁷ A more serious confrontation came on October 11th when Soviet forces blocked a US convoy on the Autobahn, the main highway link with West Germany. The convoy was stopped early in its journey and then later at the border of Berlin. Soviet guards demanded that the Americans leave their vehicles to be counted, a clear violation of post-war agreements. The US troops refused and the stand-off prompted high-level discussions among the Allied commanders in West Berlin. Additional US reinforcements went to the scene and after 15 hours of often heated argument the Soviets relented. The incident received considerable attention and led one columnist to write that after an apparent easing of tensions between the super powers that the Soviets would adopt “provocative” behavior to “set back the cause of detente.” Clearly

⁷³ “Chruschtschow in Ost-Berlin,” and “Unsere Meinung: Chruschtschows Ankunft,” *Tagesspiegel* (June 29, 1963).

⁷⁴ Katharine Clar, “K Berlin Visit Fails To Offset JFK Trip,” WP (June 29, 1963. See also Arthur J. Olsen, “Khrushchev Opens East Berlin Visit; Welcome Is Mild,” NYT (June 29, 1963).

⁷⁵ “Wochenbericht über feindliche Manöver, Absichten und Maßnahmen gegen die DDR (vom 17.6.-29.6.63),” BStU, Zentralarchiv, MfS, ZAIG, 4415, 13.

⁷⁶ “Wochenbericht...17.6.-29.6.1963, 24.

⁷⁷ “U.S. Bolsters Berlin Patrol After East German Stoning,” NYT (October 4, 1963).

exacerbated, he added, “The stupidity of it all—even from a Soviet point of view—seems so apparent.” The smoothing of relations, the easing of tensions, had suffered a major setback.⁷⁸ Little was to change through late November 1963.

Berlin, both West and East, was deeply affected by the assassination of President Kennedy. The first reports came in radio and television news broadcasts.⁷⁹ The headlines of all the city’s major newspapers carried news of the events in Dallas. In East Berlin, Walter Ulbricht stated that “we have received the news of the treacherous assassination...with sadness and deep indignation.”⁸⁰ West Berlin’s newspapers carried on the front page the details as they became known, including the most recent press reports from Dallas. The headline in *Der Tagesspiegel* on November 23rd read “President Kennedy Murdered by Assassin” and next to it was a large photograph of JFK. Willy Brandt told the press that “a flame has been extinguished for all humanity that hoped for a just peace and a better life.” And he added, “The world is this evening much poorer.”⁸¹ Brandt made a radio announcement of the assassination to the people of Berlin. Spontaneous outpourings of emotion followed immediately. Theaters halted their productions and television programming was interrupted. Residents of West Berlin put candles in their windows and many poured onto the streets. Some 20,000 students marched in a show of grief and mourning through the streets to the Rudolph-Wilde-Platz, assembling in front of the Schöneberg town hall, the site of JFK’s famous speech. More than 50,000 Berliners soon gathered there. Throughout the night, more people came, carrying candles to show their deep and profound grief. The Berlin city government called for residents to assemble the next day, Sunday, November 25th, for a memorial service. In fact, the entire Federal Republic “stood in shock and sadness” because of the assassination.⁸²

The East Berlin media voiced its sympathy, too. “The world grieves with the American people,” a columnist wrote in the *Berliner Zeitung*. “It has lost a first-rate statesman.” Reaction throughout the country was “overwhelming... [and] the people expressed their deepest sympathy at the murder of Kennedy,” a report to the Central Committee stated. While expressing the deepest sympathy of the leaders of the German Democratic Republic, they blamed the shooting on “right wing extremists” in the American south, and he called Texas “a center of racial terror and repression of Negroes.” East Germans saw the assassination as an act of vengeance by the

⁷⁸ “Count of Convoy’s Troops Is Demanded by Russians;” “Russians Yield, Let U.S. Convoy Pass Into Berlin;” and “Confrontation at Berlin,” NYT (October 13, 1963)

⁷⁹ “Tageschau. Meldung...Attentat auf den amerikanischen Präsidenten John F. Kennedy,” November 22, 1963, Deutsches Rundfunkarchiv (Potsdam-Babelsberg), DRA, FfnB6441330.

⁸⁰ “Beileid Walter Ulbrichts,” *Berliner Zeitung* (November 23, 1963).

⁸¹ “Präsident Kennedy von Attentäter ermordet,” and “Brandt: Eine Flamme ist erloschen,” TAGESSPIEGEL (November 23, 1963). Daum, *Kennedy in Berlin*, 167, 174.

⁸² “Fackelzug der Berliner Studenten,” “Das nächtliche Gedenken der Berliner Jugend,” “Trauerkundgebung für Kennedy,” and “Erschütterung in der Bundesrepublik,” *Tagesspiegel* (November 24, 1963).

“ultras,” by “right-wing extremists” who vehemently opposed JFK’s domestic policies.⁸³

In conclusion, from 1958 through November 1963, the situation of Berlin, its status in the post-war settlement, was the source of on-going tensions that threatened to lead to nuclear war between the Soviet Union and the western allies. When JFK took office, it was one of the first issues that he had to face and the Berlin crisis flared up periodically during the years of his presidency. Berlin was, however, but one of a number of hot-spots around the globe where communism threatened the West.⁸⁴

JFK’s handling of the on-going Berlin crises offers a case study of presidential speech-writing, rhetoric, leadership, and art of diplomacy. While the newly elected President reacted to pressures, demands, provocations, and outrageous behavior on the part of Nikita Khrushchev and Walter Ulbricht, JFK defined and framed the discussion of each crisis. Through his position as President of the most powerful nation, John Kennedy molded public opinion in the US and he gained public support by presenting each major incident as a genuine crisis provoked by the aggressive Communists. His visit to Berlin electrified the western world. It was through speeches, television broadcasts projecting urgency, and the media that JFK was largely able to shape the debate, the perception of the crisis in the U.S. and Germany. With his highly skillful rhetoric, crafted by him and speech writer Theodore Sorensen, JFK rallied public opinion and strengthened his position.

The importance of the spoken word in the Kennedy administration was enormous. As Theodore Sorensen explained in a 1963 lecture at Columbia University, the president had the task “to lead public opinion as well as respect it - to shape it, to inform it, to woo it, and win it.” In foreign affairs, “the issues are frequently so complex, the facts so obscure, and the period for decision so short, that the American people have from the beginning - and even more so in this century delegated to the President more discretion in this vital area; and they are usually willing to support any reasonable decision he makes.” JFK did that brilliantly, as he summed up in his public addresses the on-going crisis as a struggle between the champions of freedom and forces of oppression. The American President also captured public opinion in Germany and especially Berlin where his words and his presence had a far-reaching and enduring impact.⁸⁵

To his credit and vision, JFK insisted during the various crises that the US should “lean forward” on negotiations and not shy from direct talks with Khrushchev. The US had to enter

⁸³ “Peter Baranowsky, “Der Mord an Kennedy,” *Berliner Zeitung* (November 24, 1963). “Erste Information über Diskussionen zur Ermordung Kennedys,” Abteilung Organisation Gruppe Parteiorganisation und - Information, Berlin, November 29, 1963, Bundesarchiv, Stiftung Archiv der Parteien und Massenorganisationen der DDR, DY/30/IVA2/9.02, Nr. 91. See “Mordschüsse der Rechtsextremisten,” *BERLINER ZEITUNG* (November 23, 1963).

⁸⁴ “Issues at Vienna.”

⁸⁵ Theodore Sorensen, *Decision Making in the White House: The Olive Branch or the Arrows* (NY: Columbia University Press, 1963), pp. 46, 48.

these from positions of strength and determination.⁸⁶ Furthermore, JFK recognized the importance of personal politics, of his ability to use his charm and his intellect to craft the confrontations in terms that were not only readily comprehended by the public in the U.S. and Germany but which also shaped fundamentals of the discussion. He was, however, not always successful, especially when dealing with the Soviets over Berlin. Nevertheless, when planning the June 1963 trip he and his advisors recognized that by his presence in several German cities, especially Berlin, and that by visiting the divided city, even for less than a single day, he would send a powerful message. The President was right. His Berlin visit electrified the city, stunned the East, and went far in bolstering the Western alliance. The reception given to him by the West Berliners provided all the justification he needed. The impact of the visit reverberated for years to come and it continues to be viewed as one of the finer moments, one of the few bright spots, in the Cold War. The reporting of his assassination in newspapers throughout the divided Germany reveal how very effective his personal style of politics and his rhetoric had been in reaching leaders and citizens on both sides of the Berlin Wall.

⁸⁶ Sorensen, *Kennedy*, 590.

Chapter 12

JFK and Vietnam: An Unanswered Legacy in Film and History

Scott A. Racek

In the movies “The Fog of War” and “JFK”, references are made by Robert McNamara and Oliver Stone respectively indicating that President Kennedy intended to pull troops out of Vietnam. Filmmaker Errol Morris includes a scene in the Fog of War that has Johnson and McNamara discussing how Johnson argued it was a mistake for Kennedy to have announced troop withdrawals. In JFK, the argument is much more overt; Johnson is implicated in a plot to assassinate Kennedy so that U.S. military leaders could fight their war. There is noteworthy debate whether Kennedy would have fought the Vietnam War had he lived. This paper argues that the turning point of the Vietnam War was the death of South Vietnamese President Ngo Dinh Diem. Once the U.S. signed off on the assassination, the Pottery Barn rule (as seen in Iraq) became fulfilled; “if you break it, you own it.” With repeated failure of new regimes, Kennedy would have had no choice but to remain in the war.

The history of the relationship between the Vietnam War and John F. Kennedy has been generally a kind one, especially with regard to mainstream movies. *JFK* and *The Fog of War* both hold John F. Kennedy in high regard. They both make explicit that Kennedy was not going to fight the war in Vietnam. Both argue that Kennedy would have fought the war vastly differently had he lived. While this line of argument is speculative, it has helped perpetuate the Kennedy mystique. Defenders of Kennedy blame Lyndon Johnson and Secretary of Defense Robert McNamara for forcing an unpopular war on the nation. The challenge with both films is that they fail to take into account factors that would have forced Kennedy on a path similar to that of his successors. First, Johnson left most of Kennedy’s Vietnam advisors in place after Kennedy’s death. Presumably they advised Johnson and Kennedy similarly. Second, the assassination of South Vietnamese President Ngo Dinh Diem and the subsequent illegitimate and ineffective governments forced the United States to be more involved than it may have been otherwise. This critical period of time, July of 1963 to March of 1964 (between the assassination planning and the Gulf of Tonkin incident) shows the United States becoming more involved rather than less. In the absence of strong, legitimate and united leadership in Vietnam, the United States was forced to become South Vietnam’s proxy. In the words of Colin Powell, talking about the invasion of Iraq in 2003, “if you break it, you own it.” The assassination was a particularly important breaking point and after that, the United States “owned the conflict”. Kennedy knew this to be true, admitted it as much, and would have had to stay in the war, regardless of what the films might argue.

Background

While Lyndon Johnson often receives the harshest assessment with regard to America's participation in Vietnam, direct U.S. involvement goes back as far as World War II.¹ Through the OSS, the United States had supported the goals of Ho Chi Minh. Vietnam was occupied by Japan and Ho led efforts to give the U.S. valuable intelligence on enemy operations. And while an avowed communist, Ho was also pragmatic. He understood that a temporary alliance against the Japanese could pay dividends. In fact, though Ho was quasi-allied to the United States, he remained a committed communist throughout World War II. While working with the OSS, Ho was also becoming an important liaison with the National Liberation Front (Viet Minh or NLF), who were committed to reducing all foreign influences on their land. Prior to the Japanese occupation, the French had significant economic interests in the area and were eager to regain their influence. Franklin Roosevelt was realistic in his approach to Ho. Since his most important goal was unconditional Japanese defeat, FDR could justify a relationship with communists.² Indeed, the United States also had an association with Joseph Stalin.

When the war ended and attention turned to the Cold War, communist friendships that were once a necessity became untenable. Additionally, as anti-communist fervor swept the country in the late 1940's and early 1950's, Truman could not politically afford to be soft on communism. Moreover, Truman felt a certain obligation to De Gaulle to help him re-establish the former Vietnamese colony. As a result, Truman began sending significant amounts of aid to the French.³ This aid continued throughout the Korean War and the remainder of Truman's term.

When Eisenhower was elected in 1952, the country was at a Cold War crossroads. Eisenhower ended the war in Korea but insisted on a presence in Vietnam, even if it was only to support the French. By the early 1950's, however, the French were in trouble politically and militarily. The Viet Minh had shown themselves to be much better fighters than the French had ever appreciated and by 1952, the United States was paying one-third of the cost of France's staying in the region.⁴ In 1954, at the battle of Dien Bien Phu, the French were soundly defeated and lost control of the northern part of the country. That same year found the division of the country at the 17th parallel, with a unified north led by Ho, who by this time had renounced his support of the United States, and an unstable South, a quasi-democratic, anti-communist government led by Ngo Dinh Diem.⁵ Diem suffered from profound legitimacy problems. He and most of his senior staff were Catholic in a predominately Buddhist country. He had ignored the agreements

¹ Stanley Karnow, *Vietnam: A History* (New York: Penguin Non-Classics, 1997), 101.

² Richard Harris Smith, *OSS : The Secret History of America's First Central Intelligence Agency* (New York: Lyons 2005), 188.

³ Karnow, *Vietnam*, 85

⁴ Seth Jacobs, *America's Miracle Man in Vietnam : Ngo Dinh Diem, Religion, Race, and U. S. Intervention in Southeast Asia*, Ed. Gilbert M. Joseph and Emily S. Rosenberg (New York: Duke, 2005) , 23.

⁵ *Ibid.*, 90.

of the Geneva accords, run for president against his chief rival Bao Dai and won a disputed election. He surrounded himself with relatives in positions of power.⁶ That the United States supported this regime tacitly made the Vietnamese people even more suspicious. National elections that were scheduled as a part of the Geneva Conference were cancelled. Diem knew that a national referendum would have swept Ho Chi Minh into power, but argued that since South Vietnam had technically never signed it, he was not bound by its terms.⁷

Throughout the 1950's, the United States supported the South Vietnamese financially, at a rate of almost two hundred million dollars per year. Eisenhower also slowly increased the number of advisors, eventually reaching almost one thousand. Because he was a proponent of the "Domino Theory," (that if one country in that region collapsed due to communism, then all the other countries would also fall), it is not entirely surprising that this was done, especially in light of French defeats. He used this particular phrase for the first time in an April 17, 1954, news conference, where he said, "Finally, you have broader considerations that might follow what you would call the 'falling domino' principle. You have a row of dominoes set up, you knock over the first one, and what will happen to the last one is the certainty that it will go over very quickly. So you could have a beginning of a disintegration that would have the most profound influences."⁸ This argument was also used in later administrations to justify the eventual large increase in troops and funds to South Vietnam.⁹

By the election of 1960, there were several major events that put pressure on the U.S. government to respond to perceived communist aggressiveness. In 1957, Sputnik convinced much of the scientific and engineering community that the United States was falling behind the Soviets. In 1960 Francis Gary Powers' spy plane was shot down and the Paris summit was canceled. There was a socialist revolution fermenting in Cuba under Fidel Castro. Finally, and most significantly, there was the consistent belief that the Soviets had opened up a missile gap between the two countries. Kennedy especially sought to make this point throughout the 1960 campaign. There is some debate whether Kennedy himself knew that there was no gap (as the Eisenhower administration was arguing) but he knew that complaining of one accomplished two goals. It placed blame for the gap on Nixon, as he was vice-president under Eisenhower. It also buffeted Kennedy's own "soft-on-communism" criticism while allowing him to remain on the offensive. Nixon was thus forced to defend his own anti-communist stance.¹⁰ All of these events forecasted an eventual engagement in Vietnam.

⁶ Robert K. Brigham, "Battlefield Vietnam: A Brief History." *Battlefield Vietnam*, Public Broadcasting System, August 15, 2008 <<http://www.pbs.org/battlefieldvietnam/>>.

⁷ Mark Moyar, *Triumph Forsaken : The Vietnam War, 1954-1965* (New York: Cambridge University Press, 2006), 59.

⁸ "President Eisenhower's News Conference, April 7, 1954." *Public Papers of the Presidents, 1954*, Mt. Holyoke College, 28 July 2008 <<http://www.mtholyoke.edu/acad/intrel/pentagon/ps11.htm>>.

⁹ "CACCF Record Counts by Year of Death or Declaration of Death." Statistical information about casualties of the Vietnam War, Feb. 2007 *National Archives*. August 4, 2008 <<http://www.archives.gov/research/vietnam-war/casualty-statistics.html#year>>.

¹⁰ Christopher A. Preble, Christopher A., *John F. Kennedy and the Missile Gap* (New York: Northern Illinois University Press, 2004), 198.

Throughout 1961 and much of 1962, however, Vietnam was low on Kennedy's priority list. There was the disaster of the Bay of Pigs and the brinkmanship of the missile crisis. Kennedy was not at all eager to engage Vietnam, but recognized by the end of 1962 the increasing intensity of the conflict. As a result, the "Vietnam thing" (as Kennedy refers to it in the early 1960s) was becoming more and more of a daily concern. At the turn of 1963, with many early crises behind him, Vietnam was one of the remaining hot spots that demanded more and more attention. How much attention has become the focal point of many books, films and debate within academia and serves as the starting point for discussion here.

JFK in Film

In the highly acclaimed and controversial film by Oliver Stone, *JFK*, the main plot "reveals" how and why Kennedy was killed. Among the conspirators included Castro, the Mafia and most alarming to conspiracy theorists, Vice-President Johnson in concert with the military industrial complex. Stone accuses Johnson of being part of the plot so that military generals could fight the war in Vietnam and goes on to insinuate that Kennedy would have pulled out all of the troops. The key scene in *JFK* that details this plan is a conversation between the protagonist Jim Garrison and the "man with all the answers," known in the film as "X." They have a conversation on the Mall in Washington, DC and X goes on to fill in many of the unanswered questions about the assassination. In this pivotal scene, X claims:

*I spent much of September '63 working on the Kennedy plan for getting all US personnel out of Vietnam by the end of '65. This plan was one of the strongest and most important papers issued from the Kennedy White House. Our first 1,000 troops were ordered home for Christmas.*¹¹

He goes on to describe the reasons why certain groups, namely the military, would want to get rid of Kennedy:

Already angered by Kennedy's liberal domestic politics, the Bay of Pigs fiasco, and his signing of the Nuclear Test Ban Treaty with the Soviet Union, top military brass undoubtedly were incensed in late 1963 when Kennedy let it be known that he planned to withdraw all US military personnel from Vietnam by the end of 1965.

With that decision, the military turned against him and, even if they wouldn't openly plot against him, the military leadership would not be sorry if something were to happen to Kennedy. . . .

It was widely rumored that Vice President Lyndon Johnson -- long associated with dirty politics, gamblers, and defense officials -- was to be dropped from the Democratic ticket in 1964. Texas oilmen, staunch friends of Johnson and the military-

¹¹ *JFK*. Dir. Oliver Stone. Perf. Kevin Costner, Tommy Lee Jones, Kevin Bacon, DVD, 1991.

*industrial complex, were dismayed that Kennedy was talking about doing away with the lucrative oil-depletion allowance.*¹²

During that conversation, X also alludes to Johnson's involvement:

X (VOICE OVER)

Only four days after JFK was shot, Lyndon Johnson signed National Security Memo 273, which essentially reversed Kennedy's new withdrawal policy and gave the green light to the covert operations against North Vietnam that provoked the Gulf of Tonkin incident. In that document lay the Vietnam War. . . .

I keep thinking of that day, Tuesday the 26th, the day after they buried Kennedy, LBJ was signing the memorandum on Vietnam with Ambassador Lodge.

FLASHBACK TO: the White House, 1963. Johnson sits across the shadowed room with Lodge and others. His Texas drawl rises and falls. He signs something unseen.

JOHNSON

Gentlemen, I want you to know I'm not going to let Vietnam go the way China did. I'm personally committed. I'm not going to take one soldier out of there 'til they know we mean business in Asia . . .

(he pauses)

You just get me elected, and I'll give you your damned war.

X (V. O.)

. . . and that was the day Vietnam started.¹³

There are several historical inaccuracies with this conversation. While it makes great moviemaking, there was no conversation between Garrison and an "X". The closest person to matching X is Col. L. Fletcher Prouty USAF (Ret.), who wrote the book *JFK: The CIA, Vietnam, and the Plot to Assassinate John F. Kennedy* and from whom Stone has taken most of his material. Prouty was the Chief of Special Operations for the Joint Chiefs of Staff during the Kennedy years.¹⁴ While Prouty did work with some of the same people who formulated the withdrawal plan, there is no evidence that he himself worked on it.¹⁵ The memo to which Prouty refers is National Security Action Memorandum (NSAM) 273. This memo did not give a timetable for leaving Vietnam, but recommended that if South Vietnam was able to support their own operations the Americans would leave.¹⁶ It is historical fantasy for Stone to argue that the troop withdrawal was going to happen definitively and without caveats.

JFK also highlights the reaction of the military to the pullout decision. It further assumes that Johnson was allied to the military industrial complex. Neither of these facts holds up under scrutiny. An earlier version of NSC Memo 273 was created on November

¹² Ibid.

¹³ Ibid.

¹⁴ Prouty, L. Fletcher, *JFK: The CIA, Vietnam and the Plot to Assassinate John F. Kennedy* (New York: Citadel Press, 1996), 7.

¹⁵ Reitzes, Dave, "LBJ and Vietnam", *The JFK 100*, 2001, 17 July 2008 <<http://www.jfk-online.com/jfk100menu.html>>.

¹⁶ Ibid.

21, 1963, while Kennedy was still alive and was expected to sign once he returned from his Texas trip. This earlier version, says, in part:

We should concentrate our own efforts, and insofar as possible we should persuade the Government of South Vietnam to concentrate its efforts, on the critical situation in the Mekong Delta. This concentration should include not only military but political, economic, social, educational and informational effort. We should seek to turn the tide not only of battle but of belief, and we should seek to increase not only our control of land but the productivity of this area wherever the proceeds can be held for the advantage of anti-Communist forces.¹⁷

Rather than discussing an active pullout in the memo, it predicts a higher level of commitment. When X claims that the Vietnam War lay in NSC memo 273, it was based on a document *initially drafted under Kennedy*.¹⁸ It gives no credence to a conspiracy by Johnson to increase troops dramatically nor lends any evidence that Johnson was involved in a conspiracy to kill Kennedy.

A curious quote by Johnson is the "...I'll give you your damned war" comment. Conspiracy buffs argue that this quote proves that Johnson was pursuing a policy opposite that of Kennedy. But consider preeminent Vietnam scholar Stanley Karnow's interpretation of events:

Johnson subscribed to the adage that "wars are too serious to be entrusted to generals." He knew, as he once put it, that armed forces "need battles and bombs and bullets in order to be heroic," and that they would drag him into a military conflict if they could. But he also knew that Pentagon lobbyists, among the best in the business, could persuade conservatives in Congress to sabotage his social legislation unless he satisfied their demands. As he girded himself for the 1964 presidential campaign, he was especially sensitive to the jingoists who might brand him "soft on Communism" were he to back away from the challenge in Vietnam. So, politician that he was, he assuaged the brass and the braid with promises he may never have intended to keep. At a White House reception on Christmas Eve 1963, for example, he told the Joint Chiefs of Staff: "Just let me get elected, and then you can have your war."¹⁹

Rather than trust the military, Johnson was suspicious of their intentions. Moreover, Johnson's social programs were initially more important than Vietnam. Stone implies throughout *JFK* that Kennedy is the dove and Johnson the hawk. It was Kennedy who was going to pull out and Johnson who intended to escalate from the beginning. The reality is that Johnson was fully aware that the war was a lose-lose situation for him politically, especially in light of his Great Society plans. Johnson advisor Jack Valenti

¹⁷ Issue brief No. 273, *The National Security Council*, The White House.

¹⁸ Reitzes, Dave, "LBJ and Vietnam", *The JFK 100*, 2001, 17 July 2008 <<http://www.jfk-online.com/jfk100menu.html>>.

¹⁹ *Ibid.*

lamented that “Vietnam at the time was no bigger than a man's fist on the horizon. We hardly discussed it because it was not worth discussing.”²⁰ That Stone argues that Johnson was behind Kennedy’s assassination because of Vietnam is more of a reflection on Stone’s attitude on the war than on the facts. While there are unresolved questions stemming from the assassination of Kennedy, there is no evidence that Kennedy was killed because of a pullout of Vietnam. Moreover, there is no support that Johnson or the military industrial complex was involved in a plot of any kind.

In *The Fog of War, Eleven Lessons from the Life of Robert McNamara*, former Defense Secretary Robert McNamara makes similar claims about Kennedy and Vietnam. McNamara repeats the charge that Kennedy was going pull one thousand advisors out by the end of 1963. The film plays a conversation between President Johnson and McNamara shortly after Kennedy’s death that implies that Kennedy was flirting with pulling out. In part, Johnson claims,

I always thought it was foolish for you to make any statements about withdrawing. I thought it was bad psychologically. But you and the President thought otherwise and I just sat silent.²¹

About the potential pullout McNamara says “...we can say to the Congress and people that we have a plan for reducing the exposure of U.S. combat personnel.” Kennedy responds: “(M)y only reservation about this is, if the war doesn’t continue to go well it will look like we were overly optimistic.”²² This statement reveals not only the challenging nature of Vietnam as early as 1963 (when there was an increase to sixteen thousand advisors in the country), but it also reflects the fact that pullout was not necessarily a foregone conclusion. It does reveal that Kennedy and McNamara were potentially trying to find a way out of Vietnam. But both knew that that pullout was not without serious political ramifications. And while one thousand troops *were* sent home in December 1963, Karnow argues, “...their departure was essentially a bureaucratic accounting exercise.”²³ They were not sent home as a precursor for a larger withdrawal. In the next scene, McNamara repeats the charge that Kennedy was going to pull all troops out by the end of 1965. He claims that Kennedy had essentially “announced” the withdrawal of U.S. troops by drafting NSC 273, when in fact, Kennedy was implying the opposite.

There is more evidence to support the argument that Kennedy was going to continue U.S. presence in the region. This is seen in the minutes from that National Security Council Meeting. It was McNamara and General Taylor who suggested that the military could finish their ‘mission’ by 1965. This ‘mission’ was solely to train the South Vietnamese military for battle against the North and NLF. It was not to fight the war on their behalf. Indeed, whether South Vietnamese troops would be ready for this

²⁰ Karnow, *Vietnam*, 338-339.

²¹ *The Fog of War: Eleven Lessons from the Life of Robert S. McNamara*, Dir. Errol Morris, Perf. Robert McNamara, 2003.

²² *Ibid.*

²³ Karnow, *Vietnam*, 268.

responsibility was an open question in 1963. In fact, when Vietnamization was attempted years later, it was a failure.

Finishing the mission by 1965 was more wishful thinking than reality. Moreover, if Kennedy was interested in avoiding further escalation, why would he have implicitly agreed to the removal of Diem? It seems that if Kennedy had wanted to disengage, he would have washed his hands of the country once the coup occurred. Kennedy had publicly proclaimed in July of 1963 “in my opinion, for us to withdraw from that effort [in Vietnam] would mean a collapse not only of South Vietnam, but Southeast Asia, so we are going to stay there.”²⁴ While this may have been posturing, it would have been hypocritical for Kennedy to make such a strong point and then pull out. Kennedy also made a public statement in an interview with Walter Cronkite in September of 1963 in which he argued:

I don't think that unless a greater effort is made by the Government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. . . . [I]n the final analysis it is the people and the Government [of South Vietnam] itself who have to win or lose this struggle. All we can do is help, and we are making it very clear. But I don't agree with those who say we should withdraw. That would be a great mistake. I know people don't like Americans to be engaged in this kind of an effort. Forty-seven Americans have been killed in combat with the enemy, but this is a very important struggle even though it is far away.²⁵

While it is certainly possible that Kennedy could have said one thing publicly and another privately, to put himself in that corner plainly points to Kennedy keeping troops beyond 1964. Overall, in his term, Kennedy increased the number of advisors in Vietnam from nine hundred to sixteen thousand and thirty. He substantially enlarged the number of Special Forces (specifically Green Berets).²⁶ Kennedy believed that using counter-insurgency troops and tactics was the best way to deal with the “Vietnam thing”. This commitment to irregular troops was designed to show the South Vietnamese that the United States was there to help them. It was not a commitment to leaving.

A major point of congruence between *JFK* and *The Fog of War* is that Kennedy was going to end military engagement after the 1964 election. Both films however, miss the larger issue of the assassination of Diem. This coup would have prevented Kennedy's pullout because of its political ramifications. When it did not stabilize the region, he would have had no choice but to further engage. Trying to move the war onto the Vietnamese took a major setback once Diem was gone.

²⁴ Gettleman, Marvin E., Jane Franklin, and Marilyn Young, eds. *Vietnam and America : A Documented History* (Grand Rapids: Avalon Travel, 2000), 141.

²⁵ Robert T Mann, *Complete Idiot's Guide to the Cold War* (New York: Alpha, 2002), 189.

²⁶ Seth Jacobs, *America's Miracle Man in Vietnam : Ngo Dinh Diem, Religion, Race, and U. S. Intervention in Southeast Asia*, ed. Gilbert M. Joseph and Emily S. Rosenberg (New York: Duke, 2005) 177.

Coup d'état

The roots of the assassination of Diem are found in the Eisenhower Administration.²⁷ One of the challenges the U.S. faced in keeping South Vietnam a democracy, ironically, was the Diem regime itself. Diem's actions, including his illegal consolidation of power, raised alarm in Washington. The dilemma of supporting an autocratic ruler was at the heart of conflict over further U.S. involvement. In October 1954, years after the U.S. had started sending aid, Eisenhower sent Diem a letter stating he was willing to send more financial aid and support to South Vietnam in exchange for reforms in the country. These reforms included the firing of the defense minister, reorganizing the armed forces, selecting officials in his government based on merit rather than loyalty and a reduction in the number of family members in prominent positions of power.²⁸ The overriding concern from Washington was that Diem was using his position for his own personal gain rather than for best serving the Vietnamese people. As a result, Eisenhower wanted to use aid as leverage for reforms. By doing so, Eisenhower hoped that he could control Diem. As he says in his letter:

The Government of the United States expects that this aid will be met by performance on the part of the Government of Viet-Nam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Viet-Nam endowed with a strong government.²⁹

Unfortunately for the administration, Diem chafed at these reforms and refused to implement them. Support came anyway, as early as January 1955. Secretary of State John Foster Dulles was wary of Diem, but ultimately believed that his government would be the most effective one in being a bulwark against the communist north. To highlight this point, Dulles, in August of 1955, supported Diem's decision not to hold national elections as mandated by the Geneva accords.³⁰ Dulles knew that national elections would certainly have gone against Diem and the country would unify under Ho Chi Minh. This would be the worst possible outcome for the U.S. and underscores how differently the Vietnamese people saw the war. They largely saw it as a civil conflict and a war to expel imperialists. The United States, as McNamara points out in his film, saw the war in terms of the Cold War. The decision by Dulles to continue to support Diem could not make this point any clearer. It is ironic that the United States was supporting a

²⁷ John Prados, "JFK and the Diem Coup", *JFK and the Diem Coup*, 5 Nov. 2003, The National Security Archive, 2 July 2008 <<http://www.gwu.edu/~nsarchiv/nsaebb/nsaebb101/index.htm>>.

²⁸ John Prados, "The Vietnam War", *The Gilder Lehrman Institute of American History, The Cold War*, 15 July 2008, Woodrow Wilson International Center for Scholars.

²⁹ Dwight D Eisenhower, "Letter to Ngo Dinh Diem, October 23, 1954," *Letter to Ngo Dinh Diem*, 23 Oct. 1954, July 1998, Modern History Sourcebook 10 June 2008 <<http://www.fordham.edu/halsall/mod/1954-eisenhower-vietnam1.html>>.

³⁰ John Prados, "The Vietnam War," *The Gilder Lehrman Institute of American History, The Cold War*, 15 July 2008, Woodrow Wilson International Center for Scholars.

fledgling “democracy” by not supporting elections. In other words, it was acceptable for the U.S. to support an illegitimate dictator as long as he was anti-communist.

Another way that Eisenhower tried to leverage reforms was through the threat of troop withdrawal. As the late 1950's came however, the warning remained but the number of troops actually increased. Another time, the U.S. threatened to withdraw their ambassador if reforms were not enacted. This threat, however, like all the others, was never carried out. Notably, while aid increased, members of the Eisenhower administration were also looking at what the removal of Diem could mean for the war effort. The person at this forefront was Ambassador J. Lawton Collins, who was advocating removal as early as March of 1955.³¹ Nothing was consummated at the time because Diem was able to consolidate power relatively quickly; instead, Eisenhower went to great lengths to protect Diem even though he largely ignored U.S. largesse. The CIA warned Diem in March of 1955, for example, that it would not be seen as legitimate to stage a rigged South Vietnamese election in which he would ‘win’ by a large percentage.³² Diem disregarded this warning, and won 98% of the vote. Amazingly, he won 118% of Saigon's vote.³³ And still the aid came. Diem could discount the demands of the United States because he knew that being anti-communist was worth a great deal of money. In this sense, the foundation of the Vietnam War was built on the acquiescence of the Eisenhower administration. By actually withholding aid, the administration might have done better job of controlling Diem.

Kennedy fell into the same trap as Eisenhower. His withdrawal threats were also aimed at leveraging Diem. As Karnow points out:

Early in 1963, South Vietnam's rigid President Ngo Dinh Diem was cracking down on internal dissidents, throwing the country into chaos. Fearing that the turmoil would benefit the Communist insurgents, Kennedy conceived of bringing home one thousand of the sixteen thousand American military advisers as a way of prodding Diem into behaving more leniently.³⁴

Had Diem’s behavior changed and reforms enacted, he may not have been removed. But did all this lead to Kennedy “plan” Diem’s removal and assassination? Johnson, for one, believed that the Kennedy brothers were behind it. In a February 1, 1966, call to Senator Eugene McCarthy, Johnson says “they started on me with Diem, you remember. ‘He was corrupt and he ought to be killed.’ So we killed him. We all got together and got a goddamn bunch of thugs and assassinated him. Now, we've really had no political stability [in South Vietnam] since then.”³⁵ He was so convinced of this fact

³¹ Philip E. Catton, *Diem's Final Failure: Prelude to America's War in Vietnam*. (New York: Kansas University Press, 2004), 149.

³² *Ibid.*, 151.

³³ *Ibid.*, pp. 152-3.

³⁴ Karnow *Vietnam*, 46.

³⁵ Bradley S. O’Leary, Edward Lee, and L. E. Seymour, *Triangle of Death: The Shocking Truth about the Role of South Vietnam and the French Mafia in the Assassination of JFK* (Danbury: Thomas Nelson, 2003), 47.

that when JFK himself was killed, Johnson initially believed it was in retaliation for the Diem killing.

The truth is that Kennedy was aware of coup d'état planning that was going to remove Diem and his brother. Documents recently released by the National Security Archive reveal information being exchanged about Diem's removal as early as July of 1963. In that month, John McCone, director of the CIA, briefed Kennedy about a CIA associate being approached by South Vietnamese General Tran Van Don about an imminent plot. That coup was allegedly scheduled for a time between July 10th and July 19th. Because the general was such a respected figure, it was believed that the plot was real.³⁶ And while that particular plot did not occur, plotting was well underway for another.

In August, the political situation in South Vietnam became more intense as Diem's brother and advisor Ngo Dinh Nhu's Special Forces attacked the Xa Loi Pagoda in Saigon. Subsequent clashes pitted Buddhists against the Diem forces in which thirty civilians were killed, two hundred wounded and one thousand four hundred Buddhist monks were arrested. This occurred on top of the reported fifty thousand dead and seventy thousand imprisoned that occurred under Nhu's command. Early conversations revolved around removing only Nhu. An August 24, 1963 memo between the State Department and Saigon bears out U.S. concerns. In the memo, the sender, Roger Hillsman, director of the State Department's Bureau of Intelligence and Research, indicates that the United States supported the removal of Nhu and even Diem if that is what it would take to get rid of Nhu. Unfortunately for Kennedy, it was not yet official policy and the administration spent the rest of that last week in August trying to remove its support of such a plan without seemingly reinforcing Diem.³⁷ During subsequent meetings between JFK and his Vietnamese experts, he goes back and forth about a coup and the potential consequences. Within his staff, there was support for Nhu's removal only, both Nhu and Diem's removal and a plan to disassociate the administration from any coup attempt. Notably, in meetings throughout the fall of 1963, it was Bobby Kennedy and Max Taylor, among Kennedy's most trusted advisors, who argued against U.S. involvement. Kennedy ended up not orchestrating the event but supported it both passively (by agreeing to not oppose it) and actively (the CIA gave the plotters \$42,000 on the morning of the plot).³⁸ The administration ultimately decided that Diem and Nhu should be removed in order to bring stability to the region. By pulling Diem's financial support, they gave the plotters the signal that the United States would not oppose the coup. Interestingly, National Security Archive documents do reveal an administration keenly interested in the coup's outcome. Failure could delegitimize the U.S.'s efforts for stability while further driving Diem away from collaboration. Success could mean a

³⁶ John Prados, "JFK and the Diem Coup," *JFK and the Diem Coup*, November 5, 2003. The National Security Archive, July 2, 2008 <<http://www.gwu.edu/~nsarchiv/nsaebb/nsaebb101/index.htm>>.

³⁷ *Ibid.*

³⁸ Marilyn Young, *Vietnam Wars, 1945-1990* (New York: HarperCollins 1991), 91-2.

major improvement in relations between governments in Washington and Saigon and give Kennedy a better chance at success against the North and Viet Minh.³⁹

The coup did not play out quite as Washington thought. Whereas the CIA had insisted that they be given forty-eight hours in advance of the coup, the plotters gave four minutes instead.⁴⁰ As the overthrow began on November 1st, the phone lines to the American military advisory group were cut, leaving the United States without knowledge as to the outcome. This silence held true through November 2nd when Diem and Nhu were arrested and killed. Initial reports coming from the coup plotters indicated that the brothers committed suicide by either poison or gun. It was not fully clear until two weeks later how the brothers died, even though the CIA was initially reporting that they had been assassinated. Diem and Nhu's deaths took Kennedy by surprise. McNamara made the point later that Kennedy's reaction shocked him. As he said later, coups are unpredictable and death was a probable byproduct.⁴¹ Indeed, the documentary evidence indicates that many in the administration considered the Diem brothers in personal danger.

The Kennedy administration was culpable in the coup that removed the Diems from power. They did not dissuade plotters from the coup attempt and gave financial backing. Kennedy did not, however, authorize nor plan to have the brothers killed. The Church Committee, formed in the 1970's to investigate the government's role in the assassination of world leaders, concluded that Kennedy had no active role in the Diem assassination and did not know about it beforehand.⁴² Nevertheless, that the upheaval led to an unintended murder does not erase the responsibility that Kennedy now had for Vietnam.

Aftermath

In the aftermath of the assassination, Kennedy recorded a memo on November 4, 1963, in which he says that both Saigon and his advisors were divided on the extent they should have supported the coup. Kennedy says, in part:

Over the weekend, the coup in Saigon took place. It cumulated three months of conversation about a coup, conversations that divided the government here and in Saigon...I feel that we must bear a good deal of responsibility for it, beginning with our cable of early August in which we suggested the coup. (This is the cable which indicated our early support for a coup.)⁴³

³⁹John Prados, "JFK and the Diem Coup," *JFK and the Diem Coup*, November 5, 2003. The National Security Archive, July 2, 2008 <<http://www.gwu.edu/~nsarchiv/nsaebb/nsaebb101/index.htm>>.

⁴⁰*Ibid.*

⁴¹Jones *Death of a Generation*, 159.

⁴²Jacobs, *America's Miracle Man in Vietnam*, 155.

⁴³John F. Kennedy, "JFK's Memoir Dictation on the Assassination of Diem," *Presidential Recordings Program*, University of Virginia, August 10, 2008 <<http://tapes.millercenter.virginia.edu/clip/1963-11-04-jfks-memoir-dictation-assassination-diem>>.

The fact that Kennedy speaks of both U.S. responsibility and the divided nature of the debate highlights its controversial outcome. Kennedy knew three days after the event that the responsibility he spoke of was to be problematic.

If one of the goals of the removal of Diem was to bring Vietnam more in line with U.S. policy, the overthrow had the opposite effect. Successor Duong Van Minh moved his government further away. As historian George Kahin points out, "they (USG) expected that the new leadership in Saigon would accept greater American direction of the fighting and an escalation of U.S. military participation that would extend to the bombing of North Vietnam."⁴⁴ This was a reasonable expectation of the new government, yet Minh's top goal turned out to be reconciliation of the country. The government would not be under the umbrella of communism in his plan, united nonetheless. This is one reason why Minh sought to pacify the NLF. Minh's goals, not surprisingly, were soundly rejected by the U.S. because it was a level of appeasement unacceptable to U.S. goals for the region. This disagreement served as the foundation for a series of dysfunctional relationships after Diem. Indeed, much of the southern population saw the U.S. as being worse than the communists. Many saw the U.S. as the imperialist successors to the French, not their protectors.

One of the problems the new government had was in its structure. General Minh led a leadership group known as the Military Revolutionary Committee. This council was made up of a disorganized membership of twelve who repeatedly moved in and out of office. Their perspective on the war was similar to Minh's and was starkly different than that of the U.S.⁴⁵ While the U.S. was looking for stability and military aggressiveness against the Viet Minh, the new junta saw an opportunity to negotiate a settlement. They saw themselves as being closer to the population, not anti-Buddhist as Diem was. Minh and his minions often referred to themselves as "non-communists" rather than "anti-communists".⁴⁶ This is an important distinction because Kennedy had expected and needed the new group to be as anti-communist as Diem was. As an example of this incongruence, Minh and his advisors argued that a bombing of North Vietnam was unnecessary. They were afraid that it would prompt a full invasion of the North and with it, their "defensive war" justification would be lost. To Minh, the bombing made little sense because it would not only kill Vietnamese (a point that rarely deterred Diem and Nhu) but it would also provoke a harsh response. Even the most hawkish leader of the junta, General Khanh, was unwilling to bomb the North.⁴⁷ One of the most important critics of this stance was McNamara. To him, the bombing of the North was essential. The North needed to understand the military might they were up against. As a result of his position, McNamara found himself in a dilemma. He had been against the removal of Diem, but he found the new government even less capable and willing to take military action.

⁴⁴ Kahin, George M. Kahin, *Intervention: How America Became Involved in Vietnam* (New York: Broadway 1988), 221.

⁴⁵ Karnow, *Vietnam*, 288.

⁴⁶ Kahin, *Intervention*, 62.

⁴⁷ Catton, 213.

Minh was also opposed to an increase of American advisors and insisted that their “advising” did not go below that of the regional level. He wanted to retain operational control of the army by restricting access. In doing so, Minh was actively trying to assert his independence from the United States while slowly creating a steady path to reunification. This path called ultimately for an independent South Vietnam under neither North Vietnamese nor United States control.⁴⁸ Since reunification was also goal of Ho Chi Minh's, it was alarming for the U.S. to hear this new plan.

As for Johnson, the new administration in Saigon was underwhelming. The neutralist solution that the new government sought with the North would negate any influence over the region and allow the communists to have the influence Washington was fighting so hard to prevent. Kennedy, Johnson and their advisors all had mistakenly believed that once Diem and Nhu were gone, the new junta would accept military guidance and leadership from the U.S.⁴⁹

The Kennedy/Johnson administrations were not the only ones unhappy with the direction of the new regime in Saigon. Minh was fully aware of this. As a result, there were factions within the South Vietnamese military who were poised to be removed or demoted under an anti-corruption sweep. Even those close to Minh were not immune from prosecution. These two groups successfully plotted against him and overthrew him in early 1964.⁵⁰ The subsequent government was barely organized when the Maddox was attacked. The resulting Gulf of Tonkin resolution gave the U.S. government all the ammunition it needed for wider military engagement regardless of who was in power in Saigon.

Once Diem was assassinated, the United States owned Vietnam. The assassination was the critical threshold for U.S. involvement. To best explain how the United States became invested to the aftermath of the coup, a contemporary example provides guidance. In 2003, Secretary of State Colin Powell made the argument that to invade Iraq was similar to the Pottery Barn rule. That is, “you break it, you own it.” President Bush and his administration argued that Saddam Hussein was so tyrannical that the U.S. would be greeted as liberators. Without the proper planning as to how the post-Saddam government was going to operate, however, the United States ran the country much longer than originally anticipated. Indeed, the United States “owns” Iraq because of a lack of Iraqi leadership. The United States “owns” Iraq because the United States has to run the political institutions until the Iraqis are able to do it on their own. In the same way, the U.S. owned Vietnam. The institutions of the country were externally run, and poor forecasting forced the U.S. to be more engaged than they would be otherwise. This Pottery Barn rule is as applicable to Vietnam as it is to Iraq.

It would have been helpful in Iraq if the U.S. government had learned the lessons of Vietnam. Disaster can strike when a leader is removed without operational plans to address the subsequent power vacuum. The Kennedy administration needed more than

⁴⁸ Prados, “The Vietnam War.”

⁴⁹ Karnow, *Vietnam*, 243.

⁵⁰ Prados, “The Vietnam War.”

assurances that things would be different before they signed off on the takeover. Not only was Minh not up to the challenge of running the country, preferring to host parties to doing the dirty work of government, his ideas about how to reconcile with the North were worlds apart from the U.S. plan.⁵¹ Minh's successor, Nguyen Khanh, was no more successful in getting the country stabilized. Ironically, the U.S. encouraged Khanh to take over even though they had little knowledge of how he might be different. "The episode (Khanh taking over) further illustrated how little the Americans could monitor... the arcane political maneuvers of their South Vietnamese clients."⁵² Nevertheless, Khanh was erroneously seen as the savior that the Americans needed. He was replaced in a 1965 coup by Air Vice-Marshal Nguyen Cao Ky, who then was then replaced by Nguyen Van Thieu in 1967.⁵³ All of these regimes were failures, largely because they were never seen by the United States or South Vietnamese as competent or legitimate.

In my view, after the assassination of Diem, Kennedy would have had no choice but to stay in Vietnam. He would have seen what Johnson saw; a series of ineffective governments mostly incapable of administering themselves but willing to injure U.S. intentions by making peace overtures. Kennedy admitted in his recordings that he felt some responsibility in the aftermath of the coup. I would argue that this assumption of responsibility would have meant similar outcomes to what Johnson eventually faced. With the 1964 election only one year away, Kennedy would have had much to answer for if he had pulled the troops out, especially in light of his earlier reputation as being soft on communism.

One underlying theme in the study of historical political regimes is legitimacy. Diem partially lost his when he rigged the election in 1955, and it continued to dissolve the more he persecuted Buddhists. The fact that the U.S. government was unwilling to see Diem creating a hostile environment for U.S. intentions argued for intervention. Debatably, both Eisenhower and Kennedy were in a no-win situation. They had sustained Diem and when he did not turn out to be the leader that the U.S. needed, they had little choice but to support his removal.

The films *JFK* and *The Fog of War* both spend significant time honoring the memory of JFK. *JFK* argues Kennedy was killed partially because he planned on exiting Vietnam. And while McNamara in *The Fog of War* does not go nearly as far as Stone, he still largely exonerates Kennedy from responsibility. *JFK* completely ignores the assassination of Diem as an important event and McNamara only makes passing mention of it. I argue that this incident is telling as to what Kennedy would have done had he lived. Kennedy knew of and signed off on the coup. He understood the political, military and strategic implications of the event and most certainly would have stayed in Vietnam. Johnson soon learned the ineffectiveness of the subsequent South Vietnamese regimes and as a result, found himself deeply imbedded in the future of the region even before the Gulf of Tonkin incident. To argue that Kennedy would have left Vietnam in similar conditions ignores the reality of the situation on the ground. As the Iraq conflict

⁵¹ Prados, "The Vietnam War."

⁵² Karnow, *Vietnam*, 337.

⁵³ *Ibid.*, 338.

teaches, to remove a leader without proper planning is to possess the future of that country.

Chapter 13

JFK's Legacy Regarding Consular Relations Law

Cindy G. Buys

I. The Barghoorn Affair

In the fall of 1963, Professor Frederick Barghoorn of Yale University traveled to the Soviet Union on a tourist visa.¹ The 52-year-old Barghoorn was chair of Yale's Department of Soviet Studies and had visited the Soviet Union quite frequently.² On the evening of October 31, Professor Barghoorn visited the Moscow home of Walter Stoessel, Minister-Counselor and second-ranking official at the U.S. embassy.³ Professor Barghoorn told Stoessel that he planned to leave the Soviet Union by plane the following morning.⁴ Barghoorn left Stoessel's home shortly after 7 p.m. and an embassy car drove him to the Metropole Hotel in Central Moscow, where he was staying.⁵ Barghoorn was not heard from again until two weeks later, when TASS, the Soviet press agency, reported that he had been arrested on charges of spying for the United States.⁶ The U.S. Ambassador to Moscow, Foy Kohler, denied the charges against Professor Barghoorn, calling them "completely unwarranted," and demanded Barghoorn's immediate release.⁷ The U.S. Ambassador also demanded an immediate opportunity to see the prisoner, charging the Soviet authorities with waiting "an unjustifiably long period before informing the embassy of the arrest."⁸ Those demands went unheeded.

On Friday, November 15, 1963, U.S. President John F. Kennedy became personally involved. He held a news conference at which he stated that: "Professor Barghoorn was not on an intelligence mission of any kind."⁹ He further stated that the arrest could have "a most serious effect" on U.S.-Russian cultural relations and demanded Barghoorn's prompt release.¹⁰ President Kennedy decided to postpone meetings on a U.S.-U.S.S.R. cultural exchange program and hinted that the Barghoorn affair might interfere with a pending bilateral agreement on wheat.¹¹ U.S. Ambassador

¹ Henry Tanner, *Yale Professor Seized in Soviet On Spy Charges*, N.Y. TIMES, Nov. 13, 1963, at 1.

² *Id.*

³ Henry Tanner, *U.S. Bids Soviet Free Prisoner*, N.Y. TIMES, Nov. 14, 1963 at 1.

⁴ *Id.*

⁵ *Id.*

⁶ Henry Tanner, *Yale Professor Seized in Soviet On Spy Charges*, N.Y. TIMES, Nov. 13, 1963, at 1; Max Frankel, *Positions Harden Over Professor*, N.Y. TIMES, Nov. 16, 1963, at 1.

⁷ Henry Tanner, *U.S. Bids Soviet Free Prisoner*, N.Y. TIMES, Nov. 14, 1963 at 1.

⁸ *Id.*

⁹ *Russia's Switch*, N.Y. TIMES, Nov. 17, 1963 at E1.

¹⁰ *See id.* *See also News Summary and Index*, N.Y. TIMES, Nov. 15, 1963, at 35.

¹¹ *News Summary and Index*, N.Y. TIMES, Nov. 15, 1963, at 35; William Blair, *Wheat Sale to Soviet Bogs Again on Rates*, N.Y. TIMES, Nov. 16, 1963, at 1.

Kohler continued to make repeated requests for immediate permission to see Barghoorn.¹²

Professor Barghoorn was released on November 17, 1963, after being held incommunicado for 16 days, and was immediately expelled from the Soviet Union.¹³ The Soviets continued to assert that Barghoorn had been involved in espionage activities, but cited the personal concern expressed by President Kennedy as the reason Barghoorn was released.¹⁴

Incidents such as the Barghoorn affair were not uncommon during the Cold War time period. In 1960, the Soviets shot down an American CIA U-2 plane piloted by Francis Gary Powers over Soviet territory. The Soviets then interrogated Powers for several months before trying him for espionage. Powers was sentenced to 10 years imprisonment, but was freed after two years in exchange for a Soviet spy imprisoned by the Americans.¹⁵ In 1961, the Soviets put another American on trial for espionage in Moscow, along with two Dutchmen and four West Germans.¹⁶ That American was a student studying in West Germany named Marvin MacKinnon. He went to the Ukraine on a tourist visa and was arrested while there for photographing items the Soviets deemed to be of military significance.¹⁷ U.S. authorities were often frustrated by their inability to visit or communicate with American nationals arrested or detained in the U.S.S.R.

These incidents pointed to the need for better agreements on consular access to detained foreign nationals. The willingness of the U.S. and U.S.S.R. to negotiate such agreements was made possible in part by the slight softening in Cold War tensions during the 1960s following the Cuban Missile Crisis. That crisis brought home the imminent threat of nuclear war and the need for better relations between the U.S. and U.S.S.R. It led directly to the signing of the Nuclear Test Ban Treaty in August 1963.¹⁸ It also contributed indirectly to a decision by the U.S., the U.S.S.R., and the rest of the international community to conclude the first truly multinational treaty for the purpose of improving consular relations.

While the Kennedy Administration is probably better known for its work on the Nuclear Test Ban Treaty, it was also instrumental in codifying the international law of

¹² Henry Tanner, *Steinbeck and Albee Speak Out in Soviet for U.S. Professor*, N.Y. TIMES, Nov. 15, 1963, at 1.

¹³ Max Frankel, *Washington Is "Gratified"; Asks Future Assurances*, N.Y. TIMES, Nov. 17, 1963, at 1; *see also* Henry Tanner, *Soviet, Heeding Kennedy, Releases Yale Professor But Insists He Was a Spy*, N.Y. TIMES, Nov. 17, 1963, at 1.

¹⁴ Henry Tanner, *Soviet, Heeding Kennedy, Releases Yale Professor But Insists He Was a Spy*, N.Y. TIMES, Nov. 17, 1963, at 1.

¹⁵ *Russia Says Mr. Wynne Pleaded Guilty to Espionage*, TIMES (London), Nov. 28, 1962, at 10d.

¹⁶ *Id.*

¹⁷ Seymour Topping, *Soviet Jails U.S. Tourist as Spy; To Try Him as Western Agent*, N.Y. TIMES, Sept. 5, 1961, at 1 ("Under Soviet law, a tourist can be arrested for photographing a railway station, a factory, public works or other objects considered innocuous in the West.").

¹⁸ *See, e.g.,* Max Frankel, *Positions Harden Over Professor*, N.Y. TIMES, Nov. 16, 1963, at 1.

consular relations. Both the multilateral Vienna Convention on Consular Relations¹⁹ and the bilateral U.S.-U.S.S.R. Consular Convention²⁰ were negotiated during President John F. Kennedy's time in office.

Ironically, the bilateral U.S.-U.S.S.R. Consular Convention was under negotiation at the time of the Barghoorn incident. The Barghoorn case brought into focus two key issues involved in those negotiations: (1) the right of consular officers to visit their nationals who have been arrested in a foreign country; and (2) the obligation of a host government to inform the foreign consulate promptly when one of its nationals is arrested. The United States had routinely granted these courtesies to the Soviet Union when a Soviet citizen was arrested in the United States, but Moscow had rarely extended reciprocal courtesies.²¹ The Kennedy Administration was eager to secure greater protections for Americans arrested in the U.S.S.R. through the negotiation of international agreements.

The Vienna Convention on Consular Relations was concluded and signed by the Kennedy Administration in 1963, but did not come into force until several years later.²² The bilateral U.S.-U.S.S.R. Consular Convention was concluded approximately six months after President Kennedy's death.²³

The Vienna Convention on Consular Relations continues to be one of the most important and widely adopted treaties in the modern era.²⁴ Issues relating to its application and interpretation regularly arise both in the diplomatic context and in litigation, particularly with respect to the right of consular notification and access to persons who are arrested or detained. In fact, a recent search of an electronic database of federal court cases revealed almost 400 cases involving claims under the VCCR in the 10-year period from 1998 to 2008.²⁵

This article provides background on the drafting of the VCCR and highlights some of the issues that presented the most difficulties during the negotiations. It also provides some comparisons between the VCCR and the bilateral U.S.-U.S.S.R. Consular Convention. It then discusses the continuing importance of consular treaties today, with a particular focus on the issue of consular notification. Finally, the article highlights areas of legal uncertainty with respect to consular notification that are currently being litigated in U.S. courts or which are likely to be resolved through litigation in the future.

¹⁹ Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 [hereinafter Vienna Convention or VCCR].

²⁰ Consular Convention and Protocol (U.S.-U.S.S.R.), June 1, 1964, T.I.A.S. No. 6503, 19 U.S.T. 5018.

²¹ Max Frankel, *Washington Is "Gratified"; Asks Future Assurances*, N.Y. TIMES, Nov. 17, 1963, at 1.

²² The VCCR entered into force on March 18, 1967. The United States completed ratification of the VCCR on November 21, 1969. See

<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=219&chapter=3&lang=en>.

²³ Consular Convention and Protocol (U.S.-U.S.S.R.), *supra* note 21.

²⁴ *Id.*

²⁵ There are currently 172 parties to the VCCR. See

<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=219&chapter=3&lang=en>.

²⁵ Results of Westlaw search conducted on March 1, 2009 of "ALLFEDS" database for cases using phrase "Vienna Convention on Consular Relations" on file with author.

II. Background on 1963 Vienna Convention on Consular Relations

Broadly speaking, consular functions consist of protecting and facilitating the interests of a state and its nationals in the territory of another state.²⁶ In particular, consular functions include: (1) promoting commercial, economic, cultural and scientific relations between states, (2) issuing passports and other travel documents, (3) safeguarding the interests in the receiving state of the sending state's nationals, both individuals and corporate entities, (4) arranging appropriate representation of the sending state's nationals before the tribunals of the receiving state, (5) performing administrative functions such as acting as a public notary or serving judicial documents, and (6) exercising supervision and inspection of the sending state's national flag vessels and aircraft operating in the territory of the receiving state.²⁷

Consular relations between states have existed for centuries.²⁸ Prior to the adoption of the Vienna Convention on Consular Relations, the rules governing consular relations derived largely from customary practices between states developed over time and through a series of bilateral consular conventions.²⁹ There were some prior attempts at developing a multilateral set of rules, but none were successful until the VCCR in 1963.³⁰

The International Law Commission (ILC), a group of experts on international law convened by the United Nations (U.N.), was responsible for preparing a draft of the new multilateral convention on consular relations.³¹ In 1949, the ILC conducted a review of international law at its first session based on a survey that had been prepared by the U.N. Secretariat.³² As a result of that review, the ILC decided to add "consular intercourse and immunities" to its list of topics for codification. The U.N. General Assembly approved the inclusion of that topic on the ILC's agenda at the General Assembly's fourth session in 1949.³³ However, it was not until 1955 that the ILC actually began work to codify the

²⁶ See, e.g., *Summary Records of the 516th Meeting*, [1959] 1 Y.B. Int'l L. Comm'n 165-66, U.N. Doc. A/CN.4/SER.A/1959 (Statements of Mr. Edmonds on draft articles 14 and 15).

²⁷ VCCR, *supra* note 20, art. 5.

²⁸ United Nations Conference on Consular Relations, Mar. 4-Apr. 22, 1963, *Summary records of first plenary meeting*, ¶ 57, U.N. Doc. A/CONF.25/16 (Mar. 4, 1963) (Statement by President Stephen Verosta). For a description of the historical development of consular relations, see also, Jaroslav Zourek, Special Rapporteur, *Consular Intercourse and Immunities, Report of the Special Rapporteur*, [1957] 2 Y.B. Int'l L. Comm'n 71, 72-77, U.N. Doc. A/CN.4/SER.A/1957/ADD.1.

²⁹ U.N. Conference on Consular Relations, *Summary records of first plenary meeting*, *supra* note 29, ¶ 54 (Statement by President Stephen Verosta).

³⁰ Zourek, *Consular Intercourse and Immunities, Report of the Special Rapporteur*, *supra* note 29, at 78.

³¹ The ILC is a group of experts on international law from different countries who are charged with carrying out the mandate of Article 13 of the U.N. Charter to facilitate the progressive development and codification of international law. U.N. CHARTER art. 13. Members of the ILC sit in their individual capacities and not as representatives of their government. For more information on ILC membership, see <http://www.un.org/law/ilc/>. During the relevant time period, there were 21 members of the ILC including was one American, Douglas L. Edmonds, a California Supreme Court Judge. *Summary Records of the Ninth Session*, [1957] 1 Y.B. Int'l L. Comm'n viii, U.N. Doc. A/CN.4/SER.A/1957.

³² Zourek, *Consular Intercourse and Immunities, Report of the Special Rapporteur*, *supra* note 29, at 82.

³³ G.A. Res. 373 (IV), at 66, U.N. Doc. A/1251 (Dec. 28, 1949).

existing rules and practices regarding consular relations.³⁴ Over the next six years, the ILC prepared a series of draft articles on consular relations, which were provisionally adopted, submitted to governments for comment, and revised in light of the comments received.³⁵

The first draft of the articles was prepared by the special rapporteur, Jaroslav Zourek of Czechoslovakia, who submitted a report to the ILC in 1957 on Consular Intercourse and Immunities.³⁶ This report formed the basis for the ILC's further work on these issues. In his report, Mr. Zourek stated that he had reviewed the many bilateral agreements on consular relations that already existed and tried to identify rules that were common to those agreements and therefore likely to be acceptable to a majority of States.³⁷ Where there were gaps in the rules or clarification was required, he took into account the practices of States and their municipal laws, thereby adding to the codification of customary international law.³⁸

The ILC did not spend much time as a group on consular issues in 1957, however, because it spent most of that year dealing with a separate treaty relating to diplomatic intercourse and immunities. The ILC's substantial work on consular issues really began in 1959.³⁹ From 1959 to 1961, the ILC had numerous meetings where they debated the nature and scope of consular obligations.⁴⁰ The final result of the ILC's work was a document containing 71 draft articles on consular relations.⁴¹ In 1961, the U.N. General Assembly decided by way of Resolution 1685 to convene a conference on consular relations to consider the ILC's draft articles.⁴²

In the words of the Acting President of the conference, the purpose of the conference was to codify the law dealing with an important part of international relations:

At a time when international relations has taken on an ever-increasing significance for the lives of all mankind, it had become increasingly desirable to place them on a secure basis of clear, generally recognizable and generally observed rules of law. . . The general development of foreign travel, international trade and shipping had increased the volume of consular activities all over the world . . . Clarification of consular law

³⁴U.N. Conference on Consular Relations, *Summary records of the plenary meetings and of the meetings of the First and Second Committees*, *supra* note 29, at ¶ 7 (Statement of Stephen Verosta).

³⁵ *Id.*

³⁶ Zourek, *Consular Intercourse and Immunities, Report of the Special Rapporteur*, *supra* note at 71.

³⁷ *Id.* at 80.

³⁸ *See id.*

³⁹ *Summary records of the 496th meeting*, [1959] 1 Y.B. Int'l L. Comm'n 75, U.N. Doc. A/CN.4/SER.A/1959.

⁴⁰ *See, e.g., See Summary Records of the 528th Meeting*, [1960] 1 Y.B. Int'l L. Comm'n 3, U.N. Doc. A/CN.4/SER.A/1960; *Summary Records of the 587th Meeting*, [1961] 1 Y.B. Int'l L. Comm'n 33, U.N. Doc. A/CN.4/SER.A/1961.

⁴¹ *Report of the International Law Commission to the General Assembly*, 16 U.N. GAOR Supp. (No. 9) at 5-40, U.N. Doc. A/4843 (1961), reprinted in [1961] 2 Y.B. Int'l L. Comm'n 92, U.N. Doc. A/CN.4/SER.A/1961/Add.1.

⁴² G.A. Res. 1685 (XVI) at 61, U.N. Doc. A/5013 (Dec. 18, 1961).

would thus contribute to the promotion of friendly relations between States.⁴³

The conference began on March 4, 1963 and concluded on April 22 of that year.⁴⁴ Thus, it took the 92 states' delegations seven weeks of negotiating and compromise to reach agreement on the final text of the VCCR. The 78-article convention⁴⁵ was signed by representatives from 92 countries on April 24, 1963, including the United States (but not the U.S.S.R.).⁴⁶

The VCCR did not solve all consular issues between the U.S. and the U.S.S.R. however. The U.S. State Department continued work during 1963 on the bilateral convention with the U.S.S.R. to better regularize consular relations between the two nations. The U.S. and U.S.S.R. concluded that bilateral consular convention in Moscow on June 1, 1964.⁴⁷ Because it took several years for a sufficient number of parties to ratify the VCCR to allow it to enter into force, the bilateral convention between the U.S. and the U.S.S.R. became the only treaty governing consular relations between the two nations for several years. The bilateral convention also elaborated on some of the details of their respective rights and duties.

III. Some Difficult Issues Involved in the Negotiations of the VCCR

One of the most important issues to the United States in the 1960s, as highlighted by the Barghoorn incident, was the issue of guaranteed and immediate consular access to nationals who are arrested or detained in a foreign country. This issue continues to be one of the most litigated issues in consular relations today.

The Vienna Convention provides for: "Communication and contact with nationals of the sending State" in Article 36.⁴⁸ This article sets forth the general rule that "consular officers shall be free to communicate with nationals of the sending State and to have access to them" and, correspondingly, "[n]ationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State."⁴⁹ More specifically, subparagraph (1)(b) of Article 36 provides that, if requested by a foreign national, "the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if . . . a national of that state is arrested or committed to prison or to custody pending trial or is detained in any other

⁴³ U.N. Conference on Consular Relations, *Summary records of plenary meetings and of the meetings of the First and Second Committees*, ¶ 5 (Opening Remarks of Acting President Stavropoulos).

⁴⁴ *See id.*

⁴⁵ The final version of the VCCR contained eight more articles than the ILC draft. Most of the additional articles had to do with the procedural formalities relating to signature and ratification and entry into force of the convention.

⁴⁶ *See* <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=219&chapter=3&lang=en>.

⁴⁷ Consular Convention and Protocol, (U.S.-U.S.S.R.), *supra* note 21. The bilateral convention clarifies or expands on certain aspects of consular relations, including, *inter alia*, the duty of each state to assist the other in acquiring property for the consular premises, assistance that is particularly important in a country like the U.S.S.R. where most of the property is owned by the government. *See id.* at art. 4.

⁴⁸ VCCR, *supra* note 20, art. 36.

⁴⁹ *Id.* at art. 36(1)(a).

manner.”⁵⁰ The article further states that “said authorities shall inform the person concerned without delay of his rights under this sub-paragraph.”⁵¹

Interestingly, the original draft of articles prepared by the ILC’s Special Rapporteur did not contain any specific language relating to consular notification when a national of the sending State is arrested or detained by the receiving State.⁵² A general listing of consular functions was included in the Special Rapporteur’s draft Article 13, which the ILC’s Secretary, Mr. Liang, accurately predicted “was likely to raise more difficulties than any other, in the Commission, at any conference on the subject and in the General Assembly.”⁵³

Mr. Bartos of Yugoslavia was the first to raise the specific issue of consular notification with the ILC, stating that:

His country had been very much concerned about the difficulty of arranging for the defence [sic] of nationals arrested on foreign soil. To deny consuls access to arrested persons was a flagrant violation of international law; the consular function of protecting nationals of the appointing State was fundamental, and hence should be mentioned first in the enumeration [of consular functions].⁵⁴

Sir Gerald Fitzmaurice from the United Kingdom of Great Britain and Northern Ireland followed these remarks by proposing a new draft article on consular notification (provisionally numbered Article 30A) in May 1960.⁵⁵ Subparagraph (a) of Sir Fitzmaurice’s proposed article established that “a consul shall have complete freedom of communication with and access to [its] nationals;” subparagraph (b) provided for visits by the consul to nationals being detained pending trial; and subparagraph (c) provided for visits by consuls to nationals in prison after sentencing.⁵⁶

⁵⁰ *Id.* at art. 36(1)(b).

⁵¹ *Id.* The United States also is a party to more than 50 bilateral agreements which contain even more extensive consular notification obligations. See BUREAU OF CONSULAR AFFAIRS, U.S. DEP’T OF STATE, CONSULAR NOTIFICATION AND ACCESS 47 (2003), available at http://travel.state.gov/law/consular/consular_636.html. Of particular interest here, the U.S.-Russia Consular Convention modifies the VCCR’s consular notification obligations in two important respects. First, Article 12 requires that consular notification occur “immediately” and, second, it further defines that obligation in the Protocol to require that notification of the consulate and access to any detained national occur within one to four days of the arrest or detention. Consular Convention and Protocol, (U.S.-U.S.S.R.), *supra* note 21, at art. 12 and Protocol.

⁵² Zourek, *Consular Intercourse and Immunities, Report of the Special Rapporteur, supra* note 29, at 83-103.

⁵³ *Summary Records of the 513th Meeting*, [1959] 1 Y.B. Int’l L. Comm’n 156, U.N. Doc. A/CN.4/SER.A/1959 (Statement by Mr. Liang).

⁵⁴ *Summary Records of the 514th Meeting*, [1959] 1 Y.B. Int’l L. Comm’n 160, U.N. Doc. A/CN.4/SER.A/1959 (Statement by Mr. Bartos).

⁵⁵ *Summary Records of the 534th Meeting*, [1960] 1 Y.B. Int’l L. Comm’n 42, U.N. Doc. A/CN.4/SER.A/1960.

⁵⁶ *Id.*

Agreement on the final language of the consular notification article came “[o]nly after much debate.”⁵⁷ Some of the issues that caused the most difficulties involved:

- (1) Whether notification of the consulate should be mandatory in every case where a national of that consulate’s State is arrested or detained, or only if the foreign national so requests;
- (2) How quickly after arrest or detention notice of consular rights to the individual and notice to the consulate must occur;
- (3) To what extent, if any, local rules of criminal procedure should be allowed to delay or interfere with consular access to a foreign national who has been detained or arrested; and
- (4) To what extent consular officers should be allowed access to foreign nationals who are serving prison sentences.⁵⁸

Ultimately, it was agreed with respect to the first issue that the duty to notify the appropriate consulate would only arise if the foreign national so requests.⁵⁹ Early on, the ILC delegates agreed that consular notification would occur automatically in every case.⁶⁰ As Mr. Dadzie from Ghana pointed out, a foreign national who is arrested or imprisoned might not know that his consulate should be notified and, therefore, might not request notification.⁶¹ However, the United States delegation strongly advocated for limiting the requirement to only those cases when the foreign national so requests for two primary reasons: (1) mandatory notification in every case might become an unreasonable administrative burden and thus result in less compliance; and (2) mandatory notification might call for unwarranted intrusions upon the privacy of individuals.⁶² Despite successfully opposing mandatory notification in the VCCR, the United States has entered into more than 50 bilateral consular conventions, including the bilateral U.S.-U.S.S.R. Consular Convention, which require the United States to notify the appropriate foreign consulate when a national of those states is arrested or detained, regardless of the foreign national’s wishes.⁶³

⁵⁷ Report of the United States Delegation to the United Nations Conference on Consular Relations, Vienna, Austria, March 4 to April 22, 1963, S. Exec. Doc. E., 91st Cong., at 59 (1969) [hereinafter Report of the United States Delegation].

⁵⁸ *Summary Records of the 534th-537th Meetings*, [1960] 1 Y.B. Int’l L. Comm’n 42-43, 47, 57, 61, U.N. Doc. A/CN.4/SER.A/1960.

⁵⁹ VCCR, *supra* note 20, at art. 36(1)(b).

⁶⁰ *See Summary Records of the 536th Meeting*, [1960] 1 Y.B. Int’l L. Comm’n 58, U.N. Doc. A/CN.4/SER.A/1960.

⁶¹ *See* U.N. Conference on Consular Relations, *Eleventh plenary meeting*, *supra* note 29, at 36 (statement of Mr. Dadzie). This view was echoed by delegates from the U.S.S.R. Tunisia, and the Congo, among others. *See id.* at 37-38.

⁶² *See* Report of the United States Delegation, *supra* note 58, at 59. Other delegates also expressed concern about their States’ ability to comply in every case and about intrusions on individuals’ freedom of choice. *See* U.N. Conference on Consular Relations, *Eleventh plenary meeting*, *supra* note 29, at 36-38 (Statements by delegates from New Zealand, United Arab Republic, the Federation of Malaya, Venezuela, Vietnam and France).

⁶³ For examples of the mandatory notification provisions of bilateral conventions, *see, e.g.*, Consular Convention, U.S.-P.R.C., art. 35, Sept. 17, 1980, modified Jan. 17, 1981, 33 U.S.T. 2973, Consular Convention, U.S.-Pol., art. 29, May 31, 1972, 24 U.S.T. 1231; Consular Convention, U.S.-U.K., art. 16, June 6, 1951, 3 U.S.T. 3426; Consular Convention and Protocol, U.S.-U.S.S.R., *supra* note 21, art.12 (“The

The second issue regarding the timeliness of notification also presented much difficulty. Sir Fitzmaurice's original draft article stated that "the local authorities shall inform the consul of the sending State without delay" and that "communications from [a foreign] national shall immediately be forwarded by the local authorities."⁶⁴ Several delegates supported this proposal.⁶⁵ However, Mr. Matine-Daftary of Iran objected on the grounds that it was not always possible to discover the identity or nationality of a person who had been detained, and it would therefore be wrong to impose upon the local authorities an obligation to inform consuls immediately and automatically.⁶⁶ Mr. Yokota of Japan agreed, and suggested that there might be conflicts with the penal codes of many countries.⁶⁷ He suggested the insertion of the word "undue" before "delay," a suggestion the ILC subsequently adopted in a later draft.⁶⁸ The United States and the United Kingdom expressed concern that the word "undue" was "susceptible to considerable abuse" and proposed its deletion.⁶⁹ Mr. Erim of Turkey suggested that notification occur "within a reasonable time."⁷⁰ There also was some discussion of whether a time frame should be included, e.g., notice must be given within a certain number of hours or days of arrest.⁷¹ States appeared concerned about committing to a specific timeframe in all circumstances. In light of these objections, it was ultimately agreed to revert back to the "without delay" language with no specific time frame in which notification must occur.⁷²

With respect to the third issue regarding potential conflicts with local laws, one of the issues here was whether the consular officer must be permitted to converse privately with the foreign national under arrest or detention. The phrase "converse privately" was initially included in Sir Fitzmaurice's original draft, but was struck from the ILC's draft during its deliberations.⁷³ Another issue was whether foreign nationals could be held incommunicado for a short period of time at the beginning of an investigation, as was the

appropriate authorities of the receiving state shall immediately inform a consular officer of the sending state about the arrest or detention in other form of a national of the sending state.").

⁶⁴ See *Summary Records of the 534th Meeting*, *supra* note 56, at 42.

⁶⁵ *Id.* at 42-43 (see statements by Mr. Hsu (China), Mr. Edmonds (United States), Mr. Verdross (Austria), Mr. Sandstrom (Sweden), Mr. Scelle (France), and Mr. Ago (Italy).

⁶⁶ *Id.* at 42.

⁶⁷ *Id.* at 43. Mr. Tunkin from the U.S.S.R. also argued strongly for inclusion of a reference to local laws, stating that for national security reasons, consuls might not be allowed access to certain areas. *Id.* at 44.

⁶⁸ See *Report of the International Law Commission to the General Assembly*, art. 6, 15 U.N. GAOR Supp. (No. 9) at 9, U.N. Doc. A/4425 (1960), reprinted in [1960] 2 Y.B. Int'l L. Comm'n 151-52, U.N. Doc. A/CN.4/SER.A/1960/Add.1 [hereinafter 1960 Draft Article 6]. (In earlier drafts and meetings, article 6 was referred to as additional article 30A. See *Summary Records of the 586th Meeting*, [1961] 1 Y.B. Int'l L. Comm'n 32, note a, U.N. Doc. A/CN.4/SER.A/1961.

⁶⁹ See Report of the United States Delegation, *supra* note 58, at 59.

⁷⁰ See *Summary Records of the 536th Meeting*, *supra* note 61 at 55.

⁷¹ Suggestions for the timeframe in which consular notice should be given varied widely. For example, the representative from the Netherlands suggested that notice must be given within one month at the latest. See *Summary Records of the 587th Meeting*, *supra* note 41, at 33. By contrast, Mr. Edmonds from the United States suggested that a foreign national should not be detained incommunicado for more than 48-72 hours. See, e.g., *Summary Records of the 586th Meeting*, *supra* note 69 at 32.

⁷² VCCR, *supra* note 20, at art. 36.

⁷³ 1960 Draft Article 6, *supra* note 69. Mr. Edmonds from the United States was particularly concerned that consular officers be able to speak privately with prisoners in order to provide effective assistance, but was ultimately overruled in favor of more general language. *Summary Records of the 534th Meeting*, *supra* note 56, at 42 (Statement by Mr. Edmonds).

Swiss practice.⁷⁴ During the negotiations, there was vigorous debate on the issue of whether local laws or international law should prevail in the event of a conflict.⁷⁵ Some delegates expressed concern that if local laws were allowed to prevail without qualification the right of consular notification would be completely nullified.⁷⁶ Eventually, a compromise was reached whereby consular officers must comply with local laws provided those laws did not act to nullify the effectiveness of consular communication.⁷⁷

Fourth and finally, there was some debate regarding the period of time during which consulates should be given access to detained persons. Some delegates suggested that consular access was only necessary prior to trial to ensure that the foreign national understood the legal proceedings and received a fair hearing, but other delegates insisted that it was extremely important that consular officers be allowed to visit their foreign nationals in prison to ensure that they were being treated at least as well as nationals of the home country.⁷⁸ The ILC draft took the position that competent consular officials would have the right to visit a national of the sending state who is in prison, custody, or detention both before conviction and after judgment.⁷⁹ This language was largely retained in the final version of the VCCR.⁸⁰

Mr. Edmonds, the ILC representative from the United States, summed up the importance of the right of consular access as follows:

[T]he protection of human rights by consuls in respect of their nationals should be the primary consideration for the [International Law] Commission. The fact that, under the laws of some States, it was possible to isolate an accused person from his own lawyer was all the more a reason to safeguard the right of his consul to visit him. In many respects, to a person who was often ignorant of the local language and laws, a visit by his consul was more important than that of a lawyer.⁸¹

⁷⁴ See *id.* at 46 (Statement of Mr. Bartos).

⁷⁵ See e.g., *Summary Records of the 536th Meeting*, *supra* note 61, at 52. See also U.N. Conference on Consular Relations, *Twelfth plenary meeting*, *supra* note 29, at 40.

⁷⁶ See U.N. Conference on Consular Relations, *Twelfth plenary meeting*, *supra* note 29, at 42 (Statement by United States and Tunisia).

⁷⁷ The final language of Article 36 of the VCCR states: "The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso; however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended." VCCR, *supra* note 20, at art. 36(2).

⁷⁸ See e.g., *Summary Records of the 537th Meeting*, [1960] 1 Y.B. Int'l L. Comm'n 60, U.N. Doc. A/CN.4/SER.A/1960 (Statement by Mr. Edmonds).

⁷⁹ United Nations Conference on Consular Relations, Mar. 4-Apr. 22 1963, *Draft articles on consular relations adopted by the International Law Commission at its thirteenth session*, art. 36, U.N. Doc. A/CONF.25/16/Add.1.

⁸⁰ See VCCR, *supra* note 20, art. 36(1)(c).

⁸¹ *Summary Records of the 534th Meeting*, *supra* note 56, at 47 (Statement by Mr. Edmonds). Some delegates agreed with Mr. Edmonds that the issue should be viewed as one of human rights (see Statement by Mr. Bartos of Yugoslavia, *id.* at 46); but others suggested that the issue was solely about the ability of consular officers to assist their nationals. *Summary Records of the 535th Meeting*, [1960] 1 Y.B. Int'l L. Comm'n 48-49, U.N. Doc. A/CN.4/SER.A/1960 (Statement by Mr. Fitzmaurice).

IV. The Continuing Importance of Consular Relations Law Today

A. Litigation at the International Court of Justice

Issues relating to consular notification continue to be extremely important today. The United States has been sued at the International Court of Justice (ICJ) three times in just the past decade for violations of Article 36 of the VCCR – by Paraguay in *Breard*,⁸² by Germany in *LaGrand*,⁸³ and most recently by Mexico in *Avena*, involving 54 Mexican nationals who were on death row in the United States.⁸⁴ In virtually all of the underlying cases, the appropriate state authorities failed to inform the foreign defendants of their right to have their consulates notified of their arrest and detention without delay and failed to notify the appropriate consular officers. The home States of the detained nationals sued the United States for those failures at the ICJ. Because the United States did not deny its failure to give proper consular notification in most cases, the disputes at the ICJ largely revolved around the appropriate remedy.⁸⁵ In all three ICJ cases, the defendants had not raised the government's failure to notify them of their right to consular notification until after trial and conviction, at least in part because they had not been notified that they had such a right.⁸⁶ The United States took the position that the foreign defendants could not raise this claim on appeal due to various state procedural default rules, which require all issues to be first raised at trial.⁸⁷

Not surprisingly in light of the United States' admissions, the ICJ found that the United States had violated its obligations under the Vienna Convention by failing to inform the foreign defendants, without delay, of their right to have their consulates notified of their arrest and detention.⁸⁸ As to the appropriate remedy, the ICJ stated that the United States has an obligation to provide, by means of its own choosing, review and reconsideration of the affected Mexican nationals' cases with a view to ascertaining whether the violation of the Vienna Convention caused actual prejudice to the defendant.⁸⁹ The ICJ further stated that state procedural default rules should not bar that

⁸² Vienna Convention on Consular Relations (*Breard*) (Para. v. U.S.) 1998 I.C.J. 248 (Apr. 9).

⁸³ *LaGrand Case* (F.R.G. v. U.S.), 2001 I.C.J. 466 (June 27).

⁸⁴ See Case Concerning *Avena and Other Mexican Nationals* (Mex. v. U.S.), 2004 I.C.J. 12 (Mar. 31) [hereinafter *Avena*]. Mexico originally brought its claim on behalf of 54 Mexican nationals, but subsequently amended the claim to include only 51 Mexican nationals. See *id.* at 27, 29.

⁸⁵ In *Avena*, the United States did not deny its failure to give the consular notification in 47 of the 51 cases. See *id.* at 46. With respect to the remaining *Avena* defendants, the United States asserted that the defendants had claimed U.S. citizenship and, thus, the authorities did not believe they were dealing with foreign nationals. However, the U.S. largely failed to prove these allegations, and the U.S. claims were rejected by the ICJ. See *id.* at 40-46; see also *LaGrand*, 2001 I.C.J. at 20-21; *Breard*, 1998 I.C.J. at 253.

⁸⁶ See *Avena*, 2004 I.C.J. at 52-53, 57 (describing the timing when consular notification was given, if ever). See also *LaGrand*, 2001 I.C.J. at 23 (right to notification not raised at trial or two subsequent proceedings; *LaGrands* finally learned of right from other sources); *Breard*, 1998 I.C.J. at 249 ("Paraguay learnt by its own means that Mr. Breard was imprisoned in the United States.").

⁸⁷ See *Avena*, 2004 I.C.J. at 55-57; see also *LaGrand*, 2001 I.C.J. at 68-69; *Breard*, 1998 I.C.J. at 249.

⁸⁸ See e.g., *Avena*, 2004 I.C.J. at 53, 71. Because the *Avena* case was the most recent and the most fully litigated of the three ICJ cases, I will focus on it here to illustrate the relevant legal issues.

⁸⁹ *Id.* at 65-66.

reconsideration.⁹⁰ Ultimately, the ICJ did not order the United States to overturn the convictions of the Mexican nationals, but did order the United States to consider whether lack of notice of consular access would have made a difference.⁹¹

B. The United States' Reaction to *Avena*

The United States' response to the *Avena* judgment serves to illuminate some of the unresolved issues in the area of consular notification law that continue to be litigated today. Following the *Avena* decision, then U.S. President Bush decided that it would be in the best interests of the United States to comply with the ICJ's judgment, both to demonstrate the United States' commitment to international law and to ensure reciprocal protections for Americans traveling abroad. Accordingly, he decided to implement the ICJ's judgment by issuing a "Memorandum for the Attorney General" dated February 28, 2005, in which he stated in pertinent part:

I have determined, pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, that the United States will discharge its international obligations under the decision of the [ICJ in *Avena*], by having State courts give effect to the decision in accordance with general principles of comity in cases filed by the 51 Mexican nationals addressed in that decision.⁹²

In April 2005, then U.S. Attorney General Alberto Gonzales sent this Presidential Memorandum to the relevant states' attorneys general⁹³ and filed it with state and federal courts where the Mexican nationals' cases were pending, including the case of *Medellin*⁹⁴ out of Texas, which was one of the cases involved in the *Avena* litigation at the ICJ.

The Court of Criminal Appeals of Texas refused to abide by the ICJ's judgment in *Avena* or the Presidential Memorandum, ruling that neither of those documents constituted binding federal law that preempted state procedural default rules.⁹⁵ *Medellin* appealed that decision to the U.S. Supreme Court, which sided with the Texas court in a decision issued in March 2008. The Supreme Court concluded that while the ICJ's judgment constitutes a binding *international* legal obligation for the United States, it is

⁹⁰ *Id.* at 57.

⁹¹ Specifically, the ICJ found "that the appropriate reparation in this case consists in the obligation of the United States to provide, by means of its own choosing, review and reconsideration of the convictions and sentences of the Mexican nationals" that were the subject of the case. *Id.* at 72.

⁹² President's Memorandum for the Attorney General, Subject: Compliance with the Decision of the International Court of Justice in *Avena* (Feb. 28, 2005), available at <http://www.whitehouse.gov/news/releases/2005/02/20050228-18.html> [hereinafter Presidential Memorandum].

⁹³ See Letter from Alberto Gonzales, U.S. Attorney General, to Greg Abbott, Texas Attorney General (Apr. 5, 2005) in Brief for the United States as Amicus Curiae, *Ex parte* Jose Ernesto Medellin, 223 S.W.3d 315 (Tex. Crim. App. 2005) (No. AP-75,207), 2005 WL 3142648. (The letter can be found in the appendix at A-1).

⁹⁴ *Medellin v. Texas*, 128 S. Ct. 1346 (2008).

⁹⁵ *Ex parte* Jose Ernesto Medellin, No. AP-75,207, 2006 WL 3302639 (Tex. Crim. App., Nov. 15, 2007).

not directly binding on a Texas state court under the U.S. constitutional system.⁹⁶ In addition, the President does not have the authority under the Constitution to make law by way of a Memorandum that pre-empts a state court judgment applying state law.⁹⁷ As a result, Texas proceeded to carry out Medellín's death sentence on August 5, 2008.⁹⁸

Mexico was, of course, displeased with the United States' handling of the matter. Following the U.S. Supreme Court's decision, Mexico filed a diplomatic note of protest for this violation of international law with the U.S. government⁹⁹ and filed an application with the ICJ seeking clarification of the *Avena* judgment.¹⁰⁰ The ICJ dismissed that request for clarification on jurisdictional grounds in January 2009.¹⁰¹ However, the Court stressed that the United States remains under a continuing legal obligation to fully implement the *Avena* decision with respect to all of the Mexican nationals that were the subject of that case. It is likely diplomatic negotiations will continue between the United States and Mexico regarding appropriate reparations for the United States' breach of its obligations under the VCCR. Some of the other Mexican cases that were part of the *Avena* judgment are still pending in other state courts, and it is not clear how these other states will react to these legal developments.

V. Where Are We Today?

A number of interesting legal issues relating to consular notification remain unresolved. Many of these legal uncertainties were foreshadowed by the consular convention negotiations during the Kennedy Administration in the 1960s. In particular, the number of lawsuits based on claimed violations of Article 36 of the VCCR demonstrates that the United States has had difficulty ensuring that state and local law enforcement officers provide proper and prompt consular notification when arresting or detaining foreign nationals. Some of the outstanding issues in those cases include: (1) Is the VCCR a self-executing treaty?¹⁰² (2) If so, and consular notification rights are violated, can an individual sue the responsible local, state or federal government officials for that violation? (3) How soon after arrest and detention must consular notification be given? (4) If a private person can sue the government for failing to provide consular notification without delay, what is the appropriate remedy? (5) Regardless of whether

⁹⁶ *Medellin*, 128 S. Ct. at 1353.

⁹⁷ *Id.*

⁹⁸ Mexican government protests Texas execution, <http://www.cnn.com/2008/CRIME/08/06/mexican.executed/index.html>

⁹⁹ *See id.*

¹⁰⁰ *See* Request for Interpretation of the Judgment of 31 March 2004 in the case concerning *Avena* and Other Mexican Nationals (Mex. V. U.S.), filed June 5, 2008, *available at* www.icj-cij.org. The ICJ issued a provisional order in July 2008 requesting that the United States postpone any executions until it could review Mexico's request for clarification but, obviously, Texas decided not to comply with that request. ICJ Order, July 16, 2008.

¹⁰¹ Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning *Avena* and Other Mexican Nationals (Mex. v. U.S.) 2009 I.C.J. 1, 18 (Judgment) (Jan19).

¹⁰² Under U.S. law, a self-executing treaty is one that is directly enforceable in U.S. courts without the need for implementing legislation. *See Foster v. Neilson*, 27 U.S. 253, 314 (1829). More recently, in *Medellin*, the U.S. Supreme Court stated: "What we mean by 'self-executing' is that the treaty has automatic domestic effect as federal law upon ratification." *Medellin*, 128 S. Ct. at 1353 n.2.

private suits are available, what remedy does the United States owe its treaty partners when it violates the VCCR by failing to provide prompt consular notification?

Thus far, the U.S. Supreme Court has not squarely decided whether the VCCR is self-executing, holding in *Avena* only that the ICJ's judgment is not self-executing and side-stepping the issue of the self-executing nature of the underlying treaty itself.¹⁰³ There is some evidence that the political branches considered the treaty to be self-executing at the time of ratification. When the executive branch submitted the VCCR to the Senate for its advice and consent, State Department Deputy Legal Advisor J. Edward Lyerly testified that: "The Convention is considered entirely self-executive and does not require any implementing or complementing legislation."¹⁰⁴ The Senate gave its advice and consent to the treaty with that understanding. Whether the courts agree with this understanding remains to be seen.

The U.S. Supreme Court also has assumed without deciding that Article 36 of the VCCR does create individually enforceable rights.¹⁰⁵ At least four of the Justices have expressly stated that they would find an individual cause of action for a VCCR Article 36 violation, but the majority has not reached the issue on the merits.¹⁰⁶ It also has been suggested in some lower court cases that an individual may be able to bring a claim for relief on different grounds, such as a suit under the Sixth Amendment to the U.S. Constitution for ineffective assistance of counsel or a suit under other federal laws such as the Alien Tort Statute.¹⁰⁷

The U.S. Supreme Court also has not addressed the issue of how soon after arrest and detention consular notification must be given. In *Avena*, the ICJ held VCCR Article 36(1)(b) satisfied when Texas gave notice to the Mexican consulate five calendar days (three business days) after arresting one defendant, Mr. Hernandez.¹⁰⁸ However, the ICJ also held that Texas breached its separate obligation to notify Mr. Hernandez about his right to consular notification without delay in the first instance.¹⁰⁹ Few U.S. courts have had the opportunity to address the issue.¹¹⁰

The U.S. State Department has offered the following guidance with respect to the timing of the notice: "[Consular] notification should also occur 'without delay' after the foreign national has requested that it be made. The Department of State also considers 'without delay' here to mean that there should be no deliberate delay, and that notification should occur as soon as reasonably possible under the circumstances. The

¹⁰³ *Medellin*, 128 S. Ct. at 1357, n. 4.

⁹⁰ *Id.*, at 1386 (Breyer, J., dissenting) (citing S. Exec. Rep. No. 91-9, at 5 (1969) (Appendix)).

¹⁰⁵ *See Sanchez-Llamas*, 548 U.S. 331, 343 (2006); *Medellin*, 128 S. Ct. at 1357, n.4.

¹⁰⁶ *See Sanchez-Llamas* 548 U.S. at 374, 378 (Breyer, J., dissenting).

¹⁰⁷ 28 U.S.C. § 1350; *see also e.g.*, *Jogi v. Voges*, 480 F.3d 822 (2007).

¹⁰⁸ *Avena*, 2004 I.C.J. at 52.

¹⁰⁹ *See id.* at 54.

¹¹⁰ One notable exception is *United States v. Miranda*, 65 F.Supp.2d 1002 (D. Minn. 1999) (Court held that failure to notify Mexican consulate for two days after arrest violated VCCR under circumstances.)

Department of State would normally expect notification to consular officials to have been made within 24 hours, and certainly within 72 hours.”¹¹¹

With respect to the appropriate remedy, Article 36 of the VCCR states that: “The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso; however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.”¹¹² Thus far in addressing remedies under the VCCR, the Supreme Court has stated that suppression of evidence is not an appropriate remedy,¹¹³ but has not yet provided guidance as to what would be an acceptable remedy to give Article 36 rights the “full effect” to which they are entitled.

Finally, it is not clear what reparation the United States owes to its treaty partners when it breaches its obligations under the VCCR. In past cases such as *Breard*, *LaGrand*, and *Avena*, the United States has offered an apology and a promise to work harder to prevent future violations.¹¹⁴ During the *Avena* litigation, Mexico expressed its dissatisfaction with these remedies, but no agreement has been reached between the U.S. and Mexico as to the appropriate reparation for the established treaty violations in *Avena*.

In conversations the author has had with various consular officers, they have expressed bitter disappointment with the United States’ perceived inability or unwillingness to abide by its international obligations in this regard and wonder whether they are receiving the intended benefit of these consular conventions. And, of course, the inability or unwillingness of the United States to provide a meaningful remedy for treaty violations has implications for the millions of Americans who travel abroad each year and rely on their right to contact the U.S. consulate for assistance if they find themselves in trouble.¹¹⁵

VI. Conclusion

The administration of President John F. Kennedy devoted considerable resources to the negotiation and successful conclusion of treaties governing consular relations. One of the primary concerns driving this effort was the protection of American citizens when they are arrested or detained abroad. President Kennedy and his staff undoubtedly would be disappointed to know that, 45 years later, the United States is still struggling to

¹¹¹ See U.S. Dept. of State, Consular Notification and Access 20 (2003), available at http://travel.state.gov/consul_notify.html.

¹¹² VCCR, *supra* note 20, at art. 36(2).

¹¹³ *Sanchez-Llamas*, 548 U.S. at 14. (“Suppression would be a vastly disproportionate remedy for an Article 36 violation.”).

¹¹⁴ See, e.g., *Avena*, 2004 I.C.J. at 55-56.

¹¹⁵ Over the last several years, between 3,000 and 6,000 Americans were arrested or detained abroad each year. Kevin Herbert, “Threat to Citizens Overseas,” in *THE TERRORIST THREAT TO AMERICAN PRESENCE ABROAD: A REPORT OF A CONSULTATION OF THE CRITICAL INCIDENT ANALYSIS GROUP AND THE INSTITUTE FOR GLOBAL POLICY RESEARCH* 17 (1999), available at http://www.healthsystem.virginia.edu/internet/ciag/publications/report_terrorist_threat_abroad_c1999.pdf.

See also Christopher Reynolds, *Arrests of Americans in Tijuana up in 2008, but drop in other cities*, L.A. TIMES, Feb. 3, 2009, available at <http://travel.latimes.com/articles/la-tr-ultimatearrested8-2009feb08>.

implement these rights in a meaningful way. One can only hope that through diplomatic negotiations, strategic litigation, and educational outreach, the United States will improve its implementation of consular notification rights in the future.

Chapter 14

“We Choose to Go to the Moon” JFK and the Race for the Moon, 1960-1963

Richard E. Collin

Space Exploration on the Eve of the Kennedy Presidency

At the time of John F. Kennedy's election to the U.S. Presidency on November 8, 1960, the Space Age was three years old. The Soviet Union had launched it with a successful orbiting in October 1957 of Sputnik I, an aluminum ball measuring 23 inches in diameter and weighing 184 pounds. It was not until the following January in 1958 that the United States orbited its first satellite, Explorer I.

Meanwhile, the Soviet Union continued its high-profile thrust into space, capturing the world's imagination with a series of “firsts” – orbiting the first living creature, a female dog named Laika (in Sputnik II, November 3, 1957); sending the first manmade probe to impact another world, in this case, the Moon (Luna II, September 12, 1959); and taking the first photographs of the far side of the Moon (Luna III, October 4, 1959).

Space, JFK and the 1960 Campaign

A key theme in Kennedy's race for the White House was his claim that the country's prestige had declined under the Eisenhower Administration, principally because of its record in space.

During the campaign, Kennedy pounded hard about what he perceived as America's failures in space. Yet he remained silent about what he had in mind for his own program. He was not at all convinced that manned space flight should play a role in his Administration.¹

As U.S. Senator from Massachusetts from 1953 to 1960, Kennedy had displayed a marked lack of interest in space. Aerospace pioneer Dr. Charles Draper of the

¹ Murray, Charles and Cox, Catherine Bly, *Apollo: The Race to the Moon*. Simon & Schuster Inc., New York, 1989, 60.

Massachusetts Institute of Technology remembered when, a few years before the 1960 election, he met Kennedy and his brother, Robert, at a Boston restaurant, hoping to get them interested in space exploration. The Kennedy brothers, said Draper, had treated his pitch with good-natured ridicule. According to Draper, JFK and RFK "could not be convinced that all rockets were not a waste of money and space navigation even worse."² And *Life* Magazine's White House correspondent, Hugh Sidey, observing Kennedy in his first months as President, thought that space was JFK's weakest area. In Sidey's view, Kennedy understood less about space than any other issue when he assumed office. Said Dr. Jerome Wiesner, the President's science adviser, "He hadn't thought much about it."³

Kennedy brought to the Presidency a world view that the Western and Communist nations were in a constant struggle for advantage with the so-called Third World emerging nations.

Once Kennedy perceived that space accomplishments played a decisive role in the competitive relationship between the Communist and non-Communist worlds, he put aside his initial hesitant approach and embraced exploration with extraordinary enthusiasm and articulation. It was in this geopolitical context that JFK decided in May 1961 to go before Congress and make his dramatic announcement about sending a man to the Moon "before this decade is out."

Spring 1961 and Events Leading Up to the Moon Speech

Kennedy was inaugurated as the 35th President of the United States on January 20, 1961. On April 12, Soviet cosmonaut Yuri Gagarin became the first human in space, orbiting the Earth one time.⁴

Less than a week after Gagarin's space spectacular came the Bay of Pigs fiasco, in which a U.S.-supported attempt to overthrow the Cuban dictatorship of Fidel Castro was routed. Kennedy was also preparing for an early June summit meeting with Soviet leader Nikita Khrushchev in Vienna.

Against this backdrop of pressing events, JFK turned to his Vice President, Lyndon B. Johnson, a longtime space advocate and chairman of the newly revived and reorganized Space Council. On April 19, the President asked Johnson for recommendations on how to accelerate the space program, following it up with a memorandum to the Vice President the next day, which included this question:

Do we have a chance of beating the Soviets
by putting a laboratory in space, or by a trip around
the Moon, or by a rocket to land on the Moon, or by a

² Ibid.,61.

³ Ibid.

⁴ Swenson, Loyd S., Jr., Grimwood, James M., and Alexander, Charles C., *This New Ocean: A History of Project Mercury*. The NASA History Series, Scientific and Technical Information Division, Washington, D.C., 1966, 332-334.

rocket to go to the Moon and back with a man? Is there any other space program which promises dramatic results in which we could win?

On April 28, Johnson sent Kennedy a five and a half page memorandum which included this answer to the question about the feasibility of sending men to the Moon:

. . . As for a manned trip around the Moon or a safe landing and return by a man to the Moon, neither the United States nor the U.S.S.R. has such a capability at this time, so far as we know. The Russians have had more experience with large boosters and with flights of dogs and man. Hence they might be conceded a time advantage in circumnavigation of the Moon and also in a manned trip to the Moon. However, with a strong effort the United States could conceivably be first in these accomplishments by 1966 or 1967...⁵

The Commitment to Go to the Moon

Armed with Johnson's information and astronaut Alan Shepard's successful sub-orbital flight on May 5, President Kennedy went before the Congress May 25 and called upon the nation to commit itself "to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the Earth." Kennedy also emphasized the importance of the space race on the perceptions of people in the Third World:

... if we are to win the battle that is going on around the world between freedom and tyranny, if we are to win the battle for men's minds, the dramatic achievements in space which occurred in recent weeks should have made clear to us all, as did the Sputnik in 1957, the impact of this adventure on the minds of men everywhere who are attempting to make a determination of which road they should take...⁶

Prior to Kennedy's speech, a debate had taken place in Administration circles about whether to specify the targeted date for a lunar landing. Budget plans were based on a 1967 goal, and the first draft of Kennedy's speech mentioned that year specifically.

⁵ Johnson, Lyndon B., *The Vantage Point: Perspectives of the Presidency, 1963-1969*. Holt, Rinehart and Winston, New York, 1971, 281.

⁶ Lewis, Richard S., *From Vinland to Mars: A Thousand Years of Exploration*. The New York Times Book Company, New York, 1976, 153-154.

However, NASA officials, realizing the difficulty of meeting distant target dates because of their work on Project Mercury, the first program to put Americans into space, recommended JFK generalize it by announcing an effort at a lunar landing within the decade. The President agreed to that.

Kennedy's decision to make the commitment was based on more than Johnson's recommendation, Shepard's triumphant flight and JFK's perception of a West-versus-Communist ideological struggle. The President also had solid technological reasons for promoting the Moon shot, also called Project Apollo. In mid-1959 NASA planners, given the responsibility of choosing a goal that would best utilize American potential in space, selected a manned lunar landing as their agency's second-generation manned space flight effort. As John Logsdon emphasizes in his comprehensive study of the Apollo Project, *The Decision to Go to the Moon*, "almost two years before the Kennedy political decision to attempt a manned lunar landing program, NASA had chosen such a program on technological grounds as the logical successor to Project Mercury . . ."⁷

Kennedy's Moon Commitment Draws Criticism

Critics did not accept the Kennedy Administration's argument that international and ideological rivalry demanded a multi-billion dollar response to Soviet space spectaculars. Instead, many considered the Moon target "madness," no more than a display of national machismo between the U.S. and U.S.S.R.⁸

Former President Eisenhower also joined in the attack. In August 1962, he asked in the *Saturday Evening Post*, "Why the great hurry to get to the Moon and planets?" He supported space research, but not a "fantastically expensive crash program." And if prestige was the true goal, asked Eisenhower, then "point to our industrial and agricultural productivity; why let the Communists dictate the terms of all the contests?"⁹ He again lambasted Kennedy's program in June 1963, when he called spending \$40 billion to reach the Moon "just nuts."¹⁰

Eisenhower continued to believe the Moon commitment a major mistake long after Kennedy was dead. Astronaut Frank Borman wrote Eisenhower about his view in June 1965 and received this reply, dated June 18:

...What I have criticized about the current space program is the concept under which it was drastically revised and expanded just after the Bay of Pigs fiasco. . . it immediately took one single project or experiment out of a thoughtfully planned and

⁷ Logsdon, John M., *The Decision to Go to the Moon: Project Apollo and the National Interest*. The MIT Press, Cambridge, Massachusetts, 1970, 40.

⁸ Lewis, *From Vinland to Mars: A Thousand Years of Exploration*, 174.

⁹ McDougall, Walter A., *...The Heavens and the Earth: A Political History of the Space Age*. Basic Books, Inc., New York, 1985, 391.

¹⁰ *Ibid.*, 394.

continuing program involving communications, meteorology, reconnaissance and future military and scientific benefits and gave the highest priority, unfortunate in my opinion, to a race, in other words, a stunt...¹¹

Kennedy used a variety of forums to answer his critics, from news conferences to public speeches. To those critical of concentration on a lunar landing, he pointed out that it represented a broad-based scientific effort and that some 60 other unrelated projects also comprised 25 percent of NASA's total budget.

In the late summer of 1962, Kennedy delivered his most revealing speech on space exploration, as he explained the whys of his policy and attempted to quiet the growing chorus of critics. He told a September 12 audience at Rice University in Houston, Texas:

. . . We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new, terrifying theater of war...

But why, some say, the Moon? Why choose this as our goal? And they may well ask why climb the highest mountain? Why, 35 years ago, fly the Atlantic? Why does Rice play Texas?

We choose to go to the Moon. We choose to go to the Moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are unwilling to postpone, and one which we intend to win...

It is for these reasons that I regard the decision last year to shift our efforts in space from low to high gear as among the most important decisions that will be made during my incumbency in the Office of the Presidency...

The growth of our science and education will be enriched by new knowledge of our universe and environment, by new techniques of learning and

¹¹ Ambrose, Stephen E., *Eisenhower. Volume Two: The President*. Simon and Schuster, New York, 1984, 640-641.

mapping and observation, by new tools and computers for industry, medicine, the home as well as the school. Technical institutions, such as Rice, will reap the harvest of these gains.

And finally, the space effort itself, while still in its infancy, has already created a great number of new companies, and tens of thousands of new jobs... During the next five years, the National Aeronautics and Space Administration expects to double the number of scientists and engineers in this area, to increase its outlay for salaries and expenses to \$60 million a year; to invest some \$200 million in plant and laboratory facilities; and to direct or contract for new space efforts over \$1 billion from this Center in this City...

Many years ago the great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said, "Because it is there."

Well, space is there, and we're going to climb it, and the Moon and the planets are there, and new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing on the most hazardous and dangerous and greatest adventure on which man has ever embarked.¹²

Kennedy Privately, Publicly Debates and Defends the Commitment

Two months later, Kennedy met with his advisors to discuss the space program. Among those at that White House meeting on November 21, 1962 were NASA Administrator James Webb, Science Advisor Dr. Jerome Wiesner, Director of the Bureau of the Budget David Bell and several of Webb's chief NASA administrators.

Kennedy called the meeting because of several developments, including media reports that NASA was not devoting sufficient attention to the Apollo lunar landing program, and whether a supplemental appropriation of \$400 million to NASA's current budget was needed.

This meeting was recorded, but the tape was not released until August 2001. At the meeting, Kennedy made it clear how much the Cold War rivalry with the Soviet Union was a factor in his commitment to go to the Moon. He also talked about his desire that NASA publicly emphasize that the lunar landing initiative was its top priority:

¹² Kennedy, John F., *Public Papers of the Presidents of the United States, 1962*. U.S. Government Printing Office, 1963, 669-671.

... I do think ... that the policy ought to be that this is the top priority program of the Agency, and one of the two things, except for defense, the top priority of the United States government. I think that is the position we ought to take. Now, this may not change anything about that schedule, but at least we ought to be clear, otherwise we shouldn't be spending this kind of money because (my emphasis) *I'm not that interested in space.*¹³

Only moments before, Kennedy had said, "And the second point is the fact that the Soviet Union has made this a test of the system. So that's why we're doing it."¹⁴

In a revealing analysis of this meeting, U.S. space historian Dwayne A. Day makes the case that Kennedy's comments:

... were perfectly consistent with his decision to establish the lunar goal in the spring of 1961. He made that decision in response to Yuri Gagarin's April 1961 flight around Earth and possibly – although this is less clear – in response to the humiliation he and the country suffered at the Bay of Pigs at the same time. Apollo was a political decision to achieve a political goal, to demonstrate the technological and organizational power of the United States and thereby demonstrate that democratic capitalism was superior to Soviet-style communism as a form of societal organization ... as President, he viewed space as merely an extension of political competition – and potentially cooperation – between the superpowers. Kennedy showed no other enthusiasm about space exploration outside of this political context.¹⁵

Publicly, Kennedy continued to vigorously defend his lunar commitment during the last year of his life. However, criticism continued to grow in 1963. The tone was set on January 29 by *The New York Times*, when it questioned the wisdom of making a manned lunar landing the top U.S. space priority. In its lead editorial that day, the *Times* wondered about its worth:

...The achievement of a manned lunar landing within this decade is sometimes justified on grounds

¹³ Day, Dwayne A., "A Historic Meeting on Spaceflight ... Background and Analysis," <http://history.nasa.gov/JFK-Webbconv/pages/backgnd.html>, accessed August 21, 2008.

¹⁴ Ibid.

¹⁵ Ibid.

of national prestige. This argument is based on the doubtful assumption that if we do not place a man on the Moon in this decade, Russia will get there first. But the question remains whether the prospective gain in prestige outweighs the loss in development of scientific and human resources in other directions...

Whether the \$20 billion (or \$40 billion) race to the Moon is justified on scientific, political or military grounds, we do not think the matter has been sufficiently explained or sufficiently debated. We hope it will be in the present Congress.¹⁶

Conservative columnist William F. Buckley, Jr., on June 1 proposed conceding an initial lunar landing to the Soviets with the argument, "Very well, you have reached the Moon, but meanwhile here in America, we have been trying, however clumsily, to spread freedom and justice."¹⁷

Just as conservatives urged Kennedy to shift space priorities to other areas, including defense, many liberals called for more of the space funding to be allocated for social programs. Democratic Senator William Fulbright of Arkansas on June 3 urged that Project Apollo be cancelled. Senator William Proxmire, a Wisconsin Democrat, minced no words. In a speech November 4, 1963, he blasted Kennedy's space program as "corporate socialism."¹⁸

Throughout the news conferences of his last year in office, Kennedy defended his space policy. On March 21, 1963, he told reporters, "We are expending an enormous sum of money to make sure that the Soviet Union does not dominate space. We will continue to do it..."¹⁹ On October 31, the President called his program "essential to the security of the United States, because... it isn't a question of going to the Moon. It is a question of having the competence to master this environment..."²⁰ At his last news conference, November 14, 1963, JFK noted the space program's contribution to U.S. defense: "We spend \$5 billion on space, of which at least a good percentage has a military implication in the sense of our national security..."²¹

In the fall of 1963, the Grumman Aircraft Engineering Company, the prime contractor for the lunar module that would eventually take men to the Moon's surface, had a poll conducted about the Apollo Project. Most opinion leaders were skeptical about the advantages of a lunar landing by 1970. However, among the general public almost 50 percent said they were satisfied with the space program and its lunar goal, and

¹⁶ "Reaching For the Moon," *The New York Times*, January 29, 1963, 1:6.

¹⁷ McDougall, *...The Heavens and the Earth: A Political History of the Space Age*. 392.

¹⁸ *Ibid.*, 393.

¹⁹ *Public Papers of the Presidents of the United States, 1963*, 277.

²⁰ *Ibid.*, 832.

²¹ *Ibid.*, 847.

25 percent wanted to speed up the timetable. Less than one-third thought it should be slowed down or demoted on the list of national priorities.²²

Efforts at U.S.-Soviet Cooperation in Moon Expedition

As part of an attempt to temper criticism that he was not doing enough to promote the possibilities of U.S.-Soviet cooperation in space, Kennedy went before the United Nations on September 20, 1963 – five days before his visit to the University of North Dakota -- and proposed a joint expedition to the Moon.

After praising U.N. actions to prohibit sovereign claims in outer space, Kennedy asked:

...Why, therefore, should Man's first flight to the Moon be a matter of national competition? Why should the United States and the Soviet Union...become involved in immense duplications of research, construction and expenditure? Surely we should explore whether the scientists and astronauts of our two countries — indeed of all the world — cannot work together in the conquest of space, sending someday in this decade to the Moon not the representatives of a single nation, but the representatives of all our countries.”²³

Kennedy historian Arthur M. Schlesinger, Jr., in his memoir of JFK's Presidency, *A Thousand Days*, writes that Kennedy had initially made such an offer to Soviet Premier Khrushchev at their June 1961 summit meeting in Vienna, almost two and a half years before the U.N. proposal.²⁴

Kennedy's last public comment on this issue came at his news conference of October 31, 1963, when he said the Soviets had not responded to his U.N. proposal.²⁵

However, Sergei Khrushchev, the son of the Soviet Premier, says that his father *did* seriously consider Kennedy's proposal. He writes in *Nikita Khrushchev and the Creation of a Superpower* that:

The last time Father returned to this subject was in November, about a week before Kennedy's tragic death. He said that when Soviet ambassador Anatoly Dobrynin met with the U.S. President (on

²² Lewis, *From Vinland to Mars: A Thousand Years of Exploration*, 178.

²³ *Public Papers of the Presidents of the United States, 1963*, 695.

²⁴ Schlesinger, Arthur M., Jr., *A Thousand Days: John F. Kennedy in the White House*. The Riverside Press, Cambridge, Massachusetts, 1965, 919.

²⁵ *Public Papers of the Presidents of the United States, 1963*, 832.

August 26, 1963), Kennedy referred to the lunar program ... and asked Dobrynin to assure Father that his proposal to associate the lunar projects of our two countries was a serious one and that he would like to discuss it in detail in the future. 'I must think about it,' said Father pensively, adding: 'It's very tempting. We would save lots of money, not to speak of everything else.'²⁶

Kennedy's proposal drew a mixed response in the United States. There had long been opposition in Congress about the idea of cooperating in space with the Soviet Union. Some members feared that if it happened, the Soviets would manage to get the better of the deal. In the fall of 1963, both houses of Congress attached amendments to NASA's appropriations bill for FY 1964, opposing Kennedy's proposal. The House amendment prohibited the use of any money for a manned lunar landing attempted in cooperation with a Communist country. The Senate amendment was designed to bar a joint effort with any other country without the consent of Congress.²⁷

Kennedy continued to pursue the idea of a joint Moon mission until the very end of his Presidency. On November 12, 1963, ten days before his death, he ordered a comprehensive Administration review of its feasibility.²⁸

Kennedy's Final Days in Office

In the fall of 1963, U.S. space policy was a dominant theme in Kennedy's public statements and activities. In addition to his speech calling for a joint U.S.-Soviet lunar effort, he defended the rising costs of his policy. He also talked about the peaceful use of space, dismissed rumors that the Soviets had abandoned the Moon race, and pointed out the economic advantages his space effort was bringing the United States.

On November 16, he visited Cape Canaveral, where he examined the construction sites that would build and launch the Saturn V that would take men to the Moon's surface 68 months later. He also received a detailed briefing on the progress toward that goal and reviewed models of the space hardware needed to make it a reality.

Four days later, the Senate chopped \$612 million from Kennedy's NASA budget request for FY 1964. The next day *The New York Times* commented editorially about the cut, saying it raised "a serious question of whether the Administration can count on the budgetary support necessary to achieve a lunar landing by the 1969 deadline."²⁹

²⁶ Khrushchev, Sergei, *Nikita Khrushchev and the Creation of a Superpower*. The Pennsylvania State University Press, University Park, Pennsylvania, 2000, 696.

²⁷ Van Dyke, Vernon, *Pride and Power: The Rationale of the Space Program*. University of Illinois Press, Urbana, 1964, 246.

²⁸ Personal correspondence from space historian John M. Logsdon to author, July 23, 1991.

²⁹ Murray, Charles, and Cox, Catherine Bly, *Apollo: The Race to the Moon*. Simon & Schuster, Inc., New York, 1989, 161.

That same day, November 21, 1963, Kennedy spoke at the dedication of the Aerospace Medical Health Center in San Antonio, part of a three-day political swing he was making through Texas in preparation for his 1964 re-election campaign. It would be his last extensive public statement about space, coming less than 24 hours before his assassination. Kennedy talked about his recent trip to Cape Canaveral, where he had seen the Saturn C-I booster rocket, and was upbeat about its scheduled launch that December, when it would carry the largest payload ever sent into space. And he reiterated his commitment to the exploration of space:

... Frank O'Connor, the Irish writer, tells in one of his books how, as a boy, he and his friends would make their way across the countryside, and when they came to an orchard wall that seemed too high and too doubtful to try and too difficult to permit their voyage to continue, they took off their hats and tossed them over the wall — and then they had no choice but to follow them.

This Nation has tossed its cap over the wall of space, and we have no choice but to follow it. Whatever the difficulties, they will be overcome. Whatever the hazards, they must be guarded against. With the vital support of this Aerospace Medical Center, with the help of all those who labor in the space endeavor, and with the help and support of all Americans, we will climb this wall with safety and with speed — and we shall then explore the wonders on the other side.³⁰

Conclusion

In conclusion, John Kennedy's goal of landing an American on the Moon by the end of the 1960s was not an unrealistic one, despite charges that it was an unnecessary waste of the nation's resources.

The Moon commitment made much sense, and looks better as time goes on. Kennedy's move accomplished several important things. It revived a sagging aerospace industry, bringing it back to its cutting-edge lead in international technology. It established the permanent presence of a manned space program within the context of U.S. space exploration efforts. It once and for all established NASA as a viable civilian space agency, strong enough to stand on its own and free of dominance by the military; and it accelerated by many years development of equipment needed for a Moon mission, which in turn provided spinoffs on Earth that otherwise would not have been available to consumers until years later, from major advances in health care to the use of personal computers and much more.

³⁰ *Public Papers of the Presidents of the United States, 1963*, 883.

Certainly, there was a downside to his Apollo commitment — the massive gutting of the space bureaucracy after the goal had been accomplished and the resulting thousands of personnel laid off as a result of the project's fallout. But it is unfair to blame Kennedy for that.

Kennedy's commitment to land Americans on the Moon symbolizes the best of his space policy. The goal struck a deep chord with the American people — many remembered President Kennedy on July 20, 1969, as Neil Armstrong landed the lunar module, the Eagle, on the surface of the Moon.

That same day, Kennedy was also remembered at his resting place in Arlington National Cemetery. A note placed on his grave, by an unknown person, notified JFK that his dream had been realized. It read: "Mr. President, the Eagle has landed."

Kennedy speculated he might not live to see the Moon landing become reality. That's according to his brother-in-law, R. Sargent Shriver, who related the story to *The Miami Herald* the day Armstrong, Aldrin and Collins left for the Moon. The President, said Shriver, had told him and other family members that "if I die before it is (accomplished), all of you here now just remember when it happens I will be sitting up there in Heaven in a rocking chair just like this one, and I'll have a better view of it than anybody."³¹

³¹ Lewis, Richard S., *Appointment On the Moon: The Full Story of Americans in Space. From Explorer I to the Lunar Landing and Beyond*. The Viking Press, New York, 1969, 5.

Chapter 15

The Indochina Bind: John Kennedy and Vietnam

Albert I. Berger

Recently, when thinking about JFK and Vietnam, it occurred to me that I might offer a few observations from some frequently overlooked sources instead of a formal research paper. The sources are rather old; but they still seem instructive. The first is the late novelist Norman Mailer whose article entitled “Superman Comes to the Supermarket” appeared in *Esquire* magazine in the fall of 1960. The second is Daniel Ellsberg who included “The Quagmire Myth and the Stalemate Machine” in his 1972 collection of essays, *Papers on the War*. Finally, I want to draw on some insights developed in quite another context by James Warner Bellah and Willis Goldbeck.

Mailer’s article, like so much of what he wrote, was a synthesis of his genuine capacity for cultural insight broader and deeper than the usual run of journalism and his very considerable ego; but he captured a useful truth about John Kennedy nonetheless. “[H]e was,” Mailer wrote, “like an actor who had been cast as the candidate.” He was a good actor, but not a great one, according to Mailer. He said it was too easy to see the gap between the role and the man, the aloof detachment that many others noted about Kennedy; but he attributed that quality to “the remote and private air of a man who has traversed some lonely terrain of experience, of loss and gain, of nearness to death, which leaves him isolated from the mass of others.”¹ Yet Kennedy was not Mailer’s man, not at first. The emotional and literary high point of the article was Eugene McCarthy’s nomination of Adlai Stevenson, “the passion . . . of everything in America which was defeated, idealistic, innocent . . . the plea of the bewildered who hunger for simplicity again”² Yet Kennedy’s “potentiality to excite” intrigued Mailer; his election would be, he said, “an existential event: he would touch uncharted depths in American life. He understood that Kennedy’s politics were ordinary, even “prefabricated,” he expected his unconventional *persona* to push his political acts towards the conventional. He expressed his distaste for what he took to be the candidate’s “dullness of mind,” yet

one knew . . . that regardless of his overt politics, America’s tortured psychotic search for security would finally be torn loose from the feverish ghosts of its old generals . . . and we as a nation would finally be loose again in the historic seas of a national psyche which was willy-nilly and at last, again, adventurous. And that, I thought, that was the hope for America.

¹ Norman Mailer, “The Third Presidential Paper—The Existential Hero: Superman Comes to the Supermarket,” *The Presidential Papers* (New York: G. P. Putnam’s Sons, 1963; Berkeley Medallion rpt., 1970), 45, 48.

² *Ibid.*, 57.

“So,” he wrote later, “I swallowed my doubts, my disquiets . . . and did my best to write a piece which would help him to get elected.”³ The article was, by his own later admission, a meretricious act of propaganda, a distortion of reality written in a vain and ultimately unsuccessful effort to affect reality.⁴

Yet he was not wrong, at least not entirely. Kennedy had had two brushes with death—his own shipwreck and his older brother’s death in an aircraft explosion—and he was indeed an actor (if hardly the professional that Ronald Reagan had been). And his *persona* has eclipsed his reality. In the nearly half century since Mailer wrote, people’s memories of the flesh-and-blood John Fitzgerald Kennedy have become very fuzzy. Kennedy’s assassination (and the possibilities that it foreclosed) became the stuff of rumor, theory, speculation, and legend. Certainly, the Kennedy myth has obscured just how traditional JFK’s foreign policy was when he entered the presidency; and that myth has made credible the proposition that Kennedy was prepared to abandon American support for the Republic of Vietnam following the 1964 election. He might even have meant what he said to several associates about it. Yet he remained a very conventional politician whose unconventional public *persona* gave him no cover at all from some of the most powerful political forces loose across the land. A calculation of those forces suggest that his behavior had he lived would have been very different from those his admirers would like to believe and not at all different from that his successors actually demonstrated.

This is where Daniel Ellsberg comes in, and we must remember that Dr. Ellsberg was (and is) considerably more than a fast man with a Xerox machine. In “The Quagmire Myth and the Stalemate Machine” Ellsberg used what he called “the McNamara study,” the so-called Pentagon Papers, to dissect presidential decision-making on Vietnam in several administrations.⁵ His conclusions remain very, very troubling, and not only as they illuminate the origins of the American war in Vietnam.

What Ellsberg called “the quagmire myth” was the explanation for the disastrous descent into war offered in the late sixties by many former supporters—even architects—of the war who had come to oppose it. His principal example was Arthur Schlesinger, Jr.’s *The Bitter Heritage*.⁶ In Schlesinger’s model of decision-making, the Vietnam War was “a triumph of the politics of inadvertence Each step in the deepening of the American commitment was reasonably regarded at the time as the last that would be necessary. Yet, in retrospect, each step led only to the next, until we find ourselves entrapped in that nightmare of American strategists, a land war in Asia.”⁷

Using the McNamara study’s documents, Ellsberg then provides an almost microscopic analysis of one critical Kennedy administration decision: to send advisers

³ *Ibid.*, 26-27.

⁴ *Ibid.*, 60-61.

⁵ Daniel Ellsberg, “The Quagmire Myth and the Stalemate Machine,” in *Papers on the War* (New York: Simon and Schuster, 1972; Touchstone rpt., 1972), 42-131.

⁶ Arthur Schlesinger, Jr., *The Bitter Heritage: Vietnam and American Democracy, 1941-1966* (New York: Houghton Mifflin, 1968).

⁷ *Ibid.*, 47, quoted by Ellsberg, “Quagmire Myth,” 50.

and materiel assistance to Ngo Dinh Diem's South Vietnam in November 1961. The method thoroughly debunks Schlesinger's model. Kennedy and his councilors took that decision, and others, Ellsberg says, not in a spirit of overconfidence, but in a spirit of pessimistic crisis management, at times that the leadership frequently thought things were much worse than they were willing to explain to the American public. (The long quotations from documents not serve only as factual evidence; they illustrate Ellsberg's instruction in the art of reading bureaucratic memos.) Ellsberg argues that the Kennedy and Johnson administrations did not undertake initiatives in the vain hope that they might win the war with them; rather they did what they did in the grim hope that their actions would stave off defeat, at least for a little while. Why did they do that? And why does the record show that the actions they took were so frequently considered inadequate to the problem by so many professional observers of the Vietnamese conflict?

At that point in the analysis, Ellsberg turns to an earlier decision point, 1950 and Harry Truman's extension of military aid to France's effort to retain its colony. Simply put, Ellsberg's analysis sees that decision made in the context of the political heat that administration was taking (from Republicans, to be sure, but also from Democrats like young Representative John F. Kennedy of Massachusetts) for what people were calling "the loss of China."⁸ 1949 was a bad year for Truman and the Democrats and 1950 was going to be worse. The Communist victory in China's civil war had come only weeks following the first Soviet atomic explosion, and at about the same time that a jury convicted former State Department official Alger Hiss of perjury for denying he had been a Soviet spy in the 1930s. Klaus Fuchs, a Soviet spy on the Manhattan project, whose espionage was not in doubt after his confession, had just been caught in Great Britain. Secretary of State Acheson and his department spent over a thousand pages explaining the Communist victory in China and the lack of American control over it—to no avail. "The argument simply did not 'sell,' even though its logic rested on the unarguable facts. . . ."⁹ Instead, Americans, many of them anyway, chose to believe what Sen. Joe McCarthy told them: "This must be the product of a great conspiracy on a scale so immense as to dwarf any previous venture in the history of man."¹⁰ Truman and Acheson, indeed all Democrats tried to block that punch, but their aid to France in Vietnam and their immediate military support of invaded South Korea could not protect them. Having eked out an unexpected victory in 1948, the Democrats saw their power ebb away beginning in the 1950 Congressional elections. After the polls closed in 1952, the Democrats were shut out of power in both the executive and legislative branches.

By that time, not only had Truman and Acheson failed to preserve an anti-Communist China, they had also presided over a war that became a long and costly stalemate. They had made their choice of a Korean stalemate for very good reasons, a course and reasons with which the Joint Chiefs of Staff concurred. It didn't matter. With considerable help from the Republicans (which included Sen. Robert Taft's very explicit support of Sen. McCarthy), the people voted the Democrats out. Opponents and voters

⁸ *Ibid.*, 80-81.

⁹ *Ibid.*, 82.

¹⁰ Quoted *ibid.*

delivered a hard, hard lesson, which the Democrats learned well enough to leave them with two unspoken political rules. First, allow no country—especially no Asian country and particularly not Vietnam—to “go Communist” (or to develop a coalition including Communists or even to develop a legal Communist party) while you were in power in the United States. The price of failure in following this rule would be political extinction. Second, do not get into a land war on the mainland of Asia. Failure to follow this rule had lesser immediate consequences, especially if you were acting in accordance with rule number one. However, the United States could not win such a war at any price realistic Americans were willing to pay, and the failure to live up to the expectations of what Acheson called “believers in American omnipotence” would also knock you out of the corridors of power.¹¹ “If I tried to pull out completely now,” Kennedy said to Mike Mansfield in 1963, “we would have another Joe McCarthy red scare on our hands, but I can do it after I’m reelected. So we had better make damned sure that I *am* reelected.”¹²

Joe McCarthy and what a “Joe McCarthy red scare” could do was no abstraction to anyone in Kennedy’s foreign policy councils. Lyndon Johnson was a freshman senator through the years of McCarthy’s rise and fall and had seen how he had destroyed careers, including those of senators who took issue with him. Secretary of State Dean Rusk had been Assistant Secretary of State for Far Eastern Affairs during the Truman administration; and he was the *only* survivor among the State Department’s postwar cadre of senior Asia specialists. Kennedy himself had had to steer cautious courses personally and politically: there *was* some personal affinity between the two Irish-Catholic senators, Kennedy’s father liked him, and one of Kennedy’s sisters even dated him briefly. Yet if the two of them had to appeal to some of the same ethnic groups for support, Kennedy understood full well that he needed *both* them *and* the liberals who despised and feared McCarthy in order to win national office. Largely, he had ducked the issue and he may have been relieved when life-threatening surgery kept him away from McCarthy’s censure hearings.

Kennedy and his people were also, however, survivors of the Korean stalemate, the second half of Truman’s end-of-term purgatory which meant they were as afraid of violating Ellsberg’s second rule as they were of breaking the first. They had to be tough enough, and successful enough, to forestall a Communist Vietnam on their watch. At the same time, however, they did not want to do so much that they invited Chinese intervention and the nightmare land war in Asia. Hence, the second half of Ellsberg’s title, “the Stalemate Machine.”

That brings us to the insights of James Warner Bellah and Willis Goldbeck, Hollywood scriptwriters who adapted a Dorothy M. Johnson short story into the 1962 screenplay for one of John Ford’s classic westerns, *The Man Who Shot Liberty Valance*. James Stewart plays an eastern-educated lawyer who has moved to the frontier, an idealist seeking to be part of “civilizing” the West. Liberty Valance, played by Lee Marvin, is a hired gunslinger who represents everything Stewart’s character seeks to

¹¹ Dean Acheson, *Present at the Creation: My Years at the State Department* (New York: W. W. Norton, 1969), 303, quoted in Ellsberg, “Quagmire Myth,” 82.

¹² “LBJ and the Kennedys,” *Life*, August 7, 1970, quoted by Ellsberg, “Quagmire Myth,” 97.

overthrow. The tenderfoot lawyer ends up in a gunfight with Valance and he wins. And “the man who shot Liberty Valance” is thereupon elected to political office, eventually becoming a US Senator and Vice-Presidential candidate. But the lawyer *didn't* shoot Liberty Valance. A rancher—played by John Wayne—did, for personal reasons that have to do with the film’s romantic sub-plot. The film, in fact, depicts Stewart’s Senator trying to “set the record straight” by talking to a small group of reporters and editors. It doesn’t work. “This is the West,” they tell him. “When the fact becomes the legend, print the legend.”

Print the legend, indeed. One place to apply that insight is to the mythology of leaders. Certainly the legends thrown around Jack Kennedy and the ways they got there are real and important, as are the mythologies of Nikita Khrushchev, Mao Zedong, and Ho Chi Minh. So too are the things those leaders did, whether or not they are consistent with the mythology. Those myths exist in many different places, viewed by people with a wide variety of perspectives. We might well ask a question begged (and not answered) by Norman Mailer’s effort to make Kennedy exciting: how does what the military historian John Keegan calls “the mask of command” that a leader adopts influence the great business that leader transacts?

Yet there is something else. As Ellsberg demonstrates very well, both the perceived Kennedy and the real Kennedy acted in the midst of someone else’s legend as they sought to obey the rules of political survival in the Cold War. They had to live in the legendary world Joe McCarthy had convinced Americans was real. The Truman administration’s defense of its record in China was based on facts and sound reasoning; its behavior in Korea in accordance with sensible military advice. So too, both options, staying out of Vietnam, or going in with “war-winning” force were well and truly founded. It didn’t matter. It couldn’t “sell.”

Writer Richard Rovere once described McCarthy’s method as “the multiple untruth.” The many small lies McCarthy and his friends reeled off together created a much larger lie, but an opponent would fly off on a wild goose chase trying to discredit each small, component part of the Big Lie. An opponent who went after the Big Lie could be refuted by repetition of one or more of the component small lies. Now, McCarthy came, and eventually went, having made the mistake of making an enemy of Dwight Eisenhower. But the caricatures of the Cold War and the Democratic Party that the McCarthyites created persisted even though they were based on little more than partisan buncombe. They were the “facts” that had become legend; and the papers printed the legend.

One expects politics and political competition to have a role in determining the policy objectives the country will pursue with its military means. Politics and political competition are how a democratic republic does its public business. Yet it is unfortunate (to say the least) that we realize the very great degree to which a legend conjured up by one political party for the specific purpose of denigrating another was able to determine great questions of peace and war a half century ago. It is something else to recognize that

the papers, and a 24-hour news cycle, and the Drudge Report, still print McCarthy's legend, a half century later.

Chapter 16

The Cuban Missile Crisis and New Narratives of the Cold War

Albert I. Berger

The 13-day Cuban Missile Crisis was the most melodramatic and dangerous moment of the Cold War and in some ways scholars and the general public have taken it as a microcosm of the conflict as a whole. Even the names by which we know it are different on opposite sides of what Winston Churchill once named “the iron curtain.” The Soviets named their operation ANADYR, after a river in Siberia half a world away from its real object, and, even today, Russians know it as “the Caribbean Crisis.”

Even today, the American public and, especially, politicians construct a memory of the Cold War as a consequence of Soviet aggression. The so-called “Munich analogy” prevailed in American and western thinking. The United States had to lead the “free world” in resisting that aggression, lest the USSR get the impression that they could continue and expand it to the point where only another World War could stop them. Especially during the Kennedy administration, and especially during the crises over Berlin and Cuba, American leaders took every Soviet action as “a test of our resolve.” However, as more and more of the original documentary record becomes available, and especially as the archives of the Soviet Union and its former client states open up, one finds oneself looking at a very different narrative and coming to grips with very different questions. What the Soviet leadership was thinking was quite different from what the American leadership thought it was thinking. Of equal or greater importance, what the Soviets were thinking was different from what the American leadership told the American *public* it was thinking. The Soviet leadership and public were equally clueless about the Americans.

Nevertheless, even in this new narrative, the Caribbean crisis *remains* emblematic of the Cold War. The critical factors throughout the conflict, from 1943 to 1991, were American economic superiority, American strategic advantage over the USSR, and, at least through the Khrushchev years, efforts by the Soviets to deliver on the promises of a better material life made by the Communist Party to their own people. In a way perhaps not so different from Dwight Eisenhower’s “New Look” reliance on nuclear weapons and covert operations, the Soviets sought to leapfrog American leads in bomber strength by building up its strategic ballistic missile forces and by cultivating friendships in new nations then emerging from the colonial rule of the Americans’ European allies. As Dwight Eisenhower had once suggested they should be, the Soviets were afraid of American mili-

tary strength and what the United States might do with it. Bluster and bluff on Khrushchev's part substituted for advantages the USSR didn't have and a global military reach Khrushchev was unwilling to pay for. The trouble was that catch-up turned out to be the most dangerous game of all in the nuclear age.

The very clear understanding of their strategic weakness on the part of the Soviet leadership went almost completely unnoticed by their American counterparts. The Americans' great economic power, their advanced technology, their initial leads in nuclear weapons and launch vehicles, and their geographic advantages sat in the forefront of Soviet thinking throughout the 1950s. American U-2 spy plane flights over Soviet territory flaunted this strength even as they uncovered the USSR's weakness. At the same time, Khrushchev in particular believed that the Soviet Union could gain strength by currying allies in the developing world, where many nations were just emerging from more than a century of European colonial rule. For its part, the United States regarded Latin America as a sacrosanct sphere of influence. Stalin had respected that position. Khrushchev did not. The Soviets did not create Castro's revolution, but they were nonetheless willing to embrace it. The United States refused to tolerate a quasi-Socialist regime, a Soviet client state, in the western hemisphere. Before 1962, two administrations had unleashed diplomats, economic sanctions, spies, propagandists, assassins, agents, and even a miniature army to get rid of it.

The spectacular failure of the American-sponsored invasion of Cuba at the Bay of Pigs in 1961 actually encouraged the Kennedy administration to think about going after Castro again, by any means necessary, including the use of overt military force if it came to that. Kennedy had, after all, attacked Eisenhower's record with Castro and Cuba during the 1960 presidential campaign. Now he wanted to make sure that Khrushchev and the American electorate both understood that he was a tough and resolute leader of the United States' side of the Cold War. Neither the Cubans nor the Soviets learned about or understood all aspects of the planning for Kennedy's continuing campaign against Castro; but in the contexts of what they feared and what their ideology taught them, they knew enough to be afraid. The CIA's infiltration and sabotage campaign, Operation MONGOOSE, was not yet a prelude to a full-scale landing in mid-1962; but it might have been. American naval exercises for such a landing clearly signaled what might be on the horizon. Getting wrong the difference between American capabilities—even American contingency planning—and actual American intent represented a Soviet intelligence failure. It was, however, a failure easy to understand, and Cuban and Soviet intelligence erred on what they thought was the side of prudence.

At the same time (and from their point of view, more significantly), the Soviet leadership had to confront their substantially weaker position in the strategic nuclear confrontation with the Americans. Their shorter-range rockets could devastate Western Europe but they had a ballistic missile strike force capable of striking the United States only one-tenth the size of the force with which the United States could strike them. Meanwhile, Khrushchev could sit on the beach beside his villa on the Black Sea and visualize across the water the Jupiter missiles the Americans had emplaced through NATO in Turkey. These were rockets that could strike the Soviet Union in ten minutes. Khrushchev

and his colleagues might quite literally never know what hit them. And as early as 1959, Dwight Eisenhower had compared such a NATO base with Soviet missiles in Mexico or Cuba that might warrant anything from serious concern to direct military action. By early 1962 those missiles, fifteen of them, were operational. So were others in Britain and Italy.

Khrushchev's proposal was a stroke that was bold and imaginative, but not at all prudent. Properly respectful of the destructive power of thermonuclear explosions, and convinced that such weapons could never actually be used, Khrushchev moved, in the spring of 1962, to kill two, or even three or four, birds with one stone. The Americans would eventually discover launch sites for about forty medium- and intermediate-range ballistic missiles with one-megaton warheads, along with a squadron or so of obsolete, but nuclear-capable bombers, surface-to-air missiles to protect them, and a contingent of Soviet technicians to operate the complex. What Khrushchev actually sent was a powerful, integrated military force of 42,000 (about the same size as the American command in South Korea) that could maintain and launch the land-based ballistic missiles, support patrols in American waters by Soviet missile-launching submarines, and defend Cuba from an American invasion. In addition to the strategic rockets, bombers, and anti-aircraft equipment, the Soviet weapons included motorized infantry regiments, tanks, and short-range cruise missiles tipped with tactical nuclear weapons. Most of these last warheads were small; the largest were only about the size of the bomb that had destroyed Hiroshima.

ANADYR's success required that the ballistic missiles remain undetected until they became operational at which point action to remove them could lead to their launch. Other Kremlin leaders had warned Khrushchev of the general risks he was running, and military advisers had warned specifically that American aerial reconnaissance would most likely discover the installations before they were ready to fire. The failure of Khrushchev's gamble instantly created two dilemmas: once the United States discovered the missiles the administration had to decide what to do about them. A week later, Kennedy and his aides had made their decisions and the Soviet Presidium had to decide what to do in response to American demands that were far more rigorous than Khrushchev had anticipated. Neither government *wanted* to back down; each realized (to a degree) that both of them *had to* back down. Both were painfully aware that one wrong move (whether deliberate, miscalculated, or simply accidental) could begin a global thermonuclear war.

After gathering his senior advisers (collectively named the "Executive Committee of the National Security Council" or "ExComm"), Kennedy initially intended to send an air strike to destroy the missiles where they lay. Gradually, the American leadership realized that bombing alone could not guarantee the destruction of the entire complex; and ExComm began to talk about a full-scale invasion of Cuba projected to cost over 18,000 casualties. The actual costs would likely have been far higher than that; intelligence had substantially underestimated the forces—tactical nuclear weapons and relatively large conventional ground forces—that would have opposed an American landing. However, even the underestimated resistance gave ExComm pause. Diplomacy was never a first

option. Kennedy feared that opening with a diplomatic move would make him look weak. However, ExComm discussed diplomatic solutions, including proposals to remove the American missiles in Turkey in trade for the Soviet missiles in Cuba, throughout the first week of the crisis. For several reasons, Kennedy did not like the idea of “trading” the missiles in Turkey for those in Cuba. Only as Kennedy and his aides realized that a direct assault was unworkable did they allow themselves to accept the less immediately violent course of a naval blockade. The “quarantine” provided a show of military force sufficient to impress both the Soviets and American Cold War politics, while providing some room to think between drawing the guns and firing them.

The Soviets first realized on October 22nd that the Americans had found them out. It was the morning before Kennedy announced the discovery of the missiles and the blockade intended to force the USSR to remove them. Although some of their nuclear weapons in Cuba were already operational, they had, surprisingly, made no plans for how to use them if the United States actually attacked the island. Led by Khrushchev, the Presidium, the collective leadership of the Soviet Communist party, debated as heatedly as ExComm had for the previous week, and then backed down. The longest-range missiles and some of the warheads were still at sea. Defying Kennedy’s blockade might start a war, but even if it did not, the US Navy might well capture some of the USSR’s most advanced military technology while it was still crossing the Atlantic. They continued to deny Kennedy’s charges in public, but the Americans had the military and geographic advantage. And they had photographic proof that they presented to a live, televised session of the United Nations Security Council.

To defend Cuba against an American attack, the Soviets and the Cubans could have made do with what they had already had there: the strategic rockets—with their one-megaton warheads—250,000 Cuban troops, 40,000 Soviet troops and their nuclear backups, and the anti-aircraft installations, but they didn’t. Kennedy’s flat-out refusal to tolerate the missiles in Cuba had had exactly, and immediately, the impact he wanted, although, perilously, he didn’t know it. The idea of a Soviet strategic base was instantly dead. As for his ally, Khrushchev would better have followed the instincts that told him that no one could actually *use* nuclear weapons. The Americans had not been willing to use them to defend their position in Berlin and (to Fidel Castro’s infuriated dismay) Khrushchev was not willing to use them to defend Cuba. Khrushchev’s problems were now two-fold. First, how could he descend from the limb he had climbed out on, without his country losing too much face? Secondly, he, like Kennedy, had to keep the crisis from spinning out of control and igniting a war no one wanted.

It is ironic, and frightening, that the most dangerous moment of the crisis came *after* the Soviets had agreed to the United States’ principal demand, but before the United States realized it, and before the deal had actually been closed. The situation was so tense in Washington on the evening of Saturday, October 27th, that the American Secretary of Defense wondered if he had seen his last sunset.

Khrushchev had on October 26th written to Kennedy offering to remove the ballistic missiles in return for a simple pledge that the US would not invade Cuba. Before

Kennedy had a chance to respond, however, Khrushchev sent a second letter received on the morning of October 27th adding to his price a demand to trade for the American missiles in Turkey. While ExComm and the President wondered if the Soviets were double-crossing them, or if hard-liners had deposed Khrushchev, a Soviet anti-aircraft commander, without authorization, shot down a U-2 with a surface-to-air missile. With the possibility of a peaceful solution apparently receding, the American military began to implement more of their contingency plans for an invasion of Cuba. Soviet forces were preparing to repel them, although without authority to use their nuclear weapons.

It was all the result of confusion, but then so was the eventual resolution of the crisis. After he had sent his first letter, Khrushchev interpreted an article by the American columnist Walter Lippmann proposing a Turkey-Cuba missile swap as Kennedy's signal that he was willing to make such a trade. Upset and angry, and unaware of all the circumstances, Kennedy chose to accept Khrushchev's first, lower-priced proposal. Shaken by the unauthorized missile firing, Khrushchev chose to accept Kennedy's deal before things got completely out of hand. At the same time, however, Kennedy, equally disturbed, sent his brother Attorney General Robert Kennedy to Soviet Ambassador Dobrynin to accept the missile swap, *provided* that the agreement to do so was kept secret. Khrushchev, understanding that he had at last gotten lucky, broadcast his acceptance on Radio Moscow at mid-morning 28 October (Washington time). The two countries had to clean up some details over the next month (some of them serious); but it was over.

Since the missile swap was kept secret, and implemented months later, no one ever successfully accused Kennedy of appeasement. Since he had cleared up the strategic threat, he looked good because he "stood up to the Russians" successfully, especially on Cuba. Since he had cleared up the strategic threat without war, he looked good to other Americans because he had stood up to the "hard liners," who had argued for immediate and risky military action. (We do not yet know much about the counterparts debating in the Kremlin.) Kennedy had given himself the Cold War credibility that allowed him to argue for peaceful relations between his country and the USSR in a commencement address at Washington's American University in June 1963.

Seen by most Americans as an act of Soviet aggression in their own backyard, ANADYR was actually Khrushchev's attempt to redress the endemic weaknesses of Soviet military power while, secondarily, defending the Castro regime. It seems to me that, from a military standpoint Kennedy's pledge was a more effective shield for the Castro regime than an isolated outpost, even a large and nuclear-armed outpost, might have been. (Remember, if you will, the fate of the American-occupied Philippines in the five months after Pearl Harbor.) Khrushchev had given the United States a "taste of its own medicine" and he had eliminated the Turkish missiles that he considered humiliating as well as threatening. In that sense he could and did argue that he had won. But the strategic base in the western hemisphere was more important and he had lost it, as he had lost considerable face in the Kremlin. Eventually, he lost his job and his successors replaced his foreign policy of assertive, blustery bluffs masking weakness with long-term, expensive plans to eliminate the weakness in reality.

The Soviets had taken enormous risks to create what they saw as a long overdue capability to strike the United States with nuclear weapons and the magnitude of those risks sobered all the leaders who survived it. Influential factions within the American and Soviet leadership came to realize that (like nuclear tests) competition for nuclear advantage might become more dangerous than even their most mortal enemies. Even when all parties wanted to keep a crisis from escalating, miscalculation, mischance, or communications failure would always threaten to send it spiraling out of control. The US and the USSR had approached such a disaster closely enough that both sides came to appreciate that the crisis itself was too dangerous ever to repeat. The world after ANADYR would not again come so close to nuclear war.

The global brush with death brought no respite to the Cold War (in fact, some arms buildups grew faster); but it did mark a turning point in the superpower conflict. Thereafter, the United States and the Soviet Union could sign some agreements that had never before been in reach, and negotiations to place controls on nuclear weapons began and became institutionalized—although consummation would take nearly a decade. In the United States, John Kennedy's apparent victory, without war, earned him a reputation for Cold War management that despite critics who said he was either too reckless or too meek, eventually overshadowed the failures of his early months in power and the disaster of the Bay of Pigs. The resolution to the confrontation contributed to the success of Kennedy's abbreviated third year in office; and it remains a central element of his historical reputation. The crisis' drama made it one of the most studied aspects of Kennedy's presidency, or any other. The initial public record (from only one side) made it, literally, a textbook case study in American public decision-making and crisis management. However, it was a one-sided case study based on mythology and the impossibility of admitting, in either Washington or Moscow, that the peaceful resolution depended very largely on two somewhat reckless men who, *in extremis*, abandoned ideology in favor of their shared preference for life over death.

In Moscow, Khrushchev's retreat from the confrontation was a principal reason the Presidium unseated him as its leader. His colleagues regarded him as too reckless and too clever in seeking to bluff the United States. Recognizing, as Khrushchev had, that the USSR held a weaker hand than the Americans, his successors proceeded to abandon bluff for a new deck of cards, ships, and aircraft, and more missiles in quantities that created "parity" with the United States within a decade of the crisis. And this may be why the peace was preserved.

October 1962 highlighted the fact that a nuclear arms race creates situations defying what many still see as "common sense." Neither military secrecy nor military superiority guarantees a nation's safety any longer. The threat from nuclear weapons is so great that one country's superiority only makes it imperative for that country's adversaries to overcome it, by any means possible. The effort alone can lead to the possibility of destruction. Secrecy, if successful, can conceal—anything. Since the adversary firing first would have the advantage in a nuclear exchange, ignorance and fear can together create the temptation to "pre-empt" an adversary's first strike with one's own.

Under the circumstances that prevailed during the Cold War, national survival relied on a “balance of terror.” Peace depended on two things: a situation in which both adversaries possessed roughly equivalent arsenals, so that if either one of them started a fight they would face “mutually assured destruction”; and an international regime that—through diplomacy or technology—allowed even the most bitter enemies to see what each other was doing all the time. Since these insights are counterintuitive, and since they run counter to traditional military thinking, they became and remained controversial elements over American political debates about nuclear arms control and nuclear preparedness until the Cold War was over and even more recently.

This new narrative of the Missile Crisis differs markedly from both the standard and revisionist interpretations offered from various American historians. Yet its role as an emblematic microcosm remains. Most notably, the story suggests that partisans of both the Soviet and western side of the Cold War are wrong in their Manichean explanations of it. It would be a mistake to discount the role of ideology, as Vladislav Zubok emphasizes in his histories of Soviet foreign policy. It would also be a mistake to attribute an ideological motivation to only one side. Both superpowers believed in their own missionary faiths. Both sides believed in their respective manifest destinies. And, of course, both sides believed in the traditionally defined national interests that also motivated them as those interests appeared modified by the marriage of nuclear weapons and ballistic missiles. Neither really won and neither really lost, which is a good thing. But, most important, politicians then and now (there and here) notwithstanding, neither was truly innocent.

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PART IV

JFK AND THE UNITED STATES

Chapter 17

The Kennedy Justice Department's Enforcement of Civil Rights: A View from the Trenches

Brian K. Landsberg

Introduction

The Kennedy Justice Department faced challenges with no modern precedent: the Southern defiance of the Supreme Court's decision in *Brown v. Board of Education*, the rise of non-violent protests on a massive scale, and the Administration's desire to break a racial caste system that it did not fully understand. Reconstruction provided a precedent for federal action, but the President was, to some extent, a captive of the myth that federal intervention had been a colossal failure, leading only to misrule and racial division.

Much has been written about President Kennedy's mixed record on civil rights — his philosophical commitment to equality, his ambiguous votes on civil rights bills as a Senator, his letter regarding Dr. Martin Luther King, Jr.'s prison term in Georgia, his decision not to make civil rights a priority at the beginning of his presidency, his appointment of racist federal judges in the South, his proposal of comprehensive civil rights legislation after two and a half years as President, and so on.¹ In the 1960's and 1970's, several books and articles focused critically on the work of the Kennedy Department of Justice relating to civil rights.² According to those critiques, the Department's voting rights enforcement was ineffectual, it refused to protect civil rights workers from official and private violence, and it was only reactive with respect to school desegregation. Reevaluation of one aspect of the work of the Division during that period yields a more nuanced and largely positive picture and suggests that scholars should take a second look.³

¹ See, e.g., Nick Bryant, *The Bystander: John F. Kennedy and the Struggle for Black Equality* (Basic Books 2006); Ted Sorensen, *Counselor: A Life at the Edge of History* (Harper 2008).

² See, e.g., Haywood Burns, *The Federal Government and Civil Rights, in Southern Justice* (Leon Friedman ed., Random House 1965); Victor S. Navasky, *Kennedy Justice* (Atheneum 1971); Richard Harris, *Justice: The Crisis of Law, Order and Freedom in America* (E.P. Dutton & Co. 1970).

³ This period preceded my own work with the Civil Rights Division. I was offered a job with the Division in the fall of 1963, but could not begin work until cleared by the FBI and funded by Congress. I was in the air from Sacramento to Washington, D.C. on

I approach this topic as a lawyer, not as a historian or political scientist, who would view the work of the Justice Department solely through the lens of politics. The political lens is important, but I believe that a complete understanding of the Kennedy Justice Department must also be based on the placement of the Civil Rights Division's work in its legal and practical framework. The Division exercises limited enforcement authority, defined primarily by statutes. In January 1961, the Division was three years old, the newest and smallest Division in the Department of Justice. The Department enforced the law through court actions. The courts had not yet defined the scope of forbidden state discrimination, had found limits on coverage of private action, and tried criminal cases before virtually all-white juries who sympathized with the existing racial caste system. There was no federal police force, and the Federal Bureau of Investigation was more interested in bank robbers and Communists than in racial discrimination. While nominally a part of the Department of Justice, in practice the FBI was the private fiefdom of J. Edgar Hoover.

In evaluating the performance of the Civil Rights Division, it is not enough to ask what the Division could have done in any individual instance. Racial discrimination against African-Americans was the norm in the deep South, so it was inevitable that, given the Division's limited staff,⁴ the Division failed to act in some instances. One must evaluate those failures in the context of the overall performance of the Division.

Moreover, in assessing whether the Division should have stretched the law, taken extra-judicial actions, or imposed a heavier Federal law enforcement presence, one must bear in mind the precedential impact of government decision-making during the civil rights era. We must ask whether we want a Department of Justice that stretches the law, takes extra-judicial actions, or imposes a heavy Federal law enforcement presence.

After first briefly sketching out the circumstances under which the Kennedy Civil Rights Division operated, I will begin to paint a picture of the work of the Division on a micro scale; I believe this approach will help fill in the picture painted by those who have written at a macro level. This is a longer-term project. For this paper, I have relied primarily upon reports of the Civil Rights Division on its voting rights cases, Annual Reports of the Attorney General, Civil Rights Commission reports, court opinions, and the files of one Division attorney who served during that period. Together, these sources portray a small band of lawyers and support staff engaged in a Sisyphean effort to secure the right to vote, while at the same time devising ways to combat racial segregation of schools and interstate transportation. The Division did this even though Congress failed to authorize a direct frontal attack on racial segregation.

November 22, 1963, when the pilot informed us that President Kennedy had been shot. I began work in January 1964, under President Johnson and Attorney General Robert F. Kennedy.

⁴ See *infra*, 4-5.

The turbulent years, 1961-63, saw so much civil rights activity, race-based discrimination and violence that it is difficult to single out any one issue as most important. Michal Belknap has written about the Department's record in response to violent intimidation of African-Americans in the South, in his article, *The Vindication of Burke Marshall: The Southern Legal System and the Anti-Civil-Rights Violence of the 1960s*.⁵ I have written about the Civil Rights Division's enforcement of Voting Rights, in *Free at Last to Vote: The Alabama Origins of the Voting Rights Act*. My paper will not focus on those important areas, but will look at the Kennedy Justice Department's record in combating school segregation — an area where the Department's authority was much less clear. Despite the lack of clear authority, the Kennedy Justice Department actively adopted innovative legal techniques to bring about school desegregation.

I. Limits on Authority

The Department of Justice was created by Congress in 1870. Its authority is defined by the legislature. The Supreme Court can, in turn, expand or shrink the definition provided by the legislature. For example, Congress in 1875 granted the Department of Justice authority to prosecute individuals who discriminatorily denied access to public accommodations based on race, but the Supreme Court declared that law unconstitutional in *The Civil Rights Cases* of 1883, effectively limiting the authority Congress had bestowed on the Department of Justice. In 1957, Congress considered a civil rights bill that included Title III, which would have given the Department extensive authority to bring suits against those that violated constitutional rights. Over the objection of then-Senator John F. Kennedy, Title III was stripped from the bill, which was subsequently enacted as the Civil Rights Act of 1957. It was this law that created the Civil Rights Division. When the Kennedy Administration took office, the Division's statutory jurisdiction was limited to enforcing laws against racial discrimination in voting, criminal deprivations of civil rights, and slavery. Burke Marshall, who became the Kennedy Administration's Assistant Attorney General for Civil Rights in May of 1961, observed in an interview for *Eyes on the Prize*:

[W]hen the Kennedy Administration started, the only... statutory authority it had through the Department of Justice was... in voting rights. So that the first goal of the Department of Justice was to bring a whole lot of voting rights cases....⁶

Marshall took the limitations on the Department of Justice's authority seriously. He recognized the long term dangers if the Department were to take the law into its own hands, or to seek to act without the permission of Congress or the courts. Marshall did

⁵ 33 Emory L.J. 93 (1984).

⁶ *Eyes on the Prize* Interview with Burke Marshall (Nov. 4, 1985), available at <http://digital.wustl.edu>.

not mention the criminal laws in his interview, presumably because it was virtually impossible to get a Southern all-white jury to convict a white person for a crime of violence against civil rights workers. And, the Division generally did not bring cases to enforce *Brown v. Board of Education*'s ban on school segregation, because it had no statutory authority to bring such cases. Burke Marshall's top assistant, John Doar, explained:

We didn't have any jurisdiction to bring school cases at that time, and we only entered school cases as friends of the court, or if there was a violation of a federal court order.⁷

Congress had, in short, not granted the Department authority to address the many facets of the racial caste system in an effective way. John Doar described the strategy:

I was engaged with ... trying to see that the laws were enforced or building a record of why the existing laws weren't effective. And ... you do that by trying to make the existing laws as effective as you can. And that's what we did.⁸

II. History and Makeup of the Civil Rights Division

As mentioned previously, the Division was formed in December 1957, as a result of Congress' passage of the Civil Rights Act of 1957. Initially, the nucleus of its lawyers was composed of lawyers from the Civil Rights Section of the Criminal Division. Under President Eisenhower, the Department of Justice began its Honors Program, hiring the best qualified law school graduates instead of relying on the old system of cronyism and patronage. The first Division career attorney hired under Attorney General Kennedy was a Republican, Arvid Sather. In addition, the Attorney General kept John Doar, a political appointee toward the end of the Eisenhower administration, in the number two post in the Division.

Burke Marshall described the Division at the beginning of his tenure as Assistant Attorney General this way:

Many of the lawyers in the civil rights division were young and had recently been recruited. They were recruited because they had a commitment to the cause of racial justice, but they didn't know anything, in a way, they had no experience ... with the reaction that was going to take place to, against the movement for racial justice. The Attorney General was new in his job.... I was out of a big law firm in Washington with a corporate practice....⁹

⁷ Eyes on the Prize Interview with John Doar (Nov. 15, 1985), *available at* <http://digital.wustl.edu>.

⁸ *Ibid.*

⁹ Marshall interview, *supra* note 6.

The Division, which four years earlier began with a staff of fifteen lawyers, had barely over twenty on January 20, 1961, when President Kennedy was inaugurated. The Division grew from this modest beginning, eventually reaching a size of about 40 attorneys in August 1963.¹⁰ The Division had initially been composed primarily of “desk” lawyers, who reviewed files, made recommendations, but did not spend much time in the areas where the racial caste system was entrenched. By the time the Kennedy administration took office, Assistant Attorney General Harold Tyler and his top assistant, John Doar, had already begun to change the way the Division operated. Attorney General Kennedy embraced the new style: sending attorneys into the field in order to create relationships with local people, to begin understanding how the caste system operated, and to find the best cases to litigate. This new style was, in part, necessitated by the limited usefulness of the Federal Bureau of Investigation, whose leader, J. Edgar Hoover, had a “mindset that was anti-civil rights movement” and who viewed the Bureau’s job with respect to civil rights investigations very narrowly.¹¹ Division attorneys were expected to work very hard and to work long hours. Thus, career attorney David L. Norman estimated that he worked an average of 25 hours of overtime per week. The Annual Report for the year ending June 30, 1961 noted that the field work “has required a serious work load problem, as evidenced by the fact that twenty-five Division attorneys have spent an accumulated 904 days in the field during the past fiscal year.”¹²

The Division worked primarily through lawsuits in the federal courts. Some southern U.S. District Court Judges, including some Kennedy appointees, were often hostile to civil rights, some regarded civil rights cases skeptically, and only a few were strong enforcers of civil rights. Under the law, district judges’ findings of fact could be overturned by higher courts only if they were “clearly erroneous,” a very significant barrier to any fact-based appeal. So the Division sought to present iron-clad cases; it treated every case as if it would lose in the district court and have to take an appeal under the exacting, clearly erroneous standard of review.

The Division had no police force available to enforce the law. In cases of emergency, U.S. Marshals could be deployed, and in a few extreme cases the President was able to deploy the military and nationalize the national guard. The Kennedy administration had a well-founded belief that a national police force, or a regional one confined to the South, posed great danger to liberty and the federal system and would not, in any event, be effective in stopping racial violence directed at civil rights workers. Indeed, killings of civil rights activists Viola Liuzzo and James Reeb in Selma, Alabama

¹⁰ Testimony of Attorney General Robert F. Kennedy, Committee on the Judiciary, United States Senate, 242 (Aug. 1, 1963).

¹¹ *Ibid.*

¹² Annual Report of the Attorney General 1961, 167-68.

and the shooting of James Meredith during his march in Mississippi occurred during a period of heavy federal presence.

Despite its limited authority, the Civil Rights Division fought a multi-front war. Top priority was given to the right to vote, both because that was where the Division's authority was greatest and also because it was viewed as a right that, once secured, would lead to other rights. Although the Congress had rejected a proposal that would have given the Division broad authority to vindicate other constitutional rights, including the right to equal education, the Division treated school desegregation as a high priority. It participated in several cases as a "litigating amicus curiae," a status initially justified as related to enforcement of court orders. It filed amicus curiae briefs with the Solicitor General in Supreme Court cases involving school desegregation and sit-ins. It also sought to bring desegregation suits on behalf of children in military families in school districts in Mississippi, Alabama, Maryland, and Virginia. It brought suits to desegregate interstate transportation facilities, such as bus stations and airports. And, it worked on solutions to various violent crises, such as the Freedom Rides, bombings in Birmingham, interference with desegregation, and the sit-ins. One can get a small picture of the range of the Division's activities, and of what Richard Reeves calls the "density of event,"¹³ from a chronology I have created, which primarily lists Civil Rights Division activity in court. The chronology is attached to this paper.

III. School Desegregation

The Deep South reacted to *Brown v. Board of Education* by adopting a posture of massive resistance. When President Kennedy took office, no schools in Alabama, Georgia, Mississippi or South Carolina were desegregated, and only one African-American student attended a desegregated school in Louisiana.¹⁴ Today, it is difficult to understand the depth and breadth of Southern white resistance to school desegregation. Efforts to enforce *Brown* faced multiple obstacles including repression of the primary initiator of desegregation cases, NAACP; state legislation; threats of violence; uncertainty as to what steps *Brown* required; and lack of resources. One obvious solution was to enlist federal law enforcement. In theory, refusal to desegregate violated a criminal statute forbidding official conduct that willfully deprived any person of constitutional rights. However, that statute had normally been used to prosecute violent acts by government officials, and in any event, it was clear that no southern jury would convict an official for enforcing the state's segregation laws. The Eisenhower Justice Department was of the view that the ambiguities of *Brown* would make it difficult to bring criminal prosecutions against school officials who failed to desegregate. Attorney General Brownell opined that "the discretion vested in the district courts" by *Brown* was a barrier

¹³ Richard Reeves, *President Kennedy: Profile of Power*, 19 (Simon & Schuster 1993).

¹⁴ 1961 United States Commission on Civil Rights Report, Vol. 2, Education, 238.

to prosecute under the federal criminal civil rights statute.¹⁵ Neither desegregation nor respect for the rule of law would be promoted by criminal prosecutions that were guaranteed to fail. The more promising route was to bring civil suits seeking to enjoin school segregation. These would not require a jury trial. However, Congress had not authorized the Department of Justice to bring civil suits to desegregate the schools.

The Attorney General could have decided to bring desegregation suits despite the lack of congressional authority. There was some precedent for the Justice Department's non-statutory authority¹⁶. However, in both the Eisenhower and Kennedy administrations, the Department took the position that without congressional authorization it could not bring a civil suit to enjoin violations of the Constitution. There were policy, practical, legal, and political reasons for this position. As a policy matter, such suits would be inconsistent with respect for the separation of powers as Congress had rejected Part III of the Civil Rights Act of 1957. Practical considerations included the Civil Rights Division's limited staff and its decision to emphasize suits against discrimination in voter registration. Legally, the Congress' decision to delete Part III from the Civil Rights Act of 1957 would likely have led courts to infer that Congress meant to limit the Department's authority to what was explicitly granted. The legislative history of the Act reflects that the deletion of Part III stemmed largely from a desire not to "approve the race-mixing decision of the Supreme Court of May 1954."¹⁷ This point was underscored by the contrast between the powers granted to the Civil Rights Division [to bring voting discrimination cases] and those granted to the Civil Rights Commission [to investigate voting discrimination AND denials of equal protection of the laws]. Politically, proceeding without congressional authority might alienate moderates on whom the Administration would have to rely to get its program through Congress and Congress was unlikely to increase staff size to enable a school desegregation initiative.

The Kennedy Justice Department's approach to school desegregation has drawn criticism. Victor Navasky described it this way: "Candidate Kennedy had promised innovative litigation to speed school desegregation, but President Kennedy ignored the counsel of men like Harvard's Paul Freund and Mark De Wolfe Howe, Philip Elman of the Solicitor General's office and William Taylor (eventually director of the Civil Rights Commission under LBJ), who advised, according to a confidential memo prepared by civil rights aide Harris Wofford, that the government could sue to desegregate schools

¹⁵ See Brian K. Landsberg, *Enforcing Civil Rights: Race Discrimination and the Department of Justice*, 138 (University Press of Kansas 1997).

¹⁶ See *In re Debs*, 158 U.S. 562 (1895).

¹⁷ Statement of Senator Richard Russell of Georgia and other materials reprinted in Brian K. Landsberg, *Enforcing Civil Rights: Race Discrimination and the Department of Justice* 12, 187 n. 43 (University Press of Kansas 1997).

with no new legislation.”¹⁸ The critics of the Kennedy Justice Department do not discuss the legal merits of this approach nor do they consider the consequences that might have ensued if the government were to bring school desegregation suits and the courts rejected the suits on the ground that the Attorney General lacked authority to bring them.

The decision not to assert a general power to enforce *Brown* did not, however, mean that the Kennedy Justice Department would ignore school desegregation. Robert F. Kennedy gave his first speech as Attorney General at the University of Georgia Law School in May 1961. The Attorney General showed great courage when, before an auditorium of Southern whites plus the two lone African-Americans attending the University of Georgia, Kennedy expressed personal agreement with the decision in *Brown v. Board of Education*. He urged the people of the South to comply with *Brown*, whether they agreed with it or not. He noted that he had already conferred with Southern officials on a variety of issues and was “trying to achieve amicable, voluntary solutions without going to court” in school desegregation cases. However, if voluntary efforts failed, he said the Department would take legal action to enforce the laws. Stressing the need for national unity, he issued a challenge: “For on this generation of Americans falls the full burden of proving to the world that we really mean it when we say all men are created equal and are equal before the law.”¹⁹

The Attorney General’s speech made clear his commitment to school desegregation, both because it was right and because the law demanded it. The question, according to one critic, is whether “there was a clear dissonance between Kennedy’s words and his actions.”²⁰ I think that is too simplistic a question. It fails to place the words and actions in the context of the time. It also fails to recognize that inspirational words may coexist with practicing the art of the possible. Finally, it fails to take account of developments over time. The critique challenges this course of action: instead of trying to assert a general authority to bring school desegregation cases, the Justice Department followed a more cautious course of action. The Department tried through negotiation with local school officials to bring about peaceful desegregation in some

¹⁸ Victor Navasky, *Kennedy Justice* 97-98 (Atheneum 1971); see also Nick Bryant, *supra* note 1, at 250-260 (alleging that Attorney General Kennedy “had no intention of hastening the pace of school integration,” and criticizing failure to intervene forcefully and the reliance on seeking “compliance without confrontation,” as he put it). *But see*, J.W. Peltason, *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation* 253 (Harcourt, Brace and World 1961) (Peltason criticizes the solely reactive role of the Eisenhower administration and notes that the Kennedy Justice Department had “started to take a more active role in school desegregation cases.”).

¹⁹ Speech of Robert F. Kennedy, University of Georgia Law School (May 6, 1961) available at <http://www.rfkmemorial.org/lifevision/universityofgeorgialawschool/>.

²⁰ Nick Bryant, *supra* note 1, at 260.

urban school districts.²¹ More important, the Civil Rights Division looked for other means of enforcement. It followed a multi-prong approach: traditional amicus curiae participation in desegregation cases; enlarging the traditional amicus role; bringing suit or intervening in private suits in order to enforce existing federal court orders; bringing suit on behalf of children of federal employees in federally impacted school districts; and the use of emergency powers to combat interference with school desegregation orders. Some of these techniques had already been used in the Eisenhower administration.

A. Traditional Amicus Curiae Participation in Desegregation Cases

The Rules that apply to the Supreme Court and U.S. courts of appeal allowed the United States to participate in cases in those courts as amicus curiae [friend of the court]. The U.S. had done so in *Brown v. Board of Education*, first urging an end to the doctrine of separate but equal and later arguing that “the vindication of the constitutional rights involved should be as prompt as feasible.”²² Early in the Kennedy administration, the Department of Justice was invited to file a brief in a school desegregation case in New York. It filed such a brief in the district court in May 1961 and another in the court of appeals during the summer of 1961.²³ In January 1963, the Department filed a brief as amicus curiae in the only school desegregation case to reach the Supreme Court during the Kennedy Administration. Assistant Attorney General Burke Marshall argued the case in the Supreme Court in March. The issue in that case was the validity of a desegregation plan, which allowed students whose race was in the minority in the school to which they were assigned to transfer to a school in which their race was in the majority. The Department argued that the plan was unconstitutional, and the Court agreed.²⁴ The Department also pointed out the snail’s pace of school desegregation in the South and argued that *Brown* required “the elimination of segregation as soon as possible,” and that the school boards had a heavy burden to justify any delays. The brief argued: “A prerequisite of every acceptable plan of desegregation is that it move definitely and expeditiously away from the old regime of racial discrimination.”²⁵

B. Enlarging the Traditional Amicus Curiae Role

²¹ Nick Bryant, *supra* note 1, at 255.

²² Brief of United States on Relief at 4, *Brown v. Board of Education*, 349 U.S. 294 (1955).

²³ *Taylor v. Bd. of Educ.*, 191 F. Supp. 181 (S.D.N.Y.), *aff’d*, 294 F.2d 36 (2d Cir. 1961), *cert. denied* 368 U.S. 940 (1961).

²⁴ *Goss v. Bd. of Educ.*, 373 U.S. 683 (1963).

²⁵ Brief of United States, *Goss v. Bd. of Educ.*, 1963 WL 105481 (U.S.).

The Department also sought to enlarge the traditional role of an *amicus curiae* — to file legal briefs and present oral argument advising the court how to rule — as the Department sought to use the *amicus curiae* role to actually litigate cases by undertaking activities hitherto limited to the parties, such as examining witnesses and filing motions. The possibility of an enlarged role had emerged in 1957, during the Eisenhower Administration, in a case involving violent interference with desegregation in Clinton, Tennessee and then during the Little Rock school desegregation process, when the Governor of Arkansas had interfered with desegregation orders of the federal court. In Clinton, the Department participated in examining witnesses in a criminal contempt hearing, and in Little Rock the Department moved for an order enjoining the Governor from further interference.²⁶ In November 1960, the Department entered the New Orleans desegregation case to challenge a Louisiana interposition statute that interfered with a federal court order; it continued in that role under the Kennedy administration.²⁷ Less than two months after President Kennedy’s inauguration the Department successfully applied for an order in two Louisiana cases, designating the United States as *amicus curiae* and allowing it to file a motion to have a Louisiana statute that would have allowed school districts to close the schools rather than desegregate them declared unconstitutional.²⁸ In 1962, the Department became a litigating *amicus curiae* in James Meredith’s suit to desegregate the University of Mississippi, where it became embroiled in contempt proceedings against Mississippi Governor Ross Barnett. In 1963, the Department became a litigating *amicus* in a suit to desegregate Macon County, Alabama.²⁹

²⁶ *Kasper v. Brittain*, 245 F.2d 92 (6th Cir. 1957), *cert. denied* 355 U.S. 834 (1957); *U.S. v. Faubus*, 2 Race Rel.L.Rep. 958 (1957).

²⁷ *Bush v. Orleans Parish Sch. Bd.*, Civ. No. 3630 (E.D. La.). Louisiana’s interposition statute provided: “That the decisions of the Federal District Courts in the State of Louisiana, prohibiting the maintenance of separate schools for whites and negroes and ordering said schools to be racially integrated in the cases of *Bush v. Orleans Parish School Board*, *Williams 935 et al. v. Jimmie H. Davis*, Governor of the State of Louisiana et al., *Hall et al. v. St. Helena Parish School Board*, *Davis et al. v. East Baton Rouge School Board*, *Allen et al. vs. State Board of Education*, involving the Shreveport Trade School, and *Angell vs. State Board of Education*, involving five (5) other trade schools maintained and operated by the State of Louisiana, all based solely and entirely on the pronouncements of *Brown vs. Topeka Board of Education*, are null, void and of no effect as to the State of Louisiana, its subdivisions and School Boards and the duly elected or appointed officials, agents and employees thereof.” Act No. 2 of First Extraordinary Session (1960).

²⁸ *Hall v. St. Helena Parish Sch. Bd.*, 287 F.2d 376 (5th Cir. 1961); *Davis v. E. Baton Rouge School Board*, 287 F.2d 380 (5th Cir. 1961).

²⁹ *Lee v. Macon County Bd. of Ed.*, 221 F.Supp. 297 (M.D.Ala. 1963).

C. Bringing Suit or Intervening in Private Suits in Order to Enforce Existing Federal Court Orders

It was a short step from the role of litigating amicus to actual intervention in suits or even attempting to bring a suit on behalf of the United States. The Eisenhower administration had attempted to bring a suit against Louisiana to declare its interposition law unconstitutional. That case was not presented as a desegregation case but as a case to prevent state interference with court orders to local school boards to desegregate.³⁰ The Department's entry into the New Orleans case as amicus, however, rendered it unnecessary for the court to reach the question of whether the Attorney General could bring a separate suit. The Kennedy administration's first foray into being a party in a school desegregation case came in April 1961, when the Attorney General moved to intervene in the Prince Edward County, Virginia case, one of the cases the Supreme Court had decided in *Brown v. Board of Education*. The school board in Prince Edward County had voted to close the public schools rather than comply with the Supreme Court's mandate. The Attorney General attempted to justify intervention in the case as necessary to prevent obstruction of court orders. The trial court refused to allow the intervention because it had not found that the closure obstructed its orders and because Congress had refused to enact Part III of the Civil Rights Act of 1957, a refusal that effectively barred the government from bringing actions furthering desegregation.³¹ However, the Civil Rights Division became an amicus curiae in the case, and Assistant Attorney General Burke Marshall presented the government's arguments in the court of appeals in January of 1963. By the end of 1963, the Civil Rights Division successfully sued Governor George Wallace to enjoin his interference with desegregation in three school districts.³²

D. Bringing Suit on Behalf of Children of Federal Employees in Federally Impacted School Districts

The Civil Rights Division singled out one set of school districts where it believed it could legitimately bring school desegregation cases; the 587 school districts in southern and border states that received federal funds for school construction because they enrolled children of personnel stationed or employed at military installations. While "almost a score" of those districts had agreed to desegregate by 1963, most did not. The Division filed a "pilot" case in September 1962 against Prince George County, Virginia, school system. It won the case the following June, eleven days after President Kennedy proposed the Civil Rights Act of 1963.³³ The court agreed that the contract the school

³⁰ *U.S. v. Louisiana*, Civ. No. 10566 (E.D. La. 1960).

³¹ *Allen v. County Sch. Bd. of Prince Edward County*, 28 F.R.D. 358 (1961). Later the court held the closure unconstitutional, *Allen v. County Sch. Bd. of Prince Edward County*, 207 F.Supp. 349, 355 (E.D. Va. 1962).

³² *U.S. v. Wallace*, 222 F. Supp. 485 (M.D. Ala. 1963).

³³ *U.S. v. County Sch. Bd. of Prince George County*, 221 F. Supp. 93 (E.D. Va. 1963).

board had signed in order to receive over a million dollars of federal construction money obligated it to follow state law, and that the district had not followed Virginia's pupil placement law when it assigned African-American military dependents to all-black schools. The court emphasized that the ruling did not authorize the United States to sue to vindicate the personal rights of the children. It treated the case solely as one to enforce a contract. The Civil Rights Division brought similar cases against four school districts in Alabama, Louisiana and Mississippi. In May 1963, before the favorable decision in the Prince George County case, the courts in three of those cases ruled against the United States; the court in the fourth case, decided that August, declined to follow the ruling in Prince George County.³⁴ The Kennedy Civil Rights Division appealed three of the cases. The Fifth Circuit affirmed in early 1964 and the Supreme Court refused to review that decision.³⁵ The court disagreed that the school districts were under any contractual obligation to desegregate and also held that the United States had not shown that the segregation burdened the exercise of the war power of the United States. Both rulings were based in part on the lack of any congressional authorization for suit asserting either theory.

E. Use of Emergency Powers to Combat Interference With School Desegregation Orders

The Justice Department played a major role when hostile reaction to desegregation orders led to crisis. President Eisenhower had sent federal troops to enforce a federal court school desegregation order in 1957. President Kennedy issued a Presidential proclamation deploying federal troops and marshals again in support of federal court orders desegregating the University of Mississippi in 1962 and another to support desegregation of the University of Alabama in 1963. Also, in 1963, the President called the Alabama National Guard into national service to support orders to desegregate public schools in Mobile, Tuskegee and Birmingham. Each of these moves was reactive. There was an interesting shift in the statement of grounds for each of the 1963 Presidential proclamations. The proclamation of June 11, 1963, regarding desegregation of the University of Alabama, refers to an unlawful combination of the Governor and others "against the authority of the United States" and concludes: "WHEREAS this unlawful combination opposes the execution of the laws of the United States and threatens to impede the course of justice under those laws [the President commands them to cease and desist]." Three months later, however, the proclamation regarding the public school desegregation concluded by noting that the "unlawful ... combinations ... so hinder

³⁴ *U.S. v. Biloxi Municipal Sch. Dist.*, 219 F.Supp. 691 (S.D. Miss. 1963); *U.S. v. Gulfport Mun. Separate Sch. Dist.*, 219 F.Supp. 691 (S.D. Miss. 1963); *U.S. v. Madison County Bd. of Educ.*, 219 F. Supp. 60 (N.D. Ala. 1963); *U.S. v. Bossier Parish Sch. Bd.*, 220 F.Supp. 243 (W.D. La. 1963).

³⁵ *U.S. v. Madison County Bd. of Ed.*, 326 F.2d 237 (5th Cir. 1964) *cert. den.* 379 U.S. 929 (1964).

the execution of the laws ... of the United States within the State of Alabama, that a part or class of its people is deprived of rights ... named in the Constitution and secured by law....”³⁶ The earlier proclamation reflected the position, evident in all the Kennedy administration’s actions in school desegregation cases up to June 1963, that the Justice Department was not entering or bringing cases to vindicate individual rights of African-American children, but to enforce federal government interests, either in enforcement of federal court orders or of federal contracts. Shortly after the June proclamation President Kennedy made his speech proposing the Civil Rights Act of 1963, which would authorize the Attorney General to bring suit or intervene in suit to ensure the orderly desegregation of the schools. Under the Act, the Attorney General could bring such a suit upon receipt of a written complaint from a parent who was unable to initiate appropriate litigation. This proposal may have inspired the change in the later proclamation, to emphasize that Governor Wallace was depriving school children of individual rights.

IV. Conclusion

Should the Kennedy Justice Department have taken bolder, more aggressive steps to end school segregation in the South?

Richard Reeves tells us that one of President Kennedy’s favorite lines from Shakespeare comes from Part I of *Henry IV*. Glendower says, “I can call spirits from the vast deep,” and Hotspur replies: “Why so can I, or so can any man; But will they come when you do call them?”³⁷ It would have been easy enough for the Department of Justice to file suit against all the segregated school systems in the South, or against a sampling of them. The hard questions come after the lawsuit has been filed. Does the law support the suit? Do the facts? What shall the remedy be? More aggressive government litigation to desegregate the schools could succeed only if the Southern courts agreed that the Justice Department had authority to bring such cases.

There was reason to believe that such suits would be symbolic but not effective. As the columnist Walter Lippman explained, excision of Part III from the 1957 Civil Rights Act meant, “that the right against school segregation was ‘not to be enforced by the executive power of the Federal Government.’”³⁸ In retrospect, the Fifth Circuit’s ruling in the impact aid school desegregation cases confirms that assertion of such broad authority would have met with failure, at least in the lower courts. Even the victory in Prince George County came in a judicial opinion making it clear that the government had no authority to sue on behalf of the rights of African-American children. The role that the

³⁶ Proclamations 3542 and 3554.

³⁷ Richard Reeves, *President Kennedy: Profile of Power*, 491 (Simon & Schuster 1993).

³⁸ Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*, 325 (Oxford University Press 2004) (quoting Walter Lippman).

Department played instead, while more limited, was more firmly based in its law enforcement role and history. The Department took forceful action, not only against obstruction and noncompliance with desegregation orders, but also in support of more desegregation. Its brief in the *Goss* case was unequivocally in favor of speeding up the pace of desegregation.

One must view the desegregation issue in light of Congress' refusal to get involved. Critics of the Kennedy Administration would put it differently. They fault President Kennedy for waiting over two years before proposing a comprehensive civil rights act that would empower the Department of Justice to bring school desegregation cases. He could, of course, have proposed that legislation in 1961. To paraphrase Hotspur, however, one must ask, would Congress have passed the law if Kennedy had proposed it? Even in 1963, the President's civil rights legislation proposal was a huge gamble. By the time of his assassination, it was clear that Congress would not pass the bill that year.

I believe that the Civil Rights Division's performance, within the resource³⁹ and legal restraints, did advance school desegregation. The first phase of desegregation consisted largely of getting at least token compliance. Most initial desegregation occurred in the border states. By 1958-59, 733 of the 2,839 biracial school districts in the 17 southern states had desegregated to some extent. In the last two years of the Eisenhower administration only 44 desegregated, 31 voluntarily and 13 under federal court order. Four states' school districts remained totally segregated.⁴⁰ The pace of desegregation quickened during the Kennedy Administration, with over 400 more school districts desegregating.⁴¹ Only Mississippi remained entirely segregated, despite the election of Governor George Wallace in Alabama, whose campaign slogan was "segregation today, segregation tomorrow, segregation forever." Firm steps by the Department of Justice at the Universities of Mississippi and Alabama and in the three desegregating school districts in Alabama had ensured that states would no longer use force to exclude African-Americans from formerly white schools. The Supreme Court, after eight years of relative silence, followed the Department's recommendation in *Goss*, ruling against the minority to majority transfer policy and also indicating that the time for delay had ended. The Department of Justice was involved in a growing number of cases.

³⁹ Perhaps the Justice Department could have been overcome their resource limitations, though it is clear that without a large infusion of new lawyers it would have been impossible for the Civil Rights Division to simultaneously pursue the litigation to enforce the right to vote and also undertake a multi-state offensive against school segregation. Attorney General Kennedy said that if the Civil Rights Act of 1963 were enacted, he would ask for an additional 40 lawyers, doubling the size of the division. Kennedy testimony, *supra* note 10, at 241-242.

⁴⁰ United States Commission on Civil Rights, 1961 Report, Education, 39.

⁴¹ United States Commission on Civil Rights, 1963 Staff Report, Public Education, 162.

The President had urged adoption of a bill drafted by the Division that would enable the federal government to become the primary player in bringing about school desegregation, a bill that would become law seven months after President Kennedy's death.

The path to complete desegregation [i.e., every school district under a lawful desegregation plan] took years to complete. Although a bi-partisan version of President Kennedy's Civil Rights bill was enacted in 1964, more than eight years passed before the South was fully desegregated. The rocky road after 1964 contradicts the claims that if the Department of Justice had only asserted authority to bring desegregation cases sooner, the schools of the South would have come into quick compliance with *Brown*.

The Department of Justice is a law enforcement agency, not a free agent to roam at will among policies that seem attractive or even morally compelling. Viewed in that light, the Kennedy Department of Justice set an appropriate standard for enforcement of civil rights, a standard that has largely prevailed ever since.

Chapter 18

Civil Rights Division Chronology¹ January 1961-November 1963

Compiled by Brian K. Landsberg

January 1961

- 1/19 U.S. v. Atlas, Filed.
1/24-27 Sumter County, Ala., Records inspection.

February 1961

- 2/3 U.S. v. Atlas, Meeting with Judge and Defendants.
2/20-22 U.S. v. Alabama, (Macon County) Tried.
2/21, 23 Burton v. Wilmington Parking Authority, Solicitor General Cox argued for United States as amicus curiae.

March 1961

- 3/6 President issued Executive Order 10925 regarding employment discrimination by federal contractors.
3/17 Hall v. St. Helena Parish Sch. Bd.; Davis v. East Baton Rouge Sch. Bd., United States applied for an order designating it as amicus curiae, and for leave to file a petition for injunction against enforcement of Acts Nos. 3 and 5 of the Extraordinary Session of the Louisiana Legislature of 1961.
3/27 East Feliciana County, La., Records inspection.
3/28-30 U.S. v. Alabama, (Bullock County) Tried.

¹ This is a partial chronology of activities of the Civil Rights Division during the Kennedy Administration. It primarily lists court actions, but does list some events and presidential actions. Dates have been culled from case reports, reports of the Attorney General and the Civil Rights Commission, histories of the civil rights era, congressional hearings, and case files. *See, e.g., Voting Rights: Hearings on S. 1564 Before the S. Comm. on the Judiciary, 89th Cong. (1965) (1964 Status Report [Prepared by Attorneys in the Civil Rights Division, Department of Justice, for Intra-Department Use])*. Where the exact date of an activity is unavailable, it has been placed at the beginning of the month in which it occurred without a specific date listed.

April 1961

- 4/8 U.S. v. Manning, (E. Carroll Parish) Filed.
- 4/11 Claiborne Parish, La., Demand for records inspection.
- 4/11 Jackson Parish, La., Demand for records inspection.
- 4/13 U.S. v. Atkins, Filed.
- 4/13 Dallas County, Ala., Demand for records inspection.
- 4/14 Hall v. St. Helena Parish Sch. Bd., Hearing on plaintiffs' motion for preliminary injunction.
- 4/24 Claiborne Parish, La., Records inspection.
- 4/25-26 Jackson Parish, La., Records inspection.
- 4/27 Allen v. County Sch. Bd. of Prince Edward County, United States filed motion to intervene as a plaintiff.

May 1961

- 5/9 Autauga County, Ala., Demand for records inspection and records inspection.
- 5/10 Lowndes County, Ala., Demand for records inspection and records inspection.
- 5/14 Freedom Riders attacked by mobs in Anniston and Birmingham, Alabama
- 5/20-22 Freedom Riders assaulted in Montgomery, Alabama; Robert F. Kennedy sent in United States marshals.
- 5/20 U.S. v. U.S. Klans, United States obtained Temporary Restraining Order from Judge Johnson.
- 5/24 Taylor v. Bd. of Educ. of the City Sch. District of New Rochelle, United States filed amicus curiae brief.

June 1961

- 6/19 Plaquemines Parish, La., Demand for records inspection.
- 6/23 Civil Aeronautic Board requested that Attorney General file suit to desegregate Montgomery airport [suit subsequently filed, U.S. v. City of Montgomery].
- 6/28 Greene County, Ala., Demand for records inspection.
- 6.29 Pickens County, Ala., Records inspection.
- 6/30 Greene County, Ala., Records inspection.

July 1961

- 7/6 U.S. v. Ramsey, (Clarke County, Miss.) Filed.
- 7/6 U.S. v. Lynd, Filed.
- 7/6 Clarke County, Miss., Demand for records inspection.
- 7/6 Forrest County, Miss., Demand for records inspection.

7/7 United States moved for leave to file amicus brief regarding Mississippi transportation facility segregation statutes

7/10 United States filed brief in Mississippi case regarding segregated transportation facilities.

7/10 Pickens County, Ala., Records inspection.

7/10 Plaquemines Parish, La., Demand for records inspection.

7/11 U.S. v. Lucky, (Ouachita) Filed.

7/12 Clarke County, Miss., Records inspection

7/19 Elmore County, Ala., Demand for records inspection.

7/21 Red River Parish, La., Demand for records inspection and records inspection.

7/22 St. Helena County, La., Demand for records inspection and records inspection.

7/26 U.S. v. City of Montgomery, Filed [desegregation of airport].

7/31 Barbour County, Ala., Demand for records inspection and records inspection.

August 1961

8/1 Russell County, Ala., Demand for records inspection and records inspection.

8/2 Elmore County, Ala., Records inspection.

8/3 Walthall County, Miss., Demand for records inspection.

8/4 U.S. v. Parker, Filed.

8/4 Hall v. St. Helena Parish Sch. Bd., Hearing on plaintiff's application for preliminary injunction.

8/5 U.S. v. Wood, [§1971(a)], Filed.

8/7 U.S. v. Daniel, (Jefferson Davis County) Filed.

8/15 Hearing on the Department of Justice request that Interstate Commerce Commission issue rules regarding segregated bus and terminal facilities.

8/31 Jefferson Davis County, Miss., Demand for records inspection.

September 1961

U.S. v. Alabama (Bullock County), Further hearings.

9/11 Garner v. Louisiana, Solicitor General filed amicus brief in Supreme Court regarding sit-in case.

9/13 Bullock County, Ala., Demand for records inspection [subpoena].

9/20 U.S. v. Wood, [§1971(b)], Filed.

9/21 U.S. v. Wood, [§1971(b)], Tried, decided and appealed. Stay of state prosecution sought from Judge Rives.

9/21 Montgomery County, Ala., Records inspection.

9/22 East Carroll County, La., Records inspection.

9/23 At Robert F. Kennedy's insistence, Interstate Commerce Commission issued new rules ending discrimination in interstate travel, effective December 1, 1961.

October 1961

10/3 U.S. v. Wood, [§1971(b)], Oral argument in 5th Cir.
10/3, 12 Bullock County, Ala., Records inspection.
10/16 U.S. v. Fox, (Plaquemines Parish) Filed.
10/26 U.S. v. Duke, Filed.
10/26 U.S. v. Ward, (Madison Parish) Filed.
10/26 St. Helena County, La., Records inspection.

November 1961

11/13 Dallas County, Ala., Records inspection.
11/17 U.S. v. Dogan, (Tallahatchie County) Filed.
11/27 U.S. v. Manning, Tried.
11/27 U.S. v. Cox, Filed.
11/28 Franklin Parish, La., Demand for records inspection.
11/28 Morehouse Parish, La., Demand for records inspection.

December 1961

12/8 U.S. v. City of Montgomery, United States filed motion for summary judgment.
12/13 Hale County, Ala., Demand for records inspection.
12/13 Perry County, Ala., Demand for records inspection.
12/13-15 U.S. v. Dogan, Tried.
12/16 Bush v. New Orleans Sch. Bd., Hearing on United States' motion for preliminary injunction.
12/18 Jefferson Davis County, Miss., Demand for records inspection.
12/19 Perry County, Ala., Records inspection.
12/20 Tallahatchie County, Miss., Records inspection.
12/22 Hale County, Ala., Records inspection.
12/28 U.S. v. Louisiana, Filed.
12/28 U.S. v. Birmingham, Hearing [desegregation of bus station restaurant].

January 1962

Bruce v. Rogers, Oral argument in 5th Cir. [records demand case].
1/3 Davis v. East Baton Rouge Sch. Bd., United States moved for summary judgment.
1/3-10 U.S. v. Parker, Tried.

- 1/5 U.S. v. Lassiter, Tried [segregation of interstate transportation facilities].
- 1/8 Clarke County, Ala., Demand for records inspection.
- 1/8 Monroe County, Ala., Demand for records inspection.
- 1/15 Monroe County, Ala., Records inspection.
- 1/29 Clarke County, Ala. records inspection.

February 1962

- U.S. v. City of Jackson, Filed [segregation in interstate transportation].
- 2/15 U.S. v. Dogan, United States filed appeal.
- 2/16 Bush v. Orleans Parish Sch. Bd., United States filed supplemental motion for order requiring certain defendants to show cause why they should not be held in civil contempt.
- 2/19 Choctaw County, Ala., Demand for records inspection.
- 2/21 U.S. v. Wilder, (Jackson Parish) Filed.
- 2/26 Lauderdale County, Miss., Demand for records inspection.
- 2/28 Choctaw County, Ala., Records inspection.

March 1962

- Marshall County, Miss., Demand for records inspection.
- 3/1 Dallas County, Ala., Records inspection.
- 3/1 Hale County, Ala., Records inspection.
- 3/5 Barbour County, Ala., Records inspection.
- 3/5 Cunecuh County, Ala., Demand for records inspection.
- 3/5 Marengo County, Ala., Demand for records inspection.
- 3/5-7 U.S. v. Lynd, Trial. Application for injunction pending appeal filed in 5th Cir.
- 3/6 Sumter County, Ala., Records inspection.
- 3/7 Wilcox County, Ala., Records inspection.
- 3/9 Forrest County, Miss., Records inspection.
- 3/12 Bossier Parish, La., Demand for records inspection.
- 3/12 Webster Parish, La., Demand for records inspection.
- 3/15 Marengo County, Ala., Records inspection.
- 3/17 Marshall County, Miss., Records inspection.
- 3/23 Cunecuh County, Ala., Records inspection.
- 3/23 DeSoto Parish, La., Demand for records inspection.
- 3/24 Bush v. Orleans Parish Sch. Bd., Hearing on United States motion.
- 3/31 Plaquemines Parish, La., Records inspection.

April 1962

- 4/6 Pike County, Miss., Demand for records inspection.
- 4/6 Yazoo County, Miss., Demand for records inspection.

- 4/13 U.S. v. Ward, (George County) Filed.
- 4/13 U.S. v. Atkins, Filed.
- 4/17 Caddo Parish, La., Demand for records inspection.
- 4/18 Pike County, Miss., Records inspection.
- 4/30 Madison County, Miss., Demand for records inspection.

May 1962

- 5/1 U.S. v. Lynd, 5th Cir. issued contempt citation.
- 5/1-3 U.S. v. Fox, Tried.
- 5/2-4 U.S. v. Atkins, Tried.
- 5/7 U.S. v. Parker, Submitted on briefs.
- 5/8 Simkins v. Moses H. Cone Memorial Hosp., United States filed motion to intervene.
- 5/16 U.S. v. Bibb County Democratic Exec. Comm., (Ga.) Filed.
- 5/23 U.S. v. Bibb County Democratic Exec. Comm., Trial on motion for preliminary injunction.
- 5/24 Franklin Parish, La., Records inspection.
- 5/24 Morehouse Parish, La., Records inspection.

June 1962

- 6/4 Yazoo County, Miss., Demand for records inspection.
- 6/11 Alabama Governor, George C. Wallace, failed to halt admission of black students at the University of Alabama; John F. Kennedy federalized National Guard and promised additional civil rights legislation.
- 6/12 Medgar Evers killed.
- 6/13 Coahoma County, Miss., Demand for records inspection.
- 6/15 U.S. v. Ford, (Choctaw County, Ala.) Complaint filed.
- 6/16 U.S. v. Bd. of Educ., (Greene County, Miss.) Filed.
- 6/19, 22 U.S. v. Manning, District Court and C/A proceedings regarding applications to court.
- 6/21 Lowndes County, Miss., Demand for records inspection.
- 6/22 Orleans Parish, La., Demand for records inspection.
- 6/25 Yazoo County, Miss., Records inspection.
- 6/25-29 Jefferson County, Ala. Demand for records inspection and records inspection.
- 6/26 Simkins v. Moses H. Cone Memorial Hosp., Hearing.
- 6/28 Jefferson Davis County, Miss., Records inspection.
- 6/28 Richland Parish, La., Demand for records inspection.
- 6/28 Union Parish, La., Demand for records inspection.
- 6/28 West Carroll County, La., Demand for records inspection.

July 1962

- U.S. v. Ramsey, Records inspection.
U.S. v. Daniel Records inspection.
- 7/2 Hinds County, Miss., Demand for records inspection.
7/3 Washington, County, Miss., Demand for records inspection.
7/6 Panola County, Miss., Demand for records inspection.
7/9 U.S. v. Wood, [§1971(a)], Records inspection.
7/9 Walthall County, Miss., Records inspection.
7/9 Butler County, Ala., Records inspection.
7/12 U.S. v. Manning, District Court proceedings on applications to court.
7/13 Greene County, Ala., Records inspection.
7/14-15 Coahoma County, Miss., Records inspection.
7/25 Washington County, Miss., Records inspection.
7/25-26 U.S. v. Bd. of Educ., Tried.
7/26 U.S. v. Alabama (Bullock County), Further hearing.
7/26 George County, Miss., Demand for records inspection.
7/27 Greene County, Miss., Demand for records inspection [by agreement] and records inspection.
7/28 U.S. v. Ward, Records inspection.
7/28 George County, Miss., Records inspection.

August 1962

- 8/2 U.S. v. Bd. of Educ., Trial completed.
8/3 Forrest County, Miss., Records inspection.
8/7 Bossier Parish, La., Records inspection.
8/7 DeSoto Parish, La., Records inspection.
8/8 Webster Parish, La., Records inspection.
8/11 Clarke County, Miss., Records inspection
8/13 U.S. v. Mathews, Filed.
8/14 Caddo Parish, La., Records inspection.
8/15 Warren County, Miss., Demand for records inspection.
8/22 Lee County, Miss., Demand for records inspection.
8/22 East Carroll County, La., Records inspection.
8/22 Orleans Parish, La., Records inspection.
8/23-34 Tallahatchie, County, Miss., Records inspection.
8/24 Rankin County, Miss., Demand for records inspection.
8/27 U.S. v. Mayton, Filed.
8/28 U.S. v. Mississippi, Filed.

September 1962

- 9/7 Greene County, Ala., Records inspection.

- 9/17 U.S. v. County Sch. Bd. of Prince George County, Filed [impact district case].
- 9/17 Copiah County, Miss., Demand for records inspection.
- 9/17 Leake County, Miss., Demand for records inspection.
- 9/17-22 U.S. v. Lynd, Trial on contempt, in 5th Cir.
- 9/18 U.S. v. Barnett², United States sought to appear as litigating amicus in Meredith v. Fair and Court of Appeals granted motion.
- 9/20 U.S. v. Barnett, United States moved for further injunction
- 9/21 U.S. v. Barnett, United States filed contempt motion.
- 9/24 U.S. v. Barnett, Hearing before en banc Court of Appeals.
- 9/28-29 U.S. v. Barnett, Contempt hearings.
- 9/28 U.S. v. Ward, Amended complaint filed.
- 9/30 U.S. v. Barnett, President Kennedy issued cease and desist proclamation and deployed marshals and armed forces to Oxford to enforce C/A orders.

October 1962

- Avent v. North Carolina, Solicitor General filed 82 page amicus brief in Supreme Court related to civil rights demonstrations.
- 10/1 Oktibbeha County, Miss., Demand for records inspection.
- 10/12 U.S. v. Barnett, Further contempt hearings.
- 10/14-15 Griffin v. Maryland, Deputy Solicitor General argued and United States filed amicus brief in Supreme Court.
- 10/23-24 U.S. v. Daniel, Tried.
- 10/25 U.S. v. Bd. of Educ., United States filed appeal.
- 10/26 U.S. v. Mayton, Tried.

November 1962

- U.S. v. Lucky, Depositions of Attorney General, Assistant Attorney General & Dunbaugh.
- 11/6-7 Peterson v. City of Greenville and Shuttlesworth v City of Birmingham, Solicitor General Cox argued sit-in and civil rights parade cases in Supreme Court.
- 11/11 Amite County, Miss., Demand for records inspection.
- 11/12-13 Union Parish, La., Records inspection.
- 11/15 Richland Parish, La., Records inspection.
- 11/16 U.S. v. City of Shreveport, Tried [desegregation of interstate transportation facility].
- 11/16 West Carroll County, La., Records inspection.
- 11/23 George County, Miss., Demand for records inspection.

² The case was Meredith v. Fair, but the U.S. proceedings were eventually renamed U.S. v. Barnett, as described in 330 F. 2d 369 (1963).

11/26 LeFlore County, Miss., Demand for records inspection.
 11/26 Wilcox County, Ala., Demand for records inspection.
 11/27 U.S. v. Ward, Records inspection.
 11/27 Claiborne County, Miss., Demand for records inspection.
 11/27 George, County, Miss., Records inspection.
 11/27 Elmore County, Ala., Demand for records inspection and records
 inspection.
 11/27 Wilcox County, Ala., Demand for records inspection.
 11/28 Autauga County, Ala., Demand for records inspection.

December 1962

12/3 Autauga County, Ala., Records inspection.
 12/3-4 U.S. v. Wilder, Tried.
 12/5 U.S. v. Ward, Tried.
 12/6 Jackson Parish, La., Records inspection.
 12/6-7 Lauderdale County, Miss., Records inspection.
 12/6-7 Madison Parish, La., Records inspection.
 12/10 Lowndes County, Miss., Demand for records inspection.
 12/13 Coahoma County, Miss., Records inspection.
 12/13 Leake County, Miss., Records inspection.
 12/16 Pike County, Miss., Records inspection.
 12/18 Monroe County, Ala., Records inspection.
 12/20 Benton County, Miss., Demand for records inspection and records
 inspection.
 12/21 U.S. v. Barnett, United States filed criminal contempt charges.
 12/26-28 U.S. v. Ramsey, Tried.

January 1963

1/3 Covich County, Miss., Records inspection.
 1/8 Warren County, Miss., Records inspection.
 1/9 U.S. v. Atkins, United States filed appeal.
 1/9 Goss v. Bd. of Educ., Solicitor General filed as amicus in Supreme Court.
 1/9 Griffin v. Prince Edward Sch. Bd., Burke Marshall argued as amicus in 4th
 Cir.
 1/9 U.S. v. Mayton, United States filed contempt motion.
 1/9 Perry County, Ala., Records inspection.
 1/14 U.S. v. Mayton, United States filed appeal.
 1/17 Hinds County, Miss., Records inspection.
 1/18 U.S. v. Biloxi Muni. Sch. District; U.S. v. Gulfport Muni. Separate Sch.
District, U.S. v. Madison County Bd. of Educ., U.S. v. Bossier Parish Sch.
Bd., U.S. v. Mobile County Bd. of Sch. Comm., Filed.
 1/22 U.S. v. Campbell, (Sunflower County) Filed.
 1/23 Marengo County, Ala., Records inspection.

- 1/27 U.S. v. Mathews, Pre-trial conference.
- 1/28 Montgomery County, Ala., Records inspection.
- 1/28-30 Panola County, Miss., Records inspection.

February 1963

- 2/5 Choctaw County, Ala., Records inspection.
- 2/6 Clarke County, Ala., Records inspection.
- 2/8 U.S. v. Barnett, Oral argument on contempt charge.
- 2/14 Clarke County, Ala., Negotiations with Board.
- 2/18 U.S. v. Clement, (Webster Parish) Filed.
- 2/18 U.S. v. Crawford, (Red River Parish) Filed.
- 2/20 U.S. v. Ford, Tried.
- 2/28 U.S. v. Mayton, United States filed mandamus motion in 5th Cir.
- 2/28 Clarke County, Ala., United States sent letter threatening suit.

March 1963

- Tunica County, Miss., Demand for records inspection [informal].
- 3/8 U.S. v. Mississippi, Motions argued before three-judge district court.
- 3/9 U.S. v. Louisiana, Tried.
- 3/14 Claiborne County, Miss., Records inspection.
- 3/15 LeFlore County, Miss., Records inspection.
- 3/17 Avoyelles County, La., Records inspection.
- 3/18 U.S. v. Louisiana, United States filed proposed findings, conclusions and decree.
- 3/19-21 U.S. v. Duke, Tried.
- 3/20-21 Goss v. Bd. of Educ., Burke Marshall argued in Supreme Court.
- 3/21-22 Montgomery County, Ala., Records inspection.
- 3/22 Amite County, Miss., Records inspection.
- 3/23 Panola County, Miss., Records inspection.
- 3/25 Lowndes County, Miss., Records inspection.
- 3/28 Tunica County, Miss., Records inspection.
- 3/28-4/10 Ouachita Parish, La., Records inspection.
- 3/29 U.S. v. Lucky, Records inspection.
- 3/30 U.S. v. City of Greenwood, Filed.

April 1963

- Grenada County, Miss., Demand for records inspection [by agreement].
- 4/1 Simkins v. Moses H. Cone Memorial Hosp., Argued in 4th Cir.
- 4/1 U.S. v. Ramsey, Appeal filed.

- 4/4 Department of Justice released names of twelve impact aid school districts in the South that agreed to desegregate and said three others agreed but wished to remain anonymous
- 4/5 U.S. v. Ward, Pre-trial conference.
- 4/8 Clarke County, Ala., Interviews conducted.
- 4/8 Adams County, Miss., Demand for records inspection.
- 4/8 Jefferson County, Miss., Demand for records inspection.
- 4/8 Wilkinson County, Miss., Demand for records inspection.
- 4/8-9 U.S. v. Wood, [§1971(a)], Tried.
- 4/10 U.S. v. Wood, [§1971(b)], Settled.
- 4/10 Clarke County, Miss., Records inspection.
- 4/10 Walthall County, Miss., Records inspection.
- 4/11 East Carroll County, La., Records inspection.
- 4/16 Tate County, Miss., Demand for records inspection.
- 4/16 Marengo County, Ala., Records inspection.
- 4/17 Franklin County, Miss., Demand for records inspection.
- 4/22 Lamar County, Miss., Demand for records inspection.
- 4/22 Marion County, Miss., Demand for records inspection.
- 4/23 Kemper County, Miss., Demand for records inspection.
- 4/23 Noxubee County, Miss., Demand for records inspection.
- 4/24 Grenada County, Miss., Records inspection.
- 4/25-26 Quitman County, Miss., Records inspection.
- 4/29 Carroll County, Miss., Demand for records inspection.
- 4/29 Chickasaw County, Miss., Demand for records inspection.
- 4/29 Jones County, Miss., Demand for records inspection.
- 4/30 Humphreys County, Miss., Demand for records inspection.

May 1963

- DeSoto, County, Miss., Demand for records inspection [by agreement].
- 5/1 Clay County, Miss., Demand for records inspection.
- 5/2 Iberville Parish, La., Demand for records inspection.
- 5/2-3 Pickens County, Ala., Demand for records inspection and records inspection.
- 5/6 U.S. v. Edwards, Filed.
- 5/8 Benton County, Miss., Records inspection.
- 5/8 Marshall County, Miss., Records inspection.
- 5/9-10 Pointe Coupee Parish, La., Records inspection.
- 5/9-10 Sumter County, Ala., Records inspection.
- 5/11 U.S. v. Holmes County, Filed.
- 5/13-14 Iberville Parish, La., Records inspection.
- 5/14 Montgomery County, Miss., Demand for records inspection.
- 5/15 West Feliciana County, La., Demand for records inspection and records inspection.
- 5/16-17 Tangipahoa Parish, La., Records inspection.

- 5/17 St. Helena County, La., Records inspection.
- 5/18, 25 U.S. v. Edwards, Tried.
- 5/21 Cunecuh County, Ala., Records inspection.
- 5/21 Monroe County, Ala., Records inspection.
- 5/22 U.S. v. Holmes County, Tried and continued.
- 5/25 DeSoto County, Miss., Records inspection.
- 5/27 Covington County, Miss., Demand for records inspection.
- 5/28-29 Quitman County, Miss., Records inspection.

June 1963

- U.S. v. Daniel, Various activities.
- 6/11 President Kennedy ordered Governor Wallace to cease obstruction of desegregation of University of Alabama, and authorized Secretary of Defense to call up National Guard.
- 6/13 President Kennedy gave speech proposing Civil Rights Act.
- 6/13 U.S. v. Parker, United States filed motion for additional relief.
- 6/17 Hinds County, Miss., Records inspection.
- 6/17 Scott County, Miss., Demand for records inspection.
- 6/20 Red River Parish, La., Demand for records inspection.
- 6/20 Webster Parish, La., Demand for records inspection.
- 6/21 Madison County, Miss., Records inspection.
- 6/22 Clarke County, Miss., Records inspection.
- 6/24 Webster Parish, La., Records inspection.
- 6/25 Red River Parish, La., Records inspection.
- 6/25-30 Jefferson County, Ala., Records inspection.
- 6/26 U.S. v. Jones County Democratic Exec. Comm. (Ga.), Consent decree filed.
- 6/26 U.S. v. Dallas County, Filed.
- 6/28 U.S. v. LeFlore County, Filed.

July 1963

- Lee v. Macon County Bd. of Educ., United States became litigating amicus curiae.
- 7/11-12, 19 U.S. v. LeFlore County, Trial.
- 7/12-15 Hinds County, Miss., Records inspection.
- 7/13 U.S. v. Ashford, Jr., (Hinds County) Filed.
- 7/13 U.S. v. Bellsnyder, Filed.
- 7/15 Adams County, Miss., Demand for records inspection [court order].
- 7/15 Covington County, Miss., Demand for records inspection [court order].
- 7/15 Jefferson County, Miss., Demand for records inspection.
- 7/15 LeFlore County, Miss., Records inspection.
- 7/16 U.S. v. Mayton, United States filed motion for records inspection.

- 7/16 Lee v. Macon County Bd. of Educ., Court ordered United States to participate as a party.
- 7/16 Etowah County, Ala., Demand for records inspection and records inspection.
- 7/18 Attorney General Robert F. Kennedy began testimony before Senate Judiciary Committee on proposed Civil Rights Act, accompanied by Burke Marshall
- 7/18 Montgomery County, Ala., Records inspection.
- 7/19 U.S. v. Wall, (Wilcox County) Filed.
- 7/19 U.S. v. Cartwright, Filed.
- 7/19 Jefferson County, Miss., Records inspection.
- 7/22 U.S. v. Clement, Tried.
- 7/22 Covington County, Miss., Records inspection.
- 7/22 Tallapoosa County, Ala., Demand for records inspection and records inspection.
- 7/24 U.S. v. Duke, United States filed appeal.
- 7/24 Chambers County, Ala., Demand for records inspection and records inspection.
- 7/24-25 Robert F. Kennedy continued testimony.
- 7/24-26 U.S. v. Crawford, Tried.
- 7/25 U.S. v. Dallas County, Trial began.
- 7/25 Lamar County, Miss., Records inspection.
- 7/25 Russell County, Ala., Demand for records inspection.
- 7/26 Lafayette County, Miss., Demand for records inspection.
- 7/26 Marion County, Miss., Records inspection.
- 7/26 Newton County, Miss., Demand for records inspection.
- 7/26 Russell County, Ala., Records inspection.
- 7/29 Kemper County, Miss., Records inspection.
- 7/29-30 Baldwin County, Ala., Records inspection.
- 7/30 Noxubee County, Miss., Records inspection.
- 7/30-31 Robert F. Kennedy continued testimony.

August 1963

- Lee v. Macon County Bd. of Educ., Tried.
- 8/1 Robert F. Kennedy continued testimony.
- 8/1 U.S. v. Ashford, Jr., Amended complaint filed.
- 8/1 Franklin County, Miss., Records inspection.
- 8/2 Wilkinson County, Miss., Records inspection.
- 8/6 Bibb County, Ala., Demand for records inspection and records inspection.
- 8/7 Elmore County, Ala., Records inspection.
- 8/7 Perry County, Ala., Records inspection.
- 8/8 Robert F. Kennedy continued testimony.
- 8/8 Henry County, Ala., Demand for records inspection and records inspection.

- 8/12 U.S. v. Parker, Hearing on United States motion.
- 8/12 Newton County, Miss., Records inspection.
- 8/12 Scott County, Miss., Records inspection.
- 8/12 Barbour County, Ala., Records inspection.
- 8/13 Lee v. Macon County Bd. of Educ., Hearing.
- 8/13-14 Pike County, Ala., Demand for records inspection and records inspection.
- 8/15-16 Adams County, Miss., Records inspection.
- 8/15 Montgomery County, Ala., Records inspection.
- 8/19-24 Mobile County, Ala., Records inspection.
- 8/20 U.S. v. Campbell, United States responded to motion for more definite statement.
- 8/20 U.S. v. City of Greenwood, Amended complaint filed.
- 8/20 U.S. v. Barnett, United States filed brief in Supreme Court.
- 8/23 Robert F. Kennedy continued testimony.
- 8/28 March on Washington.
- 8/29 Hale County, Ala., Records inspection.
- 8/29 Montgomery County, Ala., Records inspection.
- 8/30-31 Rankin County, Miss., Records inspection.

September 1963

- U.S. v. Wood, [§1971(a)], Records inspection.
- 9/1 U.S. v. Mississippi, United States filed answers to interrogatories.
- 9/6 U.S. v. Bellsnyder, Hearing on defenses motion to dismiss and strike.
- 9/9 U.S. v. Wallace, Filed. Court issued a Temporary Restraining Order against interfering with school desegregation in Mobile, Tuskegee and Birmingham [after Governor Wallace issued an order against desegregating and used state troopers to bar African-Americans from white schools]
- 9/9-10 Jones County, Miss., Records inspection.
- 9/10 President issued Proclamation 3554 ordering Governor Wallace and other officials to stop obstructing school desegregation; President issued Executive Order 11118, calling the Alabama National Guard into United States service.
- 9/10 Walthall County, Miss., Records inspection.
- 9/11 Robert F. Kennedy completed testimony.
- 9/11 Anderson v. Martin, United States filed amicus brief in Supreme Court.
- 9/11 U.S. v. Campbell, United States filed motion for records inspection.
- 9/11 Greene County, Ala., Demand for records inspection.
- 9/11 Montgomery County, Ala., Records inspection.
- 9/13 Sunflower County, Miss., Demand for records inspection.
- 9/15 Sixteenth Street Baptist Church in Birmingham bombed; four girls were killed.
- 9/17 Perry County, Ala., Records inspection.
- 9/20 Perry County, Ala., Demand for records inspection.

9/20 Sumter County, Ala., Records inspection.
 9/22 U.S. v. Daniel, United States applied for OSC.
 9/22 Elmore County, Ala., Records inspection.
 9/23-25 Perry County, Ala., Records inspection.
 9/24 U.S. v. Wallace, Hearing before five judge district court [all of the Alabama district court judges].
 9/24-25 U.S. v. Lynd, Records inspection.
 9/24-25 Forrest County, Miss., Records inspection.
 9/25 U.S. v. LeFlore County, United States filed appeal.
 9/27 U.S. v. Ward, United States requested trial date.
 9/27 U.S. v. Wood, [§1971(a)], Final argument.
 9/27 Lamar County, Miss., Demand for records inspection.
 9/27 Noxubee County, Miss., Demand for records inspection.
 9/27 Wilkinson County, Miss., Demand for records inspection.

October 1963

Macon County, Ala., Records inspection.
 10/2 U.S. v. Edwards, United States filed appeal.
 10/4 U.S. v. Dallas County, United States filed petition for mandamus.
 10/6 Issaquena County, Miss., Demand for records inspection.
 10/8 U.S. v. Bd. of Reg. of the State of Louisiana, Filed.
 10/15 U.S. v. Dallas County, District court trial.
 10/15 U.S. v. Lucky, Records inspection.
 10/15 Jefferson Davis County, Miss., Records inspection.
 10/18 U.S. v. Mayton, United States filed appeal.
 10/21, 22 U.S. v. Campbell, United States filed briefs in opposition to motion for more definite statement and in support of motion for records inspection
 10/22 U.S. v. Crouch, Filed.
 10/25 Benton County, Miss., Records inspection.
 10/25 Marshall County, Miss., Records inspection.
 10/28 Wilcox County, Ala., Demand for records inspection.
 10/29 U.S. v. Atkins, United States applied for OSC.
 10/29 U.S. v. Wall, Hearing on defendants' motions.
 10/29 U.S. v. Ford, United States asked for ruling.
 10/29 U.S. v. Harvey, (West Feliciana Parish) Filed.
 10/30 U.S. v. Mississippi, Argument on further motions.
 10/31 Jasper County, Miss., Demand for records inspection.
 10/31 Pontotoc County, Miss., Demand for records inspection.
 10/31 Prentiss County, Miss., Demand for records inspection.
 10/31 Sharkey County, Miss., Demand for records inspection.
 10/31 Tippah County, Miss., Demand for records inspection.
 10/31 Union County, Miss., Demand for records inspection.
 10/31 Wayne County, Miss., Demand for records inspection.
 10/31 Walobusha County, Miss., Demand for records inspection.

November 1963

- Clarke County, Ala., Records inspection.
- 11/3 Holmes County, Miss., Demand for records inspection.
- 11/11 Tippah County, Miss., Records inspection.
- 11/12 U.S. v. McLeod, Filed.
- 11/12 U.S. v. Dallas County, Citizens council filed.
- 11/12-13 Wayne County, Miss., Records inspection.
- 11/13 U.S. v. Lucky, Summary judgment hearing.
- 11/18 U.S. v. Fox, Appeal argued in 5th Cir.
- 11/18 U.S. v. Mayton, Request for preferential setting argued.
- 11/18 Tallahatchie County, Miss., Records inspection.
- 11/19 Marengo County, Ala., Records inspection.
- 11/19 Monroe County, Ala., Records inspection.
- 11/20 House Judiciary committee reported proposed Civil Rights Act of 1963.
- 11/21 St. Helena County, La., Records inspection.
- 11/21-22 U.S. v. Dogan, Hearing.
- 11/21-22 U.S. v. Cox, Tried.
- 11/23 Leake County, Miss., Records inspection.
- 11/26-12/4 East Baton Rouge County, La., Records inspection.
- 11/27-29 U.S. v. Atkins, Records inspection.
- 11/27-29 Dallas County, Ala., Records inspection.
- 11/29 Wilcox County, Ala., Records inspection.

Chapter 19

Atomic Power, Fossil Fuels, and the Environment: Lessons Learned and The Lasting Impact of the Kennedy Energy Policies

Joshua P. Fershee

Abstract: Because of his short term of office, President Kennedy's energy policies have not been critiqued, reviewed, or analyzed in the same manner, or to the same degree, as other administrations. This essay fills part of that void by reviewing the key components of President Kennedy's energy and environmental goals and policies that managed to have a lasting impact, despite his short term in office, and discusses the results of those policies, both positive and negative. Through this review, President Kennedy's policies can become a resource and roadmap for the current Administration and all those who seek to ensure access to affordable energy while preserving the environment.

This essay considers the motivation behind President Kennedy's key energy initiatives and proposed legislation and puts that motivation in context. More specifically, the essay discusses some of President Kennedy's key energy initiatives, in light of the technological, regulatory, economic, and political (domestic and international) climate of the Kennedy years and compares President Kennedy's key initiatives to the concerns the United States faces today. From nuclear energy to coal-fired power to electricity infrastructure, this comparison indicates that President Kennedy's energy and environmental policies were both insightful and prescient, but not without consequences.

There are two points on conservation that have come home to me in the last 2 days. One is the necessity for us to protect what we already have, what nature gave to us, and use it well, not to waste water or land, to set aside land and water, recreation, wilderness, and all the rest now so that it will be available to those who come in the future. That is the traditional concept of conservation, and it still has a major part in the national life of the United States.

But the other part of conservation is the newer part, and that is to use science and technology to achieve significant breakthroughs as we are doing today, and in that way to conserve the resources which 10 or 20 or 30 years ago may have been wholly unknown. So we use nuclear power for peaceful purposes and power.

-- President John. F. Kennedy, Sept. 26, 1963¹

Introduction

When President Barack Obama took office in 2009, the comparisons to President John F. Kennedy, Jr., were inevitable. An engaging and energetic young president had just been sworn into office during complex and rapidly changing times. In 2008, late-Senator Edward M. “Ted” Kennedy compared then-Democratic presidential nominee Obama and his brother, President Kennedy: “There is a new wave of change all around us, and if we set our compass true, we will reach our destination—not merely victory for our party, but renewal for our nation. . . . [S]o with Barack Obama . . . the dream lives on.”²

In comparing President Obama to President Kennedy, both are often viewed as cultural icons “who by [their] very existence denote a new social order” and are “youthful renewer[s] of the American spirit.”³ From a policy perspective, though, President Obama is more often compared to Abraham Lincoln or Franklin Delano Roosevelt, than President Kennedy.⁴ Regardless of the appropriateness of these comparisons, this essay argues that President Obama has much to gain from looking to President Kennedy’s policies, not just his rhetoric, especially in setting energy policy.

Because of his short term of office,⁵ President Kennedy’s energy policies have not been critiqued, reviewed, or analyzed in the same manner as other administrations.⁶

¹ John F. Kennedy, Remarks, *Remarks at the Electric Generating Plant*, (Hanford, WA, Sept. 26, 1963), in JOHN F. KENNEDY IN HIS OWN WORDS 76 (Eric Freedman & Edward Hoffman eds., 2005)

² ROBERT DENTON, JR., THE 2008 PRESIDENTIAL CAMPAIGN: A COMMUNICATION PERSPECTIVE 23 (2009) (quoting Senator Ted Kennedy’s address to the 2008 Democratic National Convention).

³ See Matt Bai, *Don’t Look Back*, N.Y. TIMES, Feb. 1, 2009, § MM, at 9.

⁴ *Id.* (stating that viewing President Obama as “crisis President” leads comparisons to Lincoln and FDR, but “as cultural icon” President Kennedy is a more apt comparison).

⁵ See THE NATIONAL ARCHIVES, OUR DOCUMENTS: 100 MILESTONE DOCUMENTS FROM THE NATIONAL ARCHIVES 220 (2003) (stating that the Cold War shaped President Eisenhower’s presidency and that it “would dominate President Kennedy’s own short term of office”).

This essay seeks to fill part of that void by reviewing the key components of President Kennedy's energy and environmental goals and policies that managed to have a lasting impact, despite his short term in office, and discussing the results of those policies, both positive and negative. Through this review, President Kennedy's policies can become a resource and roadmap for the current Administration and all those who seek to ensure access to affordable energy while preserving the environment.⁷

This essay considers the motivation behind President Kennedy's key energy initiatives and proposed legislation and puts that motivation in context. More specifically, the essay discusses some of President Kennedy's key energy initiatives, in light of the technological, regulatory, economic, and political (domestic and international) climate of the Kennedy years and compares President Kennedy's key initiatives to the concerns the United States faces today. This comparison indicates that President Kennedy's energy and environmental policies were both insightful and prescient, but not without consequences.

I. The Broad and Complex Nature of the Kennedy Energy Policies

President John F. Kennedy's forward-thinking, yet pragmatic, energy and environmental policies were, and are, uniquely comprehensive and coherent. The concerns facing the Kennedy Administration were not that different from the concerns facing the world today. Not since President Kennedy's era have energy, environmental, and public safety issues been so intertwined. Although many of the specific issues have changed over the past fifty years, President Kennedy's policies provide a useful model in developing ways to address modern concerns.

President John F. Kennedy's short time in the White House provides a somewhat conflicted record. President Kennedy is often, and accurately, portrayed as an environmentalist⁸ and a civil rights advocate.⁹ He was also a major supporter of space exploration and atomic power, and, perhaps above all, he was committed to foreign

⁶ See Major Bruce D. Page, Jr., Book Review: *American Theocracy: The Peril and Politics of Radical Religion, Oil, and Borrowed Money in the 21st Century*, 190/191 MILITARY L. REV. 175, 177 n.12 (2007) ("In [this book], Phillips reviews the oil policies of every American president from Dwight Eisenhower to Bill Clinton, excluding John F. Kennedy.").

⁷ See President Barack Obama, Remarks at Southern California Edison Electric Vehicle Technical Center (Mar. 19, 2009), available at <http://www.energy.gov/news2009/7067.htm> (providing President Obama's remarks as they were prepared for delivery) ("We can remain one of the world's leading importers of foreign oil, or we can make the investments that will allow us to become the world's leading exporter of renewable energy. We can let climate change continue to go unchecked, or we can help stem it.").

⁸ See BENJAMIN KLINE, *FIRST ALONG THE RIVER: A BRIEF HISTORY OF THE U.S. ENVIRONMENTAL MOVEMENT 75-76* (3rd ed. 2007).

⁹ THEODORE C. SORENSON, *KENNEDY 470* (1965).

policy.¹⁰ His policies reflected the complex and difficult nature of the issues of the time. Even when some of his Administration's policies seemed to conflict with many of his primary goals, most of the policy decisions were part of a coherent, if complex, plan.

The complexity of President Kennedy's policies was visible in nearly every key issue. An outspoken champion of civil rights, President Kennedy did not move forward on legislation until two years into his term,¹¹ when racial violence largely forced the issue.¹² He founded the Peace Corps to help promote peace and prosperity in the world,¹³ yet his policies also set the stage for the Vietnam War.¹⁴ An ardent supporter of the environment,¹⁵ he also advocated expansion of nuclear power for civilian use¹⁶ and proposed and supported construction of coal slurry pipelines.¹⁷

Complex times lead to complex policies. Such were, and are, the times. As President Kennedy explained to the United Nations in 1963, "Never before has man had such capacity to control his own environment We have the power to make this the best generation of mankind in the history of the world—or to make it the last."¹⁸ This remains true today.

President Kennedy, more than 40 years ago, predicted that

if we fail to chart a proper course of conservation and development—if we fail to use these blessings prudently—we will be in trouble within a short time. In the resource field, predictions of future use have been consistently understated. But even under conservative projections, we face a future of critical shortages and handicaps. By the year 2000, a United States population of 300 million—nearly doubled in 40 years—will need far greater supplies of farm products, timber, water, minerals, fuels, energy,

¹⁰ See *id.* at 509-528.

¹¹ HERBERT S. PARMET, *JFK: THE PRESIDENCY OF JOHN F. KENNEDY* 271-72 (1983).

¹² *Id.* at 264-65.

¹³ SORENSON, *supra* note 9, at 531-32.

¹⁴ Lawrence J. Bassett & Stephen E. Pelz, *The Failed Search for Victory: Vietnam and the Politics of War* in *KENNEDY'S QUEST FOR VICTORY: AMERICAN FOREIGN POLICY, 1961-1963*, at 223-52 (Thomas G. Paterson ed., 1989).

¹⁵ See KLEIN, *supra* note 8, at 75-76.

¹⁶ See CRAUFURD D. W. GOODWIN, *ENERGY POLICY IN PERSPECTIVE: TODAY'S PROBLEMS, YESTERDAY'S SOLUTIONS* 324(1983)

¹⁷ See ROBERT GLENNON, *WATER FOLLIES: GROUNDWATER PUMPING AND THE FATE OF AMERICA'S FRESH WATERS* 155 (2004).

¹⁸ President John F. Kennedy, Jr., Address Before the 18th General Assembly of the United Nations (Sept. 20, 1963), *available at*

http://www.jfklibrary.org/Historical+Resources/Archives/Reference+Desk/Speeches/JFK/003POF03_18thGeneralAssembly09201963.htm (providing a transcript of the address, as well as the audio file).

and opportunities for outdoor recreation. Present projections tell us that our water use will double in the next 20 years; that we are harvesting our supply of high-grade timber more rapidly than the development of new growth; that too much of our fertile topsoil is being washed away; that our minerals are being exhausted at increasing rates; and that the Nation's remaining undeveloped areas of great natural beauty are being rapidly pre-empted for other uses.¹⁹

On many of these issues, President Kennedy was right, or at least in the ballpark. The U.S. population in 1963 was approximately 189 million people. In 2000, it was more than 280 million.²⁰ It was not until approximately 2007 that the population actually hit 300 million people,²¹ a mere seven years "late." As for water supply, President Kennedy was right that water needs would increase greatly. Total water withdrawals for all uses in 1960 were 270 billion gallons per day (Bgd).²² By 1980, that number reached a peak use of 440 Bgd; twenty years later, the number had decreased to 408 Bgd.²³

Despite the difficult and complex problems facing the world, or perhaps because of them, President Kennedy uniquely recognized the need to have comprehensive energy and environmental policies. Early in his administration, President Kennedy sought to combine "the widely scattered resource policies of the Federal Government."²⁴ He noted that prior policies "overlapped and often conflicted" and that funds were often "wasted on competing efforts."²⁵ As such, he sought to provide consistent standards when measuring the proper Federal contribution to similar projects.²⁶ Perhaps most important, he recognized that "[f]unds and attention devoted to annual appropriations or immediate

¹⁹ John F. Kennedy, Special Message, *Special Message to the Congress on Natural Resources* (Washington, D.C., Feb. 23, 1961).

²⁰ U.S. Census Bureau, Census 2000 Demographic Profile Highlights, at http://factfinder.census.gov/servlet/SAFFacts?_event=&geo_id=01000US&_geoContext=01000US&_street=&_county=&_cityTown=&_state=&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&_pgsl=010&_submenuId=factsheet_1&_ds_name=ACS_2006_SAFF&_ci_nbr=null&_qr_name=null&_reg=&_keyword=&_industry= (last visited Aug. 28, 2009).

²¹ U.S. Census Bureau, 2005-2007 American Community Survey 3-Year Estimates, at http://factfinder.census.gov/servlet/ACSSAFFacts?_event=&geo_id=01000US&_geoContext=01000US&_street=&_county=&_cityTown=&_state=&_zip=&_lang=en&_sse=on&ActiveGeoDiv=&_useEV=&pctxt=fph&_pgsl=010&_submenuId=factsheet_1&_ds_name=DEC_2000_SAFF&_ci_nbr=null&_qr_name=null&_reg=null%3Anull&_keyword=&_industry=

²² USGS Estimated Water Use in the United States in 2000, <http://pubs.usgs.gov/circ/2004/circ1268/htdocs/table14.html>

²³ USGS Estimated Water Use in the United States in 2000, <http://pubs.usgs.gov/circ/2004/circ1268/htdocs/table14.html>

²⁴ John F. Kennedy, Special Message, *Special Message to the Congress on Natural Resources* (Washington, D.C., Feb. 23, 1961).

²⁵ *Id.*

²⁶ *Id.*

pressures divert energies away from long-range planning for national economic growth.”²⁷ Although his policies did not always reach this standard, no president since has had such a comprehensive energy plan.

Many of the issues are similar today, but the problems have evolved, and in many cases expanded. We still face concerns about nuclear proliferation, but instead of primarily being concerned with the Soviet Union,²⁸ our concerns include Iran, Russia, China, North Korea, and Pakistan, among others.²⁹ This diffusion of possible sources has changed how the public views nuclear threats. Now, the concern about potential threats largely focuses on terrorist activity and how that activity will be funded. This, in turn, raises concern about foreign fuel sources, because so much of the world’s fossil fuels are controlled by potentially antagonistic regimes.

In addition, in 2008, as in 1963, we face significant concerns about the environment. Beyond clean air and water – areas where we have made at least some progress – climate change is now a major issue. And access to, and consumption of, foreign resources (particularly oil) are still a major concern. President Kennedy’s policies, and the process through which they were developed, can help shed some light on the critical energy and environmental issues facing the world today. With the benefit of hindsight, President Kennedy’s policies provide valuable guidance, indicating what might work, what should be avoided, and the difficulty in determining which is which.

A. The Power of (and from) Nuclear Proliferation

President Kennedy’s pragmatic and forward-thinking views were apparent in his strong support for atomic energy. This support was based on two key premises. First, he believed that having a civilian use for atomic power was essential to managing nuclear proliferation.³⁰ He argued that those who believed the United States should not commit “to being a leader in the peacetime use of atomic energy,” were choosing to waste resources and “say[ing] no to [the] country.”³¹ Accordingly, he argued, the Atomic Energy Commission, needed to take a “hard look at the role of nuclear power in our economy in cooperation with the Department of the Interior, the Federal Power Commission, other appropriate agencies, and private industry.”³²

²⁷ *Id.*

²⁸ See MICHAEL O'BRIEN, JOHN F. KENNEDY: A BIOGRAPHY 351-52 (2005).

²⁹ See Graham T. Allison, Nuclear Terrorism: The Ultimate Preventable Catastrophe 74 (2004).

³⁰ See Letter from John F. Kennedy, President of the United States, to the Chairman of the Atomic Energy Commission, *The Development of Civilian Nuclear Power*, (March 17, 1962) (“The development of civilian nuclear power involves both national and international interests of the United States.”).

³¹ John F. Kennedy, Remarks, Remarks in Seattle at the Silver Anniversary Dinner Honoring Senator Magnuson (Seattle, WA, Nov. 16, 1961).

³² See Letter from John F. Kennedy, President of the United States, to the Chairman of the Atomic Energy Commission, *The Development of Civilian Nuclear Power*, (March 17, 1962).

Second, he believed that economically competitive nuclear power could be realized relatively quickly, especially in areas where fossil fuel costs were high.³³ The President believed that the base of U.S. energy resources needed to expand to promote economic growth.³⁴ Plus, with so much time and money already put into the nuclear program, President Kennedy sought to find additional ways to put that investment to work.

The first major U.S. atomic energy project was the Hanford Nuclear Weapons Reservation (Hanford), which was located near Hanford, Washington.³⁵ Built during World War II, Hanford was the first full-scale plutonium manufacturing facility in the world.³⁶ Hanford covers 560-square miles and is adjacent to the Columbia River,³⁷ which provided the “abundant, clean water supply” that was needed for cooling.³⁸ Operations started in 1944, and Hanford soon produced the bulk of the plutonium for the U.S. nuclear weapons program, including that which was used for the atomic bomb dropped on Nagasaki.³⁹

President Kennedy was adamant that the steam produced as a by-product of Hanford’s operations should be used to generate electricity. He strongly supported the Washington Power Supply System proposal to use the steam produced by Hanford to produce power, arguing that it presented “an opportunity, dearly in the public interest, to obtain the maximum benefits from the public investment already committed for this facility and to demonstrate national leadership in resources development while furthering national defense objectives.”⁴⁰ He congratulated Congress “on the success of their unremitting efforts” to use the by-product steam of the Hanford reactor.⁴¹ “[I]t is clearly in the public interest to utilize the heat output of the Hanford reactor, and to obtain

³³ See John F. Kennedy, Special Message, *Special Message to the Congress on Natural Resources* (Washington, D.C., Feb. 23, 1961). (“[E]conomically competitive nuclear power [can be achieved] before the end of this decade in areas where fossil fuel costs are high will be encouraged through basic research, engineering developments, and construction of various prototype and full scale reactors by the Atomic Energy Commission in cooperation with industry.”)

³⁴ See Letter from John F. Kennedy, President of the United States, to the Chairman of the Atomic Energy Commission, *The Development of Civilian Nuclear Power*, (March 17, 1962) (“The development of civilian nuclear power involves both national and international interests of the United States.”).

³⁵ See *In re Hanford Nuclear Reservation Litig.*, 292 F.3d 1124, 1127 (2002).

³⁶ *Id.*

³⁷ *Id.*

³⁸ See Michele Gerber, *Legend and Legacy: Fifty Years of Defense Production at the Hanford Site*. Prepared for the U.S. Department of Energy, Office of Environmental Restoration and Waste Management at 6 (1992).

³⁹ *In re Hanford Nuclear Reservation Litig.*, 292 F.3d at 1127.

⁴⁰ Letter from John F. Kennedy, President of the United States, to the Chairman of the Joint Committee on Atomic Energy, *The Use of By-Product Steam from the Hanford Nuclear Reactor*, (July 14, 1962).

⁴¹ *Id.*

maximum benefits from the public investment already committed for this facility if there is a feasible way to do so.”⁴²

In his remarks at the Hanford generating plant, President Kennedy applauded the commencement of “work on the largest nuclear power reactor for peaceful purposes in the world.”⁴³ He noted, “I think this is a good area where we should be first, and we are first.”⁴⁴

President Kennedy also talked of using Hanford to promote conservation. He believed that, in addition to traditional notions of conservation, science and technology could achieve breakthroughs to conserve resources in ways that were previously unidentified.⁴⁵ So, he said, “we use nuclear power for peaceful purposes and power.”⁴⁶

The science used at Hanford would prove to be both a benefit and burden. By 1963, Hanford had nine nuclear reactors along the Columbia River.⁴⁷ The original three World War II reactors were updated and expanded, and 177 underground waste tanks were built.⁴⁸ During 40 years of operations, Hanford produced the plutonium supply for the majority of the United States’ 60,000 nuclear weapons.⁴⁹ Plainly, the transition from making bombs to making electricity was not as easy as it may have appeared.⁵⁰ Despite President Kennedy’s insistence that the by-product steam be used for electricity, the science of using nuclear power to generate electricity was an entirely new undertaking.⁵¹ As but one hurdle, plutonium for bombs was produced using low-temperature reactors; steam for the electricity generating turbines required a much higher temperature.⁵²

The N Reactor, the last plant constructed on the Hanford site, combined plutonium production and steam generation of commercial electric power.⁵³ The N

⁴² John F. Kennedy, Message, *Annual Budget Message to the Congress, Fiscal Year 1964*, (Washington, D.C., Jan. 17, 1963).

⁴³ John F. Kennedy, Remarks, *Remarks at the Electric Generating Plant*, (Hanford, WA, Sept. 26, 1963).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Dep’t of Energy, Richland Operations Office, Office of River Protection, Hanford Overview, <http://www.hanford.gov/?page=215>.

⁴⁸ *See id.*

⁴⁹ *See id.*

⁵⁰ GWENYTH CRAVES, *POWER TO SAVE THE WORLD: THE TRUTH ABOUT NUCLEAR ENERGY* 163 (2008).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *See* MICHELE GERBER, *LEGEND AND LEGACY: FIFTY YEARS OF DEFENSE PRODUCTION AT THE HANFORD SITE 31* (1992), *available at* http://www5.hanford.gov/pdw/fsd/AR/FSD0001/FSD0037/D196136628/D196136628_13223_66.pdf (Prepared for the U.S. Department of Energy, Office of Environmental Restoration and Waste Management).

Reactor produced more than 65 billion kilowatts of electricity in 24 years, making the N Reactor the largest electric power producer in the nation during its early years.⁵⁴

As would be expected (at least today), Hanford also proved to be a major environmental hazard. In fact, “[t]he clean-up of American military nuclear waste is the biggest environmental program as well as the biggest public works program in the history of the world, surpassing the Manhattan Project and the space program combined.”⁵⁵ In the mid-1950s, leaks in the single-shell, high-level waste storage tanks were confirmed.⁵⁶ Other concerns surrounded the Columbia River, which supplied the water used for cooling the operations. By 1960, wastewater from Hanford discharged 14,500 curies per day into the Columbia River.⁵⁷ Recognizing this concern, “Hanford and Atomic Energy Commission leaders discussed rising levels of contamination in fish tissues in the river and in shellfish in coastal waters near the river’s mouth.”⁵⁸

Hanford’s eight single-pass reactors shut down between 1964 and 1971.⁵⁹ Following the shutdowns, some reports noted that “radionuclide levels in river water and organisms decreased, and by 1975, only a small measurable burden existed, mainly in the sediments of blind sloughs and of areas behind dams.”⁶⁰ However, during operation, “these reactors discharged billions of gallons of cooling water, laden with fission and activation products, to the river and to the ground.”⁶¹

In the aftermath, the United States Department of Energy (DOE), in 1987, created the Hanford Environmental Dose Reconstruction Project (HEDR), which was overseen by the Centers for Disease Control.⁶² The HEDR was created “to estimate and reconstruct all radionuclide emissions from Hanford from 1944 to 1972, in order to ascertain whether neighboring individuals and animals had been exposed to harmful doses of radiation.”⁶³ The HEDR analyzed Hanford emissions over a 75,000-square-mile area and examined “how radiation traveled through the air, settled into the soil, and dispersed into ground and surface water, and the resulting exposure to individuals who lived in the surrounding urban and suburban areas.”⁶⁴

⁵⁴ *Id.*

⁵⁵ CRAVES, *supra* note 50, at 278.

⁵⁶ GERBER, *supra* note 53, at 32

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at 37. The N-reactor stayed in service until 1987. Matthew L. Wald, *Plutonium Plant Quietly Shut Down*, N.Y. TIMES, July 22, 1989, § 1, at 9.

⁶⁰ GERBER, *supra* note 53, at 37.

⁶¹ MICHELE STENEHJEM GERBER, ON THE HOME FRONT: THE COLD WAR LEGACY OF THE HANFORD NUCLEAR SITE 4 (2002).

⁶² *In re Hanford Nuclear Reservation Litig.*, 292 F.3d at 1128.

⁶³ *Id.*

⁶⁴ *Id.*

In 1990, HEDR released the report, *Initial Hanford Radiation Dose Estimates*, which, for the first time, publicly disclosed that Hanford had released large quantities of radioactive and non-radioactive waste, starting in the 1940s.⁶⁵ The report triggered major litigation. Thousands of individuals filed complaints, claiming a variety of illnesses caused by Hanford's toxic emissions.⁶⁶ Beyond loss of property value, the complaints “alleged that defendants acted intentionally or negligently, and that the radioactive and other toxic emissions reached numerous off-site residents through ingestion of contaminated vegetables, meat, fish, drinking water and milk, swimming in the irradiated Columbia River, and inhalation of toxic air.”⁶⁷ Over more than fifty years of operations, the potential plaintiffs could have been hundreds of thousands of people.⁶⁸

In a “strange twist,” the damage to the area is now becoming something of a boon to the region.⁶⁹ The Hanford area’s Tri-Cities—Richland, Pasco and Kennewick—are getting gearing up for another boom, similar to those of years past.⁷⁰ In the 1940s, it was the development of nuclear bombs.⁷¹ In the 1960s, during the peak of the Cold War, it was for weapons production.⁷² And, in the 1980s and early 1990s, then-House Speaker Tom Foley, a Democrat from Spokane, funneled \$100 million into the local economy.⁷³ Again the federal government is funding a major Hanford-related project.⁷⁴ This time it is a \$4 billion vitrification project to deal with Hanford’s waste.⁷⁵

A job boom related to remediation of Hanford’s nuclear operations was hardly the legacy President Kennedy sought. Hanford’s environmental damage underscored many of the worst parts of nuclear energy. However, despite the massive Hanford clean-up project, it would be a mistake to assert that President Kennedy was wrong to pursue nuclear power.

First, in all fairness, most of the damage at Hanford was not related to waste from power production; instead, it was from “the past production of plutonium for the nation’s nuclear weapons program.”⁷⁶ Second, although nuclear power became a lightning rod for criticism from environmental groups as early as the late 1960s, in light of climate change

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Mike Lewis, *In Strange Twist, Hanford Cleanup Creates Latest Boom*, SEATTLE POST-INTELLIGENCER, April 19, 2002.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*; see also CRAVES, *supra* note 50, at 278 (noting that some Hanford tank residue would be made into “glass logs” for placement in a geologic disposal).

⁷⁶ Annette Cary, *Wyden Raises Concerns over Quality Control at Hanford's Vit Plant*, TRI-CITY HERALD (Kennewick, WA), Apr. 9, 2008.

concerns, many “green advocates” are rethinking their position on nuclear power.

Most prominently, Patrick Moore, a co-founder of Greenpeace,⁷⁷ has changed his views on nuclear power and, he argues, “the rest of the environmental movement needs to update its views, too, because nuclear energy may just be the energy source that can save our planet from another possible disaster: catastrophic climate change.”⁷⁸ Mr. Moore’s support of nuclear power is a major ideological transformation.⁷⁹ He explained his transformation this way: “In the early 1970s when I helped found Greenpeace, I believed that nuclear energy was synonymous with nuclear holocaust That’s the conviction that inspired Greenpeace’s first voyage up the spectacular rocky northwest coast to protest the testing of U.S. hydrogen bombs in Alaska’s Aleutian Islands.”⁸⁰

Mr. Moore is not alone in this massive change of perspective. Other leading environmentalists, former critics of nuclear power, now support the idea, as well. Perhaps most notably, “British atmospheric scientist James Lovelock, father of the Gaia theory, believes that nuclear energy is the only way to avoid catastrophic climate change.”⁸¹ In addition, the founder of the “Whole Earth Catalog,” Stewart Brand, now argues that if the environmental movement is serious about removing fossil fuels from the energy mix, additional nuclear power plants are essential.⁸²

In support of his transformation, Mr. Moore makes the point that coal produces 36% of U.S. carbon dioxide emissions, which is almost 10% percent of the world’s such emissions.⁸³ Carbon dioxide is the primary greenhouse gas responsible for global warming.⁸⁴ In contrast, nuclear energy produces about 20% of the U.S. power supply,⁸⁵ with nearly zero greenhouse gas emissions.

⁷⁷ Greenpeace is a non-profit conservation organization with the mission to “fight to save the planet has grown more serious – the threat of global warming, destruction of ancient forests, deterioration of our oceans, and the threat of a nuclear disaster loom large.” Greenpeace USA, About Us, <http://www.greenpeace.org/usa/about>.

⁷⁸ Patrick Moore, *Going Nuclear: A Green Makes the Case*, WASH. POST, Apr. 16, 2006, at B01. Mr. Moore’s support of nuclear power is a major ideological transformation. *Id.* (“In the early 1970s when I helped found Greenpeace, I believed that nuclear energy was synonymous with nuclear holocaust That’s the conviction that inspired Greenpeace’s first voyage up the spectacular rocky northwest coast to protest the testing of U.S. hydrogen bombs in Alaska’s Aleutian Islands.”). Moore notes that other leading environmentalists, former critics of nuclear power, now support the idea, as well. *Id.* (“British atmospheric scientist James Lovelock, father of the Gaia theory, believes that nuclear energy is the only way to avoid catastrophic climate change. Stewart Brand, founder of the ‘Whole Earth Catalog,’ says the environmental movement must embrace nuclear energy to wean ourselves from fossil fuels.”).

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *See id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

There remain many hurdles to overcome—in particular, cost, safety, waste, and proliferation—before additional nuclear power would be feasible.⁸⁶ But, as a 2003 MIT study put it, “[T]he nuclear option should be retained precisely because it is an important carbon-free source of power.”⁸⁷ As such, despite intervening decades of (at least U.S.) skepticism about nuclear power, climate change concerns have rekindled President Kennedy’s vision that nuclear power should have a role in the “other part of conservation . . . to use science and technology to achieve significant breakthroughs.”⁸⁸

B. Promoting Conservation While Expanding Infrastructure for Coal and Electricity: A Delicate Balance or a Practical Impossibility?

Despite his firm belief in conservation, President Kennedy also supported the use of coal for energy. This, too, indicated his pragmatic view relative to energy and the environment. He understood the need for additional (and economic) fuel sources to power the economy and raise the quality of level in many parts of the country.

Specifically, during the 1960 presidential campaign, then-Senator Kennedy promoted coal for electricity, a concept he called “coal by wire.”⁸⁹ He noted that, between 1948 and 1960, coal employment had declined from 127,000 employees to less than 50,000.⁹⁰ In a telling statement of the times, he stated without equivocation: “Our experts tell us that coal consumption can be doubled and tripled within the next twenty years – but this is a challenge, not a guarantee.”⁹¹ Today, statements about coal are often tied to the need to reduce traditional coal plants and increase “clean coal” technologies. It would be rare indeed to hear of even coal advocates arguing for increased coal use without touting an ability to reduce emissions.

The “ancient power of coal,” he stated, “burned at the mines and transmitted over huge cables—can re-enter homes in the most modern of forms—as electric power.”⁹² In this manner, he proposed to bring coal back into the home, “not by trucks and a shovel, but by wires and a switch.”⁹³ Although by no means on his own, this goal has certainly been realized. Recently, even with more utilities shifting away from coal, more than 50% of all U.S. electricity still comes from coal-fired plants today.⁹⁴

⁸⁶ STEPHEN ANSOLABEHRE, ET. AL., THE FUTURE OF NUCLEAR POWER: AN INTERDISCIPLINARY MIT STUDY, at ix (2003), available at <http://web.mit.edu/nuclearpower/pdf/nuclearpower-full.pdf>.

⁸⁷ *Id.* at 2.

⁸⁸ John F. Kennedy, Remarks, *Remarks at the Electric Generating Plant*, (Hanford, WA, Sept. 26, 1963).

⁸⁹ John F. Kennedy, Remarks of Senator John F. Kennedy at Morgantown, West Virginia, Apr. 18, 1960.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Paul Davidson, *Utilities Shrink the Role of Coal*, USA TODAY, Sept. 22, 2008, at 4B.

1. Coal Slurry Pipelines: Attempting to Balance Environmental Concerns with Economic Development

President Kennedy recognized the need for energy throughout the country, and coal slurry pipelines were one way he saw to ensure progress.

We look forward to the day when energy will flow where it's needed. We cannot permit the railroads to prevent coal slurry pipelines from conveying the resources of our mines. We cannot permit the mining industry to say there shall be no nuclear energy because it may affect them negatively.⁹⁵

Once he was in the White House, President Kennedy continued his support for coal, at the same time he was promoting increased conservation efforts.⁹⁶ In that era, there was nothing incongruous about advocating for conservation and increased coal use at the same time.⁹⁷ In a special message to Congress on conservation, President Kennedy, in addition to discussing he need to address water pollution and promote land conservation, he also promoted the use of coal slurries (a coal and water mixture) to produce electricity.⁹⁸ In support of coal for electricity, he announced a proposal to develop coal slurry pipelines, similar to those used for oil, to facilitate interstate transportation.⁹⁹

Coal slurry pipelines are still in existence today.¹⁰⁰ From an environmentalist's perspective, these pipelines are particularly unappealing. First, they move coal for use in generating plants, which leads to significant emissions of greenhouse gases and other toxic pollutants.¹⁰¹ Second, slurry pipelines use a tremendous amount of water.¹⁰²

Large coal power plants use a hundreds of tons of coal each day, with corresponding water needs for a slurry pipeline. This is an especially sensitive issue for

⁹⁵ John F. Kennedy, Remarks at the Dedication of the Oahe Dam, Pierre, South Dakota, (Aug. 17, 1962).

⁹⁶ John F. Kennedy, Special Message to the Congress (Mar. 1, 1962).

⁹⁷ *See id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Originally, these pipelines moved the coal slurry using about equals parts coal and water. *See* W. SHEPHERD & D.W. SHEPHERD, ENERGY STUDIES 112 (2003). Newer pipelines can move coal that has been compressed into logs. OFFICE OF INDUS. TECH., U.S. DEP'T OF ENERGY, COAL LOG FUEL PIPELINE TRANSPORTATION SYSTEM 1 (1999), available at <http://www.nrel.gov/docs/fy00osti/26740.pdf> (last visited Aug. 28, 2009). Coal log pipelines save about 70% water as compared to traditional slurry pipelines. *Id.*

¹⁰¹ *See* THE INTERNATIONAL HANDBOOK ON ENVIRONMENTAL TECHNOLOGY MANAGEMENT 204, tbl. 12.1 (Dora Marinova, et al., eds., 2008).

¹⁰² WILLIAM ASHWORTH, THE LATE, GREAT LAKES: AN ENVIRONMENTAL HISTORY 214-15 (1987) ("A coal slurry pipeline moves coal by crushing it to a fine powder, mixing it with large amounts of water, and pumping the water with its suspended coal particles through large-diameter pipes.").

pipelines in areas with scarce water resources. As an example, one of President Kennedy's two proposed coal slurry pipelines was the Black Mesa Mine, which shipped coal slurry 273 miles from a Northern Arizona mine (in the middle of the Hopi and Navajo reservations) to the Mohave Generating Station near Laughlin, Nevada.¹⁰³ The pipeline was the world's longest water-slurry pipeline and moved five million tons of pulverized coal per year to the 1,580-megawatt electric power plant.¹⁰⁴ To run the pipeline, Peabody (the original owner) began pumping 4,000 acre-feet per year of drinking water a year from the aquifer under Black Mesa.¹⁰⁵ Crushed coal was mixed with the water and injected into the slurry pipeline.¹⁰⁶

In 2006, rather than invest \$1 billion to clean up the power plant's emissions, operations of the plant were suspended.¹⁰⁷ The plant was expected to be off-line for at least four years, the amount of time expected that would be needed to resolve conflicts over the plant's emissions "and to negotiate with two native tribes over rights to the water needed to deliver fuel to Mohave as a slurry."¹⁰⁸ Efforts to reopen the plant have stalled, and there is no indication the plant, or the pipeline, will ever resume operations.¹⁰⁹

2. The Continuous, and Lasting, Need for Infrastructure

President Kennedy's time was not so different from our own in terms of a vast need for energy infrastructure. In addition to nuclear power and coal slurry lines, there was a continuing need for electricity infrastructure.

President Kennedy often touted the success of the Rural Electrification Act (REA),¹¹⁰ provided the long-term financing and technical expertise needed to expand the availability of electricity to rural customers.¹¹¹ President Kennedy's prepared remarks

¹⁰³ ROBERT JEROME GLENNON, *WATER FOLLIES: GROUNDWATER PUMPING AND THE FATE OF AMERICA'S FRESH WATERS* 155 (2004).

¹⁰⁴ John Dougherty, *Wisdom of the Ancestors*, PHOENIX NEW TIMES, Dec. 1, 2005 (modification in original), available at <http://www.phoenixnewtimes.com/2005-12-01/news/wisdom-of-the-ancestors>.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ See *Environmental Quandary Shuts Mohave Plant*, POWER MAGAZINE, Mar. 15, 2006, available at http://www.powermag.com/environmental/Environmental-quandary-shuts-Mohave-plant_544.html (reporting that, according to the plant's utility, "new emissions-control systems and burners needed to comply with the consent decree, as well as a new coal/water supply and delivery system, might cost as much as \$1.1 billion to buy and install").

¹⁰⁸ *See id.*

¹⁰⁹ S. Cal. Edison, *Power Generation: Mohave Generation Station*, <http://www.sce.com/PowerandEnvironment/PowerGeneration/MohaveGenerationStation/> (last visited Aug. 28, 2009) (stating that plans to restart the plant stopped in February 2007)

¹¹⁰ Rural Electrification Act, 49 Stat. 1363 (1936).

¹¹¹ President John F. Kennedy, *Planned Remarks for Delivery at the University of North Dakota* (Sept. 25, 1963). [hereinafter, *Planned Speech*].

for a September 1963 speech at the University of North Dakota stated that, since the REA passed in 1936, more than 900 cooperative rural electrification systems had been built with the assistance of federal financing.¹¹²

The REA's financial undertaking was enormous. "More than \$5 billion has been advanced to 1,000 borrowers. Over 1,500,000 miles of power lines—enough to criss-cross the nation 500 times—have been built, serving 20 million American people."¹¹³ The investment, President Kennedy noted, was remarkably sound: "Out of roughly 1,000 borrowers, only one is delinquent in payment; and the total losses on the \$5 billion advanced are less than \$50,000."¹¹⁴ This low level of default is especially striking in today's financial times.

Few investors were willing to invest in the rural electrification project without federal financing, yet few private businesses could cite such a successful record.¹¹⁵ In 1963, North Dakota-based, REA-funded cooperatives served on average around one metered farm per mile of line, compared to the average urban-area utility system of 33 electric meters per mile of line.¹¹⁶ North Dakota, at a remarkable 97%, was the state with the highest percentage of people being served by REA-funded utilities.¹¹⁷

In addition to the financing issues, President Kennedy argued that the REA raised the standard of living, strengthened the U.S. economy, and even improved national security by providing the power necessary to increase industrial activity when needed.¹¹⁸ In the State of North Dakota, the President noted in his address, prior to the REA, 3% of farms were powered by electricity; by 1963, nearly every farm in the state had power.¹¹⁹ "What was 30 years ago a life of affluence, in a sense today is a life of poverty."¹²⁰

President Kennedy recognized, though, that despite the success of the REA, the task of rural electrification was not complete.¹²¹ The President sought continuation of the

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.* ("How many other investors and lenders can cite a comparable record? Yet all this has been accomplished by cooperatives working in areas that were regarded, at least at the outset, as hazardous to private industry.")

¹¹⁶ *Id.*

¹¹⁷ *Id.* Rural electric coops account for 45% of North Dakota's retail electric sales. Cooperative Facts, North Dakota Association of Rural Electric Cooperatives, <http://www.ndarec.com/electricNetworkFacts.htm>. There are currently seventeen distribution co-ops and five Generation and Transmission co-ops in the state of North Dakota. About Us, North Dakota Association of Rural Electric Cooperatives, <http://www.ndarec.com/aboutUs.htm>.

¹¹⁸ Planned Speech, *supra* note 111.

¹¹⁹ President John F. Kennedy, Remarks Delivered at the University of North Dakota (Sept. 25, 1963).

¹²⁰ *Id.*

¹²¹ Planned Speech, *supra* note 111.

REA to ensure that rural residents had access to power at competitive costs.¹²² Today, continued construction is necessary, but this time the need is not related to demand.¹²³ U.S. energy infrastructure has not kept up with the increasing needs of a growing population that uses more per capita power than ever before.¹²⁴ Construction of energy infrastructure continued through the 1960s, but investment in electric transmission lines (the high-voltage lines moving wholesale electric energy), declined (in real dollars) for the twenty-three consecutive years between 1975 and 1998.¹²⁵ Since 1998, investment has slowly increased, but is still below 1975 levels.¹²⁶ In 2004, this failure of infrastructure investment translated into a 0.6% increase in circuit miles on the U.S. interstate transmission system.¹²⁷

The capital needed to improve the U.S. energy infrastructure investment remains significant. Estimates from \$56 billion to \$100 billion, are not uncommon, and others have argued that as much as \$450 billion is needed to appropriately address electricity infrastructure needs.¹²⁸ And these investment estimates do not account for all of the additional investments that would be needed to address climate change concerns.

II. Conclusion

The need for a coherent and comprehensive energy and environmental policy is one of the most important issues facing our nation today. Energy and environmental issues impact broad and diverse areas of concern, including national security, public health and safety, economic growth, and climate change. Most of President Kennedy's programs have advanced to the point that little could (or should) be implemented today, from a tactical perspective. However, from a strategic perspective, his bold and expansive vision should still serve as a model for modern policymakers.

¹²² *Id.*

¹²³ See Joshua P. Fershee, *Misguided Energy: Why Recent Legislative, Regulatory, and Market Initiatives are Insufficient to Improve the U.S. Energy Infrastructure*, 44 HARV. J. ON LEGIS. 327, 329 (2007).

¹²⁴ *See id.*

¹²⁵ Press Release, Fed. Energy Regulatory Comm'n ("FERC" or "Commission"), Commission Proposes Transmission Pricing Reforms to Increase Power Grid Investment (Nov. 17, 2005) [hereinafter Transmission Pricing Release], available at <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=10882511> (last visited Aug. 28, 2009).

¹²⁶ *Id.* at 1. ("Over that same period, electricity demand has more than doubled, resulting in a significant decrease in transmission capacity relative to demand in every North American electric reliability region.")

¹²⁷ Joseph T. Kelliher, Chairman Kelliher on Transmission Pricing Proposed Rules (Docket No. RM06-4-000) (Nov. 17, 2005), available at <http://www.ferc.gov/news/statements-speeches/kelliher/2005/11-17-05-kelliher-pricing.pdf> (last visited Aug. 28, 2009).

¹²⁸ UNION OF CONCERNED SCIENTISTS, LESSONS FROM THE AUGUST 2003 BLACKOUT (Aug. 10, 2005), http://www.ucsusa.org/clean_energy/technology_and_impacts/impacts/lessons-from-the-august-2003.html (last visited Aug. 28, 2009).

President Kennedy was willing to take on multiple industries and make clear that the government would support and facilitate projects that were in the best interests of the country, not particular constituencies. Although, especially in practice, this characterization may be bit idealized, his concept was nonetheless clear. Modern politicians would be well-served to follow President Kennedy's admonition:

From the beginning of civilization, every nation's basic wealth and progress has stemmed in large measure from its natural resources. This nation has been, and is now, especially fortunate in the blessings we have inherited. Our entire society rests upon—and is dependent upon—our water, our land, our forests, and our minerals. How we use these resources influences our health, security, economy, and well-being.

-- President John. F. Kennedy, Feb. 23, 1961¹²⁹

¹²⁹ John F. Kennedy, Special Message, *Special Message to the Congress on Natural Resources* (Feb. 23, 1961).

PART V
JFK- MEDIA IMAGE AND LEGACY

Chapter 20

Kennedy's Loyal Opposition: *National Review* and the Development of a Conservative Alternative, January-August 1961

Laura Jane Gifford

The March 25, 1961, *National Review* related the contents of a recent subscriber letter in a back-cover subscription appeal. This man, “usually understood to be a liberal” and well-placed in New York Democratic circles, wrote the magazine and explained:

Of course I am not in agreement with most of your criticism of President Kennedy; nor do I believe you will get far in your obvious editorial support of Senator Barry Goldwater, but renew my subscription, for I can no longer get along without *National Review*.

I find that *National Review* is a whiskey I must sample once a week. From every other journalist I get a sensation of either soda pop (and who does not finally gag on effervescent, treacly sugar water), or from the intellectual journals of my own persuasion I now get no more than strained vegetable juices unfermented. So I am now a tippler. Eight dollars enclosed.

The advertisement's writer went on to speculate that perhaps *National Review's* rarified appeal stemmed from its very lack of broadmindedness; rather, “it is a magazine of fact and opinion, of discourse and criticism, on the central questions of our age,” questions identified as dealing with how to meet the Communist challenge, “resuscitate the spirit in an age of horror,” guard one's mind against uniformity in the age of mass appeal, and resist collectivism, preserve freedom and teach love of country, respect for past wisdom and responsibility to the future.

Conservatism circa 1961 was a movement on the rise. Organizational gains during the 1960 election would prove decisive in catapulting Barry Goldwater into the Republican presidential nomination in 1964. While that election's disastrous outcome has been well documented,¹ Richard Nixon won the 1968 campaign on the strength of far

¹ For the story of 1964, see Donald T. Critchlow, *The Conservative Ascendancy: How the GOP Right Made Political History* (Cambridge, Mass.: Harvard University Press, 2007); Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill and Wang, 2001) and Jonathan Schoenwald, *A Time for Choosing: The Rise of Modern American Conservatism* (New York: Oxford University Press, 2001).

more conservative appeals than those he had espoused in 1960. Not since 1960 have liberal Republicans held a position of dominance within the party.²

Within this rising movement, *National Review* (*NR*) was a foundational publication. Founded in 1955 and edited by conservative boy wonder William F. Buckley, Jr., *NR* was the first publication—or, indeed, resource of any kind—to consolidate the various strains of post-war conservatism, combining traditionalist, libertarian and anti-Communist elements to forge what contributing editor Frank Meyer termed “fusionism.” Historian George H. Nash argued that if *NR*, or something like it, had not entered into American life, “there would probably have been no cohesive intellectual force on the Right in the 1960s and 1970s.”³ *NR* was the only publication challenging the liberal consensus in an organized, mass-distributed format. Unabashedly intellectual and everlastingly cutting, it provided information and opinion, and it also gave conservatives a forum for discussion and a means of belonging. *NR* brought the conservative masses—to borrow a “leftist” term—together.⁴

Careful perusal of *NR*’s pages offers perhaps our best insight into the American conservative movement’s response to the Kennedy administration. Buckley and the rest of the magazine’s editorial staff were deeply cognizant of *NR*’s role in articulating and consolidating a coherent conservative intellectual position. Jeffrey Hart, a longtime editor at the publication, has spoken of the magazine’s mission as “the quest for a politically viable and thoughtful American conservatism.” As such, it did not merely take “ephemeral” positions on the issues of the day, but rather, conducted a search for “the underlying basis upon which such positions ought to be derived: which is to say, abiding principles.”⁵ That said, its weekly publication schedule meant that the fortnightly *NR* and its abbreviated sibling, *National Review Bulletin*, kept a careful eye upon the day-to-day workings of American politics.⁶ This hybrid purpose meant that the magazine’s editorial staff remained concerned with placing the events of the day in a longer view, even as they scrutinized the complex workings of American foreign and domestic policy. Week after week, the pages of *NR* and *National Review Bulletin* provide a detailed source for studying the “New Frontier” through the eyes of the opposition. This paper takes us

² See Laura Gifford, *The Center Cannot Hold: The 1960 Presidential Election and the Rise of Modern Conservatism* (DeKalb: Northern Illinois University Press, 2009). Mary C. Brennan makes a similar case for the significance of 1960 in *Turning Right in the Sixties: The Conservative Capture of the GOP* (Chapel Hill: University of North Carolina Press, 1995).

³ George H. Nash, *The Conservative Intellectual Movement in America Since 1945* (New York: Basic Books, 1976), 153.

⁴ Gifford, *The Center Cannot Hold*.

⁵ Jeffrey Hart, *The Making of the Conservative Mind National Review and its Times* (Wilmington, Del.: ISI Books, 2005), xi.

⁶ During the early 1960s, *NR* maintained a fortnightly publication schedule; *National Review Bulletin*, an eight-page collection of briefs and columns, published in the intervening weeks.

from the beginning of 1961 through the end of August and the construction of the Berlin Wall—eight months of anxiety and, from *NR*'s point of view, declension.

The majority of the articles excerpted and examined come from the publication's unsigned "Briefs" and editorial columns and were thus intended as "a corporate *National Review* statement."⁷ Senior editors who might be responsible for these "corporate" statements, however, also articulated their own discrete opinions in columns including James Burnham's "The Third World," analyzing foreign policy, and Buckley's "From the Ivory Tower," which was in many ways a continuation of the critique of American higher education he began with 1951's *God and Man at Yale*. When such columns or other signed articles grant special insight into the developing conservative position vis-à-vis Kennedy they are excerpted as well, identified by author. In some cases, the opinions of a columnist or the writer of a signed article could differ with those expressed in the magazine's editorial pages. Such variation in coverage granted *NR* vitality not often found in the pages of a newsmagazine. Within the context of this diversity, however, consistent themes emerged—themes that helped *NR* develop the "politically viable and thoughtful" conservatism of which Hart spoke.

Analysis of the magazine during this period reveals three important themes. First, the Kennedy administration's actions in the foreign policy arena revealed a disturbing lack of government resolve in fighting the Cold War on our own terms. From Cuba to Laos, nuclear test ban treaty negotiations to the strange case of General Edwin A. Walker, Kennedy and his lieutenants failed to understand the dangers of the Communist menace—and as a result, they routinely subordinated American interests in a misguided attempt to win "friends" among opponents who operated under a fundamentally different moral order.

Second, while politics at home offered numerous causes for concern, the domestic political agenda remained subordinate to international affairs. After all, it was neither here nor there who funded the schools if they were all teaching Marxist principles in Russian. Despite this hierarchy, however, *NR*'s commentary on domestic policy issues offers insight into conservatives' struggle to mediate between principle and strategy as they moved beyond the fringes and onto the political stage.

Finally, *NR* carefully followed, and in many cases encouraged, a new development that offered a way out of the declensionary narrative painted by the distressing actions of the Kennedy administration from week to week. A storm was brewing on college campuses and in youth organizations across the country. The new rebel of the 1960s was a conservative—and most of these rebels recognized *NR* editor Bill Buckley as their big brother and guiding influence. There is a certain irony in the rise of conservative youth activism at the very inception of the young, glamorous "Camelot," and *NR* gleefully marveled at this reality. The magazine's excitement was palpable, and while the 1960s would soon see the rise of the left-wing radicalism that has remained more notable in the public memory of this decade, the course of American

⁷ Hart, *The Making of the Conservative Mind*, 103.

political history since then demonstrates that in many respects, young conservatives carried the day.⁸

From January onward *NR* expressed considerable concern over Kennedy's intentions toward Fidel Castro, even as its writers advocated a strong response to this Communist presence just 90 miles offshore. The columnist "Quincy" noted that Kennedy was furious with former president Eisenhower for breaking off relations with the Cuban dictator.⁹ Eisenhower's action "closed the door to a planned policy of appeasement in the Caribbean which State Department experts, working with onetime diplomat A. A. Berle, were sugar-coating for the American public."¹⁰ Even so, foreign policy expert James Burnham urged the administration to make Cuba the litmus of America's resolution to stand firm despite what he termed the "bureaucratic inertia" of the State Department.¹¹ It seemed, as of the April 22 edition of Burnham's "The Third World War" column, that the anti-Castro revolt did have Kennedy's support, but that support must be all-out, and it must be carried out "with overwhelming power, maximum speed, and total success. Failure would be a catastrophe beyond calculation."¹²

Unfortunately, fail it did. In the early days of the Bay of Pigs invasion, the *Bulletin* pointed out that by all objective analysis, the advantage in Cuba was with Kennedy rather than Khrushchev. "Cuba is just 90 short miles off *our* coast," the editors pointed out, "in a sea under our absolute strategic domination." Three days into the invasion, however, the Soviets' will was proving stronger—strong enough to outweigh Communists' strategic disadvantage. The battle could still be won, but it required an act of will "by the one man whose single act, in this momentous chapter, controls the outcome."¹³

By the beginning of May it was clear that this act of will would not be performed. *NR* descended into satire, commenting, "Perhaps Harvard will even add to the graduate curriculum a course or two on Invasions, Amphibious, to fill in the little lacunae in the expertise of future Harvard Administrations." It would be interesting to know what

⁸ See John A. Andrew III, *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics* (New Brunswick, N.J.: Rutgers University Press, 1997) and Gregory L. Schneider, *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right* (New York: New York University Press, 1999).

⁹ "Quincy" appears to be a pseudonym; for whom, it is unclear.

¹⁰ *NR Bulletin* (January 21, 1961), 4.

¹¹ Burnham was a Trotskyite in the 1930s and a philosophy professor at New York University. Never pleased with Stalin, he broke with Marxism altogether over the course of the early 1940s. He was best known for his 1941 book *The Managerial Revolution: What is Happening to the World*, which posited that power was passing from the old elites to a new, managerial class in society (Hart, *The Making of the Conservative Mind*, 19, 21-23).

¹² *NR* (April 22, 1961), 248.

¹³ *NR Bulletin* (April 29, 1961), 1.

exactly went wrong, the editors concluded, but ultimately it was the president's lack of will that caused the catastrophe. The editors did offer a way out for the future. Eisenhower had not, they observed, been a particularly reflective man. Kennedy, on the other hand, was more disposed to analyze and learn from his mistakes. Using his comeback against Hubert Humphrey in the West Virginia primary as an example, *NR* hoped that he might face Cuba with the same determination, courage and resolution—and, in the end, win.¹⁴

Since the fight against Communism was viewed by *NR* as all encompassing, actions within the United States—or within U.S. military and diplomatic circles—were deemed just as important to American foreign policy as those directly involving foreign governments. Accordingly, the magazine carefully followed cases ranging from the fight to abolish the House Committee on Un-American Activities to the case of Major General Edwin A. Walker. Walker was an Army general serving in Germany in early 1961 when he was removed from his command of the 24th Infantry Division and accused of advocating the beliefs of the John Birch Society among his troops.¹⁵ On June 12, he was officially “admonished” by General Bruce C. Clarke, the commander in chief of the U.S. Army in Europe. Walker resigned his commission in protest, becoming a spokesman about the dangers of Communist insurgency and an additional symbol for conservatives of Kennedy administration policies gone dangerously awry.¹⁶

The accusations against Walker rested upon the reporting of a notoriously scandalous private tabloid called the *Overseas Weekly* and were seriously flawed. Walker had likely overstepped his bounds in using the Americans for Constitutional Action voter index to advise his troops in how to cast their votes. He might well have accused public figures including Harry Truman and Eleanor Roosevelt of being “definitely pink” in a speech to U.S. troops and their wives, although the only newspaper to report on such a speech was the *Overseas Weekly*. And he did include John Birch Society Founder Robert Welch's book *The Life of John Birch* on a list of recommended reading, leading to accusations of links between Walker's anti-Communist education programs and Welch's conspiratorial views. Even so, historians have concluded that Walker was unfairly demonized for his actions¹⁷—and *NR* leapt upon the charges with righteous indignation.

The magazine flayed the *New York Times* and the *Washington Post* for what they “managed not to discover in their investigation of the case.” First, *The Life of John Birch* was published years before the founding of the John Birch Society, and told the story of a young American army captain murdered by Chinese Communists at the end of World

¹⁴ *NR* (May 6, 1961), pp. 269-270.

¹⁵ The John Birch Society was an anti-Communist organization founded in 1958 by Massachusetts candy magnate Robert Welch that organized itself along Communist lines—i.e., in small, secretive cells—and engaged in letter-writing campaigns and other advocacy.

¹⁶ Schoenwald, *A Time for Choosing*, 100, 106.

¹⁷ *Ibid.*, 105.

War II—a pertinent subject for troops stationed to fight against Communists themselves. It was only one of a number of relevant publications Walker recommended. Second, *Overseas Weekly* alleged that Walker had titled an anti-Communist training program “pro-Blue” because of a connection to the John Birch Society’s guide book—*The Blue Book*—when in fact, “pro-Blue” referred to nothing more scandalous than the reality that on tactical military maps, red represented the enemy force and blue the friendly one. Finally, Walker denied he had made derogatory comments about Truman and Mrs. Roosevelt, pitting a decorated veteran of World War II and Korea against a notoriously scurrilous newspaper.¹⁸ On June 24, *NR* reported that the West German government had taken on General Walker’s case against *Overseas Weekly*—a bit of information seeming to corroborate Walker’s position that most American media did not care to report.¹⁹

Walker’s case was part of a larger problem within the military—a problem of lack of resolution that mirrored the lack of will *NR* saw in Kennedy’s conduct of the Bay of Pigs invasion. In early August, as the Walker case progressed, *NR* opined “General Walker was carved up just for practice, just to get the knives well sharpened.” Week after week, the Kennedy administration and its supporters took measures *NR* deemed questionable at best and self-defeating at worst: removing the anti-Communist film *Operation Abolition* from the list of films approved for viewing by soldiers; removing anti-Communist literature from base libraries; fulminating against high-ranking officers who engaged in or sponsored educational programs deemed to “‘veer into Right Wing radicalism.’” Not only were these measures dangerous, they were based upon inaccurate information. Arkansas Senator J. William Fulbright equated John Birch Society-style conspiracy theories with the very non-conspiracy oriented Foreign Policy Research Institute, the Institute for American Strategy and the Richardson Foundation. Perhaps Senator Fulbright would care to share exactly what he *did* believe soldiers should be taught, *NR* concluded—“Yalta was an act of brilliant statesmanship? Better Red than Dead?”²⁰

Meanwhile, the magazine directed a continual stream of ridicule toward policies authors derided as unfocused and offering something for nothing—a nice idea that would never hold true in reality. January 28, *NR*’s “This Week” section sardonically included a list of the agencies proposed during the first week of the new Congressional session:

...National Peace Agency; Peace Corps; Youth Conservation Corps; Department of Urban Affairs; Joint Committee on Foreign Intelligence; Joint Committee on Intelligence Matters; Federal Advisory Council on the Arts; National Academy of Culture; Bureau of Senior Citizens; U.S. Office of Aging; Commission on the U.S. Science Academy; Department of Urbiculture; Department of Transportation and Communications; Federal Agency for the Handicapped; Commission on Federal Taxation; Commission on Educational Standards; Committee on Independent Unions; Center for Cultural and Technical Interchange Between East and West; Federal

¹⁸ *NR* (June 3, 1961), 342.

¹⁹ *NR* (June 24, 1961), 2.

²⁰ *NR Bulletin* (August 5, 1961), 3-4.

Recreation Service; Office of International Travel' Join Committee on a National Fuels Study; Commission on Noxious and Obscene Matter and Materials; American Joint Commission to Assist in the Unification of Ireland.²¹

Beyond the bemusement, however, *NR* was sincerely concerned. At the beginning of March, a *Bulletin* observed that the staff was still waiting to hear of the sacrifices that Kennedy's inaugural speech said Americans must make "in facing the stern challenge of our grim era." These sacrifices, it seemed, were not to come from Social Security—those stipends were scheduled to increase. The poor and those living in depressed areas would not be called upon; Washington was sending new funds, food, grants and loans their way. Soldiers would be kept in homelike comfort, and new millions were scheduled for education. "And yet, for all the appearances," the editorialist wrote, "there will surely be sacrifices too before it is over. The government that is to dispense so generously, producing nothing of itself, can give with its one hand only what it takes with the other: less, indeed, for there is a charge for the transfer." In the end, the same citizens would both receive and pay, from elderly citizens finding that even larger Social Security checks would not keep up with inflation, to teachers whose pay raises would be swallowed, and then some, by increases in insurance rates and drops in the purchasing power of their pensions. In the end, all Americans would pay, and not just in financial terms: "by so much as our day-by-day affairs are further absorbed into the tentacles of Leviathan, by that much has the range of our free choice been narrowed."²²

At the same time, *NR* and its readership remained divided regarding what positive program conservatives should promote in place of this dangerous federal growth. A post-election interview with Arizona senator and conservative icon Barry Goldwater pinpointed an almost universal concern: "one of the weaknesses of the conservative performance," Goldwater told senior editor L. Brent Bozell, "has been too much verbal criticism and too little conservative action or proposals for action."²³ The devil in the detail, however, was what *sort* of action. Senior editor Willmore Kendall, reporting on Goldwater's newly-published *Statement of Proposed Republican Principles, Programs and Objectives*, argued that by focusing on "strategy" rather than the fundamental "principles" that comprised Goldwater's paradigmatic book *Conscience of a Conservative*, Goldwater ran a serious risk of treating symptoms rather than problems, accepting the foundations of the welfare state in a rush to move into positions of greater political influence.²⁴ Letters to the editor reveal that while Kendall's ideas held water with some, others questioned his insistence on brooking no compromise. Monroe Jensen

²¹ *NR* (January 28, 1961), 36-38.

²² *NR Bulletin* (March 4, 1961), 1.

²³ *NR* (January 14, 1961), 13.

²⁴ *NR* (February 25, 1961), 107-108. Kendall was a political theorist and a professor of Buckley and Bozell while at Yale. A constitutional scholar and profound admirer of the British political philosopher Edmund Burke, he for several years contributed a column critiquing the prevailing political establishment titled "The Liberal Line" (Hart, *The Making of the Conservative Mind*, 29-31).

of Savannah, Georgia, for example, argued that while conservatives needed sound principles, as provided by institutions like *NR* and the political action group Young Americans for Freedom, elected office was different from the university circles in which Kendall trod; “Conservatives have a great deal of political organizational work to do before they can rightfully expect the *Statement* to read like the *Conscience*.”²⁵ Principle versus pragmatism was a recurring theme throughout the period under consideration, and as of August 1961 *NR* reached no firm conclusion.

In the midst of the Leviathan, however, a new force was beginning to grow. *NR* devoted considerable space to chronicling the development of a burgeoning conservative youth movement in the United States. This was a development the editorial staff viewed with almost parental pride, and well it might—editor William F. Buckley, Jr., himself a young man of 35, was a founder or key organizer of myriad youth organizations springing up in the 1950s and 1960s, from the educationally-focused Intercollegiate Society of Individualists (1953) to the more politically activist Young Americans for Freedom (1960). Accordingly, Buckley himself penned a signed column on one of the more lofty displays of conservative youth prowess in early 1961—the first annual awards ceremony of the Young Americans for Freedom, held March 3, 1961 in Manhattan Center before an overflow crowd from which over 5,000 were turned away. Eleven awards were granted in areas ranging from education (Prof. Russell Kirk) to international affairs (the Republic of China, represented by U.N. ambassador George K. C. Yeh).²⁶ Arizona senator Barry Goldwater delivered the keynote address, telling a roaring crowd that the country was being caught up in a wave of conservatism that could easily become “the political phenomenon of our time.”

Buckley told of a friend’s curious reaction to the festivities—he burst into peals of laughter at the “sheer *impudence* of it all!”—and he reflected with considerable mirth that this did indeed represent an amusing turn of events:

Here we are, well into the last half of the century, the overwhelming majority of our professors Stakhanovites in the cause of Liberalism-- three decades of intensive indoctrination in state welfarism, anti-anti-Communism, moral libertinage, skepticism, anti-Americanism. And here was foregathered, at the Manhattan Center in New York City, possibly the largest student assembly of the year, certainly the most enthusiastic, to pay tribute, one after the other, to the most conspicuous symbols of everything they have studiously been taught by the intelligentsia to look down upon with contempt. It was as though the

²⁵ *NR* (March 11, 1961), 160.

²⁶ The full list of awardees is as follows: Education, Prof. Russell Kirk; International Affairs, The Republic of China; Youth Leadership, James Abstinence, State Chairman, Indiana College Young Republicans; Writing, Miss Taylor Caldwell; Government, House Committee on Un-American Activities; Publishing, Eugene C. Pulliam, Publisher, Pulliam Newspapers; Public Affairs, McGraw-Edison Co.; Science, Hon. Lewis L. Strauss; Journalism, George E. Sokolsky; Business, Herbert V. Kohler, President, The Kohler Co.; National Affairs, *National Review* magazine (*NR* [March 25, 1961], 187).

student body of the Lenin Institute took time off in the middle of the semester to pay tribute to the memory of the czar.

As Buckley lauded the students for their efforts, however, he also noted the guiding role of experienced conservative activist Marvin Liebman in organizing the logistics of the evening.²⁷ Liebman's presence reveals something significant about the conservative youth movement; here were young people working cooperatively with their elders to forge an integrated, multigenerational movement for change. This would differ markedly from some of the activity on the left yet to come in the course of the 1960s, and might well demonstrate just why the conservative movement has enjoyed such lasting success.

While college-aged conservatives rallied, *NR* cheered on a new crop of Republican House members elected in 1960. On balance, the magazine reported, the new Congress was actually more conservative than the last, even with the triumph of a Democrat in the executive office. As an advertisement for a *NR* Forum reported: "There are exciting new faces on the Washington scene—brilliant young freshmen Congressmen from many parts of the country, determined to stop America's drift toward bankruptcy and appeasement." Perhaps their numbers might even include future senators—or a president?²⁸ While time has dashed the latter hope, the magazine kept readers well informed of the activities of freshmen ranging from Donald Bruce (R-IN) and John Ashbrook (R-OH) to a young senatorial hopeful from Texas named John Tower, and several of the freshmen of 1960-61 went on to long and productive careers.

As well as reporting on the activities and triumphs of conservative youth organization, *NR* served as a clearinghouse to notify interested young readers of programs in which they could participate. May 20, for example, the magazine's "This Week" column—a regular feature of the magazine, and not an advertisement—told of two-week intensive courses in politics, economics and history that would be taught at three different campuses that summer. All had been organized by the Tuller Foundation for the Advancement of Economic Understanding, and would be taught by anti-Communists and libertarians. Interested parties could contact the Tuller Foundation, Tuller Building, Red Bank, New Jersey.²⁹ On June 17, "This Week" directed college students considering a campus conservative club to obtain a copy of "The ISI Leadership Guide," a manual available free from the Intercollegiate Society of Individualists that included advice on handling the logistics of organizing a club, planning events and raising money as well as providing a short list of conservative books and periodicals, a sample announcement letter and constitution and the Sharon Statement of the Young Americans for Freedom. Again, *NR* provided mailing information.³⁰

²⁷ *NR* (March 25, 1961), p. 187. Liebman organized anti-Khrushchev demonstrations in 1959, banquets for *NR* and other organizations, and served as the executive secretary of the Committee of One Million Against the Recognition of Red China.

²⁸ *NR* (March 11, 1961), 132.

²⁹ *NR* (May 20, 1961), 302.

³⁰ *NR* (June 17, 1961), 370.

The period under discussion in this paper closes with the construction of the Berlin Wall—and a sense of weariness on the part of a staff fatigued from eight months of sounding the alarm against Communist expansionism. Of the wall itself, the editors wrote, “As so often with Khrushchev’s words and conduct, it exhibited a kind of peasant fantasy raised to an *n*th totalitarian power: if your cattle are slipping over to your hated neighbor’s field, just build a long ugly wall to contain them.” No matter how ridiculous, however, the wall represented a serious action—and by doing nothing, the West “accepted the political meaning as well as the physical consequences” of this action. With the wall, and the West’s refusal to physically oppose its construction, the significance of Berlin was over; “It has been the direct confrontation of East and West at and through Berlin that gave the city its transcendent importance. This gone, Khrushchev can let Berlin wither on the enfeebled Western vine.” Things still could be done to counter the Soviets’ actions—Senator Thomas Dodd had called, among other ideas, for a “Truth Airlift” of journalists from all over the world to Berlin, for embargos and for resumption of nuclear tests. But “There is no reason, on the record, to suppose that any of them will be done.”³¹

In sum, then, the first months of the Kennedy administration were a time of darkness and frustration for conservatives like those of *NR*—but there was cause not to despair. If the United States could survive long enough to bring them to maturity, a new generation of conservative youth might just save us from oblivion. *NR* functioned as informant and clearinghouse, voice of warning and encourager to the conservative movement of the early 1960s. Its editors and writers, and even those who contributed to the letters columns, debated the future of a conservative movement in the United States even as they critiqued the day-to-day actions of the Kennedy administration.

In several cases over the course of the 1960s, senior staff would even move beyond the realm of journalism and into active political engagement. Publisher William Rusher, for example, was a founding member of the Goldwater-for-President movement that began in July 1961, and Brent Bozell had been the ghostwriter behind *Conscience* and an advocate for the Arizona senator as early as the 1960 campaign.³² Buckley himself conducted a quixotic campaign for New York City mayor in 1965 to highlight an alternative vision to that of liberal Republican incumbent John V. Lindsay. It was as opinion-makers and arbiters of conservative opinion, however, that the leadership of *National Review* made its largest impact upon the American public. The magazine offered a national voice, and it maintained a self-conscious focus upon developing a coherent movement that would transcend specific events and issues. It took an active role in supporting manifestations of conservative strength wherever they appeared—most notably in the growing youth movement of the 1960s. Upon these foundations would grow a movement that, while controversial, has been undeniably successful over the course of the past almost five decades.

³¹ *NR Bulletin* (September 2, 1961), 2.

³² J. William Middendorf II, *A Glorious Disaster: Barry Goldwater’s Presidential Campaign and the Origins of the Conservative Movement* (New York: Basic Books, 2006), 12-13.

Chapter 21

“Primarily a Political Problem” Constructing the Image of the Kennedy Presidency, 1961-Present

Richard M. Filipink Jr.

Introduction

The presidency of John F. Kennedy was tragically cut short by his assassination on November 22, 1963, leaving history to judge the success or failure of his administration. The attempt to build a historical legacy of that administration, which had begun from inauguration day in 1961, now accelerated into high gear, as the guardians of Kennedy’s memory sought to create a mythical vision of what their slain leader had accomplished, buttressed by the images of what he *would* have accomplished had he lived. More than any other president in American history, the image rather than the substance of the Kennedy administration has been crucial to maintaining his place in history.

In this essay, I will examine the growth and changes in the perception of Kennedy’s foreign policy legacy that his family, friends, administration officials, and, ultimately, historians, created. The image of his presidency has evolved over time, reflecting initially the needs of his administration and the next election, then the Cold War, and finally the post-Cold War definitions of a successful president. I will look primarily at the Cuban Missile Crisis and Vietnam and how the historical discussion of the Kennedy presidency has evolved from the Cold Warrior-image crafted by Kennedy biographers and historians in the 1960s and 1970s through the transition period of the 1980s to the new statesman-image created for the 1990s and 21st century.

Cuban Missile Crisis

At the time, and for the following two decades, supporters and even some critics of the late President praised Kennedy for compelling the Soviets to back down and remove their missiles from Cuba. This portrayal of Kennedy remained consistent and dominant despite revisionist attacks from the right and left. The traditional view of Kennedy’s actions during the Cuban Missile Crisis came from the memoirs of former Kennedy aides, such as Roger Hilsman, Ted Sorenson, and Arthur Schlesinger, Jr., or from authors such as Elie Abel and Graham Allison who based their work primarily on the testimony of Kennedy administration officials. According to these traditionalists,

the resolution of the Crisis was the high point of the Kennedy presidency. Faced with an intolerable provocation, Kennedy had to compel the Soviets to withdraw the missiles to maintain the balance of power, preserve NATO, and convince Khrushchev of American (and Kennedy's) resolve.¹ These traditionalists hailed the Aquarantine of Cuba as the correct strategy because it coupled a show of superior American force with restraint, providing Khrushchev with enough room to back down without losing face. Kennedy was thus portrayed as both tough and pragmatic, with the emphasis on tough.

An example of this toughness combined with pragmatism, according to the traditionalists, was found in the so-called 'Trollope Ploy.' On the evening of October 26, Khrushchev sent a long, rambling letter which seemed to offer a deal: the Soviets would remove the missiles from Cuba in return for a pledge not to invade Cuba. A similar offer had been made by KGB station chief Alexander Fomin to NBC correspondent John Scali earlier that day. However, the next morning a new letter arrived from Moscow, demanding a swap of the missiles in Cuba for American Jupiter missiles installed in Turkey. Kennedy, at the suggestion of his brother, decided to ignore the second letter and respond affirmatively to the first. The Jupiters in Turkey, according to the traditional interpretation, were going to be dismantled anyway. Indeed, Kennedy had ordered them dismantled months before, and was angered to discover his order had not been carried out

In addition, Kennedy carried on a back channel negotiation with Khrushchev by sending his brother to confer with Soviet ambassador Anatoly Dobrynin. During a meeting recounted in Robert Kennedy's diary/book *Thirteen Days*, the younger Kennedy related that he informed the ambassador that if the Soviets would not remove the missiles, the U.S. would.² Further, when Dobrynin raised the issue of the Turkish missiles, RFK responded that there could be no quid pro quo involving these missiles because any decision about their status had to be made by NATO. However, Kennedy assured the Soviet that the president was Aanxious to remove those missiles and that they would probably be removed after the crisis.³

After the resolution of the Crisis, UN ambassador Adlai Stevenson was portrayed as an appeaser. Journalist Charles Bartlett published a story accusing Stevenson of proposing another Munich. Specifically, Stevenson proposed trading the Turkish missiles and the American naval base at Guantanamo for the Cuban missiles. Bartlett's primary source for the story was John Kennedy.⁴

1. Richard Ned Lebow and Janice Gross Stein, *We All Lost the Cold War* (Princeton, NJ: Princeton University Press, 1994), 94.

2. Robert Kennedy, *Thirteen Days: A Memoir of the Cuban Missile Crisis* (New York: W. W. Norton, 1969), 108.

3. Ibid.

4. Michael Beschloss, *The Crisis Years: Kennedy and Khrushchev 1960-1963* (New York: Edward Burlingame, 1991), 569.

This negative portrayal of Stevenson served three purposes. First, it was yet another humiliation for a man whom all the Kennedys loathed. Second, Stevenson's willingness to trade was set up as an unfavorable contrast to Kennedy's resolve, highlighting the President's ability to stand up to the communists. Third, it signaled a new standard for liberal foreign policy makers. In place of Stevenson's more intellectual and apparently softer approach to foreign policy, Kennedy provided a picture of a Democrat who was, relatively, safe from the charges that had haunted the Democrats since the loss of China.

Finally, it complimented the administration's consistent line, a line echoed in studies of the Crisis, that there was no deal involving the Turkish missiles. Secretary of State Dean Rusk cabled the American ambassadors to Turkey and NATO assuring them that no deal of any kind was made involving Turkey.⁵ During 1963, Defense Secretary Robert McNamara told the House Appropriations Committee, without any qualifications whatsoever there was absolutely no deal...between the Soviet Union and the United States regarding the removal of the Jupiter weapons from either Italy or Turkey.⁶ In his book *The Missile Crisis*, Elie Abel leaves the impression that trading the Jupiters was never really considered.⁷ Counsel to the President Ted Sorenson wrote that the President had no intention of destroying the alliance by backing down.⁸ The replacement of the missiles in mid-1963 by a Polaris submarine, therefore, received little publicity.

For many years, the belief that Kennedy's resolute toughness produced a great triumph for America endured, serving as the defining moment of Kennedy's presidency, making the foreign policy reputation of his administration. There were some challenges. Revisionists on the left accused Kennedy of being too rigid and too eager to take America to the brink of nuclear war for too little cause. Critics on the right accused him of not taking advantage of American nuclear superiority coupled with local conventional superiority to force Castro's removal. However, most scholars (and most Americans) accepted the official interpretation of the Crisis.

Then, beginning in 1985, and accelerating through the 1990s, a change in the interpretation of Kennedy's role began. The release of the transcripts of some of the recordings Kennedy secretly made of Executive Committee (Excomm) meetings led to new insight into the issue of the dismantling of the Turkish missiles. From the transcripts and even more so from the full release of the tapes over the last several years, comes a picture of a president who was far more willing than most of his advisors to seek a nonmilitary solution to the Crisis. Especially on Saturday the 27th, the

5. James Nathan, ed., *The Cuban Missile Crisis Revisited* (New York: St. Martin's Press, 1992), 94.

6. *Ibid.*

7. Elie Abel, *The Missile Crisis* (Philadelphia: Lippincott, 1966), 189.

8. Theodore Sorenson, *Kennedy* (New York: Harper and Row, 1965), 714.

climatic day of the Crisis, Kennedy appeared willing, even eager to trade the Turkish missiles for the Cuban ones, preferably through a private deal, but publicly if necessary. During the morning meeting of the Excomm, Kennedy, discussing the demand to swap the missiles put forward in Khrushchev's Saturday letter, stated that Most people will regard this as not an unreasonable proposal.⁹ He also pointed out several times that if he did not trade the missiles out and the Crisis escalated to war, he would be accused of starting a war over a bunch of obsolete missiles which he should have traded. Kennedy consistently expressed the belief that the Turkish missiles will have to be dismantled, and that it is a price he was willing to pay.

This view is supplemented by the revelation that Robert Kennedy offered an explicit trade of the Turkish missiles during his secret meeting with Dobrynin. McGeorge Bundy laid the groundwork for this revelation in his 1988 book, *Danger and Survival*. Bundy stated that before Robert Kennedy's meeting with Dobrynin, the attorney general, the president, and a small circle of advisors met to discuss what RFK was going to say. The group consisted of the Kennedy brothers, Rusk, McNamara, Bundy, Sorenson, Undersecretary of State George Ball, former ambassador to the Soviet Union Llewellyn Thompson, and Under Secretary of Defense Roswell Gilpatric. According to Bundy, Rusk suggested that we should tell Khrushchev that while there could be no deal over the Turkish missiles, the president was determined to get them out and would do so once the Cuban crisis was resolved.¹⁰ With this statement, the removal of the Turkish missiles was now an implicit part of the deal to remove the Cuban missiles.

During the Moscow Conference on the Crisis held in 1989, the role of the removal of the Turkish missiles changed again when Ted Sorenson confessed that he had deceived the American public about the nature of the deal. Sorenson stated:

Ambassador Dobrynin felt that Robert Kennedy's book did not adequately express that the deal on the Turkish missiles was part of the resolution of the crisis. And here I have a confession to make to my colleagues on the American side, as well as to others who are present. I was the editor of Robert Kennedy's book. It was, in fact, a diary of those thirteen days. And his diary was very explicit that this was part of the deal; but at that time it was still a secret even on the American side, except for the six of us who had been present at that meeting. So I took upon myself to edit that out of his diaries...¹¹

9. David Welch and James Blight, The Eleventh Hour of the Cuban Missile Crisis: An Introduction to the Excomm Transcripts, *International Security* 12, no. 3. (Winter 1987-1988), 37.

10. McGeorge Bundy, *Danger and Survival: Choices about the Bomb in the First Fifty Years* (New York: Random House, 1988), 432.

11. Nathan, 96.

Thus, the dismantling of the Jupiter missiles was an explicit part of the deal, albeit a secret part. Further, not only was the deal concealed from the public, but also Rusk and McNamara had clearly lied to maintain its secrecy.

A different revelation at an earlier conference made it apparent that Kennedy was even willing to risk a public trade of the Jupiter missiles. Dean Rusk revealed that Kennedy had instructed Rusk to contact Andrew Cordier, a former UN staffer who maintained close ties to Secretary General U Thant. Rusk dictated a letter to Cordier which asked U Thant to propose the Turkey-Cuba swap. If Khrushchev had rejected the Trollope Ploy, Rusk was prepared to instruct Cordier to present the letter to Thant. The Secretary General would then publicly propose the swap, and Kennedy would accept the offer, ending the Crisis. According to Rusk, only he, Kennedy, and Cordier knew about this proposal.¹² In fact, the former members of the Kennedy administration present at the conference were stunned. Hawks such as General Maxwell Taylor and former Secretary of the Treasury Douglas Dillon were deeply disappointed that Kennedy even considered making a public swap. Scholars of the Crisis, on the other hand, generally portray the existence of the Cordier maneuver as evidence of Kennedy's willingness to avoid war even if it hurt him politically.

Having briefly described a few of the more telling revelations about the Crisis, I believe there are a number of explanations which together illustrate why Kennedy's supporters have reinterpreted his role. First, the records which paint JFK as a deal maker, especially the recordings of the Excomm meetings, were going to be declassified eventually. By preempting or accompanying their release with revelations of their own, the President's men controlled the spin of the news. Second, by assigning themselves insiders' knowledge, Kennedy's advisors maintain their own roles in history. Actions such as the Cordier maneuver and the secret RFK/Dobrynin meetings reflect not only on President Kennedy, but on those who were privy to this information as well. The primary reason for this reinterpretation, I would argue, is the desire to re-craft the image of the Kennedy presidency to match the post-Cold War model of a successful president, emphasizing statesmanship and flexibility rather than rigid Cold War persona. In the waning days of the Cold War many former Kennedy aides, especially Bundy and McNamara, sought to promote a less militaristic approach to the Soviet Union. As a result of this opposition, the major lesson of the Crisis needed to be changed from compellence through strength to the value of cooperation and conciliation. Furthermore, as the Soviet Union collapsed, these aides wanted to promote cooperation and, in some cases, arms reduction, not victory.¹³ They performed this task of changing the lesson carefully, making sure they did not push too hard.

An example of this is the handling of the revelation of the Cordier maneuver. When Rusk first revealed the existence of the maneuver, both Bundy and McNamara reacted negatively to it.

12. James Blight and David Welch, *On the Brink: Americans and Soviets Reexamine the Cuban Missile Crisis* (New York: Hill and Wang, 1989), 83-84.

13. McNamara, 337-346

Bundy stated that he was profoundly depressed by the idea Kennedy had been considering a public trade of the missiles,¹⁴ while McNamara stated in a post-conference interview that he did not believe Kennedy really intended to make the trade.¹⁵ However, one year and several positive reactions to the maneuver by scholars and others later, Bundy stated in *Danger and Survival* that the president would have been able to marshal a formidable set of arguments in support of his acceptance of a public trade.¹⁶ Almost all recent books and articles on the Crisis present the maneuver as proof that Kennedy was willing to negotiate an end to the crisis, using the released tapes to further buttress the argument.¹⁷ Oddly enough, McNamara has raised no further arguments against the idea that Kennedy would have made the trade.

Thus, the Cuban Missile Crisis, Kennedy's greatest triumph, has been recast. The older traditional interpretations of Abel and Allison have been largely pushed aside, and even revisionists have been forced to revise their interpretations. The guardians of the Camelot legacy have done their job well.

However, this spate of revelations and reinterpretations open up a series of deeper questions. There are two final thoughts that this discussion of how the interpretation of Kennedy's role has evolved brings to the fore. First is the question: would Bundy, Rusk, McNamara, et. al. have better served the nation if they had revealed the importance of conciliation sooner. Specifically, where was this willingness to compromise during the Vietnam War? Presumably these men should have recognized what they now present as the real lessons of the Crisis back in the mid-1960s. Why were they not applied then? Was their desire to protect themselves and the Johnson administration from charges of softness and a new McCarthyism worth the debacle in Vietnam?

Next, if the Cold War had not ended when it did, would some of these revelations have ever come to light? I speak here primarily of the Cordier maneuver and the explicit offer to dismantle the Jupiter missiles in Turkey. If the Soviet Union had not collapsed, would Bundy, Sorenson, and Rusk have made those revelations, or would they have died with these men? It seems unlikely that these former officials would have been willing to tarnish their greatest triumph and leave their old boss, and his party, vulnerable to charges of softness. The revisioning of the Crisis in the 1980s and 1990s

14. Blight and Welch, 171.

15. Blight and Welch, 190.

16. Bundy, 436.

17. For example, Robert Weisbrot concludes that from his actions during the Crisis Kennedy can be seen as a Amoderate leader in a militant age.@ Robert Weisbrot, *Maximum Danger: Kennedy, the Missiles, and the Crisis of American Confidence* (Chicago: Ivan R. Dee, 2001), 208.

provided a new paradigm for Democratic foreign policy makers: negotiations and cooperation with the Soviets was a viable policy.

In the aftermath of 9/11 and the ongoing war in Iraq, Kennedy's actions were mined by both critics and supporters of the Bush administration. Each side could cherry-pick the appropriate lessons: toughness and unilateral action for the supporters of the Bush Doctrine, while opponents emphasized the pragmatic negotiator who was willing to pay a political price to utilize the United Nations.

Vietnam

The interpretation of the Kennedy administration record on Vietnam has evolved more quickly than that of the Cuban Missile Crisis. In the immediate aftermath of the Kennedy presidency, biographers, looking to stress the late President's Cold War commitments, spoke of the need to maintain containment in Southeast Asia and of the necessity of being in South Vietnam. For example, in an oral history interview conducted by John Barlow Martin in 1964, Robert Kennedy stated, The President felt that he had a strong, overwhelming reason for being in Vietnam and that we should win the war in Vietnam.¹⁸ When asked what the overwhelming reason was, Robert Kennedy replied, "The loss of all of Southeast Asia if you lost Vietnam. I think everybody was quite clear that the rest of Southeast Asia would fall".¹⁹ When further asked if there was ever any consideration given to pulling out, he replied with a flat no, and when asked if the President would have proposed using ground forces Vietnamese were about to lose, Robert Kennedy replied, We'd face that when we came to it.²⁰ In his biography of the late President, Arthur Schlesinger lauded the success brought by the increased military commitment made in 1962 and referred to the presence of 16,000 American troops by the end of the administration (and 132 killed), and the uncertainty surrounding the policy choices.²¹

As the war in Vietnam began to go sour, however, and especially after Robert Kennedy emerged as an opponent of the war, the brief Cold War emphasis was replaced by a sustained denial of any desire on the part of the President to escalate and citations of statements implying that withdrawal was imminent had Kennedy lived. Once the extent of the debacle of Vietnam was clear, Kennedy's contribution was revisioned, even in the aftermath of the release of the Pentagon Papers. For example, when Arthur Schlesinger wrote his biography of Robert Kennedy, he portrayed the

18. Edwin O. Guthman and Jeffrey Shulman, eds., *Robert Kennedy in His Own Words: The Unpublished Recollections of the Kennedy Years* (Toronto: Bantam Books, 1988), 394. Hereafter cited as RFK.

19. RFK, 394.

20. RFK, 395.

21. Arthur Schlesinger, Jr., *Thousand Days: JFK in the White House* (Boston: Houghton Mifflin, 1965), 548-550 & 995-998.

President as consistently and unequivocally against an American military solution in Vietnam regardless of the circumstances or consequences (at least after his reelection).²² No longer were the American soldiers in Vietnam troops; Schlesinger was careful to always refer to them as advisors, and downplaying their participation in combat while citing the President as the only administration official willing to stand up to the military and refuse to countenance a significant intervention.

Schlesinger's work has served as the jumping off point for an increasing number of works that have emphasized the reluctance of John Kennedy to resort to the use of force in South Vietnam, contrasting his restraint with the willingness, and in some books eagerness, of Lyndon Johnson to commit American forces to combat. For example, David Kaiser has argued that the entire blame for escalation can be placed at the feet of Lyndon Johnson. According to Kaiser, Kennedy resisted the military and the majority of his advisors recommendations to escalate and instead absolutely intended to withdraw from Vietnam. Howard Jones, in his comparative study of the two assassinations in November, argues that the recent tapes and papers definitively prove that Kennedy never intended to resort to the use of the American military to rescue the South Vietnamese government from its failings, and that the assassination in Dallas was ultimately more important to the ensuing history of the conflict than the one in Saigon.²³

Thus on the issue of Vietnam, some historians have assumed the role that Kennedy administration officials played in the Cuban Missile Crisis, in part because of the lack of credibility of some Kennedy administration officials on the subject of Vietnam (see, for example, the response to Robert McNamara's memoirs which made many of the same assertions in 1995). Despite the actions of the Kennedy administration from 1961-63 (increasing the number of American troops from approximately 700 to approximately 17,000; authorizing the Air Force to fly missions in South Vietnam, including the use of napalm and chemical defoliants; tacitly allowing American officers to lead Vietnamese troops into battle; acquiescing in the overthrow of the government, which increased American culpability for South Vietnam) and the uncertainties of the future had Kennedy survived his trip to Dallas, the image of Kennedy as both unwilling to escalate and planning to withdraw has seen increasing support in the historical community, if not total acceptance. In fact, how Kennedy would have responded we do not know; thus, the burden of proof still remains for historians regarding their assertions about Kennedy's subsequent actions in Vietnam for 1963. The evidence as to what Kennedy intended to do next is contradictory and can be parsed to support both the argument that he intended to withdraw and the argument that he intended to maintain an American role in the

22. Arthur Schlesinger, Jr., *Robert Kennedy and His Times* (Boston: Houghton Mifflin, 1978), 705. This is the famous sending troops is like taking a drink quote.

23. For a discussion of the limitations of the tapes in general and the tapes regarding Vietnam in particular, especially the issue of what remains to be declassified, see Richard M. Filipink Jr., A Necessary Reinterpretation: Using the Kennedy and Johnson Tapes as a Biographical and Historical Source, *Journal of Historical Biography* 3 (Spring 2008): 87-97.

defense of South Vietnam.²⁴ Kennedy's own oscillations regarding support for the coup reinforce the image of a man who could not make up his mind.

More fundamentally, the question of how subsequent events would have influenced Kennedy's thoughts and actions is largely unanswerable. 1964 was a presidential election year, and the Cold War was still going to be a significant issue in the campaign, especially if the Republican nominee was Barry Goldwater. With Vietnam's emergence as a major Cold War battleground, Kennedy's policy choices would have been influenced at least in part by the needs of his campaign. We do not know how the events of 1964 would have played out had Kennedy lived, nor how Kennedy would have responded to the events.²⁵ We do know what Lyndon Johnson did with the advice of the foreign policy staff he inherited from Kennedy. Johnson believed at the time and after his presidency had ended that he carried out the wishes and policies of his predecessor regarding Vietnam, and Kennedy's men did not contradict this belief significantly at the time, their later works notwithstanding.

Conclusion

As we approach the forty-fifth (now forty-sixth) anniversary of his assassination, the foreign policy legacy of the Kennedy presidency remains a matter for debate. Even as the Kennedy Library selectively processes the declassification of tapes and records from the administration, and hundreds of works on the administration and the man are produced each year, a definitive interpretation remains elusive, clouded by layers of interpretation, revision, spin, and perhaps most potently by the grief of a nation's loss. What is clear is that the Kennedy legacy has been remade to fit both the current perceptions of what a successful presidency should look like, and has hung like an albatross around the interpretations of his immediate successors. The ability to assign only the best of motives and most successful outcomes to the administration and by extension the country, if only he had lived has affected the interpretation of what actually happened by both the general public and historians (who should know better). It remains to be seen if time and distance will allow for a more objective look at the legacy of Kennedy's Thousand Days.

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24. One of the major problems with counterfactuals is the difficulty in conceiving of how changing one variable affects every other variable. If Kennedy lived, other events in 1964 may not have happened, or if they did happen their meanings and significance could have changed.

25. The most obvious example of this ability to selectively employ evidence to support both arguments is Kennedy's televised interview with Walter Cronkite in September 1963. At one point in the interview Kennedy tells Cronkite that the ultimate responsibility for the war lay with the South Vietnamese; later he stated that he did not agree with those who thought the United States should leave Vietnam.

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Chapter 22

JFK: The Exceptional Ideal?

James D. Boys

Introduction

The events of November 22, 1963, had a profound impact on the course of history and on widespread public perceptions. On that date the presidency of John F. Kennedy came to a sudden and shocking conclusion, but a powerful and emotional legacy that continues unabated, began to emerge. In the decades that have followed, considerations of the Kennedy legacy have undulated wildly, from initial plaudits to salacious gossip, much of which has focused on the style of the administration to the detriment of its achievements. Such an approach is inadequate if we are to gain an insight into the man, his legacy and the rationale for its continuing relevance in the Twenty-first Century. This paper will rectify this by considering both the style and substance of the Kennedy legacy to quantify the qualities that are responsible for memories that long endure in those who remember his presidency and which draw such interest in those who were born after the events in Dallas.

President Kennedy's demeanour has given rise to an adjective; *Kennedyesque*, a term that is used regularly, but often without context. This has caused generations of leaders to be characterised as *Kennedyesque*, but with scant explanation as to why this is, or what it is exactly that this is meant to imply. This paper will define *Kennedyesque* and consider why it is that almost half a century after coming to office, the Kennedy style is still very much in vogue. With the election of Barack Obama and the numerous allusions to the Kennedy style, it is important to consider two questions: Is it possible for politicians to emulate JFK without demeaning themselves and why do they attempt this political impersonation? The Kennedy legacy is not bound to the confines of history, however, for it must be recognised that the legacy of President Kennedy has exceeded the bounds of the historian and entered the realms of fantasy. From docudramas to science fiction epics, the image of President Kennedy is pervasive and this paper will accordingly consider the manner in which Kennedy has entered the international psyche due to his incorporation into works of fiction.

Casting a long shadow over our appreciation of the Kennedy legacy is the manner of his passing. No understanding of the Kennedy legacy is complete without an acknowledgement of his assassination on the national and international psyche. The event transcended borders and left, as Alistair Cooke noted at the time, "a desperate and howling note over the land."¹ The death of the president stunned the world and forever altered his stature, but has this event made subsequent presidents appear less *Kennedyesque* by their very survival in office? Is it possible to compare favourably to Kennedy in life, or must one pay the ultimate price before any such comparisons are possible?

¹ Alistair Cooke, *Letter From America 1946-2004*, London: Penguin Books, 2004, 125.

This paper addresses these questions and others, but their collective weight signifies a profound conclusion; the presidency of John Fitzgerald Kennedy was the exception rather than the rule in terms of U.S. administrations. His presidency was so dynamic; his time in office so dramatic; his passing so tragic; and his legacy so profound that emulation appears doomed to failure. However, Kennedy's time in office appears to have become set as the measure of success; a high-water mark against which to judge future leaders of America. Implicit in this, is the idea that what is being measured is not what Kennedy achieved, but more importantly, what he *would* have gone on to achieve. "At its most elemental level, the Kennedy image is that of unfulfilled promise. This is not merely because of the personal calamity of a young man cut down in the prime of manhood, but also because Kennedy's murder has come to symbolise the nation's thwarted hopes."² Inevitably, his successors appear inadequate because their efforts are measured against sentimental constructs of the Kennedy golden age. This paper will consider the apparent shortcomings of those who have followed in Kennedy's wake and why they seem to have failed in comparison.

Defining Kennedy

Decades after his assassination, John F. Kennedy's legacy remains a potent force in American political life. The image of the late president has been adopted and imitated by politicians from both sides of the political aisle and his demeanour has given its name to an adjective: *Kennedyesque*. However, when politicians as diverse as Dan Quayle and Barack Obama are described as being *Kennedyesque*, the specificity of the expression must be questioned. How can two such diverse individuals, with such varying backgrounds and aspirations, possibly be described in the same manner?

In an effort to reconcile this dilemma it is necessary to note the contradictions that arise not only in the term *Kennedyesque*, but also in the man himself. One of the challenges faced by efforts to comprehend the legacy of John F. Kennedy stems from the focus upon the president's image as opposed to his achievements or complex personality. A superficial focus upon JFK's image belies an individual of great intellect and charm, yet also one of great contradiction. As Rorabaugh explains, Kennedy was "as enigmatic a political personality as the United States has ever produced," however, "when asked questions, Kennedy often replied with questions rather than answers, preferred listening to talking, deflected the unwanted probe with quick wit, refused to make decisions that would disappoint some of his followers, and interposed himself between two people who disagreed with each other by leaving the impression that he agreed with that person."³ This may seem like the characteristics of most politicians, but surely there was something different about Kennedy that has caused him to be so beloved by successive generations, including those not born when he was president.

The challenge arises partly due to the simplified legacy of the late president. By concentrating upon the photography of Jacques Lowe and the flowing prose of William Manchester, the inner complexities of JFK are whitewashed, allowing and perhaps forcing us to project our own ideas and aspirations on to the memory of John

² Thomas Brown, *JFK: History of an Image*, London: I.B. Tauris & Co Ltd, 1988, 44.

³ W. J. Rorabaugh, *Kennedy and the Promise of the Sixties*, Cambridge: Cambridge University Press, 2002, xx.

Kennedy. This is all the more viable for aspiring politicians, discussed within this paper, who have chosen to utilise JFK's imagery and mannerisms in an attempt to produce an echo through time that will resonate with those who seek a restoration of the Kennedy presidency. But if the ghost of President Kennedy continues to haunt American political life, it behoves us to consider the qualities of this man in an effort to comprehend what it means to be *Kennedyesque* and why it is that diverse politicians seek the mantel of the fallen Commander in Chief.

The on-line Urban Dictionary defines *Kennedyesque* as being an adjective, "describing the actions of a person (usually a politician) that relates to an action that John F. Kennedy would've done. Positive term, as Kennedy was seen as a rather popular president."⁴ This rather limited description only considers actions, however, and it is often the case that when the term *Kennedyesque* is utilised, it is done so in reference to a demeanour that is projected, as much as to an action. Accordingly, for the sake of this paper, the term *Kennedyesque* will be utilised to refer not only to actions, but also to qualities and mannerisms reminiscent of President John Fitzgerald Kennedy. When used as a compliment it can be defined as possessing an inspirational quality in public affairs; of an individual at ease with himself and his place in the world; of a debonair and charming manner, accompanied by deep-rooted intelligence and a thirst for knowledge and understanding. The term can relate to a series of images; of touch football and windswept vistas, of wayfarers and tweed jackets, of sailing and reading, of tousled hair and rolled up sleeves; of dynamic leadership conducted in a relaxed and stylish fashion.

However, due to revelations that have arisen in recent years, *Kennedyesque* is a term that can also be applied pejoratively. Critics highlight the contradictory record of the administration; the shadowy connections between the president's father and members of the underworld; the president's recklessness in office and undisclosed health issues; the assassination plots against foreign leaders and the sordid events in Dallas. *Kennedyesque* has even been used in reference to scandals surrounding Senator Edward Kennedy, which further complicates efforts to define the term. Indeed, the events of the prevailing years have done much to undermine a Kennedy legacy. The deaths of the president's brother and son prevented political restoration, while another brother and several nephews have damaged the family's public perception. The fact that imagery associated with President Kennedy remains a force in American politics despite these factors is an indication of its potency and resilience.

Issues of Style and Substance

Efforts to fully comprehend the rationale for the lasting impact of Kennedy's legacy are hampered by two powerful elements; the pervasive imagery associated with JFK's time in office and the violent manner of his passing. Both perpetuate fascination with the president but in a manner that divert attention from the substantive aspects of his administration and his personality. This dilemma, of a powerful image threatening to overwhelm substantive performance, is not a construct of recent years; indeed it was a matter that President Kennedy was all too aware of during his time in the White House. "Overexposure became his major concern, particularly since an expanding

⁴ <http://www.urbandictionary.com/define.php?term=Kennedyesque>

news format provided more opportunities to cover the presidency.”⁵ The recognition that image could replace a focus on substantive issues was a paradox for Kennedy, who had been elected president partly by advancing his own carefully constructed image as a dashing senator and as a faithful family man who was intellectually curious and trustworthy with the future direction of the western alliance at the height of the Cold War. His very election appears to have hinged on the first ever televised debates. Those who *saw* them felt Kennedy had triumphed, while those who only *heard* them on the radio felt that Nixon had emerged victorious. It must be questioned therefore, as to whether Kennedy could have been elected without the powerful visual impact that he brought to the campaign trail in 1960.

As Sorensen reminds us, “style (was) a part of the Kennedy legacy; a cool, convincing, self-confident style that spoke to and for the young at heart, cut through can’t, overrode trivia and elevated eloquence and gallantry and wit.”⁶ However the legacy endures due to the reservoir of talent that lay behind the imagery that was so artfully projected from the White House. All too often in subsequent years it has been the image that has been adopted and not the intellectual curiosity that Kennedy brought to the presidency. This would be a continual annoyance to those who served in the White House, indeed “no charge stung them more than the one that the Kennedy administration has seen the triumph of style over substance.”⁷ It is revealing that this intelligent president would owe his election in part to the effective use of superficial imagery and that this would be the enduring legacy that many would take from this time in office. Accordingly, when the term *Kennedyesque* is applied, it is often in relation to an appearance or mannerism, not to a Pulitzer Prize winning mindset or a capacity to empathise with an opponent at the height of a global conflict. Grace under pressure was the late president’s aspiration, yet discussion of any traditional bravery is often overlooked in favour of his physical grace under the glare of the television lights. The impact of this attention to superficial detail would impact not only his administration, but also those of all presidents who would follow.

Indeed, just as the attention on image within the presidency has become dominant, so too did the 1960 Kennedy campaign for the presidency become the blueprint for modern political efforts; the focus upon an individual rather than the party; the focus upon image rather than substance; the utilisation of mass media advertising and simplistic slogans. The concept espoused by the candidate’s father, of “sell(ing) Jack like soap-flakes”⁸ became the all too often imitated approach to political advertising. Therefore, this contradictory approach, of intellectualism concealed by a veneer of glamour was initiated by the Kennedy family itself and was in part a deliberate effort to conceal worrying aspects concerning the candidate’s health. It was a deception that continued following his death, since the image of a robust, healthy chief executive was central to Kennedy’s appeal both in 1960 and today. This concealed the reality of a middle aged man suffering from a range of debilitating medical ailments, the exposure of which may have derailed his bid for the White House. Yet Kennedy’s determination to overcome ailments and govern effectively could be viewed as a laudable quality revealing a strength of character that is as worthy of admiration as

⁵ James N. Giglio, *The Presidency of John F. Kennedy*, Kansas: University Press of Kansas, 1991, 261.

⁶ Theodore C. Sorensen, *The Kennedy Legacy*, New York: Macmillan Publishing Company, 1969, 16.

⁷ Brown, *JFK: History of an Image*, 28.

⁸ John H. Davis, *The Kennedys: Dynasty and Disaster, 1848-1983*, New York: McGraw-Hill, 1984,151.

any act conducted in an official capacity. This more complicated element of his personality is often overlooked.

A Kennedyesque Culture

As familiar as we are with the Kennedy years, it is important to recall that much has changed in the decades since his time in office. John F. Kennedy was president in a very different era and these differences are reflected in the cultural, political and moral aspects of his presidency and legacy. Nowhere is this more apparent than in the sexual politics of the era. In the early 1960s “a tryst in the Washington area seemed almost as common as golf at the country club,”⁹ and as a result the Kennedy years are renowned in some circles for their swimming pool parties, skinny dipping and barely concealed adultery. The antics of the president and his advisers were concealed during their lifetimes, but even when the tales began to emerge it merely reinforced a certain *joie de vivre* that the president exuded. Rather than appearing sordid, Kennedy made sex seem sexier than ever, associating with the skirt-chasing, hard-drinking Frank Sinatra and the Rat Pack. Acceptance of his philandering had much to do with JFK’s demeanour and charming personality, but this would not have been enough to save him from the sexual McCarthyism of the 1990s. By the time Clinton arrived at the White House, the rules had changed; employing secretaries who couldn’t type and having affairs with world famous actresses were a thing of the past. In the 1960s, Marilyn Monroe could openly serenade President Kennedy, but by the 1990s the moral climate was very different. Caught red-handed in a lie to the American people, Bill Clinton appeared sleazy rather than masculine, charming or virile.¹⁰

The contrast between John F. Kennedy and Bill Clinton is synonymous with the differences between the times in which they served. Not only did their styles reflect the morality of their times, but also the distinct manners in which politics was conducted. Despite his connection with the American people, Kennedy would appear somewhat distant compared to the empathetic politics personified by Bill Clinton. The political culture of the early twenty-first century would appear undignified and emotional for Kennedy’s times. Although he was mobbed by adoring supporters on the campaign trail, Kennedy was not asked what underwear he wore on national television, never cried in public to gain political support, was never forced to acknowledge causing pain in his marriage live on television and was actually averse to physical contact in many ways. The Oprah-style politics as perfected by President Clinton sit in stark contrast to the more rigid political styling of the Kennedy years, which was rooted in a 1950s culture straining to evolve.

In the 1960s President Kennedy battled what he saw as “a grey tide of mediocrity and an implacable enmity toward the concept of excellence which he exalted.”¹¹ His 1955 Pulitzer Prize winning text *Profiles in Courage* extolled the virtues of sacrifice and honour as it detailed those who had placed the needs of the country ahead of their own

⁹ Giglio, *The Presidency of John F. Kennedy*, 267.

¹⁰ It is entirely possible that his impeachment ultimately caused the Kennedy family to throw their political support behind Barack Obama in 2008 rather than continue to back the Clintons in their quest for dynastic glory. It would appear possible, therefore, that Bill Clinton proved to be a little too *Kennedyesque* for his own good.

¹¹ William Manchester, *Remembering Kennedy: One Brief Shining Moment*, Boston: Little, Brown and Company, 1983, 275-6.

careers. Kennedy “inspired in Americans of all ages a zeal for achievement, a yearning to test the ancient Athenian maxim that genuine pleasure can be found only in the pursuit of excellence.”¹² Such praise from William Manchester could be seen as an attempt to heal wounds that had arisen from the publication of *Death of a President*¹³, but it is important to recall that the specific phraseology reflects precisely that used by Kennedy on a number of occasions. In a style that his brother Robert would later adopt, the president was not averse to quoting Athenian philosophers in an effort to make a point, in stark contrast to George W. Bush who referred to Greeks as Grecians and courted the anti-intellectual vote.¹⁴

Although the political environment has changed, concepts of style associated with Kennedy continue to be imitated. The recognition of Jackie Kennedy as a style icon is far from revelatory, but it is important to acknowledge the president’s contributions to 1960s style and its long-term impact. Before Kennedy became president in January 1961, men in America wore hats. The only time of note that Kennedy wore a hat was at his inauguration and at this point he was still president-elect. Kennedy avoided hat wear during his presidency, delicately avoiding political stunts, up to, and including the morning of his assassination, when he received a white Stetson in Fort Worth. “I will put this on Monday in my office at the White House,” he noted warily. “I hope you can be there to see it.”¹⁵ Kennedy was not beyond holding a hat, but American hat manufacturers lamented the president’s unwillingness to continue the hat-wearing motif of the 1950s over into the new decade.¹⁶

As well as fashion, Kennedy influenced literary consumption. He not only wrote two best selling books (*Why England Slept* and *Profiles in Courage*), but also contributed to the *James Bond* phenomenon by endorsing *From Russia with Love* in 1961. Such praise would prove priceless in marketing the film, which American trailers heralded as having ‘fans from Hong Kong to Hyannis Port.’ It would also become the final film that John F. Kennedy would ever watch, as an early print was rushed to the White House prior to the president’s departure for Texas.¹⁷ Culturally, President Kennedy’s tastes ranged from the popular to the more reserved, for this was a time when an American president could admit to being an admirer of Cecil’s biography of Lord Marlborough, without worrying about it costing votes among anti-intellectuals. “Those Kennedy students who rushed to the library for a copy found it described a ruling class of people with remote resemblance to the Kennedy clan.”¹⁸ To be *Kennedyesque* today might, therefore, be to challenge low expectations and high culture illiteracy, something a generation of politicians has avoided for fear of appearing out of touch with mainstream, popular culture.

¹² Ibid., 10.

¹³ For more data on this, see Brown, *JFK: History of an Image*, 6-7

¹⁴ As quoted in Nicholas Kristof, ‘The God Gulf,’ *The New York Times*, January 7, 2004. Available at <http://www.nytimes.com/2004/01/07/opinion/the-god-gulf.html>

¹⁵ Jim Bishop, *The Day Kennedy Was Shot*, New York: Harper Collins, 1992, 78.

¹⁶ For more on this see Neil Steinberg, *Hatless Jack*, New York: Granta Books, 2005.

¹⁷ Such public uptake of a novel would arguably not occur again until the mid 1980s when President Reagan praised the tale of a defecting Russian submarine as “the perfect yarn,” and helped launch the career of Tom Clancy.

¹⁸ Hugh Sidey, *John F. Kennedy: Portrait of a President*, London: Andre Deutsch, 1964, 65.

Kennedy in Fiction

The far reaching impact of the Kennedy legacy is not constrained by the confines of reality, for its influence also extends into the realm of fantasy, further idealising his position in the history of the American presidency and blurring our comprehension of the real John F. Kennedy. When the age and appearance of American presidents throughout history are considered, they are, with few exceptions, grandfatherly figures. Yet when the president is portrayed in fiction, this is often not the case. Time and again, filmmakers portray an American president who is young, vigorous and dynamic. The role model for such characterisations is hardly Eisenhower or Truman. Accordingly, the appropriation of the Kennedy image has become central to the promotion of the ideal presidency. The utilisation of a *Kennedyesque* image in fictional interpretations of the American presidency contributes greatly to a subliminal appreciation of his time in office and a projection of what may have been.

The depiction of Kennedy on screen has been accompanied by a fictionalisation of his life and times. This has led to conflation between fact and fiction, between the real John F. Kennedy and the reel John F. Kennedy, until the boundaries of reality have become blurred beyond distinction to many observers. The real John F. Kennedy may have disappeared from view on November 22, 1963, but the reel Kennedy burst into view a decade later in December 1974. *The Missiles of October*, aired on ABC in the aftermath of Watergate and Vietnam, presented a portrayal of the Kennedy brothers as heroic and high-minded.¹⁹ Staged in a theatrical style, the film confirmed the traditional opinion of the Kennedy White House and of its inhabitants as having saved the world from the brink of nuclear war during the Cuban Missile Crisis. Both William Devane's JFK and Martin Sheen's Robert Kennedy are courageous and dashing characters. The non-too subtle message of the film was clear. The events depicted were historic and the individuals particularly heroic; viewers are made to feel a sense of profound loss.

In the years that have followed, the Kennedy family has been the subject of more than a dozen television docudramas that continue to blur the lines of understanding between fact and fiction. The portrayal of President Kennedy by James Franciscus in 1981's *Jacqueline Bouvier Kennedy*, Martin Sheen in 1983's *Kennedy*, Stephen Collins in 1991's *A Woman Named Jackie*, Patrick Dempsey in 1993's *JFK: Reckless Youth* and William Peterson in 1998's *The Rat Pack* have ensured that the president's image remained dominant, but superficial, as these docudramas "were largely morality tales, giving velocity to counter revisionist trends by disputing or ignoring unflattering disclosures surrounding the family."²⁰ However, it is important to note that the media presentation of a glorified and glamorous JFK was not entirely a sentimental reaction to the assassination. The process began when JFK was still alive,

¹⁹ This is perhaps unsurprising considering that it is partly based upon Robert Kennedy's posthumous memoir of the event.

²⁰ Lance Morrow, "The History Devouring Machine," *Horizon*, July 1978, 18-23, William Cohn, "History for the Masses: Television Portrays the Past," *Journal of Popular Culture* 10 (Spring 1976), 280-289, Paul R. Henggeler, *The Kennedy Persuasion: The Politics of Style Since JFK*, Chicago: Ivan R. Dee: 1995, 173.

in Warner Brothers' *PT-109* starring Cliff Robertson, in a project overseen by Kennedy from the Oval Office.²¹

Perhaps the most successful attempt to portray a realistic and balanced portrayal of the president on screen came in *Thirteen Days*. As portrayed by Bruce Greenwood, Kennedy is depicted as intelligent, but also under tremendous pressure to make decisions that may threaten the continued existence of humanity. The relationship between the president and the military is key to the film and the apparent insubordination that is depicted on screen mirrors that which is outlined in David Talbot's exposé, *Brothers: The Hidden History of the Kennedy Years*. A key aspect to the text is the claim that the president petitioned Hollywood to produce motion pictures depicting the growing rift JFK saw between military and civilian leadership. Films such as *Fail Safe*, *Dr. Strangelove*, *The Manchurian Candidate* and *Seven Days in May* were all produced in this time period, in a chilling indication of the pressure Kennedy felt from the Pentagon.²²

In addition to the portrayal of Kennedy as a historic character on screen, the legacy also benefits from the efforts of filmmakers to imbue fictional presidents with mannerisms that are *Kennedyesque* in tone. In 1996 a blonde, dashing war hero president with a young daughter saved the world from annihilation. This was not a depiction of the Cuban Missile Crisis, but rather Bill Pullman's portrayal of President Thomas Whitmore in *Independence Day*. Twelve months later a young vigorous athletic president with an attractive wife and daughter was forced to confront his nation's enemies in a struggle that was literally eyeball-to-eyeball, as Harrison Ford's President James Marshall struggled to reclaim *Air Force One*. Throughout the 1990s the American presidency became a topic of fascination and fictionalisation, aided by the real life antics of Bill Clinton and by his willingness to open the White House to filmmakers. The depiction of the president exploded in the decade, as *The West Wing*, *The American President*, *Dave*, *Forrest Gump*, *Commander in Chief* and *Nixon* amply demonstrate. Clearly these are not all focused upon the Kennedy presidency, but when *Kennedyesque* aspects are revealed, there are done so in a favourable manner. The love theme from *Camelot* plays subtly during the JFK scene in *Forrest Gump* and the sense of reverence and loss when *Nixon* addresses the official portrait of JFK is all too apparent. When Kennedy is referenced it is with a sense of awe and reverence, tinged with a deeper sadness at the inevitability of his eventual demise.

Casting is also a salient aspect in the consideration of the Kennedy image on screen since actors who have previously played Kennedy, have then been recast in roles intended to tap into that reservoir of affection for the late president. The most obvious example of this is Martin Sheen. Having played Robert Kennedy (*The Missiles of October*) and JFK (*Kennedy*), his portrayal of Josiah Bartlett in *The West Wing* would appear to be the embodiment of Presidents Carter, Clinton and Kennedy.²³ Having played the real president, his physical manifestation cannot fail but conjure up the image of his earlier portrayal. This is not to suggest that the producers of

²¹ Intriguingly the actor that President Kennedy initially sought to portray himself in his adventures in the South Pacific, was Warren Beatty.

²² David Talbot, *Brothers: The Hidden History of the Kennedy Years*, New York: Simon and Schuster, 2007, 148-151.

²³ Neither should it be seen as a coincidence that Martin Sheen was chosen by Oliver Stone to provide the un-credited voice over for the introduction to his 1991 movie *JFK*.

Independence Day, *Air Force One* or *The West Wing* are seeking to imply that these fictional presidents are supplicant Kennedys, but that by choosing to cast a *Kennedyesque* actor to portray a *Kennedyesque* character, the perception of JFK as an action hero continues to be perpetuated, something that was exacerbated by the production by Hasbro of a JFK G.I. Joe doll in 2000. These actions “have helped transform JFK from a historical figure into a popular culture icon.”²⁴

As with all efforts to depict Kennedy on screen, even the manner of his passing has been fictionalised. The controversy surrounding Kennedy’s assassination has been retold in a number of ways, some directly, but often in an oblique fashion. Oliver Stone’s *JFK* (1991) is only the most direct in a series of films that argue for the case of a conspiracy. *Ruby* (1992) and *Executive Action* (1973) deal directly with the events in Dallas, while *The Parallax View* (1974) and *Winter Kills* (1979) change the names of the protagonists to make the case for a wider conspiracy. In all cases JFK is portrayed as a martyr to liberalism and the victim of darker forces.

The ultimate Kennedy fantasy involves saving the president from assassination in Dallas. This plot device has appeared in a variety of films and television shows around the world. In the 1986 *Twilight Zone* episode ‘Profile in Silver’ JFK is saved by a time travelling Harvard professor. When this causes problems in the space-time continuum, Kennedy volunteers to return to Dallas and die in order to save the future. However, the professor takes his place in the motorcade, allowing JFK to take his place in the future! The episode highlights some of the strongest themes of the Kennedy myth. His death is portrayed as Christ-like martyrdom, as he sacrifices himself to save humanity; the historian’s willingness to trade roles with Kennedy allows the viewer to fantasise whether they would take a bullet to save the president for the apparent betterment of humanity. “In the end the docudrama reaffirms Kennedy’s goodness and rescues him from death. He is alive and well and living in the future.”²⁵

In addition to the *Twilight Zone*, JFK’s assassination is interrupted, altered or prevented in *Running Against Time* (1990), *Quantum Leap* (1992), *Red Dwarf* (1997) and *Timequest* (2002). Even *Star Trek* creator Gene Roddenberry sought on numerous occasions to have the crew of the Enterprise rescue Kennedy in Dallas. Whenever a film sequel was being discussed Roddenberry would suggest this storyline, only to be vetoed by Paramount Pictures. When the Enterprise did eventually journey in time it was to save the life of a whale rather than a president. However, when considering fictional interpretations of President Kennedy, one need look no further than Captain Kirk to see JFK in space. In *Star Trek*, the New Frontier has become the Final Frontier; the youngest elected president has become the youngest captain in Starfleet history; John F. Kennedy has become James T. Kirk. Both are at the heart of the action throughout, both are self-deprecating, and both always get the girl.²⁶

In film and television, romanticised images of Kennedy continue to blur the line between fact and fiction, further altering our appreciation of the Kennedy legacy. This

²⁴ Henggeler, *The Kennedy Persuasion*, 174 PLUS.

²⁵ Henggeler, *The Kennedy Persuasion*, 174, *Twilight Zone*, “Profile in Silver,” CBS, directed by John Hancock, written by J. Neil Schulman, September 12, 1986.

²⁶ William Shatner, *Star Trek Movie Memories: The Inside Story of the Classic Movies*, London: Harper Collins, 1994, 108.

effort to elevate the late president to mythical stature can be seen in murals, songs and in the effort to re-christen everything from Cape Canaveral to Idelwild Airport in honour of Kennedy in the aftermath of his assassination. Such efforts challenge the reality of history, creating ironies that continue to cause upset, most notably between the legacies of JFK and his successor, Lyndon Johnson. It may have been LBJ who passed the Civil Rights legislation of 1964 and 1965, but “pictures of Kennedy, not Johnson, grace the walls of many black families, and it is JFK who is recalled in Dick Horder’s song *Abraham, Martin and John* as one of the heroic liberators of black America.”²⁷ In the struggle between reality and romanticism, the latter has clearly triumphed in the historical remembrances of President Kennedy.

The Kennedy Legacy in Reality

The influence of the Kennedy legacy and its assorted imagery has certainly not been restricted to fictional candidates for high office. In an age when actors have become presidents, some politicians appear to be aspiring actors, as they seek to imitate and impersonate President Kennedy. A whole spectrum of candidates has attempted to gain office in the reflected glory of JFK, as Republicans and Democrats have manipulated their image to fit the Kennedy mould, or else have sought to redefine the Kennedy legacy to suit their own political ambitions.

Few have been as personally impacted by this as Robert Kennedy. From the moment of the assassination in Dallas until his own murder five years later, RFK became keeper of the Kennedy flame as well as a politician in his own right, an onerous responsibility that caused great conflicts for the former Attorney General. “As the heir apparent, he symbolised hope to those who yearned for the restoration of the Kennedy presidency.”²⁸ Despite his fears that his supporters were merely casting their vote for the absentee Kennedy, Robert Kennedy was not beyond reminding voters of his fallen brother; he opened his campaign for the presidency in the Senate Caucus room where JFK had announced his candidacy eight years before, wore his brother’s leather jacket and developed a similar speaking style as he sought to merge his brother’s imagery with his own. RFK “quoted him frequently...it was good politics to use the same staccato phrasing, the mass of statistics, the self-deprecating humour, the stabbing finger, and soaring idealism.”²⁹

Robert Kennedy’s appreciation of the power that his fallen brother still held over the country was apparent when discussing his advantage over his political rivals in 1968: Hubert Humphrey, Richard Nixon and Lyndon Johnson could be elected president, but “they can’t be President Kennedy.”³⁰ That RFK met the same fate as his brother only served to highlight the tragic appeal of the legacy and cast a darker shadow over those who would seek to follow in their footsteps.

If Robert Kennedy was in a unique position due to his family ties, then his nemesis, Lyndon Johnson, was equally challenged by having to follow in JFK’s wake, a challenge that would have been difficult under the best of circumstances and for which he was singularly ill equipped. Johnson was overshadowed by the Kennedy

²⁷ Brown, *JFK: History of an Image*, 24.

²⁸ Henggeler, *The Kennedy Persuasion*, 43.

²⁹ Theodore C. Sorensen, *The Kennedy Legacy*, New York: Macmillan Publishing Company, 1969, 161

³⁰ J. Pilger, ‘Bobby’; ‘A Nobel Cause,’ in his *Heroes*, London: Pan Books, 1986, 126.

legacy from the first moment of his presidency; stylistically his image was wrong and to many, he personified an old style of politics that Kennedy had sought to challenge. Johnson's dilemma was compounded by uncertainty over whether he should embrace or reject a Kennedy legacy. Initially, he sought to invoke the fallen president as a means of asserting his own legitimacy and to aid passage of civil rights legislation. However, the mystique that was already emerging around the Kennedy family proved to be a double edged sword for Johnson, and his references to Kennedy's heavenly presence unwittingly positioned himself in JFK's shadow. A Johnson aide lamented, "I think President Kennedy will be regarded for many years as the Pericles of a Golden Age. He wasn't Pericles and the age wasn't golden, but that doesn't matter, it's caught hold."³¹ In seeking passage of legislation that would secure his place in history, Lyndon Johnson was as responsible as anyone for fostering this image; his statements alluded to Kennedy's greatness and the impact of his loss, while Johnson's lewd behaviour only highlighted the seeming grace and dignity of his predecessor. To observers in the media "LBJ seemed to represent a reversion to the past after cosmopolitanism and modernity of the Kennedy years."³²

White House correspondents were quick to note the change in tone as Johnson put his stamp on the executive mansion. Gone were the New England images of sailing, wayfarers and rocking chairs, replaced by horseback riding, Marlboros, barbecues and ten-gallon hats. As a result, a popular refrain developed; from Kennedy to Johnson – from culture to corn.³³ The sudden shift in tone and style did much to enhance the Kennedy legacy and diminish Johnson, even as he sought to emulate JFK in his own inimitable style, which backfired amid mutterings of poor taste and crassness. This was exemplified by Johnson's plans to travel through Dealy Plaza in Kennedy's limousine and his photo shoot for *GQ* magazine, dressed in an Ivy League suit rather than in Western style clothing. "When he imitated Kennedy he seemed forced and artificial, but when he revealed his more authentic qualities he inspired lament for a bygone era."³⁴ In an age when the most popular television show was *The Beverly Hillbillies*, Johnson was likened to the show's character Jed Clampett, a man suddenly thrust into a situation for which he lacked the proper refinement.³⁵

President Johnson acknowledged "those who look backward to the past will surely lose their future,"³⁶ but was unable to escape Kennedy's shadow. Accordingly he became the first in a growing list of politicians whose careers would be blighted by comparisons to the exceptional ideal that was the Kennedy presidency. Any such list would surely include Richard Nixon who spent his entire career in Kennedy's shadow. As early as 1946, the *Los Angeles Times* noted, "Kennedy was the Nixon that Nixon longed to be."³⁷ Nixon was only four years older than Kennedy, but he appeared to be from an earlier generation. Nixon had an older wife and children, who lacked the glamour that Jackie Kennedy exuded, he dressed conservatively and by

³¹ Henggeler, *The Kennedy Persuasion*, 49 PLUS.

³² Brown, *JFK: History of an Image*, 24.

³³ *U.S. News and World Report*, February 17, 1964, 60-63.

³⁴ Henggeler, *The Kennedy Persuasion*, 33.

³⁵ Merle Miller, *Lyndon: An Oral Biography*, New York: Putnam's, 1980, 342-346.

³⁶ Henggeler, *The Kennedy Persuasion*, 38.

³⁷ Wright, "Nixon," *Los Angeles Times*, November 6 1946, B2, quoted in Herbert S. Parmet, *Richard Nixon and his America*, Boston: Little, Brown, 1990, 117.

becoming Eisenhower's vice president, had aligned himself with an older generation. By choice and design Nixon can be regarded as the *anti-Kennedy*.

However, while Nixon disparaged Kennedy's emphasis on style, he sought to embody some of the same qualities that made his opponent so attractive. As a former naval officer and owner of a beachfront property, Nixon determined that he should benefit from *Kennedyesque* imagery invoking the ocean and with it youthful vitality. In a scene more reminiscent of Johnson than Kennedy, Nixon posed for reporters on a beach in San Clemente, California. While the Kennedys had frolicked in the surf, barefoot and striped to the waist, Nixon posed in leather shoes, a windcheater and suit trousers, looking stilted and ill at ease. Once more he continued to be the living embodiment of the anti-Kennedy, utterly failing in his efforts to replicate his fallen adversary.³⁸ Despite the references to 'the new Nixon' he continued to be haunted by Kennedy. His 1969 inaugural was referred to as "a hand-me-down speech from the New Frontier"³⁹ and his visit to Berlin would become only the first in a long line of presidential visits to that city that would be contrasted unfavourably to Kennedy's.⁴⁰

In the decades that have passed since his time in office, JFK has become accessible to politicians of all ages and ideologies; practically any candidate can find some element of Kennedy's legacy that could be interpreted to endorse his or her candidacy. On the 1980 campaign trail, Governor Reagan repeatedly drew on Kennedy's memory and cited Kennedy on 133 occasions during his first term.⁴¹ By 1984 Reagan had referenced Kennedy so often that Paul D. Erickson pronounced him, "a conservative reincarnation"⁴² of JFK. Those who protested Reagan's invocations failed to appreciate that the substance of Kennedy no longer existed, that his emotional appeal could now be drawn upon from both sides of the political spectrum. In the election of 1984, President Reagan, Senator Gary Hart, Walter Mondale and Geraldine Ferraro each claimed to be the true embodiment of the Kennedy legacy, an indication of "how universal, if not empty, the Kennedy legacy had become...Like Lincoln and FDR, Kennedy had become an icon, deeply enmeshed in the American psyche. He had become part of the useable past, as accessible as apple pie or the American flag."⁴³

Twenty-five years after JFK's death, the Democrats nominated another son of Massachusetts, one that was happy, even eager to play the Kennedy card. Governor Michael Dukakis took the Kennedy image and ran with it all the way to electoral oblivion in November of 1988. The lengths that Dukakis went to in his effort to imitate the Kennedy style were remarkable and singularly unable to affect the

³⁸ Dan Rather and Gary Paul Gates, *The Palace Guard*, New York: Warner Books, 1974, 243-245.

³⁹ Gary Wills, *Nixon Agonistes: The Crisis of the Self Made Man*, Boston: Houghton Mifflin Company, 1970, 368-9.

⁴⁰ Following Nixon's visit to Berlin in February 1969, presidential visits to the divided city were made by Jimmy Carter in July 1978, President Reagan in June 1982 and June 1987 and by President Clinton in July 1994, May 1998, June 2000, and President George W. Bush in May 2002. Senator Obama visited the city and addressed a crowd of 200,000 in July 2008.

⁴¹ Henggeler, *The Kennedy Persuasion*, 180, Paul D. Erickson, "The Once and Future President," *John F. Kennedy: The Promise Revisited*, New York: Greenwood Press, 1988, 313.

⁴² Paul D. Erickson, "The Once and Future President: John F. Kennedy in the Rhetoric of Ronald Reagan," Forth Annual Presidential Conference, John F. Kennedy: The Promise Revisited, March 30, 1985.

⁴³ Henggeler, *The Kennedy Persuasion*, 172, 215, Paul D. Erickson, "The Once and Future President," *John F. Kennedy: The Promise Revisited*, New York: Greenwood Press, 1988, 313-320, Michael Kimmelman, "Horror Unforgotten: The Politics of Memory," *New York Times*, March 11, 1994, B1.

outcome. Dukakis took to wearing clothing that was reminiscent of Kennedy and even selected Lloyd Bentsen of Texas as his running mate to replicate the Boston/Austin axis of 1960. But Dukakis failed to recognise the shifting political dynamics of the country and the fact that the south was now virtually un-winnable for any Democratic presidential candidate. Dukakis' use of Ted Kennedy to stump for him appeared to overshadow his own candidacy and both the crowds and the press recognised this for what it was. Dukakis was yet another politician who sought to imitate Kennedy's style while not recognising that times had changed. What was contemporary in 1960 was dated in 1988 and attempts to replicate a bygone age fell flat when attempted by someone who so singularly lacked Kennedy's panache and charm.

When Bill Clinton ran for the presidency in 1992 it was said that he reminded people of Kennedy, but questions were asked as to whether this referred to John or Ted? As details emerged of Clinton's nocturnal activities one wondered if being described as *Kennedyesque* was intended to flatter or to insult. Clinton put his 1963 meeting with JFK at the heart of his campaign imagery to convey the sentiment that a torch had quite literally been passed from one generation to another. This powerful concept struck a cord not only with the American people, but also with the Kennedy family, who chose to endorse the Clinton campaign in a fashion unheard of at that time. Clinton was happy to exploit JFK's memory as long as it served his campaign for the White House: On the campaign trail he was photographed with cigars, even though he was allergic to smoke. As his campaign progressed he adopted a speaking style that could be described as *Kennedyesque* and on the dawn of his inauguration, he visited the president's gravesite at Arlington, accompanied by JFK Jr. and Ted Kennedy. Once in office he restored the Resolute Desk to the Oval Office and sought to replicate Kennedy's mannerisms in his press conferences. Clinton's use of the myth may not have been an overriding factor in his victory, but it commanded occasional attention and reminded voters of a time of perceived greater promise.⁴⁴

Clinton's flaw, however, was ignorance of where to draw the line and as his presidency continued, he seemed to be content to become a surrogate Kennedy; he holidayed with the family in Martha's Vineyard and spoke at the rededication of the Kennedy Library, greeted warmly by Jackie Kennedy, in sharp contrast to her cool reception of Jimmy Carter at the initial dedication in 1979. Clinton arguably took the idea a step too far in July 1994 when he addressed a crowd in German while speaking at the Brandenburg Gate in Berlin. Some argued he crossed a delicate line between reminding people of Kennedy and inviting unfavourable comparisons.⁴⁵ Clearly Clinton was no Jack Kennedy, but he was a politician who actively sought to exceed expectations of his birth and who openly championed America and its people to better themselves, an aspiration that would be overshadowed by events of the president's own making.

Despite the best efforts of Bill Clinton to embody the Kennedy legacy for a new generation, there would always be those who dreamed of a restoration of the Kennedy presidency. As long as John Fitzgerald Kennedy Jr. was alive Americans could cling to the not-impossible dream that they would awaken one morning to find JFK back in the White House. The president's son recognised the hold that he had over a portion

⁴⁴ See "Bill Clinton Interview," *Rolling Stone*, September 17, 1992, 55.

⁴⁵ See Joel Achenbach, "Jack and Bill Went Up The Hill," *Washington Post*, July 20, 1994, B21 and the political cartoon "Ich Bin Ein Beginner" by Cummuso in *Newsweek*, July 25, 1994.

of the population and at the launch of his magazine *George*, teased the collective media with the revelation “I hope eventually to end up as president...of a very successful publishing venture.”⁴⁶ When JFK Jr. died in 1999, few were aware that the increasingly unlikely dream of ‘JFK’ returning to the White House was still feasible, in the form of Senator John Forbes Kerry.

John Kerry’s background made Bill Clinton look like a country bumpkin who had simply enjoyed a lucky encounter with Kennedy. As a teenager Kerry had moved in the same circles as the president and colour photographs exist of them sailing together. Incredibly, however, these images were singularly under-utilised. Rather than highlighting his initials and experience with the president in the summer of 1963, Kerry instead emulated Al Gore’s approach to victory. Choosing to adopt a self-righteous approach and seeking intellectual independence rather than victory, Kerry lost the opportunity to emulate Clinton’s success and followed Gore to electoral disaster. When considering Kerry’s narrow margin of defeat in the crucial Ohio election, such symbolism may have made a difference. Images of Kennedy sailing off Hyannis Port became synonymous with his time in office. By the time Kerry ran for office his opponents successfully lampooned Kerry’s passion for water sports as being out of touch with mainstream values.

Due to the fluctuating fortunes of the Kennedy family, *Kennedyesque* has become a term that is both sought and avoided by politicians, and it is, interestingly, a term that has been applied to Democrats and Republicans alike. This continued in the 2008 presidential campaign season, which saw both eventual candidates seeking the Kennedy mantle. In March 2008, Senator Joe Lieberman highlighted John McCain’s *Kennedyesque* qualities, stating, “I find among the candidates running this year that the one, in my opinion, closest to...the John F. Kennedy legacy, is John S. McCain.”⁴⁷ Compounding this was the oblique literary reference made by Sarah Palin, who lamented, “Profiles in courage: They can be hard to come by these days. You know, so often we just find them in books. But next week when we nominate John McCain for president, we’re putting one on the ballot.”⁴⁸ This subtle reference to the title of Kennedy’s 1955 Pulitzer Prize winning book sought to reinforce McCain as a man of action and integrity, in keeping with the positive elements associated with being *Kennedyesque*.

The Republicans were always going to struggle to legitimately claim the Kennedy mantle. Not only was their candidate the oldest man to seek the office (in contrast to Kennedy, the youngest to win elected office), but his opponent, Senator Barack Obama, was described as being the ‘black Kennedy.’⁴⁹ This placed Obama in a fascinating position. He did not need to talk about Kennedy and he certainly did not have any past roots that harked back to Camelot. What he had was the president’s youthful vitality, dark haired wife and young family. The symbolism was simply there

⁴⁶ Christopher Anderson, *The Day John Died*, New York: William Morrow, 2000, 223.

⁴⁷ Senator Joe Lieberman in interview with George Stephanopoulos, *ABC This Week*, March 2008, available at <http://politicalticker.blogs.cnn.com/2008/03/30/lieberman-likens-mccain-to-jfk/>

⁴⁸ Sarah Palin, *Introduction as VP Candidate*, Dayton Ohio, 29 August, 2008, available at http://www.washingtonpost.com/wp-dyn/content/article/2008/08/29/AR2008082901882.html?nav=rss_politics

⁴⁹ Peter Hitchens, “The Black Kennedy: But does anyone know the real Barack Obama?” *Daily Mail*, February 2, 2008, available at <http://www.dailymail.co.uk/news/article-511901/The-Black-Kennedy-But-does-know-real-Barack-Obama.html>

and did not need to be dissected. Compounding this was the euphoric endorsement that Obama received from Caroline Kennedy Schlossberg, the late president's sole surviving child. While the family had previously endorsed candidates, never before had they been so open in their support. Their snub of Hillary Clinton's campaign was particularly surprising, since the Clintons openly courted the Kennedys throughout the White House years and their support must have been seen as guaranteed.

Senator Obama's willingness to be swathed in the Kennedy aura contributed to a superficial campaign, focused upon the perpetuation of the candidate's image and personality. Not for the first time in presidential politics, serious discussions of issues and policy received short shrift as attention was focused on image and style. Stories appeared lauding the Obamas as the new Kennedys, while comparing Michelle Obama to Jackie Kennedy as a fashion icon for the new millennium. Fact threatened to give way to fantasy as Kennedy's former assistant, Ted Sorensen, moved to endorse the candidate in October 2007.⁵⁰ The fact that Obama went on to win the White House may well be an indication of America's sentimental longing to reincarnate the fallen leader of Camelot.

Kennedy as the Exceptional Ideal

In contrast to other presidents Kennedy was "like a Hemmingway hero," while Jackie came "from a milieu which is familiar to any reader of the novels of F. Scott Fitzgerald."⁵¹ This was not therefore, a normal couple in a normal place in a normal time. They were instead, exceptional people in unique circumstances during a tumultuous time. The time period was so dynamic, the events that dominated were so dramatic and the personalities involved so vital, that in retrospect the years seem to stand out from history. For better or for worse, Kennedy introduced the modern political era, with its focus on appearance at the expense of policy, of "media-oriented, televisual, celebrity politics."⁵² Before him, candidates were conservative in appearance, mature in years and purposefully dour. After Kennedy, successful candidates needed to be attractive, youthful, athletic, charismatic and energetic; "shirt sleeves were rolled up, ties were loosened, hair was tousled."⁵³

Clearly sentiment plays a part in this, but *Kennedyesque* is about more than romanticism. "The Kennedy assassination has come to symbolise a rupture in the collective experience of the American people."⁵⁴ By an accident of history, the Kennedy years appear in hindsight to be a golden age that preceded a time dominated by Watergate, Vietnam, Monica and 9/11. Since Dallas, politicians have failed to capture the international imagination in the manner achieved by Kennedy. Despite the fact that no other president has looked or sounded like him, and history has, thus far, been unable to produce another such leader, Kennedy continues to be promoted as the quintessential American ideal. The pretence was not lost on President de Gaulle, who

⁵⁰ John McCormick, 'Ted Sorensen to join Obama in Iowa,' *The Chicago Tribune* October 2, 2007. Available at http://www.barackobama.com/media/2007/10/02/ted_sorensen_to_join_obama_in.php

⁵¹ William Manchester, *Portrait of a President*, London: Michael Joseph Ltd, 1967, 75.

⁵² Rorabaugh, *Kennedy and the Promise of the Sixties*, 1.

⁵³ Henggeler, *The Kennedy Persuasion* .8

⁵⁴ Thomas Brown, *JFK: History of an Image*, London: I.B. Tauris & Co Ltd, 1988, 2.

noted at Kennedy's funeral, "This man was the country's mask, but this man Johnson is the country's real face."⁵⁵ It was not a compliment to the Texan, or the country.

Summation

Kennedy's time in office was an exceptional ideal; an era made all the more compelling by its abrupt conclusion, preventing delivery of its aspirations. The Arthurian concept of Camelot has long been associated with the era, which has given rise to claims of sentimentality and superficiality. While every culture needs heroes, perpetuating the Kennedy legend threatens to demean current politicians as they seek to emulate the unachievable. JFK is venerated to a degree that has proved to be detrimental for a successive generation of politicians. "If Kennedy had looked like William Howard Taft, with the personality of Herbert Hoover, his influence on the presidency might have been negligible."⁵⁶ Instead, his thousand days in office continues to cast a shadow over the White House and its occupants, as American politics continues to struggle to come to terms with Kennedy's assassination and its deeper meaning for the American experience.

It would be wrong to blame John F. Kennedy for the steady stream of imitators that have followed in his wake. Nor does it seem particularly instructive to berate those who have sought to emulate JFK, since they were simply following a winning formula. However, a key element of Kennedy's appeal was his originality. At no point did he seek to emulate a presidential predecessor. Quoting Pericles, Kennedy stressed on the eve of his presidency, "we do not imitate—for we are a model to others."⁵⁷ All who have followed in his wake have singularly failed to live up to JFK's own expectations as they have sought merely to emulate and impersonate to one degree or another. The very term, *Kennedyesque*, is therefore a contradiction, conveying a comparison with the past, while implying a lack of originality. As has been amply demonstrated by those who pursue the Kennedy mantle, none can succeed when they merely imitate and those who refuse to be liberated from the past risk being tarnished by it.

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⁵⁵ Robert Dallek, *Lone Star Rising: Lyndon Johnson and his Times 1908-1960*, Oxford: Oxford University Press, 1991, 7.

⁵⁶ Henggeler, *The Kennedy Persuasion*, 95.

⁵⁷ John F. Kennedy, *The City Upon A Hill*, Address to the Massachusetts State Legislature, Boston, Massachusetts, January 9, 1961, reproduced in "*Let the word go forth*": *The speeches, statements and writings of John F. Kennedy 1947-1963*, Edited by Theodore C. Sorensen, New York: Delacorte Press, 1988, 58.

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Chapter 23

Rhetoric in the Campaign Website of Barack Obama

Mary Stromme

In the presidential campaign of 1960 John F. Kennedy gained popularity through a series of televised debates with Richard Nixon. Unlike Nixon, Kennedy did not underestimate the power and nuances of communicating via the newest technology of the day, and his inspired insight helped him to win the election:

In 1950, only 11% of American homes had television (all black and white); by 1960, the number had jumped to 88% (a tiny fraction in color). An estimated seventy million Americans, about 2/3 of the electorate, watched the first debate on September 26th. Kennedy had met the day before with the producer to discuss the design of the set and the placing of the cameras. Nixon, just out of the hospital after a painful knee injury, did not take advantage of this opportunity. Kennedy wore a blue suit and shirt to cut down on glare and appeared sharply focused against the gray studio background. Nixon wore a gray suit and seemed to blend into the set. Most importantly, JFK spoke directly to the cameras and the national audience. Nixon, in traditional debating style, appeared to be responding to Kennedy.

Most Americans watching the debates felt that Kennedy had won. (Most radio listeners seemed to give the edge to Nixon.) The candidates had appeared as equals. Almost overnight the issues of experience and maturity seemed to fade from the campaign. Studies would later show that of the 4 million voters who made up their minds as a result of the debates, 3 million voted for Kennedy. Nixon seemed much more poised and relaxed in the three subsequent debates, but it was the first encounter which reshaped the election.¹

Similar to television in the 1960s, internet technology, as it continues to inform and shape mass communication is having a major impact on presidential elections today.

The role of the World Wide Web in a democracy and its impact on American political campaigns has been discussed for several years now, but until recently little attention has been focused on the websites of individual candidates. The rapid rise in popularity of relatively unknown 2008 presidential candidate, Barack Obama, along with

¹ “JFK in History: Campaign of 1960,” John F. Kennedy Presidential Library and Museum website at <http://www.jfklibrary.org/Historical+Resources/JFK+in+History/Campaign+of+1960.htm> (accessed 16 June 2009).

the substantial increase in the number of voters attending primaries and caucuses during the 2008 election prompted reporters, political experts, educators, and others to try to figure out how and why. Many have commented on Obama's rhetorical skills, but fewer have written on the rhetorical appeal of his campaign website.

Because Barbara Warnick is one of only a handful in the field of rhetoric who has spent time researching and publishing in the area of rhetoric on the internet, her book, *Rhetoric Online: Persuasion and Politics on the World Wide Web* (2007) serves as a useful guide. Following Warnick, I examine Obama's website as a text, analyzing the use of rhetorical strategies with, as she suggests, a "move more toward reader-centered criticism of texts" (122). I will begin by providing a brief definition of rhetoric and explain the components of field dependency, interactivity, and intertextuality and their significance within an analysis of a website. Since rhetoric's success is dependent not only on its skillful presentation, but also on how it is perceived and interpreted by an audience, it is also necessary to devote some attention to the site's target audience. From there I will move to a closer examination of Obama's website by examining some of its visual, organizational, and interactive components and, for a point of contrast, compare it with John McCain's. The ultimate goal of my analysis is to provide a better understanding of the role rhetoric plays in the electronic environment of a presidential candidate's website, but also to help provide some context and perspective of this website within the larger milieu of the internet.

In *Rhetoric Online* Warnick explains how technology is rapidly changing the way we communicate and she emphasizes the need for more analyses of the persuasive techniques being utilized online (viii). Rhetoric is, as she explains, "the persuasive dimension of all forms of discourse addressed to audiences" and it "functions as ubiquitously on the World Wide Web as it does in other communication environments" (121). While acknowledging that rhetoric can be analyzed as it occurs within different mediums, Warnick also notes that the art of persuasion online contains variables that are different from more traditional forms of rhetoric. For example, it is not possible to analyze the *ethos* of one specific author/speaker when looking at a website that has been created, maintained, and updated by several people (25). Also, the way an audience extracts information from a website is different from the way they read a printed text or listen to a speech: "The consumer of hypertext... chooses his or her own path through the links presented and thus decides on the order in which textual components will be read. The nonsequential reading that results means that online texts generally do not rely on the forms of organization and argument that are characteristic of continuous texts" (Warnick 28). The ability to read and interact with a text in a personalized nonsequential order by clicking on links that pertain to a viewer's interests is very appealing to many website users and is a component that I will return to later.

Because a growing number of people have access to computers and are seeking information online, it is important to understand how different visual and textual components are strategically combined to convey remediating messages for our consumption. It is also important to differentiate between the audience's participation in the larger arena of the internet and those who are interacting with the more specific

location of a particular website. According to the Pew Research Center's June 2008 results in "The Internet and the 2008 Election":

More Americans have gone online to get political news and campaign information so far [as of May 11, 2008] than during all of 2004.

40% of all Americans (internet users and non-users alike) have gotten news and information about this year's campaign via the internet.

19% of Americans go online once a week or more to do something related to the campaign, and 6% go online to engage politically on a daily basis.

23% of Americans say they receive emails urging them to support a candidate or discuss the campaign once a week or more.

While research such as this reveals the increasing importance of the internet on American presidential campaigns, the online audience tracking service, Compete, provides more specific information about the number of people who had been viewing the current presidential candidates' websites. The "data shows that McCain's site had 807,518 unique visitors in June [while] more than 2.5 million unique visitors checked out Obama's site the same month" ("McCain's Web Site Traffic Surges, But Obama Still Leads Online," *Wired*, July 18, 2008, by Sarah Lai Stirland, par. 2). There are a number of reasons why Obama's website was viewed by such a substantial number of people, and part of it may be its rhetorical appeal.

Field Dependency

The criteria for evaluating the *ethos*, or credibility, of a website, is different depending on the audience's perception of the site's purpose and function. In her book, Warnick refers to this as "field dependency" (67), and explains that "[u]sers will not judge the credibility of a medical site in the same way as an entertainment site, an alternative media site, or a travel site. The standards they apply will depend on the characteristics of the field in which the site is located." (67) Focusing on political campaign websites in general, it is helpful to understand user expectations specific to this particular field. According to Jennifer Stromer-Galley and Kristen A. Foot's research in "Citizen Perceptions of Online Interactivity and Implications for Political Campaign Communication" (2002), most people are "wary about being duped or used by campaigns" (par. 48) and "they [want] the Internet to allow them to participate directly in the campaign, yet they [do] not want to be involuntarily pulled into it" (par. 48). Considering this information, it appears that most viewers are aware that the content of a campaign website is likely to be biased and is designed to be persuasive. This may be why the January 2008 results in a Pew Research article reveal that even though more people are accessing the internet for news, only 2% of those who get their campaign information online report visiting candidate websites (7).² Most of the website's users,

² The Pew Research Center for the People and the Press. "Social Networking and Online Videos Take Off: Internet's Broader Role in Campaign 2008." 11 Jan. 2008. (accessed 7 Apr. 2008).

then, are not going to a candidate's website for fair and balanced information or updates on the campaign. Research from both Warnick and Stromer-Galley suggest that most users are attracted to a candidate's website because they want to participate or interact with others.

Interactivity and Intertextuality

Stromer-Galley and Foot reveal that although users may be skeptical when entering a candidate's website, they are very interested in being able to participate in some way. They note that "the focus group participants in [their] study talked substantially more about their ability to manipulate content on a website than about their fear of being manipulated by a site producer" (Stromer-Galley and Foot par. 25).³ Having the ability to easily access information in a personalized way via the various links or interact with others by posting messages on a blog are significant features. This corresponds with Warnick's discussion of "the rhetorical dimensions of intertextuality as used on the World Wide Web" and her assertion that "the presence of intertextuality may contribute to a site's appeal as readers participate in the construction of textual meaning" (91). Even though this is an important component of a candidate's website, for first-time viewers the initial impression conveyed by the overall appearance of the site affects their perception of its credibility.

The Importance of Appearance

Those who are interested in finding out more about the candidate and his/her stance on specific issues will likely be influenced first by the site's appearance. In their essay, "Believe It or Not: Factors Influencing Credibility on the Web" (2002), C. Nadine Wathen and Jacquelyn Burkell explain that "surface credibility is evident in the assessment of Internet information. Information coupled with a well-designed interface and attractive graphics may result, in the absence of more substantive cues, in a tendency for users to make a positive credibility judgment" (138). Within the field of campaign websites Obama's and McCain's both contained similar features: prominently displayed links for viewers to "contribute" or "donate" to the campaign, links that led to information on the candidate's background and family, and links that took viewers to content concerning the candidate's thoughts on pertinent issues. The general organization and appearance of Obama's website was, in many ways, typical of others in this field, yet there were noticeable differences as well. Although many viewers may not be aware of the subtle effects of supposedly minor details, the cumulative effect is powerful. Everything from the choice of font design to the mantras of "hope" and "change" were carefully designed to correspond with and support Obama's appeal to a diverse American audience. In a January 2008 *Boston Globe* article, "What font says 'Change'? Kate Sontag and David Graham Type designers decode the presidential candidates," Sam Berlow and Cyrus Highsmith analyzed the font choices of presidential candidates emphasizing the ways in which "the type talks to us, the reader[s]" (Berlow

³ It is important to point out that Stromer-Galley and Foot's research was conducted in 2000. Users' perceptions of online interactivity and the level of control they have while interacting with the content of a website in 2000 may be different from the perceptions of website users in 2008.

and Highsmith par. 1). When describing Obama’s choice of Gotham font, they included adjectives such as “contemporary” and “fresh”, and said that: “This typography is young and cool. Clearly not the old standards of years past” (Berlow and Highsmith par. 4).

Like the choice of typography, there were several persuasive visual elements on Obama’s website that were strategically coordinated to influence viewers. Incorporating specific shades of the color blue, for example, that provided a subliminal yet complementary layer of support for the site’s text and visual images was an aspect that many users were likely not consciously aware of. Also, the website creators’ choice to use a specific shade of sky blue, applying the lightest shades most distinctly in the area immediately surrounding an image of Obama’s head and upper torso, which was positioned strategically next to his plea, “I’m asking you to believe”, had the cumulative effect of making him appear savior-like (See Figure 1). The lightest shades of blue

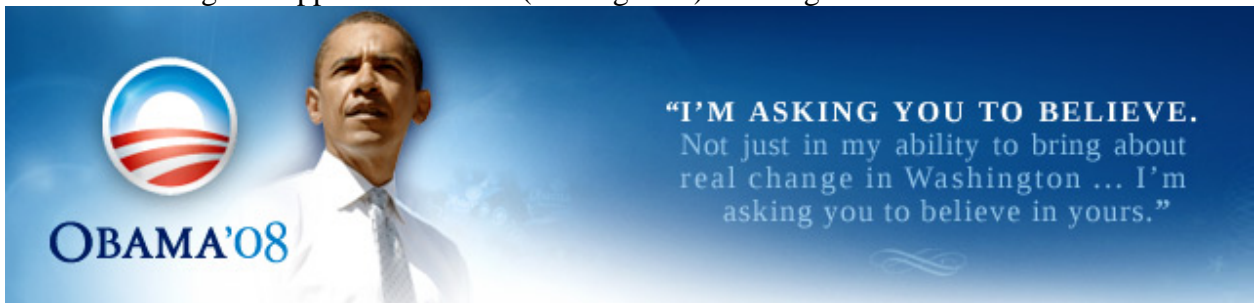


Figure 1

located near the top of the website’s home page evoked a sense of ‘hope’ in a new day. Integrating lighter shades of blue with white, rather than choosing a consistently darker shade of blue or a more liberal use of other colors were also a strategic choice. In *Visual Communication: Images with Messages* (2006), Paul Lester explains that “lighter colors tend to be viewed as soft and cheerful, and darker colors have a harsh or moody emotional quality about them” (35). He stresses the importance of colors by explaining how they affect us on emotional and psychological levels:

Because color—more than any other visual attribute—has the capacity to affect the emotions of the viewer, a message may be forever remembered or forever lost, depending on how color is utilized. For that reason, pay particular attention to the use of colors in graphic design. Color easily draws attention to itself. Used the right way, color can emphasize an important part of a message; if used casually or too often, color can be a serious distraction. (Lester 37)

In contrast to Obama’s website, McCain’s (particularly before May 2008) was definitely darker (See Figure 2). Different color schemes, images, and the organization of information on each of



Figure 2 (from April 8, 2008)

these websites were all used to present a specific persona of the candidate but they also contain an implicit vision of an American audience. As noted previously, the colors and organization of Obama’s website corresponded with his message of hope (Figure 3) while the darker, more serious tone of McCain’s website in April evokes the steadfast loyalty contained in his military history.⁴

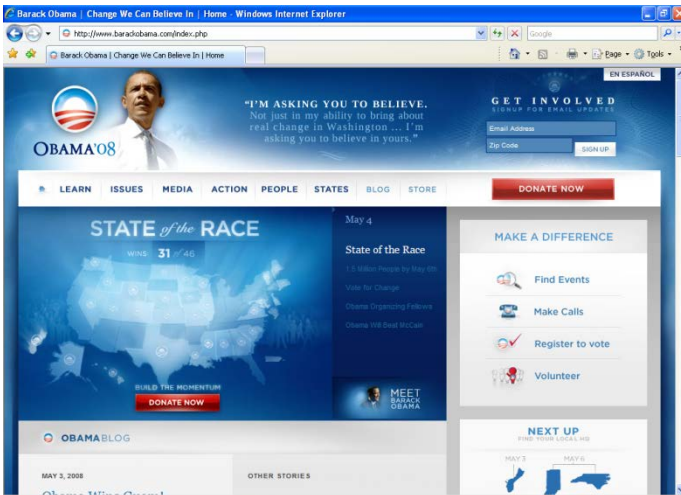


Figure 3.

User Interactivity at www.barackobama.com

Appearance and organization may draw viewers in and help to create a credible *ethos*, but the user’s ability to interact with site content as well as other users keeps them coming back. Most internet users expect and are familiar with the personalized

⁴ McCain’s website changed significantly in May 2008. Some of these changes are discussed further within this article.

interaction they experience by clicking on the links within websites. There are numerous paths a viewer may take, depending on his or her interests. As noted earlier, the websites of Obama and McCain had many of the same links. One option that was unique to Obama's website, however, was the "People" link.⁵ When viewers clicked on this link they were presented with a lengthy list. At first glance the list appeared to be a curious group of categories—a mixture of ethnicities, sexual orientation, gender, interests, and affiliations—which may have appeared strange on the website of a candidate who proclaimed the importance of unity in America.⁶ Considering this list from a rhetorical perspective, the creators of Obama's website capitalized on the highly personalized reading atmosphere that occurs through the nonsequential reading on websites. The flexible structure of a website provides a unique opportunity for rhetorical appeals that are personalized to viewers already familiar with the process of seeking only information that interests them. Obama clearly could not base his stance of national unity on the previous fiction of a "typical" American, although to some the inclusion of a list such as this may have appeared as if he was encouraging identities of separateness or the continuation of entrenched divisiveness over certain issues. To many who have felt marginalized in America, though, it may have been validating, in a way, to see their identifying group, affiliation, or interest available as a link. For example, Native Americans, or "First Americans" as the website creators referred to them, are rarely addressed directly and publicly in a presidential campaign. They may have interpreted this as an acknowledgement of their concerns in a visible way. Some may have perceived that they, as individuals, were taken seriously by a presidential candidate and that he was aware of their unique problems.

Another option that, until mid-May 2008, was not available on McCain's website was the ability to view the text in either English or Spanish. This small link was located in the upper right-hand corner of every page and carried with it an implicit indication of the level of the candidates' concern for and interest in communicating with Spanish-speaking constituents.⁷ I am not sure if the initial absence of this feature was an unintentional oversight by the creators of McCain's website, but they obviously decided it was important enough to add later.

Blogging: Interactivity with others at www.barackobama.com and beyond

There are many subtle factors that influence the credibility and appeal of a website. The ability to participate along with other users in creating a portion of the

⁵ After April 2008 McCain added a similar "Coalitions" link.

⁶ I am referring to Obama's call for unity during his widely praised keynote speech at the 2004 Democratic National Convention in which he proclaimed that we are not "red states" or "blue states" but the "United States" and also, in his call for a more united national identity he asserted that "There's not a black America and white America and Latino America and Asian America; there's the United States of America" (Illinois Senate Candidate Barack Obama's 2004 Speech at the Democratic National Convention. *Washington Post*).

⁷ On Obama's section dedicated to "Asian Americans & Pacific Islanders", the option of viewing the information in Chinese, Korean, or Vietnamese was also available for viewers. This type of attention to detail by the site's creators is part of what may have made his website appealing to diverse groups of people. It portrayed an aware and concerned ethos for people from a variety of backgrounds and locations.

website is perhaps one of the most appealing features of a campaign website. Viewers who are actively writing on blogs, whether to present their own opinion, share a piece of news, or react to the writings of others, are participating in the co-creation of a part of the candidate's website. My intermittent visits to the blog on Obama's website between February and May 2008, as well as less frequent visits to Clinton's and McCain's blogs for comparison, reveal that the majority of bloggers on campaign websites are loyal supporters of their candidate.⁸ The blog is a location where users can and do voice their support of one another, share their anger over the most recent media stories, add links to encouraging articles or other fundraising sites, and report on the progress of fundraising efforts. In her book Warnick refers to this process as "fanout" (88) and it is a process that Obama's campaign staff and loyal supporters advanced to heightened levels.

Conclusion

Considering the amount of money Obama was able to raise⁹ and the interest he helped to generate among younger voters,¹⁰ my research indicates that a candidate's website can be a central force in the successful election of a candidate to office. According to a March 2008 article in *Wired*, "Most prominent in Obama's suite of sites is the social networking tool my.BarackObama.com. Since its launch a little more than a year ago, more than 500,000 accounts have been created and 30,000 supporter-created campaign events listed at the site" (Stirland par. 10). As this article suggests, the ripple

⁸ My visits to campaign blogs coincide with the results of Warnick's research on the interactive components in George Bush's 2004 campaign website. She suggests that "By involving users in posting and reading user-contributed content, campaign sites can promote user/candidate identification and thus intensify loyalty to the campaign" (Warnick 89).

⁹ The April 4, 2008 *New York Times* article, "For Obama, a 2-to-1 Edge Over Clinton in Donations" by Leslie Wayne reveals that "[t]he \$40 million raised in March brings Mr. Obama's total [received from donations] to \$237 million, compared with \$193 million for Mrs. Clinton" (par. 6), and Ken Dilanian's article, "Obama's Claim of Independence Questioned" in the April 15, 2008 issue of *USA Today* which states that Obama's "raising of \$193 million and counting [is] the most of any presidential campaign" (par. 7).

¹⁰ According to Jan Hoffman's April 28, 2008 article, "Young Obama Backers Twist Parents' Arms," in *The New York Times* "the young supporters of Mr. Obama, who has captured a majority of under-30 primary voters, seem to be leading in the pestering sweepstakes. They send their parents the latest Obama YouTube videos, blog exhortations and 'Tell Your Mama/Vote for Obama!' bumper stickers" (par. 3). Also, after the February 5, 2008 primaries and caucuses held in more than 20 states, Rock the Vote blog reported that "[a]ccording to CNN's exit polls and the Center for Information & Research on Civic Learning and Engagement (CIRCLE), in nearly ever state holding a primary of caucus last night, youth voter turnout increased significantly—doubling, tripling and even quadrupling turnout from 2000 and 2004" (par. 3).

effect created by a relatively small number of people who are inspired and motivated is difficult to ascertain.

Obama's campaign demonstrated the ways in which a candidate's website can quickly turn into a "suite of sites" that can exponentially increase the momentum, popularity, and support of a candidate. Obama's campaign website appears to have been an integral meeting center and touchstone for many of his supporters. Whether they arrived to organize offline activities, to connect with others, or to exchange ideas and links, the activity on this website had an impact on far more people than just those who accessed the site.

Because an electronic environment such as the internet has the capacity to reach and influence such a large number of people, more attention needs to be focused on the rhetoric contained within a candidate's website. Although it is admittedly only one aspect of a campaign, the rhetorical strategies on a candidate's website present and reflect a candidate, as well as persuade or dissuade others. Like the rhetorical strategies Kennedy had the insight to see as working uniquely well within the medium of television, Obama recognized the potential of success through rhetorical appeals that worked particularly well within a digital environment. Rhetoric within campaign websites needs to be considered and evaluated as the integral part of contemporary political campaigns that it most certainly is.

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Part VI
The DEATH OF THE PRESIDENT

Chapter 24

That Day in Dallas

Eleanor Williams

Who doesn't remember that day in Dallas when Jackie stood splattered in blood beside a hearse carrying her husband's body? That day in Dallas when Jackie in her blood-stained pink suit stood in a crowded Air Force One and watched helplessly as Lyndon B. Johnson took the oath of office? Not one of us will forget Caroline Kennedy in the rotunda, kneeling before her father's coffin, nor John F. Kennedy, Jr. saluting his father's casket as his mother held his hand. Not one of us will forget Jacqueline Kennedy sheathed in veils, flanked by her brothers-in-law, Bobby and Teddy, reaching out for the American flag that covered her husband's casket, face tear-streaked. Nor will we forget that the same day she buried her husband, she held a small birthday party for their son, John F. Kennedy, Jr. It was his third birthday.

Some images remain in our hearts and minds forever. It doesn't matter that I was only a little girl in elementary school; it doesn't matter that my parents voted Republican; nothing mattered but the fact that my forty-seven-year old president was assassinated and later we would all watch his brains spatter over his wife in her hot pink suit, red roses tossed to the floor of the limo, on the Zapruder film, over and over and over again. Dallas. 12:30 p.m. Death. Walter Cronkite wiping away his tears. The announcement on our black-and-white TVs and knob radios at 1:06 p.m.

JFK and Jackie had become icons to me as a little girl. I bought and still have every magazine about Jackie—her clothes, her sister, her relationship with JFK, her stillborn little girl, and then Caroline. I had articles on their house in Georgetown, how she loved to redecorate and buy couture clothes and all the bills would be sent to Joe Kennedy—the man some say bought his son the presidency. Who some say bought all the copies of *Why England Slept* and put them in his attic to get it to the bestseller list. My parents gave me a book for Valentine's Day called *I Was Jacqueline Kennedy's Dressmaker* and it was filled with designs Jackie had made herself—these were the years before the marriage, before the White House, before the killing.

In Miss Bonn's third grade class in the old Longfellow school with its scary cloak closets, where I spent a great deal of time for talking out of turn, we held a mock election in the fall of 1960 after one of the debates that we had been assigned to watch. The class elected Nixon. I'll never forget that—what kind of a third-grade class was I in, anyway? It was a third-grade class in Binghamton, New York boasting a one-percent minority population—any minority.

My parents had a huge fight on election day—November 10, 1960—I still remember my father literally trying to strong-arm my mother—he in his dark suit with a crisp white shirt, narrow dark tie—and because I had to polish his shoes, I knew he wore

garters to hold up his socks beneath those slacks of his—she in her Donna Reed red-and-white housedress—hair looking fresh from getting it “done” at Tony’s Salon—or perhaps, she’d just had a comb-out—at any rate, I was home for lunch with my three siblings—in those days we walked home for lunch every day—and then back for the afternoon classes. My dad came home for lunch, too—and he could not believe she was going to vote for Kennedy! He had a lot of issues with Democrats and their spending and he particularly hated the Kennedys. He was a doctor and the Democrats—especially Kennedy—wanted to use his money for social welfare issues. Thieves, those Democrats! To use his hard-earned money for people too lazy to work. How dare they?

My mother stood up to him—eyeball to eyeball—and a slap or two may have been exchanged, but I’m willing to bet, she voted for Kennedy—not because of his politics, but because of his wife and her clothes and her little girl, Caroline. Plus both women were pregnant. It turned out that my mother gave birth to my sister Carolyn just hours before Jackie gave birth to the little boy everyone—except his family—called John-John. My mother was so proud to have given birth first.

The Presidency—from a little girl’s POV—Clothes and Crises

Mostly Jackie’s clothes. I designed my Barbie doll’s clothes after Jackie’s—complete to her wedding gown, heavy satin, a long train, a frilly veil. And there are the dinner party clothes. A Grecian-style dress. Upswept hair. Pablo Casals at the White House. Jackie’s restoration of the President’s home and her televised tour. Glued to the black-and-white RCA. Jackie giving a speech in Spanish. The French going berserk over Jackie, leaving JFK to introduce himself as the man who accompanied Jacqueline Kennedy to Paris. Horses—like at our own farm. My family lived in Binghamton, New York, but we had a farm out in the hills of the Pennsylvania Endless Mountain—a place we always called the farm and we had horses and cows and sheep—even a maple sugaring facility. Jackie in jodhpurs—just like mine—horses nibbling apples from her hand just like they did from mine. Caroline and her pony, Macaroni. Caroline and John-John playing beneath the Oval Office desk. Sometimes my siblings and I went to my father’s office—we were afraid of those visits, no game playing or joyous smile—always somber occasions—your great-grandmother fell and broke her hip. Your grandfather has had a heart attack. Your aunt has polio. Your mother has cancer. Such a contrast to the Kennedy family sailing in Hyannisport. A favorite image—the two brothers, Jack and Bobby walking across the White House lawn, heads close together. Jackie and her sister Lee atop a camel. Jackie starting a play school in the White House for her children—a circular room with a lot of sunshine. I loved all these images and incorporated them into my own consciousness until it seemed as if the Kennedys were my family, too.

Crises

I know about the Baby of Pigs disaster because my father talked about it and the Communists incessantly. He said Nixon proposed the Cuban attack, Eisenhower planned it, RFK championed it—but JFK approved it and had the CIA carry it out. Fiasco.

We had a shelter beneath our basement should there be a nuclear attack at our Binghamton house—plastic garbage cans filled with soup and baked beans and sardines lined the basement walls. Fear crept into my heart that lasted the next years—fears about more than my father, fears about the communists. I lay in bed awake night after night, afraid of them and what they might do. Like McCarthy, the Red Scare loomed large in my mind. Tangible. My little brother and I held hands on the way home to and from school, fearing that Communists lived in one or more of the houses we passed.

And then the real deal—the real fear—the thirteen days where we lived cowering and afraid. The Cuban Missile Crisis—October 1962. On what might have been the fatal day, my family was gathered as always around the kitchen table at exactly six p.m. for dinner. My baby sister sat in a high chair between my mother and father. The other four of us children clustered close together as my father said to us, “Well, you may as well tell each other good-bye tonight. It’s probably the last time we’ll see each other.”

I understood nothing but the racing of my heart and my cold, clammy hands. Never see my beloved brothers Charlie and Pete again? My sisters Jan and Carolyn? What about our dogs, Helga and Duke? Our cat Judy? The horses? What about my grandparents? My father was calm. He kept on eating. He didn’t tell any of us good-bye. I remember an image of Khrushchev taking off his shoe and slamming it on the table—what table? Where? I don’t know. I picture him sitting at our own kitchen table, bald head gleaming, as he slams down that shoe over and over again. I know I was afraid.

The next morning I woke up—shocked to see my sister Jan sleeping in the twin bed beside me. I crept around the house—Duke and Helga were okay—baby Carolyn was in her crib—Charlie and Pete were in the bunk beds, my parents in their room. We had survived the crisis—but I wonder if that scared little girl survived, if she isn’t still somewhere in my heart?

The U.S. emerged victorious and that year for Christmas my father bought Vaughn Meader’s record album *The First Family* recorded during those terrifying thirteen days. I played it over and over and over again. I thought it was funny the way at the end the president says, Goodnight, Jackie, Goodnight, Caroline, Goodnight, John-John, Good night Bobby—and so on—I think I thought the record was the Kennedys, and I liked listening to them talk to each other. Sometimes I’d sit my Barbie and Ken dolls and my Ginny dolls, who served as their children, in front of the record player to listen to my Kennedy family.

And then—another crisis—a more heartbreaking crisis—so much more personal. The Kennedys were my family, afterall. August 7, 1963, rolled around and Jackie gave birth to Patrick Bouvier—a baby with heart problems who could have lived longer than his short forty-eight hours had he been born in recent years. My family lived in Binghamton, New York, but we were out at the farm when little Patrick was born and died. My mother and I sat next to the radio for hours. Later, in books, I read that that baby brought the Kennedys closer together, that that was the first time anyone had seen

JFK cry—and I cried reading this. Two dead babies. Both buried now beside their parents in Arlington Cemetery. The stillborn baby’s grave says Baby Kennedy—but Jackie had named her Annabel. I wanted to name my daughter Annabel, but my mother didn’t like the name. I know that Jackie Kennedy should have been my mother.

The killing begins: JFK, Martin Luther King, RFK—affecting an entire generation—but assassinating my president was right up there with the old hymn, Were you there when they crucified my Lord? Sometimes it causes me to tremble, tremble, tremble—Were *you* there when they assassinated my president?

I was. I was there. And I still tremble.

I am now in sixth grade, having skipped fourth grade— eight of us skipped and went on through high school together taking what were known in New York State as the Regence Classes.

On November 22, 1963 after lunch, we exalted eight were in Mrs. Kosack’s class at the MacArthur school library. It was a brown room—brown textured carpet, light-brown maple round tables, brown maple chairs, brown tweed drapes. The room smelled of fresh paint—beige—and that lovely, musty odor of books. The clock was round—a big black and white one high on the wall not far from the Intercom system. The Intercom system was a way for the front office to make announcements—and the voice of whoever gave the announcements came through this big round metal thing with a grate over it. Mrs. Kosack kept a sharp eye on her students, and even I wasn’t whispering. It was then—and I don’t really remember the time—only that it was after lunch in the library—that the deep voice of MacArthur Elementary School’s principal, Ben Gold, in Binghamton, New York, told school children all over the building that my president had been shot in Dallas. Time passed before he came on again—a time in which we were all dead silent and Mrs. Kosack stood ramrod still in the corner beneath the clock. “President Kennedy has been killed,” he said.

I don’t know what he said after that. I know we were dismissed from school. No one’s mother worked outside the home in those days. It was safe to let us walk home. What wasn’t safe was for my president to ride in an open motorcade through Dallas.

Images: Jackie climbing across the back of the car to get to Clint Hill, the secret service man. The grassy knoll. The crying people. One girl with cat-eye glasses and a headscarf.

My biological family was headed to the farm that weekend. We jammed into my parents’ two vehicles. I rode with my mother, the radio on—all of us quiet, listening, listening. That’s how we spent the weekend, but by then we had a black and white TV at the farm, too, and we turned it on and left it on. We ate our meals in front of it on those old metal TV trays, black metal with a pink flowered design in the middle.

Sunday, November 24—my father's birthday—we didn't go to the church; we attended at the farm. We always went to church. Our not going only made that black and white TV and its reportage of Jackie and her children that much more terrifying. Unearthly. And so I was there when Jack Ruby shot Lee Harvey Oswald—just darted out in front of the entourage guarding the man—I still can picture that big cop in a suit wearing a ten-gallon hat.

Lee Harvey Oswald pronounced dead. Information that he shot J.D. Tippett, a police officer using a revolver, as he, Oswald, walked the streets after leaving the sixth floor of the Texas School Book Depository building, a rifle left among a clutter of cartons. Did you know that Jackie took the time to send Officer Tippett's wife a sympathy note?

Monday, November 25—birthday of my sister and JFK, Jr.—the day my president was buried—I see that flag-draped coffin, that prancing riderless horse—all those international dignitaries marching, marching—and at the front of this cortege, Jackie, flanked by Robert and Edward Kennedy. No school that day. And I sat in front of the TV in Binghamton now—watching these seminal events in my life take place.

Within weeks I joined the Girl Scouts so that I could go with them to Arlington Cemetery to see if JFK's grave is really there, that there is a white picket fence surrounding the area and an eternal flame. We're not Catholic, of course, the Catholics are all immigrants according to my parents, we're Episcopalians come over no doubt in 1607 to the Jamestown Colony, and no one in our family crosses him or herself, but Jackie does and now I do, too. I put my knee to the ground, bow my head and cross myself. And I cry. If only I had a veil.

My husband wasn't born when JFK was elected. Sometimes I think that if anything could tear us asunder, it would be that he wasn't there when they assassinated my president. It didn't break his heart. Sometimes it causes me to tremble, tremble, tremble.

Chapter 25

“I Looked Up and I Looked Down.” JFK, Mrs. D, and the Space of Citizenship¹

Steve Andrews

Mrs. D had left the room. What exactly we were studying on that Friday afternoon, I cannot recall. With the shortened school week and Thanksgiving holiday coming up, I probably didn't give much thought to schoolwork at all. As a third-grader about to turn the corner on the third anniversary of coming to this country, I had already assimilated enough to know that this was the beginning of the holidays—a time when carols would be practiced in school as well as in church, and when the early birds, here and there, would already have feathered their homes with strings of lights. It was a time when cookies and candy of all shapes and colors seemed to come out of the paneled woodwork, and you didn't even have to push any buttons. All you had to do was be yourself. More than just a feast for the eyes, the holidays seasoned all my senses until by the 24th of December to be myself was more than I could stand. No, I don't recall exactly, but I'm sure I was looking ahead when Mrs. D came back.

The venerable Walter Cronkite of CBS announced President John Fitzgerald Kennedy's death at 1:38 CST.² Again, my memory betrays me. Had we heard the news on the intercom from Uncle Walter himself, or did we hear it from the Principal? Was Mrs. D now telling us that our beloved President was dead, or was she telling us that we were going home early? I do not recall, for those are not the details that 45 years have grooved into my memory. What I remember is how Mrs. D looked, a look that has become for me a private touchstone both for a singular moment in American history and for a pivotal moment in my life as an immigrant adoptee.

I should probably tell you that I didn't much like Mrs. D. Playground taunting during those heady days of first and second grade had reinforced for me the notion that, in a social world hinged on the binary pivot of white and Indian, my mixed-race ancestry (Black-Korean) along with my adoptee status would often prove to be a difference that

¹ An earlier version of this paper was presented at John F. Kennedy: History, Memory, Legacy—An Interdisciplinary Conference, at the University of North Dakota, Sept. 25-27. I wish to thank J. Harley McIlrath, who read an earlier draft and made helpful comments.

² In a Thursday, November 20, 2003, appearance on CBS's *The Early Show*, which would go on to do a live show from Dealey Plaza that Friday, Cronkite recalls delivering the following statement on that fateful day: "President Kennedy died at 1:00 p.m. Central standard time, 2 p.m. Eastern standard time, some 38 minutes ago." See "Cronkite Remembers JFK," at www.cbsnews.com/stories/2003/11/20/earlyshow/main584646.shtml. According to the *Dallas Morning News*, Kennedy was shot at 12:30 and pronounced dead by Dr. William Kemp Clark at 1 p.m. CST. See *The Day JFK Died: Thirty Years Later: The Event that Changed a Generation/Dallas Morning News* (Kansas City: Andrews and McMeel, 1993), 17, 24.

mattered just a little too much. I represented what the late French cultural theorist Rene Girard would call, in *The Scapegoat*, a “difference outside the system,” a difference that was threatening precisely because it exposed “the relativity ... fragility ... and ... mortality” of the dominant system defined most emphatically by the white/Indian binary.³ Within that framework I was invariably, and sometimes problematically, an object of fascination. Set off against the larger framework of generations of racial animus, I had the capacity to unite, as in “he is different from us,” the “us” being Indian *and* white; or set within the contours of concepts of family patrolled by the Four Horsemen of biological determinism (Adenine, Thymine, Guanine and Cytosine), I could divide once again, as the awkward fact of my white family reinforced for both sides my radical deviation from their hand-me-down norms. Early on, I had to learn to negotiate both of these capacities, in and out of the classroom, even as, with help from my parents, I had to commit to the idea of mutability, of difference, within the system itself. That it would not *always* be like this nor was *everyone* treating me that way was their mantra. They were right, of course, but even so, there were moments when I wanted nothing more than to be lifted up, like Elijah, to another plane. But more, I wanted an assumption of innocence without the attendant hassles of being an exemplar, *for anyone*. Failing such divine uplift, and in a counter-blast of logic the brilliance of which was exceeded only by its circularity, I determined that since I was bound to be *a* center of attention, I would be *the* center of attention on my own terms. Lift-off, re-entry, crash landing: *enter Mrs. D.*

Mrs. D, you see, brooked no deviation from the protocols of decorum she laid down in her class. It was her way or the hallway. And her way cramped my style, a style I’d managed to nurture in the friendly chaos of first and second grade, each taught by attractive, single women, who, with ink still wet on their teaching certificates, were as inexperienced in their field as I in mine. Mrs. D, of course, was none of those things. And if I sagged a bit to think about the prospect of incubating for nine months beneath her withering stare, I have to wonder now how much these two young women, in measuring themselves against her no-nonsense and even-less-lipstick example, struggled to come to terms with what the next thirty years in this small rural town would be like.

I know they struggled. My father was their minister, and my parents would occasionally invite them over for dinner. Long after we kids had excused ourselves from the table the grown-ups would still be talking. The young UCC minister and his wife, recently transplanted New Englanders, hunched over their coffee, commiserating with the freshly-minted teachers. *We preacher’s kids, we hear things.* But in fuming the dust that bedevils our past, we too often look only one way: it is always the young who are stunted; always the beautiful who are trapped; the banker’s daughter from Connecticut who bemoans the unbearable loneliness of dust rising from dirt roads.

What, then, of Mrs. D? She, too, had once been young and newly certified; she, too, was—well, she was *Mrs. D.* It occurs to me now that I know nothing of Mrs. D, and that in all these long years, I have reduced her to a series of looks that cut me to the quick and held me—hold me—in my place. Formidable, well-organized, and impersonal, she dispensed tough love as only a walking Bureau can, by dint of constant discipline and

³ See Girard, *The Scapegoat* (Baltimore: The Johns Hopkins University Press, 1986), 21.

that hard, supervisory gaze. Even now, through the haze of those dust-covered years, I can still manage to hear her say, “No, it goes *there*.” Whether “it” was “Stephen, to your desk” or a comma in a sentence, there seemed a proper and permanent place for *everything*. It was depressing. But it wasn’t the *way* she looked at me that Friday afternoon that made such an impact on me. It was *how* she looked. She stood there as she always had, but now she struggled to keep her composure. Staring, she looked as if she, too, had been rifled, as if some hidden hand, unbidden, had reached inside of her and emptied her of all that was worth holding. And then, in front of us all, she broke down and cried.

In the historical record, it is, of course, no contest. The headline is obvious, if unduly triumphant: Kennedy Assassination Trumps Mrs. D’s Public Disclosure of an Inner Life. Indeed, we would no doubt quickly reach a consensus that the assassination *caused* Mrs. D to react in that way. But in the private world of gestures and tokens with which each of us measures the epochs of our lived experience, it was Mrs. D’s reaction that brought home the awful gravity of the news of the President’s death. As when a toddler falls down and then awaits adult reaction before registering an embarrassed “oops” or an anguished howl, we who were in that classroom likewise followed Mrs. D’s lead into grief and anguish. And if back then Mrs. D’s disciplinary gaze robbed me of my self-fashioned pose of the know-it-all lurking beneath the madcap antics of the class cut-up, and if back then that same gaze tethered me to my desk in ever tighter orbits, her breakdown now, as then, has given me a place on which to hang the hat of my citizenship.

Indeed, the psychological trauma of Kennedy’s death as manifested in Mrs. D’s demeanor was the single most important assimilative event in my life, even more so, in retrospect, than the naturalization ceremony I had undergone the previous winter. As of that moment—Nov. 22nd, 1963—I knew, as did everyone else of my generation, exactly where I was. Such knowingness implies, for me, the primal scene of my Americanization, for I now shared something with each and every one of my classmates. In watching Mrs. D show me exactly what it *felt* like to be an American citizen, I was indubitably *there*, transfixed forever to my desk, and no amount of taunting on the playground could ever take that away.

Such thoughts occurred while I was teaching in my college’s Washington DC program and were occasioned by an upcoming conference on JFK at the University of North Dakota for which I was preparing a paper. Needing something a bit more dependably genuine than my memory with which to anchor a point about Mrs. D that I wished to make, I called my wife back home and asked her to go through the stuff that my father’s second wife had sent shortly after he died. “I know my third grade report card is in there,” I said. “It might have something in it I can use.” Specifically, I was hoping to get some purchase on the daily class schedule so I could then make some kind of claim about what we were studying at the exact time when Mrs. D broke the news of Kennedy’s death. Sure enough, a few hours later my wife reported back, her mission accomplished. “I’m looking at the report card,” she said. “Subjects are listed, but there’s

no way to know when they were taught.” Perhaps sensing my disappointment, she blurted out, “Do you want the stuff on citizenship?” *Citizenship?* What stuff? “Well, there are a couple of paragraphs on the report card explaining what citizenship is and the rationale as to why they were focused on it. Apparently, you did pretty well,” she said, dawdling a bit over “apparently.” “You got check marks in all the right boxes.” If she was surprised, she had the good grace not to say so.

My search for the genuine had, in fact, turned out even better than I expected. I knew that JFK had concluded his convocation speech at University of North Dakota on Wednesday, Sept. 25, 1963, with a call to action on behalf of education and citizenship:

What we seek to advance, what we seek to develop in all of our colleges and universities, are educated men and women who can bear the burdens of responsible citizenship, who can make judgments about life as it is, and as it must be, and encourage the people to make those decisions which can bring not only prosperity and security, but happiness to the people of the United States and those who depend upon it.

What I did not know, or rather, what I had long forgotten, was that some 280 miles away in the northwestern part of the state, teachers the likes of Mrs. D were putting that call into action. While not as elegantly phrased as in Kennedy’s speech, my third grade report card nonetheless underscored that “citizenship can best be developed by participation in citizenship activities. In the school as well as in the home, the child is not only preparing for citizenship later, but he is practicing as a citizen now.” The report card goes on to suggest that the molding of good citizenship can only be done in tandem with ongoing efforts at home. “In marking the pupil on these traits,” it states, “we are giving you our opinion of his outstanding qualities, those in which he is strongest as well as those in which he needs most help from the home and the school. We invite your hearty cooperation in aiding your child in this development.” Next followed a list of “Habits and Attitudes Desirable for Good Citizenship”—“Carefulness; Co-operation; Courtesy; Dependability; Obedience; Health; Industry; Initiative; and Thrift”—virtues of which even the ever self-improving Jimmy Gatz, doomed soon to be Mr. Nobody from Nowhere, North Dakota, could be proud. If the report card was a way of “marking the pupils on these traits,” Mrs. D’s looks, far from being motivated purely out of sheer orneriness, were actually a way of marking these traits on her pupils.

I have chosen to focus on issues of citizenship primarily because as a naturalized citizen these issues have always been visible in ways they may not be for native-born Americans. I am, as they say, a citizen by virtue of consent; all of my classmates in Mrs. D’s class were citizens by descent. The Fourteenth Amendment makes no distinction between these two avenues of citizenship, since it declares that “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”⁴ Well and good; but as Albion Tourgee explained in his brief on behalf of Homer Plessy, “[t]his provision of Section I

⁴ US Constitution Online, “US Constitution—Amendment 14”
<<http://www.constitution.net/xconst.Am14.html>>

of the Fourteenth Amendment *creates* a new citizenship of the United States embracing *new* rights, privileges and immunities, derivable in a *new* manner, controlled by *new* authority, having a *new* scope and extent, depending on national authority for its existence and looking to national power for its preservation.”⁵ And part of the newness, I daresay, is the focus on citizenship as birthright. That was the part I did not have, and even though by the third grade I was officially a citizen, I still felt that the distinction mattered, that *my* citizenship was supplemental to the real thing. Didn’t Article II of the Constitution underscore that very point when it made “natural born” citizenship an essential qualification for the Presidency?⁶ And if I could not aspire to the highest office, then how could I be a fully-vested citizen? Such was my thought process then. And now, in view of the 14th Amendment as a new kind of citizenship to fit with the “new birth of freedom” that Lincoln had announced at Gettysburg, JFK’s assassination would be the genesis of my own symbolic rebirth as a citizen, not by means of consent but by way of geographic default.

Here, then, is an example that underscores my meaning: among the many media events in 2003 commemorating the 40th anniversary of the assassination was a show on MSNBC hosted by Chris Matthews entitled “JFK: The Day that Changed America.” The focus, however, wasn’t on America per se but rather on individual Americans—celebrities and politicians—who were interviewed about “where they were when they heard the news” (NYT 11/19/03). Fast forward five years, where, in preparation for an event commemorating, for all intents and purposes, the 45th anniversary of the assassination, I was slated to present an essay on a panel entitled, “Where were you when they shot my President?” Apparently, in relation to the day that changed America, we who were there, *somewhere*, are compelled to remember exactly where we were.⁷

Obviously, then, place is of paramount importance. But I want to suggest that in asking and addressing the question of *placement* we are participating in something more than the collective articulation of a map of mourning. As elaborated by Michel de Certeau, the difference between *place* and *space* is fundamentally a difference between a static configuration and one that is actualized by “vectors” of desire. Place, he suggests, implies “an indication of stability,” a desire for univocality. On the other hand, space is “*practiced place*,” by which he means that space is the “effect” of human operators as they engage, reinforce, and undercut the static, statist—that is to say, “proper”—assumptions of a given place. “Space,” he goes on to say, “is like the word when it is

⁵ Cited by James Alan McPherson, “On Becoming an American Writer,” in *A Region Not Home: Reflections from Exile* (New York: Touchstone Books/ Simon and Schuster, 2001), 24-25.

⁶ The relevant sentence reads, in part, “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of the Constitution, shall be eligible to the Office of President....” See US Constitution Online, “US Constitution—Article 2, Section 1”

<http://www.constitution.net/xconst_A2Sec1.html>

⁷MSNBC’s “the Day that cChanged America” followed hard on the heels of a 2001 article by Evan Thomas in *Newsweek* on the impact of 9/11 on Americans. It, too, was entitled “The Day that Changed America.” The possibility that two distinctly different events separated by 38 years could share the same cultural value was brought home to the panelists with whom I shared the dais when an undergraduate in the audience, upon being asked what the Kennedy assassination meant to her, reminded us that for her generation the “where were you question” would no doubt always apply to 9/11.

spoken, that is, when it is caught in the ambiguity of an actualization.”⁸ One can thus understand the iconic query, “where were you when...,” as an attempt, then, to bring order and stability to an event that has been notoriously, perhaps even paradigmatically, resistant to such ordering. By locating us, the many, in our particular places at an acutely particular moment, we merge thereby the acts of personal memorialization and national commemoration: *et in arcadia ego* meets *e pluribus unum*. But as oft-repeated practice—what will we do, one wonders, when the 50th anniversary rolls around?—as repeated practice, the roll call of places becomes the *space* of the Kennedy assassination, a space in which difference and deviation are as fundamental to it as are identity and affirmation.

Take, as an example, the path I took to get to Mrs. D’s classroom. Sure, I could have taken a ready-made network of streets and sidewalks, all articulating a series of right-angled turns that mapped the “proper” way to get to school. But if you could go back to my town then, or any town now, you will see worn in the grass—across vacant lots (behind my house); private lawns (the Hanson’s, say, although don’t tell my folks); and public commons (the field north of the High School)—a shortcut that traces a snaky hypotenuse in relation to the angles formed by sidewalks or streets. All of which suggests that there are folks enough who diverge from our planners’ paths to inscribe that deviation on the land itself. Indeed, so pervasive is this tactic that, much to the consternation of National Park Rangers, you will find them, here and there, even in that most carefully planned of all national places, the National Mall. Such a snake in the grass is defined by Lan Samantha Chang in *Home Ground* as a “desire path”—an alternative “route” that “people have chosen to take across an open place, making a human pattern upon the landscape.”⁹ As such, you would be hard-pressed to find it on any official map.

The space of the Kennedy assassination is just such an open place, its topography crisscrossed by desire in patterns that are as recognizably human as the overpowering grief expressed on that long weekend of his funeral, or the Friday cheering of young schoolchildren in Dallas upon receiving the news that the President had been shot.¹⁰ In such a space, the State’s official story, the Warren Commission Report, with its voluminous desire for the univocal acclamation of its single shooter theory, must forever answer to a thousand conspiracy theories, whether in books or on film, each with its multiple shooters in their particular places at that particular moment. “The more you investigate it,” says Robert Groden, himself the author of a JFK assassination exposé, “the farther away you seem to get.”¹¹ Perhaps that is the tantalizing fate of those who would look for causes, or assign blame.

⁸ Michel de Certeau, “Spatial Stories,” in *The Practice of Everyday Life*, trans. Steven Rendell (Berkeley: University of California Press, 1984, 1988), 117.

⁹ *Home Ground: Language for an American Landscape*, eds. Barry Lopez and Debra Gwartney (San Antonio: Trinity University Press, 2006), 104.

¹⁰ This latter was a point recalled, and affirmed, during the discussion following our panel’s presentations.

¹¹ *The Day JFK Died*, 108.

Consider, in light of that last comment, that at one time “cause” and “blame” meant the same thing. “[C]ause’ does not, as [we] might expect, mean originally an earlier event, nor yet an explanation,” writes philosopher Mary Midgley. “It originally means in Latin simply ‘blame’ or ‘lawsuit.’”¹² Whether state-sanctioned and state affirming, as in the case of the Warren Report, or whether daring to place the blame on various members in various agencies of the State itself, as in theories put forward by James Fetzer and others,¹³ all of these endeavors monumentalize an event the contours of which (those vectors of desire I spoke of earlier) seem beyond the reach not only of concordance but also of reparation. Taken together, such disparate projects embody the actual variance imbedded in the word “monument” itself. According to Charles Griswold, the word “derives from the Latin *monere*, which means not just ‘to remind’ but also ‘to admonish,’ ‘warn,’ ‘advise,’ [and] ‘instruct.’”¹⁴ In building a monument to a particular cause, then, one is necessarily confronted by a congeries of possibilities, many of which are at cross-purposes with a single, univocal meaning. “Let the word go forth” may, indeed, be written in stone, as at the Kennedy gravesite, but who will control it, and how will they do that?

In responding to the question of where I was when JFK was killed, I had thought to leave aspects of control, of finger pointing, to others. There are enough of them, replete with their angles of entry and of exit. In the end, the dust that needs to be settled just seems to make more dust, and I wanted to be no nearer or farther away than the place where I actually was on that day, at that moment. For the simple fact of my having a place, anchored so acutely in my memory by the pathos of Mrs. D’s response, becomes for me a desire path to citizenship as birthright. But in choosing that path, I turn out not to have been blameless after all.

If the space of JFK’s death is an open space, the place of his burial, like most commemorative sites, limits our engagement with it.¹⁵ In order to get there, one has to walk from the main entrance at Arlington Cemetery and head west-southwest, up toward the Custis-Lee mansion, which is what I did on a brilliant September afternoon in search once more of the genuine. After the dizzying uplift of the monuments and memorials of

¹² Mary Midgley, *Wickedness: A Philosophical Essay* (London/Boston: Routledge and Kegan Paul, 1984), 95.

¹³ Fetzer, a professor of philosophy at the University of Minnesota-Duluth, was a featured speaker at the 2008 “JFK: History, Memory, Legacy Conference” commemorating the 45th anniversary of JFK’s 1963 visit to the University of North Dakota. His theory, as I understand it, implicates, among others, LBJ, J. Edgar Hoover, and the CIA. See his *Assassination Science and the Language of Proof: Experts Speak Out on the Death of JFK* (Chicago: Catfeet Press, 1998), esp. 348, and his paper in this volume.

¹⁴ Charles Griswold, Stephen S. Griswold, “The Vietnam Veterans Memorial and the Washington Mall: Philosophical Thoughts on Political Iconography,” *Critical Inquiry*, v. 12, n. 4 (Summer, 1986), 691.

¹⁵ Just how limited we are in engaging the place of the burial was brought home to me on my second visit when one of the security personnel guarding the site told a barefoot adolescent lad lounging casually on the marble wall to “get off the wall, and put some shoes on.” “Stentorian” hardly does justice to the tone of that voice as it cut through the low-decibel murmur of visitors milling around the site. We all snapped to attention. In addition to proper modes of (ad)dress, access to certain places within the burial site are blocked off as well. On both of my visits, a velvet-covered chain prevented access to the western edge of the gravesite, leaving visitors to view the graves from the east, north, or south.

the National Mall, it was something of a relief to see so much at eye level; or, as with the row upon row of white crosses, to have to look down.

The gravesite, finished in 1967, has an elegant simplicity that underscores the selected phrases from the Inaugural Address etched into the marble set in a semicircle along its northeastern edge. As intimated earlier, “Let the word go forth” is how the inscription begins, and the marble itself is canted outward at an angle amenable to reading, or, perhaps, to ushering such travels along. For in articulating a border that defines one edge of the site, the wall also seems to project the words beyond the boundary of the site itself. The actual grave, southwest in relation to the wall, is overlaid with blocks of pinkish-red Cape Cod granite, their geographic dislocation holding fast to the tacit assumption that when the dead “belong to the people,” as the President’s widow had declared of her assassinated husband, “home” has to come to them. Indeed, with the exception of the eternal flame, the gravesite is explicitly “designed to recall a natural Massachusetts field setting.”¹⁶ Thus the granite paving stones and the four tablets marking the family members buried therein—the two-day old Patrick, the President, Jackie, and an unnamed “Daughter”—are interlaced by clover and sedum, a living mortar for their eternal rest, at “home” in Arlington, Virginia.

Above, or west, of the grave-markers, the eternal flame is situated in the center of a round tablet that may or may not invoke the Round Table so famously a part of the legend of Camelot. As the tablet is cracked from 12 to 6, the hands of our eternal flame are seemingly fixed at 12:30, the time of the shooting in Dallas. But the flame itself belies such fixture with its incessant, lively flickering, always and never in the nick of time. It is hard in such a place not to think of opportunities lost.

Above me, I imagine Robert E. Lee stalking the vista before him, loving, if wistfully, the soldier’s eternal dream of high ground.¹⁷ Turning around, with passages from the Inaugural curving round me, I can clearly see the Lincoln Memorial, bringing home the fact that so much of JFK, in death as in life, was strategically aligned with the symbolic apparatus that is our national memory of Lincoln.¹⁸ Lee has the high ground

¹⁶ For the quote about the President “belonging to the people,” and the design implications imbedded in the interrelationship between the Cape Cod granite and the clover and sedum, see Sheridan Alexander, “The John F. Kennedy Eternal Flame,” “Arlington National Cemetery,” *About.Com: Washington, DC Travel* <http://godc.about.com/od/monumentsusgovernment/ss/arlington_6.htm>

¹⁷ Lee, of course, is not buried there. But Lee, who is buried alongside his wife, Mary Anna Custis, at Washington and Lee University, was consumed by the thought that one likely consequence of the Civil War would be the loss of the Custis estate, of which he was legal custodian. He wrote as much in a letter to his wife, saying, “It is better to make up our minds to a general loss. They cannot take away the memories of the spot, and the memories of those that to us rendered it sacred. That will remain to us as long as life will last, and that we can preserve.” I think it is safe to say that Arlington House is where their “hearts turned ever” long after the war. See “Arlington House (The Custis-Lee Mansion) Arlington National Cemetery” at <http://arlingtoncemetery.net/arlhouse.htm>.

¹⁸ This alignment is underscored by major allusions and references to Lincoln’s speeches in Kennedy’s own speeches, as well as the fact that Mrs. Jacqueline Kennedy requested that the President’s funeral be modeled after the “ceremonies rendered for Lincoln.” See the Arlington National Cemetery website, “Visitor Information, Monuments and Memorials, President John Fitzgerald Kennedy,” http://www.arlingtoncemetery.org/visitor_information/JFK.html.

behind me, but in looking down across the Arlington Memorial Bridge at the Lincoln Memorial, I cannot help but think of the higher ground embodied in the Gettysburg address and in the unimaginable suffering of untold thousands on both sides who ushered in that new birth of freedom inscribed most emphatically in the 13th, 14th, and 15th Amendments.

But the words I think about in that moment are not the clarion call to citizenship as national service so famously invoked in Kennedy's Inaugural Address. No, the words I have in mind are from the nomination acceptance speech given in Los Angeles, on July 15, 1960. "I stand tonight facing west on what was once the last frontier," he tells his fellow Democrats. He then articulates his vision of the New Frontier, a vision that begins with an admonition against the complacencies of nostalgia attendant on feelings of belatedness in relation to the "old" frontier: "Today some would say that those struggles are all over--that all the horizons have been explored--that all the battles have been won--that there is no longer an American frontier. But I trust that no one in this vast assemblage will agree with those sentiments. For the problems are not all solved and the battles are not all won--and we stand today on the edge of a New Frontier--the frontier of the 1960's—a frontier of unknown opportunities and perils—a frontier of unfulfilled hopes and threats." Pulling his audience ever forward, Kennedy then reminds them what is at stake, here and now:

For the harsh facts of the matter are that we stand on this frontier at a turning point in history. We must prove all over again whether this nation—or any nation so conceived—can long endure; whether our society—with its freedom of choice, its breadth of opportunity, its range of alternatives, can compete with the single-minded advance of the Communist system.¹⁹

For all its forward propulsion, the New Frontier borrowed key phrases from Lincoln's Gettysburg Address, as in "whether this nation...or any nation so conceived...can long endure." Such borrowing reinforced, however subtly, the notion that Kennedy's New Frontier, like Lincoln's "new birth of freedom," would always already be haunted by an irrecoverable sense of loss incurred by violence. In seeking to regenerate America by way of the frontier myth, Kennedy implicitly invoked the violence that lies at the heart of the cultural logic of the myth of the frontier, violence that had traditionally been perceived as "a morally justifying action," most often visited, to brutal consequences, against Native Americans. And now, in 1960, the frontier was being invoked on behalf of "heroic engagement with Communism."²⁰ But Richard Slotkin, the

¹⁹ *Let the Word Go Forth: The Speeches, Statements, and Writings of John F. Kennedy*, selected and with an introduction by Theodore C. Sorensen (New York: Delacorte Press/Bantam Doubleday Dell Publishing Group, Inc., 1988), 101.

²⁰ Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman: University of Oklahoma Press, 1998), 3, emphasis in original. The logic of which I speak is imbedded in various narratives in various genres, beginning with 17th century captivity narratives and propelled into the 20th century by Frederick Jackson Turner in his seminal 1893 essay, "The Significance of the Frontier in American History." These narratives revolve around a core in which, as Slotkin explains, is "represented" the "redemption of American spirit or fortune as something to be achieved by playing a scenario of

critic behind the logic of that myth from whom I have been citing, was regrettably belated in relation to Kennedy; and having read Slotkin years after the advent of the New Frontier, I, too, am haunted by loss. For in locating within the context of the assassination the affective agency of my own regeneration as a citizen, am I not complicit in that very logic? When all was said and done, what could be more stereotypically American than to become American through the agency of violence? There it was: achieving at last what I yearned for, it comes to me now as cracked as the tablet at Kennedy's gravesite. How were we to know, begins my meek defense, that instead of dancing the twist to the infectious beat of the New Frontier, we should have been busy looking for the bodies, or for the conspiracy?

What I do know is that the fact of the redoubtable Mrs. D breaking down in front of me was a sign of how significant that November moment was. I also know that it was a harbinger of the piece, or pieces, that we would all be missing for the rest of our lives. For my generation, a generation shaped, as Tom Brokaw has recently suggested, by the imperative of booms—sonic, nuclear, space-race, assassinations—the specter of John Fitzgerald Kennedy hangs over each of us like a subjunctive mood that just won't go away.²¹ The certitude of where we were is constantly undercut, here and now, by *what if*. But if, in articulating a nation's worth of places, we are able, more or less, to probe what was, don't we owe those folks who helped us get through it something more than an eternal return to loss?

I had not intended a mash note to Mrs. D when I started. As I said, I never much cared for her. But the more I think back on that moment, the greater is my appreciation for what she gave me. Sure, the State-sanctioned catechism of Mercury space flights broadcast over the intercom compelled a looking up; and since I couldn't be President, lord knows I aspired to the higher office of the astronaut, each orbit tethering me ever more fiercely to a longing to be a part of what Kennedy had called, in reference to the race to the moon, "the most hazardous and dangerous and the greatest adventure on which man has ever embarked."²² But when the dust had settled, and the boosters had all fallen away, it was the lesser and more important catechism of American citizenship taught to me by Mrs. D, as well the exposure of the awful burden of her—of *our*—deep investment in the promise of the New Frontier, which compelled a looking down. For down here, *here*, in those places where we were forever and in those places where we are now, is where space is practiced. Can there be a better place in which to confront the causes, assess the blame, and, if we are lucky, affirm the pleasures of all the desire paths we took to get from there to here?

separation, temporary regression to a more primitive or 'natural' state, and *regeneration through violence*" (12).

²¹ For Brokaw, President Kennedy's assassination is epochal, as, for him, Nov. 22, 1963 "was, in effect, the beginning of what we now call the Sixties" (See *Boom! Talking about the Sixties: What Happened, How it Shaped Today, Lessons for Tomorrow* (New York: Random House), 11.

²² *Let the Word Go Forth*, 180, from a speech delivered at Rice University, Sept. 12, 1962.

Chapter 26

The Day Kennedy Was Assassinated

David F. Marshall

As we were in a strategy meeting on Second Avenue just north of Grand Central Station, New York City, the secretary rushed in announcing that something had happened to the President in Dallas. Details were sketchy and all she knew was that President Kennedy and Governor Connally had been rushed to a Dallas hospital.

After the meeting broke up a half-hour later, I walked over to Grand Central Station to take the subway back to Columbia University to get ready for a graduate class in apologetics, and while walking across that vast concourse at Grand Central, the ceiling far over head, the milling human herd lost in the vastness, Walter Cronkite came on the large television above the confused, skittering crowd to announce President Kennedy had died from a gunshot wound. There seemed to arise a psychological miasma starting at our feet, an emotional fog heightening to envelope the crowd; we stopped, people rushing just stood, shocked, silent, faces seemingly frozen unbelievably by surprise and utter confusion.

You could have heard a dime drop on the floor among almost a thousand people, the silence lasting three or four minutes, then a buzz of persons unknown to each other, talking, gesturing, commenting, exchanging ideas with strangers all at once. You don't talk to strangers in New York, but at that moment, we did.

Some staggered toward the exits, too stunned to speak; others looked around, seeking some kind of reassurance, many shaking their heads in the negative, trying to grasp history smacking them in the face, their fear visible and determinate, confounded by now-rushing unbelievable events in their new world suddenly turned upside down, instantly no longer safe or knowable, a place of tension and doubt, lost in overwhelming uncertainty.

We all walked more slowly, spoke more carefully, practiced--believe it or not for New Yorkers—more courtesy, deferring, letting persons go first through the doors. Was this really central Manhattan? Suddenly, we were in a different reality, life had become more precious, markedly less sure. We had realized that persons counted for something important, for what can never be replaced. Maybe we were more conscious? Maybe not? One could only hope.

For a brief moment, a city of millions had become a village. We didn't know what we would do, but those few minutes during which our masks came off, and pretensions

broke down, when we recognized the strangers around us as precious, that would stay locked in memory, and thus nothing was ever the same again.

Chapter 27

Three Gunshots at *Life*?

Gary Severson

Do three gunshots in a 1967 retirement film of a *Life* Magazine executive hold a clue to the J.F.K. assassination? Do these shots indicate executives at *Life* magazine engaged in cover-up activities in the assassination of J.F.K. in the weeks and months following his murder? What were some of the other events in the record that would lead one to consider collusion by *Life* executives in the cover-up?

In previous articles dealing with the possible connection of Oswald to North Dakota, it has been suggested that the possibility existed of an attempt on JFK's life during the Conservation Tour of 1963. [1] This scenario was explained by Richard Case Nagell, the double agent described in Dick Russell's book, *The Man Who Knew Too Much*. Nagell had uncovered a plot in New Orleans that included a September 24-29, 1963, attempt on JFK's life. Nagell didn't seem to know this was the time frame for the JFK Conservation Tour which included stops in Pennsylvania, Wisconsin, Minnesota, North Dakota, Wyoming and Montana on the 24th and 25th of September 1963. Nagell had himself arrested on September 20, 1963, in El Paso, Texas, in a fake bank robbery. He believed this arrest would not only protect him from the conspirators, but would derail the planned September 24-29 assassination attempt. [2]

In July 2000, I interviewed Lee Eitongon Thompson, widow and second wife of Edward K. Thompson. Edward K. Thompson was the managing editor of *Life* magazine from 1949 to 1961. He was promoted to editor in 1961 and served in that position until 1967 when he retired and became, as he put it, the inventor of the *Smithsonian* magazine. Thompson said he didn't invent *Life* magazine; that was Henry Luce. But he did invent the *Smithsonian* and the confidential W.W.II U.S. Air Force intelligence journal *Impact*. As head of Supreme Headquarters Allied Expeditionary Forces (SHAEF) air force intelligence division he was in charge of *Impact* from 1942-44 while on leave from *Life* where he had been employed since 1939. During 1944-45 Thompson was reassigned to the War Department's G-2 Special Branch where he worked with the British Ultra intelligence unit interpreting decoded messages intercepted from the German Enigma coding machine.

Edward T. Thompson owned a dry goods business in St. Thomas, North Dakota and became the local banker in 1888. [3] Edward K. Thompson, his son, was born in St. Thomas in 1907. Acquaintances noticed the unusual ability of four-year old Edward to identify great artists and paintings in books his mother spent hours viewing with him. [4] His childhood was spent in this village 60 miles north of Grand Forks, North Dakota. The passenger train that traveled between Grand Forks and Winnipeg, Manitoba, Canada

brought the Minneapolis and Grand Forks newspapers to this village of 300 people each day. This provided a window on the world for young Thompson. His father was also able to take the family to Europe and around the U.S. So even though he lived in a very isolated spot in America, Edward had experiences that were fairly exotic for someone growing up in the first two decades of the 20th century. [5]

Thompson finished high school at age 15 in 1923 and moved to Grand Forks, North Dakota, with his mother at 16 to begin college at the University of North Dakota. At the time, Grand Forks was a city of only about 15,000 people, but Thompson later remarked in his autobiography that he was more impressed by his first experiences in Grand Forks than when he moved on to Milwaukee and New York City. [6] Thompson became the editor of the *Dakota Student* newspaper his senior year at The University of North Dakota. The student paper was a daily in those days. Thompson had to ride a trolley a few miles each day from the campus to downtown Grand Forks, then cross the river to East Grand Forks, Minnesota, to deliver the newspaper copy to be printed and then, catch the last nighttime trolley back to campus. [7] East Grand Forks (EGF) in the 1920s was the center of area nightlife because the North Dakota side of the Red River had been under liquor prohibition since 1895 and Minnesota wasn't. EGF was considered "sin city" and was actually called "Little Chicago." [8]

Before his editorship of the student newspaper was over, he had gotten in hot water with the local Ku Klux Klan. The Klan had won electoral control over the Grand Forks school board and city council from 1924-1928. Thompson was called on the carpet by UND's president because a writer on the *Dakota Student* had insulted the local Presbyterian minister, a Reverend Wesley Ambrose, the Klan leader. Of course, the Klan's bias was directed against the fairly large Catholic and Jewish communities in Grand Forks. Rev. Ambrose and the Klan were instrumental in the defeat of a local politician and candidate for governor, J.F.T. O'Conner. O'Conner went on to become Controller of the Currency under F.D.R. In any case, a young writer under Thompson's editorship "fessed" up to the inflammatory comments in the student newspaper and got young Thompson off the hook. [9] Thompson graduated from UND with a degree in journalism in 1927. Thompson married Marguerite Maxam from Montana in 1928. His first of two sons, Edward T. was born that year. This son later went on to become the editor of *Reader's Digest* and was instrumental, according to author Henry Hurt, in getting *Reasonable Doubt* published in 1985. Hurt's book about the Kennedy assassination in fact is dedicated to Thompson's son, Edward T. Thompson. [10]

Thompson and his new family moved to Milwaukee where one of his UND journalism professors had connections at the *Milwaukee Journal*. Thompson worked at the *Journal* from 1929 to 1937 and also was a stringer for *Time* magazine during that period. He was very ambitious and always was looking for advancement in his profession. He became the picture page editor at the *Milwaukee Journal* in 1933. He was the first journalist to start using pictures on a large scale in newspapers. Thompson came to the attention of Henry Luce at *Time* magazine who was thinking of starting a national picture magazine, which in fact became *Life* magazine. Thompson developed the

procedure for creating seamless composite photos. He would bevel the edges of pictures with sandpaper to achieve this seamlessness. [11]

The first issue of *Life* was, according to Thompson, a fairly crude example of photo journalism, and he knew he could do just what the new *Life* magazine needed in the way of photo editing. Henry Luce hired this ex-North Dakotan away from the *Milwaukee Journal* for a hefty pay raise in 1937. Thompson became assistant picture editor under Wilson Hicks at *Life*. Coincidentally, Henry Luce's father, a missionary in China, had raised the young Luce with tales of Teddy Roosevelt and his adventures on his ranch in western North Dakota around the turn of the century. Obviously, Luce would have been impressed by someone from North Dakota, especially someone who could do magic with pictures. [12]

Thompson's boyhood fascination with photos of great artworks finally paid off. His second wife, Lee Thompson, told this author it was truly amazing to watch him choose just the right picture for an issue of *Life* magazine. He personally managed the production of approximately 600 issues of *Life* between 1949 and 1961. Mrs. Thompson worked as his assistant in the photo section of *Life* according to David Cort. Most of her career was spent as a reporter with *Time* magazine, who at one time was stationed in the Paris bureau. [13]

Thompson had divorced his first wife Marguerite Maxam, in May of 1963. He then married Lee Fitogon. Her father had been an "international-capitalist imprisoned by the Bolsheviks in 1917. He bought his way out of a Moscow prison and emigrated to the U.S." where Lee was born in 1921. [14] Interestingly, David Cort, a disgruntled *Life* journalist, referred to her as a communist fellow traveler in his book, *The Sin of Henry R Luce*. [15] According to Thompson, Henry Luce did tolerate a communist cell within the employee group at *Life*. Thompson said Luce didn't care what your ideology was as long as you didn't vote communist. [16]

During Thompson's absence from *Life* from 1941-45, he worked as the head of SHAEF air force intelligence division where General Eisenhower was presiding. At the same time C.D. Jackson, the publisher of *Life* under Luce, was involved in intelligence operations in the European theater. It seems likely that Jackson and Thompson would have crossed paths in Europe. They did, of course, cross paths as colleagues at *Life*. [17]

During my six-hour interview with Lee Thompson in July 2000, she said that the one thing she and Ed disagreed most about was the Vietnam War. "You know he worked for Dean Rusk and was a hawk," [18] she said to me. Ed Thompson was a registered Democrat during his time as *Life* managing editor. One would surmise he might, in essence, have been a conservative Democrat considering his wife's reference to his hawkishness on the question of American involvement in Vietnam.

Thompson's office was next door to Henry Luce's office from 1949-67. Lee Thompson said her husband and Luce had a very good relationship. In a memorandum to Luce, Thompson told Luce how much he admired him and how he believed the world

should resemble Luce's vision. In 1964, although Henry Luce, along with his wife Clare Booth Luce, supported Barry Goldwater's presidential candidacy, Thompson convinced Luce to abandon support of Goldwater, though Clare Booth Luce continued being an active supporter of Goldwater. Henry did not, however, start supporting Thompson's man, Lyndon Johnson. Even though Lee Thompson characterized her husband as apolitical in comparison to her own political activity, he seemed in fact to be quite political, i.e. a hawk on Vietnam, an outspoken supporter of Lyndon Johnson, an almost advisor to the Greek Junta, and a member of Air Force intelligence in World War II. [19]

In 1958, Thompson received an honorary degree from his alma mater, the University of North Dakota. He continued to maintain contact with his home state, renting out his family's farmland around St. Thomas where he was born. [20] He attended the University of North Dakota alumni reunions in New York City in the 1950's and, according to correspondence in North Dakota Senator Quentin Burdick's archival papers, was invited to stop by the North Dakota congressional office any time Thompson happened to be in Washington, D.C. [21, 22]

In 1961 Thompson was promoted from managing editor of *Life* to editor. He considered it a demotion in actuality because he would no longer be in charge of micro-managing each weekly edition of the magazine. The fact that he was highly respected by his staff of photographers meant giving up a sort of support group in exchange for more isolated work as editor (As previously mentioned, he held this title from 1961-67.). His wife said he could be extremely tough on those who worked for him and if he didn't respect someone, that person was in trouble. [23]

After retiring from *Life* in 1967, he was given an opportunity to work for the Greek Junta but his wife convinced him he didn't belong in that role. I found it interesting that when he was writing his autobiography, his wife said he did it from memory because when I asked if he had any other papers in any archives, she said his secretary at the Smithsonian Museum had thrown everything away. Lee said she was extremely upset with the secretary but that Ed didn't seem to care. She seemed to think he wasn't upset because he had a great memory and wasn't worried about not being able to complete the autobiography. [24]

Ed Thompson's career at *Life* also included negotiating with Gen. Douglas MacArthur and Ernest Hemmingway for their memoirs. The memoirs were published in their entirety in many installments, which was unusual for a picture magazine like *Life*. He also became acquainted with Harry Truman, Dwight Eisenhower, and John F. Kennedy. He tells the story about the time JFK was showing him around the White House and pointed out the golf shoe spike marks left on the wooden floor by Eisenhower in front of the door to the Lincoln bedroom. [25]

In 1928 Henry Luce was writing essays indicating that he (Luce) was flirting with fascism. He stated that he believed the U. S. Constitution was obsolete and needed to be scrapped. Mussolini was a leader that he believed had what it took to run a country. He said he thought that the real leaders and important people politically were not the men

who became congressmen, but the men who rose to the top of the various business and industrial sectors. The masses needed a strong leader since they were incapable of really making a country function without one. [26] In 1928 Edward K. Thompson was just finishing college, but 20 years later, just before he was promoted to managing editor, he told Luce in a memo that he believed that the model Luce envisioned for the world was his model too. On occasion, Clare Luce also said that she guessed that at heart she was a fascist. She did in fact become the ambassador to Italy. It would seem that working as a managing editor and editor for Luce for 18 years, Thompson needed to be ideologically compatible with Luce and his wife to survive in his position as editor.

Dan Rather, in his 1977 book, *The Camera Never Blinks*, [27] said that security at *Life* was so weak immediately after the assassination that any executive could have made his own copy of the Zapruder film. I asked Mrs. Thompson if she happened to have any film around the house, thinking she might have a copy of the original Z-film. Apparently she didn't, but she did give me a copy of her husband's 1967 retirement film, which was made up of various segments, including interviews with people in his boyhood home in North Dakota. There is one unusual scene at about 11 minutes into the film when the narrator says that, "Ed liked to hob-knob with presidents". This comment is super-imposed over a photo of Thompson walking down a street with Harry Truman. The next photo shows Thompson leaning over a light table with two colleagues examining strips of film. At this point the narrator says, "But Ed much preferred hob-nailing willing subordinates." Then one hears three gunshots which are super-imposed aurally over the light table photo just after the hob-nailing comment. When I asked Mrs. Thompson what the gun shot sounds were, she didn't seem to have any idea and proceeded to give me a duplicate of the film. Is this a cryptic memorial to *Life* magazine's involvement concerning knowledge of the assassination of JFK inserted into the film by Thompson's colleagues at *Life*? The three shots, of course, are a reference to the official number of shots fired in Dealey Plaza on Nov. 22, 1963. [28]

The film Thompson and his colleagues are seen examining consists of 24 frames in eight vertical strips of three each. They seem to be larger than 35mm., perhaps about 55 mm., according to one expert. Detail cannot be seen clearly. Of course even if these frames are not actually significant in themselves, they could be symbolic of the altering of the Z-film that may have begun the night of Nov. 22 at the *Life* offices in New York City. [29]

What other indicators are there of persons at *Life* magazine having involvement in events surrounding the assassination, in so far as the evidence exists in the record? One is the testimony to Warren Commission staff by Isaac Don Levine, *Life* magazine's representative in Dallas. [30] Ed Thompson and C.D. Jackson channeled \$25,000 to Marina Oswald via Levine to her business manager James Herbert Martin (CD 470.24). This money was ostensibly for her life story to be done by Meredith Press, which in fact was never published. C.D. Jackson had been Eisenhower's special assistant for psychological warfare in W.W. II and had worked regularly with Isaac Don Levine on anti-Communist propaganda for Eastern Europe. Jackson was president of the CIA's Free Europe Committee in the 1950's. Levine headed the CIA Liberation Committee. He

spoke Russian and spent an intensive week with Marina Oswald just prior to her first session of testimony before the Warren Commission on February 3, 1964. [31] Also remember Edward K. Thompson was SHAEF's air force intelligence director in W.W.II. Obviously these three had the connections to be involved in the machinations at *Life* magazine concerning the control of information in the weeks following the assassination of JFK.

The combination of the above information with the events described in three previous *Fourth Decade* articles about the possible connection of Lee Harvey Oswald to witnesses in the Stanley, North Dakota, events in the 1950's seems to strengthen the original hypothesis of John D. Williams and myself. The likelihood of an Oswald legend building process at work in North Dakota seems more plausible than ever before. The function of this LHO legend could have been to serve as a cover leading up to an assassination attempt on JFK during his visit to the University of North Dakota in Grand Forks on Wednesday morning, September 25th 1963.

In 1995 the Assassination Records Review Board (ARRB) requested the trip planning documents for the Conservation Tour of 1963. Shortly after the request was made the Secret Service had those documents destroyed. [32] On September 25, 1963, upon the arrival of the JFK entourage in Jackson Hole, Wyoming, for an overnight stay, the decision was made to extend the upcoming Texas trip to two days. [33] Could this decision have been a reaction to the fact that the window of opportunity for killing JFK had passed in the previous 24 hours? Were other arrangements now needed? Only the September 20 arrest in El Paso, Texas, of CIA double agent Richard Case Nagell may have prevented the killing of JFK at UND, the alma mater of *Life* magazine executive Edward K. Thompson. Two months later the plotters succeeded in Dallas.

Edward K. Thompson passed away in 1996 at the age of 89.

Notes:

1. Severson, Gary (2000) Oswald in North Dakota, Part III. *Fourth Decade*, 7, 4, 3-7.
2. Russell, Dick, (1992). *The Man Who Knew Too Much*. New York: Carol & Graf, Preface, 21.
3. Thompson, Edward K. (1995). *A Love Affair with Life & Smithsonian*. Columbia, MO: Univ. of Missouri Press.
4. Thompson, Edward K., retirement film 1967
5. Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
6. Ibid.
7. Ibid.
8. Interview with Leonard Zimmer, Aug. 2000 East Grand Forks, Mn.

9. Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
10. Hurt, Henry (1985). *Reasonable Doubt*. New York: Holt, Rinehart & Winston, p. xi.
11. Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
12. Ibid.
13. Thompson, Lee, interview July 2000.
14. Ibid.
15. Cort, David (1974). *The Sin of Henry R. Luce*. Secaucus, NJ: Lyle Suart.
16. Thompson, Edward K. *A Love Affair with Life & Smithsonian*.
17. Scott, Peter Dale (1993). *Crime and Cover-up: The C.I.A, the Mafia and the Dallas-Watergate Connection*. Santa Barbara, CA: Open Archives Press, 35-36.
18. Thompson, Lee, interview, July 2000.
19. Ibid; Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
20. Ibid.
21. *Alumni Review*, Univ. of North Dakota, Jan./Feb. 2000, p.6-7
22. Burdick, Quentin, Senator, papers, Special Collections, Chester Fritz Library, University of North Dakota, Grand Forks, ND.
23. Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
24. Thompson, Lee, interview July 2000.
25. Thompson, Edward K., *A Love Affair with Life & Smithsonian*.
26. Swanberg, W.A. (1972). *Luce and His Empire*. Scribner & Sons.
27. Rather, Dan (1977). *The Camera Never Blinks*. New York: Ballentine Books.
28. Thompson, Edward K., retirement film, 1967.
29. Ibid.
30. Scott, Peter Dale, *Crime & Cover-up*, 36,
31. Rose, Jerry D. (1995). Plain Talk about Isaac Don Levine. *The Fourth Decade* 2, 2, 35-41.
32. Palamara, Vince, email to author, Sept. 2000
33. Palamara, Vince, Texas trip plan posted on *JFKresearch.com*, Sept. 2000.

Chapter 28

Lee Harvey Oswald; North Dakota and Beyond

John Delane Williams and Gary Severson

North Dakota would become part of the JFK assassination story subsequent to a letter, sent by Mrs. Alma Cole to President Johnson. That letter [1] follows (the original was in Mrs. Cole's handwriting):

Dec 11, 1963
President Lyndon B. Johnson
Dear Sir,

I don't know how to write to you, and I don't know if I should or shouldn't. My son knew Lee Harvey Oswald when he was at Stanley, North Dakota. I do not recall what year, but it was before Lee Harvey Oswald enlisted in the Marines. The boy read communist books then. He told my son He had a calling to kill the President. My son told me, he asked him. How he would know which one? Lee Harvey Oswald said he didn't know, but the time and place would be laid before him.

There are others at Stanley who knew Oswald.

If you would check, I believe what I have wrote will check out.

Another woman who knew of Oswald and his mother, was Mrs. Francis Jelesed she had the Stanley Café, (she's Mrs. Harry Merbach now.) Her son, I believe, knew Lee Harvey Oswald better than mine did.

Francis and I just thought Oswald a bragging boy. Now we know different. We told our sons to have nothing to do with him (I'm sorry, I don't remember the year.)

This letter is wrote to you in hopes of helping, if it does all I want is A Thank You.

Mrs. Alma Cole

Rt 3 Box 1H

Yuma, Arizona

A facsimile of the original can be found in [2].

The response to the letter, which was sent to the FBI on December 19, 1963, was immediate. On December 20th, Mrs. Cole was interviewed in her home in Arizona, and a day later her son, William Timmer, was first interviewed in Spokane, Washington. Also, the FBI began interviewing several persons in Stanley, North Dakota (and nearby towns).

The FBI Interview of William Timmer

William Henry Timmer was interviewed by FBI Special Agent (SA) Donald Head. The interview transpired over two days, December 21 & 22, 1963. During the

summer of 1953, a person Timmer knew as either Harv or Harvey Oswald [This is the first known use of Harvey Oswald], appeared to be older than Timmer (Oswald was born 10/19/1939; Timmer was born 5/14/1941) Oswald was observed riding a bike with no chain guard, and he kept getting his pants leg caught in the chain. Oswald wore shabby clothes. Timmer met with Oswald several times (perhaps half-a-dozen times). Oswald showed Timmer a communist pamphlet, written by someone named Marks (Marx?). Timmer recalled Oswald as having been in a couple of fights. Oswald mentioned being a member of a gang in New York City. Timmer invited Oswald to his grandmother's property, where Timmer and his mother were staying in a trailer, to see Timmer's pet rabbits. Timmer wanted to introduce Oswald to his mother, but when Oswald saw her, he rode off on his bicycle. At another meeting, Oswald told Timmer, "Someday I'm going to kill the President" or words to that effect.

Timmer indicated that he had been ill recently, and at the time of the assassination, he was in a motel room without a TV. Timmer heard that Lee Harvey Oswald had killed the President, but that name didn't mean anything to him. Timmer's mother, Alma Cole, sent a letter to Timmer with two pictures of Oswald, one where Oswald was being lead by policeman in jail, and one when Oswald was shot. Timmer wrote to his mother, in answer to her letter, that Oswald was the same boy he saw in Stanley. Timmer wasn't quite sure who was with him when he saw Oswald, but he did give the agent some names of some of his acquaintances from that time. [3]

Other FBI interviews associated with Stanley, North Dakota

Mrs. Alma Cole confirmed that she wrote the letter, and said that she had only seen Oswald once briefly. [5] Mary Wurtz, the mother of Alma Cole and the grandmother of William Henry Timmer, said that she didn't know any of her grandson's acquaintances. She was 80 at the time of the interview. [6] Jerry Evenson, an acquaintance of Timmer, did not recall a person named Oswald from the summer of 1953. [7] Bud Will, Mayor of Stanley and proprietor of City Trailer and Motel, stated that his records did not show that Oswald or his mother had ever stayed at his establishment. [8] Lane Evans vaguely remembered an incident in the park (involving a fight), but Evans could recall little else. [9] Delvin Douglas Jelesed indicated that he was unaware that Lee Harvey Oswald or his mother had ever been residents of Stanley, North Dakota. [10] Mrs. Harry Merbach indicated that she was not personally acquainted with Lee Harvey Oswald or his mother. [11] Ralph Hamre, Sheriff of Montrail County (Stanley is the county seat) said that, "To my knowledge, Lee Harvey Oswald has never been a resident at Stanley, North Dakota." Hamre also indicated that Timmer was an itinerant and unreliable. [12] Mrs. Elmer Nelson, mother of Jack Feehan, gave the FBI her son's current address. [13] The FBI decided not to interview Feehan, given their negative findings to that point. [14] Walter Poulson, a lifelong Stanley resident, denied ever having known Lee Harvey Oswald. [15]

More Recent Interviews of William Henry Timmer

Timmer was interviewed by the BBC sometime in the 1960's, but that interview was never broadcast. Timmer was interviewed by John Armstrong on October 27, 1994. [16]

Subsequent to that interview, Timmer was interviewed in 1995 by Nigel Turner, a British filmmaker who was known for his series, *The Men Who Killed Kennedy*, which was broadcast in Britain and then on various networks in the United States. [17] The last broadcast of *The Men Who Killed Kennedy* occurred on November 22, 2003, a segment that investigated the culpability of Lyndon Baines Johnson in the assassination of John F. Kennedy. [18] Jack Valenti tried unsuccessfully to have a prior restraint placed on the History Channel to keep them from airing this episode. He was successful in stopping the History Channel from re-airing the episode, and preventing sales of DVDs that included the episode. [19, 20] Presumably, Turner spent two days interviewing Timmer with the intent that a subsequent episode would address events in Stanley, North Dakota.

Timmer wrote his mother after she sent him the newspaper photographs that the man in the newspaper was the same boy whom he had met in Stanley. His mother then sent her letter to President Johnson. [21] Oswald, or an imposter, was probably in North Dakota during July and August, 1953. [22] Timmer was one of several persons whose evidence was ignored by the FBI and never interviewed by the Warren Commission. The evidence supplied by many of these persons was contradictory for the evidence that they chose to use. [23] It was Armstrong's contention that the evidence, placing Oswald in two different places at the same time, were too numerous not to investigate. Armstrong would conclude that there were two Oswalds- a Lee Harvey Oswald, and a Harvey Lee Oswald. [24]

Interviews in 1999

These writers conducted a series of interviews 36 years after the FBI interviews, addressing events in Stanley relating to Oswald. [25] Mrs. Alma Cole, Jerry Evenson, and Lane Evans, all interviewed in 1963 by the FBI, were interviewed by us. Jerry Fehan, whom the FBI decided not to interview, was interviewed by us. Two significant persons living in Stanley, Keith Schulte, States Attorney for Montrail County (1947-1957) and (1960-1975) and Russel Kilen, editor of the Montrail County Promoter (1946-1979) were interviewed by us.

Interview of Mrs. Alma Cole

Two interviews were held with Alma Cole, mother of William Henry Timmer. [26] Several significant points were raised. First, Mrs. Marguerite Oswald was said by Cole to be living in Stanley for the duration of the time Lee Harvey Oswald was in North Dakota. Mrs. Oswald was pointed out to Mrs. Cole in a dress shop by Cole's cousin, Francis Jelesed, who had seen Mrs. Oswald at Jelesed's restaurant in Stanley. Mrs. Oswald was loud and wanted everyone to know she was from Texas. Mrs. Oswald was described as having grey hair, glasses, and was at most 5'3" tall. Also, Cole indicated that

her son had told her that the boy wanted to be called “Lee Harvey” rather than just “Lee”. Her son was with Oswald when Oswald stole the book by Marx from a small library in a room of the Memorial Building in Stanley. William Henry Timmer declined to be interviewed by us at this time.

Interviews with Jerry Evenson and Lane Evans

Jerry Evenson had kept in touch with Bill Timmer and had visited him in the summer of 1999. Timmer had never talked about the Oswald incident to Evenson. Timmer is not a “bullshitter” in Evenson’s view. Evenson had thought about the FBI interview 36 years previously. Evenson was interviewed at the Montrail County Courthouse in Stanley. Present were himself, Sheriff Ralph Hamre and SA Fred Harvey. [27]

Lane Evans does recall a fight on the south side of Stanley where the swimming pool was located in 1999. The fight involved an out of town person. Evans cannot recall who was present. Evans was not instructed by the FBI to avoid talking about his interview with them. Evans was acquainted with Timmer, Jelesed, Evenson, Jack Feehan, Lyle Aho and Vern Buehler (the significance of the last two named individuals is addressed later in this paper). [28]

Interview with Jack Feehan

Jack Feehan was scheduled to be interviewed by the FBI in 1963. After talking to his mother, Mrs. Elmer Nelson, the FBI decided interviewing Feehan would not be necessary. We contacted Feehan through his son Greg. Jack Feehan indicated that he had never discussed the Harvey Oswald experience with Timmer, though they had remained in contact. Feehan had no recollection of Harvey Oswald himself. [29] In a subsequent interview, Greg Feehan indicated that his father had called Timmer and asked him about the Oswald circumstances. Timmer, according to Greg’s father, denied knowing anything about the Oswald events. [30]

Interviews with Keith Schulte and Russel Kilen

Keith Schulte, States Attorney for Montrail County, 1947-1957 and 1960-1975, stated that he had never heard of the FBI coming to Stanley regarding investigations of the Kennedy assassination. He thought that Sheriff Hamre and Mayor Will would surely have told him about being interviewed by the FBI. [31] Similar views were expressed by Russel Kilen, editor of the *Montrail County Promoter*, 1946-1979. [32] Both men expressed friendships with the sheriff and the mayor; their expectations of communication in this matter were not met. Dan Will, son of ex-Mayor Bud Will, said that his father never mentioned being interviewed by the FBI in regard to an investigation of the assassination. [33]

Interviews with Lyle Aho

We initiated our trip to Stanley, coordinating with Mrs. Arlene Clark of the Montrail County Historical Society. She suggested to us that there was a person we might like to talk to; his curious story related to Lee Harvey Oswald. [34] We began a series of three interviews with Lyle Aho. [35] Lyle was an unassuming man, 5'10", born on May 9, 1939 (making him slightly older than Oswald) in Belden, North Dakota. Belden was a Finnish community, and during the 1930's a stronghold for the Communist Party USA; Belden is now a ghost town. Aho's story took place in either the summer of 1955 or 1956. At the time, Aho was perhaps 5'6". That summer, Aho spent a lot of time with a relative, Vern Buehler. Buehler was thought to be less than a year younger than Aho (Buehler was born September 27, 1943, making him more than four years younger than Aho.) Aho was introduced to an "older" boy, perhaps 3-4 years older, whose name was Lee. Lee seemed to spend a lot of time with Vern Buehler. Aho thought Lee might be staying at the Buehler's. Lee told people that he was a furnace salesman; Aho thought this was a cover, since Lee didn't have anything like brochures or other material to back up this claim. He didn't seem to spend any time going door to door trying to sell furnaces. Lee said that the salesman job was just a cover and that he actually worked for the government. He was trying to recruit Buehler and Aho to get two years of training and then go to Cuba. They would make a lot of money. [36] Lee did seem to have considerable money to spend. Lee drove a '49 or '50 black Mercury. Lee would drive around town with Vern Buehler, Doug Jelesed, and perhaps Lane Evans, Pat Feehan and Lionel Ellis. Aho stated, "Lee seemed to always have enough money to go uptown and have pops and such for himself and the guys with him. He always seemed to have the money to buy a hamburger if he wanted one." Aho described Lee as having dark hair.

Aho was shown a series of pictures during the two subsequent interviews. [37, 38] The pictures were taken from a number of sources, most of which showed Oswald, among other persons. The first picture he identified as Lee was a picture of Oswald as a twelve year old at a zoo in New York City. Aho stated, "It's a poor picture; possibly, the guy was older than that." (See Groden, 39, p. 12) The next tentative identification was a picture of Oswald in a classroom in New Orleans in 1955, in which Oswald was holding his head up so that the missing front tooth shows. [40] The next picture Aho identified as possibly being Lee was the picture of Oswald alone in Moscow. [41] The picture of Oswald with his coworkers in Moscow [42] elicited the response "Well, it could be, but you can't see the cheekbones very good." A collage of 77 pictures taken throughout Oswald's life was shown to Aho. [43] Aho picked three of the pictures as "kinda looking like the guy." The first two of these were the backyard photos showing Oswald with the gun and copies of *The Militant* and *The Daily Worker*. In the cropped pictures Aho saw, only the head showed. The last picture that Aho recognized as possibly being Lee was Oswald dressed in civilian clothes holding a gun while in the Marines. [44].

Aho did not have any particular recollection of the assassination. He was probably in Stanley, but he doesn't recall with any clarity news of the assassination. He did not connect Oswald with the Lee he knew.

Aho further described Lee as having a southern accent, probably Texan. Lee weighed about 150 pounds, and he wore baggy clothes; he was slender. Aho thought he might be getting a gang together to rob banks or something.

Aho had in his adulthood worked on construction for a company known as Brown & Root. When asked, "Who owned them?" Aho replied, "Mrs. Lyndon Baines Johnson." He saw her picture in a company magazine, *Ground Builder*. Aho was disabled in a car accident in 1976; eventually he took up tailoring to make a living. He lived most of his life in Stanley.

After the questioning was done, Aho asked of the pictures, "Who is this guy?" He seemed genuinely unaware that he was looking at pictures of Lee Harvey Oswald.

Vern Buehler

It would have been important to contact Vern Buehler to corroborate or refute Aho's information. Aho thought Buehler died sometime in the 1960's. Aho was able to give us a list of Buehler's siblings. Vern Buehler was found to be living in Seattle, Washington with his younger brother Dale. Vern remembered the person named Lee in Stanley, but he was not as close a friend as Aho thought him to be. Lee did not live with the Buehlers. Buehler remembered the talk about going to Cuba; he also remembered Lee as a fast talker. [45]

The Cuba Connection

The Lee in this story could be Lee Harvey Oswald, an imposter, or just some Southern boy named Lee. If it is the latter, there are several possibilities. But it is interesting to note that Castro was in Mexico preparing to invade Cuba, and was training his troops for that effort. Lee may have heard about the Cuba story from Oswald or someone else. Of course, Lee's name could have been something other than Lee. "Lee" may have given some thought of trying to join Castro's group, though we can't imagine Castro welcoming three gringo youths into his revolution. "Lee" might have been testing the waters to see if he could find others foolhardy enough to try to go to Mexico and join Castro. On the other hand, Oswald may have already been an asset of the CIA by this time. Were Oswald interested in infiltrating Castro's group, then training at Rancho Santo Rosa near Chalco, approximately 20 miles from Mexico City, [46] he would probably have either gone there alone, or brought companions who had some military experience. Given that Oswald had already attempted to enter the Marines at 16, and would enter the Marines in October of 1956, [47] it would seem most unlikely that he would go to Stanley to recruit two boys who would look less than 15 years old. If the CIA were already in a process of building an Oswald legend, an imposter might have been sent to Stanley for that purpose, particularly if Oswald or an impersonator had been there in the summer of '53.

Information about Oswald

At the time of the Warren Report, [48] the information about Oswald had mainly come from government sources. The material in the Warren Report itself built a case for establishing Oswald's guilt in the assassination. Along with the Report, which was widely published and disseminated, were the 26 volumes [49] of evidence; only a few thousand of these 26 volumes were produced, and many were sent to libraries. Few initially read these volumes, but those who did found a different picture than was woven in the Report itself. In the 26 volumes, there were several FBI reports of sightings of Oswald not mentioned in the much shorter Report. The first 15 volumes consist of 7909 pages of testimonies and affidavits. The final 11 volumes contain 3912 "Commission Exhibits" in 9831 pages. There were also "Commission Documents" that were seen as too sensitive to publish; these documents constituted 357 cubic feet of material; the Stanley FBI interviews were among the latter. The government sought to have these documents kept under seal until 2039 [50]; many of these materials (often with substantial redaction) were made available through releases by the archives, through The Freedom of Information Act (FOIA), or through the *Assassination Records Review Board* (ARRB, 51). One diligent researcher, Harold Weisberg, working mainly before the ARRB report became available, wrote several books attacking the Warren Report, using only Warren Commission documents. One particularly damaging publication was the transcript of the Warren Commission as its members were setting the Commission's guidelines. The Oswald picture they were intent on painting, of a loner, deranged individual, was already challenged by reports that Oswald was an FBI informant. [52] Because of Weisberg we have the complete transcript, which came into his possession through the FOIA.

There have been any number of books that have addressed Oswald and the Warren Report conclusions. Fewer have addressed Oswald as a person. One that did was the unpublished manuscript by George deMorenschildt, *I am a Patsy! I am a Patsy!* [53] deMorenschildt had befriended Lee and Marina Oswald and had introduced them to the Russian speaking community in Dallas. deMorenschildt saw Oswald as being badly treated by Marina. "She picked on him, annoyed him, as if she desired a separation, which she achieved through us. The letter from Marina's ex-lover which Lee intercepted. [sic] What annoyed us also was that Marina tried to ridicule Lee. She called him a fool, a moron." [54]

Two other writers of note addressed Oswald in far more depth than other writings, and they need to be explored. John Armstrong [55] wrote a definitive book on the hypothesis that there were two Lee Harvey Oswalds. One was the boy born in New Orleans in 1939, but who essentially disappeared after the assassination (probably taking on another persona). The other was probably a Russian speaking youth who was brought over around age twelve and would eventually assume Oswald's identity. Armstrong called the boy born in New Orleans Lee, and the Russian speaking boy, Harvey. [56] The other books are by Judyth Vary Baker. [57, 58] Whereas Armstrong again relies prominently on the documents from the 26 Volumes accompanying the Warren Report and documents pried loose by the FOIA and the ARRB, along with many interviews

conducted by him and members of his research team, Baker's story is her personal story with Lee Harvey Oswald. Her story was also broadcast on *The Men Who Killed Kennedy, Part VIII*. [59] Baker has recently completed another book about Oswald. [60] At this point, we need to address the big enigma regarding Oswald—how did he become as proficient as he did in spoken Russian?

Oswald's Ability in Spoken Russian

According to Armstrong, "For reasons that may never be known, Lee Oswald was chosen, and sent to New York City in the fall of 1952, to begin the process of lending his identity to a Russian speaking boy from Eastern Europe. Several years later, this boy 'defected' to Russia after assuming the Harvey Oswald's identity and background." [61] It should be pointed out that this was Armstrong's hypothesis, to be contrasted with the Warren Report thesis.

Another hypothesis is that Oswald learned Russian under the auspices of the CIA. It would also explain why Oswald, who was fairly fluent in Russian, refrained from speaking Russian during his stay in Russia; he did not want to be suspected of being a CIA false defector. It has been suggested that Oswald studied some language at the "Monterey School of the Army", now the Defense Language Institute. [62] Oswald claimed not knowing a word of Russian on his defection to the Soviet Union on October 16, 1959. [63] While Judyth Baker disputes that Oswald was anything other than American born, she recognized his facility in Russian; Baker had studied Russian in high school. [64]

While it is not presently known how Oswald learned Russian, It seems most likely that the Lee Harvey Oswald arrested on November 22, 1963 was clearly American born and with a residual Cajun accent. Consider Oswald's encounter in the hallway while in police custody:

Newsman: Did you kill the President?

Oswald: No, I've not been charged with that, in fact, nobody has said that to me yet. The first thing I heard about it was from the newspaper reporter in the hall who AXED me that question. [65]

It seems most unlikely that a Russian born person would lapse into a Cajun pronunciation of the word, "asked".

Oswald and the Customs Agent

It is interesting that though Baker insisted Oswald was born in the U.S., it is through her that a mechanism for the second Oswald could come to the U.S. According to Baker, Oswald had skipped school and gone to Niagara Falls, where a cooperative Customs agent, Arthur Young (later known as Charles Thomas) allowed the 12 year old unaccompanied Oswald to cross over into Canada, and then let him back into the U.S.

later in the day. Whatever the actual details of that story (a Customs agent who would allow said 12 year old to cross the boundary with Canada), ten years later (previously Young, now Thomas) was sent to New Orleans to facilitate Oswald's passport application to go to Mexico City. The passport was available to Oswald the day after he applied. [66] Now, that is quite a coincidence!

One could hypothesize that "Harvey Oswald", an Eastern European youth, would immigrate to the U.S. through the Niagara Falls Customs with the cooperation of Young/Thomas, and that Young/Thomas was later enlisted to facilitate Oswald's visa to Mexico. It is possible, however, that the actual facts may support the simple story that Oswald was allowed to cross the boundary and then come back across later. No hypothesized "Harvey" was necessarily involved.

Other Useful Oswald References

Armstrong's two Oswald theory is by no means the first such theory. Rather, his is the most extensive expression of a two Oswald theory, backed up by a considerable amount of research, producing a thousand page text together with a similar amount of exhibits on a CD-Rom. There are a variety of persons who have developed theories related to discrepancies in the Warren Documents, particularly regarding Oswald's activities; for example, Oswald was on a bus trip to Mexico City when he supposedly was seen at Sylvia Odio's home in Dallas. Twyman wrote on the two Oswald scenario in his book. [67] An earlier book that theorizes a Russian speaking Eastern European would be substituted for Oswald was written by W.R. Morris and J.B. Cutler. [68] A pictorial record of Lee Harvey Oswald was produced by Grodin. [69] In an excellent volume edited by James Fetzer, Fetzer wrote a chapter on Jesse Curry's assassination file, and asks the rhetorical question, "Could Oswald have been convicted? Fetzer then sets about showing probable doubt, if not exoneration for Oswald. On this one point I'll disagree with Fetzer; all he did was show Oswald was probably innocent. [70] Henry Wade would have probably prosecuted the case. Wade never lost a case he prosecuted (never mind the fact that many of the persons he helped convict would have their convictions overturned through DNA evidence [71]). In Wade's jurisdiction, at that point in time, innocence was not a deterrent to conviction.

Judyth Vary Baker

Judyth Vary Baker's story about Lee Harvey Oswald differs from other accounts in that her account is at the personal level. Very briefly, Judyth and Lee met in a post office in New Orleans on April 26, 1963. Judyth Vary had gone to the post office to get a letter from her fiancé Robert Baker. Judyth was holding a rolled up newspaper with a circled coded message in it (to Robert) that fell when she reached over the counter to give the postal worker a letter. The newspaper fell, and Oswald, who was in line behind her, picked it up. Judyth said, in Russian, "Thank you, comrade." Lee answered her in Russian. Judyth had a habit of using Russian and other foreign languages in salutations and letters. [72]

From that encounter, they would quickly become friends, though Judyth's impending marriage would, for a while, preclude more than a friendship. Judyth had come to New Orleans to work with Dr. Alton Ochsner, an internationally known cancer researcher who had a clinic that treated cancer patients as well as others. Judyth had an outstanding record in doing science research and had recently been working with fast acting cancers, even though she was only 19 years old in 1963. Oswald first introduced Judyth to David Ferrie as well as to Guy Banister. Banister confirmed to Judyth that Oswald was working on the anti-Castro project. Later that day (April 27, 1963), Oswald took her to Charity Hospital for their appointments with Dr. Ochsner, with Oswald going in first. Oswald's interview lasted about 40 minutes. After Oswald left Dr. Ochsner's office, Judyth was invited in. In Judyth's interview, she agreed to participate in clandestine projects. [73]

On May 2, Judyth and Robert Baker were married. On the evening of May 3, 1963, Robert Baker left for his summer employment on a seismic survey ship in the Gulf of Mexico. Judyth had arrived early to New Orleans; Ochsner had asked Judyth to come at the end of the school year, but he was unfamiliar with the trimester system, which let out about three weeks earlier than a semester system. Her work with Ochsner would begin May 10. Apparently through a mix-up, she was thought to be the young researcher who would liaison with David Ferrie and his research with mice and cancer. She began this work through a clandestine arrangement; she and Oswald were hired by Standard Coffee, [74] a subsidiary of Reily Coffee, to be transferred to Reily Coffee the following week.

It would appear that Oswald was getting "money under the table". He gave Judyth \$400 before she left New Orleans. This gift has a double meaning; not only does it relate to Oswald's caring for Judyth, it also addresses the issue of Oswald having considerably more money than his meager wages at Reily Coffee would have afforded him. Even this low paying job had been lost several weeks prior to Oswald's \$400 gift to Judyth. [75] The most likely source of this money would seem to be unvouchered money from the CIA. Oswald being involved with the CIA could also explain Oswald's apparent relationship with Alton Ochsner and Oswald's relationship with Guy Banister. Without rehashing Judyth's books on Oswald, from her viewpoint, they fell in love, had begun an intimate relationship, and in late August planned to get together in Mexico in the next several months. Rather than being the loner and crazed assassin that the Warren Commission painted him to be, Oswald was a complex young man, but one who was caught up in a web of circumstances that left him no way out. As to whether Oswald and Jack Ruby knew each other, Ruby was asked by Carlos Marcello to keep an eye on Oswald, after Oswald's first attempt to get into the Marines. At one point, Ruby asked Oswald if he wanted to be in Marcello's "family". Oswald was already at least somewhat connected to the Mafia through his Uncle, Dutz Murret. Oswald said he preferred to be in the "military family". [76]

Why did Judyth Baker Wait so Long to Tell Her Story?

First, there was the issue that she was, until 1989, still married to Robert Baker. From Judyth's point of view, she saw herself going to Mexico to live with Oswald in a

few months, so she could tread water until then. Her husband never asked any questions about Judyth's activities while he was working on the Gulf coast. After Oswald's death, she just settled in, eventually having 5 children with Baker; they finally divorced in 1989. Judyth decided to write a book about Oswald. Given the many deaths associated with those close to the JFK assassination [See Roberts & Armstrong, 77], being careful seemed prudent. She had already been warned by Dave Ferrie in December 1963 that she would die if she ever revealed what she knew; she was told that Santos Trafficante was having Judyth monitored. Ferrie told her, "You have to be a vanilla girl, a nobody. Keep your head down, don't make waves, if you want to stay alive." Ferrie finished with, "I can never contact you again, and you can never speak about this to anyone again, for all our own good". [78]

Judyth's plan in the early 1990's was to write the book and leave it with her son, who was a professor of economics. She would eventually go through three separate versions; there were problems with getting it published. When the two volumes were published in June of 2006, contractual problems made it necessary to remove them from the market in less than a month.

Who was in Stanley ND in the Summers of 1953 and 1956?

The person seen in Stanley in the summer of 1953 most likely would have been Lee Harvey Oswald or an Oswald imposter, which could include "Harvey", if Armstrong's hypothesis about an Eastern European Russian speaking youth having emigrated to the United States were true. Note that admitting an Oswald imposter at this point would have clearly pointed to a conspiracy; the more benign version would be that it was Oswald. True to the FBI's process of ignoring contrary evidence, given the choice, it appears the FBI chose to make the interpretation that the witnesses must have been mistaken. What of the FBI interviews showing several persons saying neither Oswald, nor his mother, were residents of Stanley?

Our interpretation is that the meaning of the term "resident" allowed the speaker to deny this status to the Oswalds. In 1953, Stanley's population had doubled due to an infusion of new persons involved in the expanding oil industry. Locals often saw the oil people as itinerants, and thus not "residents". A personal example might shed some light. In 1990, I (JDW) was living with my family in an older section of Grand Forks, ND; we had lived in this location for 10 years. I was out doing some yard work in the front yard when an older couple was walking by. The husband asked, "Do you live here?" I answered, "Yes." He responded, "How long", to which I responded, "10 years." The man turned to his wife and, in a low voice said, "Newcomers." It would have served the purposes of J. Edgar Hoover that the persons interviewed in Stanley had a different meaning to "resident" than might be inferred from reading the FBI reports.

The person seen in Stanley in 1956 named Lee with the Southern, probably Texan accent, could have either been Oswald, an Oswald imposter, or simply a young Southerner with a remarkably similar appearance to Oswald, together with an interest in

going to Cuba, also coincidental in the interests that an older Oswald would have. Nearer to the assassination, it seems likely that more than one Oswald imposter was active.

Personal Research Refuting the Warren Commission's Findings

For some reason, despite the voluminous literature showing that a conspiracy existed, and that the conclusions of the Warren Commission were erroneous, many Warren critics still contribute to that literature. Alas, I (JDW) also suffer from contributing to the overkill. As a young 23 year old junior college teacher, I attended a rally on August 17, 1962, in Pueblo, Colorado at which President Kennedy was the featured speaker. As I walked into the stadium, where I had played high school and junior college football only a few years before, I walked up the aisle and noticed my brother, Gerald R. Williams, who had become a state trooper within the past year. I said, "Hi, Gerald." He ignored me, but I noticed he was holding a rifle. I suddenly became engrossed with the degree of protection provided President Kennedy. Inside the stadium, there were three troopers in every aisle, with at least 14 aisles. There were troopers surrounding the perimeter, and several more on the field. This was in a city that voted overwhelmingly for Kennedy in the election, and a city where President Kennedy was beloved. Clearly, there was more than adequate protection. A week later I asked my brother about him ignoring me at President Kennedy's speech. Gerald replied, "They sent me there to protect the president, not to talk to my brother." [79] Unfortunately, the protection afforded President Kennedy in Dallas was not equal to the protection provided in Pueblo a year earlier. In Dallas, persons in the sheriff's department, which was overlooking Dealey Plaza, were told to stand down for the parade. [80] Palamara, who has written extensively about the lack of security provided in Dallas, has termed this lack of security as "security stripping." [81]

Yet a second effort in addressing the validity of the Warren Report happened almost by accident. We were interviewing Madeleine Brown. Brown had in years past been a mistress of Senator Lyndon Baines Johnson, and had a son with him. [82] She made a comment that slipped right by me. [JDW] I was transcribing the transcript the following April; I was astounded by what Madeleine said: "See, through the years, I've met Marina [Oswald]. And I've talked to Marina over and over again. And I say 'Marina. Tell me what you want others to know. You couldn't speak English in those years.' And she told me that the police came out and picked up the rifle the next day after the shooting. I said, 'Are you sure? She said, 'Yeah.' [83] I stopped transcribing and immediately called Madeleine on April 3, 2002 and confirmed the conversation in the interview. [84] The import of this is immense. If they picked up Oswald's gun on Saturday, he could not have had it available to him at the Texas School Book Depository on Friday, the day of the assassination.

Three Patsies

While Oswald claimed to be a patsy, he apparently was not the only one. There were two plots prior to Dallas, the first being set for November 1, 1963, in Chicago. The designated patsy in Chicago was Thomas Arthur Vallee, a Chicagoan who was

outspokenly opposed to President Kennedy, and who had in his possession several weapons; he also was an ex-Marine. [85] Vallee's place of employment overlooked the planned motorcade route where President Kennedy was scheduled to pass. [86] Vallee had been recruited to train anti-Castro guerrillas for the assassination of Fidel Castro. [87] A four man assassination team, separate from Vallee, was being monitored in Chicago. One of the secret service agents involved in protecting the President was Abraham Bolden, the first Black Secret Service agent to be involved in protection detail for the President. [See 88, 89, 90.] Through Bolden's efforts, President Kennedy's appearance in Chicago was cancelled at the last minute. Bolden later tried to make arrangements to testify before the Warren Commission regarding the Chicago assassination plot. Such testimony could have blown the non-conspiracy theory out of the water. [91] A plan was hatched to accuse Bolden of being involved with counterfeiting, an area that he investigated in Chicago. He was actually set up through false testimony by Richard Cain, the Chief Investigative agent for the Special Investigations Unit of the Cook County Sheriff's office in Chicago. Cain, a made member of the Chicago Mafia, was trying to keep Mafia involvement in the aborted assassination attempt from reaching public knowledge. [92] Bolden would serve six years in prison for his attempt to reach the Warren Commission.

Cain was a complex person. After Fulgencio Batista was deposed from his position as President of Cuba by Fidel Castro, Batista and several other Cuban exiles took up residence in Cain's garage until they made other arrangements. Cain worked with the exiles to help train them for a return to Cuba. Cain had previously done wiretapping work for Batista. [93] Cain would eventually be scammed himself, and sent to prison. [94] Cain would hold a grudge against Kennedy for not providing air support in the Bay of Pigs invasion. [95]

The person of interest in the Tampa assassination attempt was Gilberto Policarpo Lopez, who also was a defector to the USSR. [96] No connection has been made between Lopez and the assassination. Had President Kennedy been assassinated in Tampa on November 18, 1963, Lopez would have been a perfect patsy. Lopez was reported to be in Dallas on November 22, 1963. It is speculated that if the Oswald as assassin ploy didn't sell, Lopez could fill the bill. [97] Waldron & Hartmann stated that their publication was the first to expose the Tampa assassination threat. [98] They connected it to another attempt to remove Castro from office, and termed C-Day, apparently scheduled for December 1, 1963. President Kennedy spoke in Tampa on November 18, 1963, and apparently signified the words the Cuban rebels were hoping to hear. Some newspapers reported that Kennedy was inviting a coup in Cuba, notably *The Dallas Times Herald*, whose November 19, 1963 headline read, "Kennedy Virtually Invites Cuban Coup." [99] Details are lacking for the Tampa attempt on JFK; it likely followed the scenario in Chicago, except that there was no cancellation of President Kennedy's participation. Files held by the Secret Service and the Tampa Police Department were apparently destroyed. In the case of the Tampa Police Department, the destruction was to keep them from any JFK investigating committee. [100] The Tampa police kept several persons of interest during President Kennedy's time in Tampa. The overall police presence providing

protection for the President in Tampa included 200 of the 270 uniformed police force plus 400 federal officers, including Air Force personnel. [101]

The Interesting Story of Adele Edisen

Adele Edisen decided to get back into scientific work in the summer of 1962; her husband, a psychiatrist, had become ill, and it made sense for her to get back into her field of neurophysiology. She had held a postdoctoral fellowship in that field with the National Institute of Neurological Diseases and Blindness (NINDB) from 1954-1956, and applied for a third year postdoctoral fellowship in 1962, working at the Department of Physiology and the Louisiana State University School of Medicine. Edisen was told that she would receive a fellowship beginning January 1, 1963. Edisen was told by her chairman, Dr. Sidney Harris, that he was relaying this information from Dr. Jose Rivera of the NINDB. She would be doing research on synaptic inhibition and excitation in the cat spinal cord. Edisen had been collecting data that was presented at the April, 1963 meetings of the Federation of the American Societies of Experimental Biology. After her presentation she visited the exhibits at the convention. She had heard of a five year award to be given by the National Institutes of Health and inquired about that award. She was told to go to the NINDB booth. At the booth, she met Dr. Rivera for the first time. He offered her a Lifesaver candy, which Rivera insisted she eat in his presence. The Lifesaver incident would re-occur several times over the next few days. Only later would she conclude that the Lifesavers were probably laced with LSD. [102]

She made arrangements to visit the National Institutes of Health in Bethesda, Maryland. Of the persons she wished to contact, only Dr. Rivera was available. They went to dinner, and Dr. Rivera started speaking of his travels and of Dallas. Rivera recommended a "nice" nightclub in Dallas, the Carousel Club. Rivera then asked if she knew Lee Oswald. She did not. Rivera explained that Oswald had lived in Russia, had a Russian wife, a child, and that they would soon be moving to New Orleans. Rivera said the Oswalds were a lovely couple, and that Edisen should get to know them. Edisen thought Oswald was a scientific friend of Rivera. Rivera also mentioned that the recent shooting aimed at General Walker might be blamed on Oswald. The first public mention of an Oswald connection with the attempt on General Walker would occur only after President Kennedy was assassinated. [103]

The next day, Edisen and Rivera went to the Library of Congress. On the way there, Rivera asked if she had heard of John Abt of New York City. She had not, and inquired as to who Abt was. Rivera replied that Abt was a lawyer who defended communists. Edisen thought these were strange questions to be asking her. After going to the Library of Congress, they went by the White House three times. Rivera commented, "I wonder what Jackie will do when her husband dies." Rivera then claimed he meant when the baby dies. [104]

Rivera then asked Edisen to write a telephone number down: 899-4244. Then he said, "Write down this name: Lee Harvey Oswald. Tell him to kill the chief." This was

supposed to be joke for Oswald. Rivera then became agitated and said, “I’ll show you where it will happen. Rivera drew a diagram and said that it would be on the fifth floor. Later, Rivera told Edisen to destroy the note she had written. Rivera threatened her with, “I really don’t want to hurt you.” Rivera briefly tried to find the note in her purse before she pulled the purse away. [105] It is important to recognize these interactions between Dr. Rivera and Adele Edisen took place in April, 1963, before Oswald was a public figure.

Shortly after Edisen returned to New Orleans, she tried to call Lee Harvey Oswald. On her first attempt, she contacted Jesse Garner, manager of the apartments Oswald would soon occupy. Garner said there was no one there by that name. The apartments were owned by William McLaney, who also owned the land where the Cuban ex-patriots were training for an invasion of Cuba. Oswald actually moved into the apartment May 10, 1963. The second time Edisen called, she spoke to Marina Oswald. On her third call, she finally spoke to Oswald. Oswald said he had never heard of either a Colonel Rivera or a Dr. Rivera. Edisen had identified herself in each call. She did not convey any message to Oswald. [106]

So who was Dr. Rivera? He was a naturalized citizen, born in either Lima, Peru, or San Juan, Puerto Rico between 1905 and 1911. He was in the US Army, 1943-1957, and had done “Top Secret” work under a Dr. Carl Lamanna before he became a science administrator from 1961-1973 at the NINDB. His actual retirement is not documented. He died in 1989. [107]

Legacy of Secrecy

Waldron and Hartmann’s newest book, *Legacy of Secrecy* [108] seems to sum up in a phrase a major outcome of the assassination of President Kennedy. Government secrecy surely didn’t start then—it just became institutionalized on a continuing and increasing basis. If the facts that have been drawn out by critical researchers were known much earlier, many political careers would have been shortened. But keeping the secrets of the assassination continued. But most future administrations added their own travesties to the legacy of secrecy. In the extreme apologist sense, perhaps Lyndon Johnson might be forgiven for his pushing through the idea that Oswald acted alone, in order to avoid war with Cuba, and by inference, with the USSR (were it not for his own culpability [109, 110]). In that apologist sense, only Lee Harvey Oswald and his family would have been defamed. Perhaps the defamation of Oswald might have been rectified at a later date. (So far, it has not been.) During the George W. Bush presidency, trying to keep information on the lack of weapons of mass destruction in Iraq, along with other secretive misdeeds, presumably left little positive legacy for his eight years as president. [111] It is interesting to note that the author of the single bullet theory, Arlen Specter, may have recently seen his career in the US Senate start to unravel. Specter, first elected to the Senate in 1980 as a Republican, switched to become a Democrat in late April 2009. How well this plays for him remains to be seen.

Notes:

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3. This was the first known use of Harvey (or Harv) Oswald.
4. FBI Interview of William Henry Timmer by SA Donald H. Head 12/21-22/1963 in Spokane, WA. FBI file SE 89-47. Seattle, WA.
5. FBI Interview of Mrs. Alma Cole by SA Jack C. Pollock 12/21/1963 in Yuma, AZ. FBI file 89-42. Phoenix, AZ.
6. FBI Interview of Mary Wurtz by SA Fred Harvey in Stanley, ND 12/23/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
7. FBI Interview of Jerry Evenson by SA Fred Harvey in Stanley, ND 12/23/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
8. FBI Interview of Bud Will by SA Fred Harvey in Stanley, ND 12/23/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
9. FBI Interview of Lane Evans by SA Fred Harvey in New Town, ND 12/23/1963. FBI Minneapolis 105-2564; Dallas 100-10461.
10. FBI Interview of Delvin Douglas Jelesed by Douglas H. Smith in Stanley, ND 12/21/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
11. FBI Interview of Mrs. Marry Merbach by Douglas H. Smith in Grenora, ND 12/21/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
12. FBI Interview of Ralph Hamre in Stanley, ND 12/21/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
13. FBI Interview of Mrs. Elmer Nelson in Stanley, ND 12/23/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
14. Teletype from Minneapolis FBI SAC to FBI Director 12/24/1963.
15. FBI Interview of Walter Poulson in Stanley, ND 12/23/1963. FBI file Minneapolis 105-2564; Dallas 100-10461.
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22. Armstrong, p. 84.
23. Armstrong, pp. 490-491, 521, 952, 959.
24. Armstrong.
25. Williams, J.D. & Severson, G. (2000). Oswald in North Dakota? Part One. *The Fourth Decade*, 7, 2, 3-7.
26. Interviews of Mrs. Alma Cole by Gary Severson, 9/8/1999 & 9/24/1999.
27. Interview of Jerry Evenson by Gary Severson, 10/3/1999.

28. Interview of Lane Evans by Gary Severson, 10/3/1999.
29. Interview of Jack Feehan by Gary Severson, 10/3/1999.
30. Interview of Greg Feehan by Gary Severson, 12/7/1999.
31. Interview of Keith Schulte by Gary Severson & John Delane Williams, 8/2/1999.
32. Interview of Rusel Kilen by Gary Severson & John Delane Williams, 8/2/1999.
33. Interview of Don Will by Gary Severson, 9/22/1999.
34. Interviews of Mrs. Arlene Clark, Mountrail County Historical Society by John Delane Williams & Gary Severson, 8/2/1999 & 8/3/1999.
35. Williams, J.D. & Severson, G. (2000). Oswald in North Dakota? Part Two. *The Fourth Decade*. 7, 3, 3-5.
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37. Interview of Lyle Aho by John Delane Williams, 8/8/1999.
38. Interview of Lyle Aho by John Delane Williams, Gary Severson & Jole Williams, 8/14/1999.
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Chapter 29

The Workings of the Assassination Records

Review Board [1]

John R. Tunheim

Good afternoon, everyone. I'm going to stick to my time limits today. I want to leave time for your questions. That is one of the most important parts of these events. Although I am a federal judge right now, four years in the 1990's, for four years, I served as chairman of the federal agency that was charged with finding what were then still secret records from the Kennedy assassination and getting as many of them released as quickly as possible to the public. The law that Congress passed, The President John F. Kennedy Records Collection Act of 1992, was a reaction not only to the movie by Oliver Stone which brought the issue to the fore, but also due to the years of dedicated work done by researchers who felt they were trying to research this important subject with one arm tied behind their back, because so many government records from the 1960's were still classified. It doesn't take much to classify a record. That is still a problem that exists in Washington today. You put "Top Secret" on a document and perhaps 30 or 40 years later it might get released. The bill was passed in 1992 by Congress, President Bush was empowered to make the appointment; he did not make an appointment. He opposed the bill, thinking it was unconstitutional, and therefore he ignored the impact of the law and it fell to President Clinton to make the appointment.

I was nominated by President Clinton in September of 1993, and we were all confirmed, a five member board, consisting of myself, the one required lawyer on the board, and four academics, one of whom was a professional archivist, and three who were presidential historians. This Act put control of declassification of federal records, albeit in a single category, in the hands of an outside independent body for the first time. We were an independent agency within the executive branch which meant that we were handling executive branch records, which got around the constitutional issue. We were independent and couldn't be simply fired by the president. All government records on the Kennedy assassination were to carry a presumption of openness, and agencies were required to organize their files and present them to us, along with any argument as to why a particular record should remain sealed. When we made our decision about releasing a document, the agency could appeal our decision to the president. There was no part of this effort that was to go before the courts, the president being ultimately in control of executive branch records.

We were also to do our best to search for state, local, and private records to be part of the collection, and we were empowered to try to clear up, as best we could, some of the evidence. What we were not supposed to do, and we did not do, was to try to decide what happened. The whole goal of this effort was to find all of the records and release them to the extent possible. We released just about everything that we got our hands on; then let the public decide: open the records to researchers, let them look through them, and let the public decide what happened. We made several important decisions at the beginning. All of the documents were considered on a word-by-word basis, which means that no entire document was ever sealed or kept under wraps by our efforts. We occasionally would redact information—not very much. We did not redact any information that was central to the assassination story. We did redact names of certain intelligence agents who were still alive; we felt that their lives might be endangered if it was known that they were CIA agents. We used their pseudonyms instead. But for every piece of information we redacted, we set a release date. All of those release dates have now passed. The only records that have not been released are records that will be released in 2017. These non-released documents were not considered central to the assassination story, but they contain national security information.

The standard we applied was very interesting. We had to weigh interests. We weighed interests such as public interests and interests like national security, intelligence gathering methods, personal privacy, and presidential security. But with the great interest in the Kennedy assassination records, we released just about everything. We found that just about everything satisfied that standard. We had a staff of about 30 people; we held hearings around the country. We defined expansively what an assassination record was. There are those who would argue that President Kennedy was killed, for example, because he was going to withdraw advisors from Vietnam. That's a theory that some people expressed. We didn't take a position on that, but we went and found all of President Kennedy's administration's records on Vietnam policies, and released them. That's the way we did our work—not taking sides on any particular place, but just getting everything out. We issued in the four years over 27,000 decisions. There were an additional 33,000 decisions that were called "consent releases," which is a fancy way of saying the agency wanted the information protected, but the agency knew we weren't going to protect the information, so the agency just gave up. There were no successful agency appeals at the White House, President Clinton signaled early on that we were going to do this work and he wasn't going to interfere with it.

The collection includes all the evidentiary material from the Warren Commission, and includes the voluminous collection of The House Committee on Assassinations. We have about 1.6 million pages of material from the Central Intelligence Agency that was shipped over and declassified and archived. The total collection today is over 6 million pages. It is the largest single collection at the National Archives. [2] It has

an index at www.nara.gov . We had very interesting relationships with the federal agencies who were involved, and in the end we knew their files better than they did, because we were looking at their files and we were examining everything.

Now, one question that people ask is: “Weren’t there records that were destroyed over the years?” Well yes there were. I’m sure there were records that were destroyed before we got into the action, 30 years after the assassination. The voluminous collection maintained by James Angleton at the CIA was largely destroyed when he was fired from his job as Chief of Counterintelligence in 1975. The files of J. Edgar Hoover were burned upon his death. So there are records that disappeared. But if a record was destroyed at the CIA, the State Department likely may have a copy of the record, or it may be at the FBI, or at the National Security Agency. There are copies of records galore throughout the federal government, so when the Secret Service destroyed a group of records that we were seeking, which they said were destroyed inadvertently—they were the threat assessment records before the November 1963 period, we found copies of those records in the FBI files. The FBI, fortunately, kept all their records in a very organized fashion. The CIA, on the other hand had no clue where records were with their filing systems. They were off in warehouses, they were misfiled; we had a hard time finding records within the CIA.

Just to inform you of some of the efforts we made, we hunted for a lot of extra records, such as in New Orleans. Professor Fetzer mentioned the Garrison investigation and prosecution of Clay Shaw. [3] We went to New Orleans to get as many records as we could. A cousin of one of Clay Shaw’s former partners came forward with the diary that Clay Shaw had written during the trial, which is now a pretty interesting part of the collection. We held a public hearing in New Orleans, and the District Attorney said, “I will help you with whatever you want. All of our records are yours. Nothing’s been destroyed.” Watching that hearing at the time was an investigator that the District Attorney had fired. This man was fired shortly after the new District Attorney came on board. The investigator was fired because he refused to destroy the Grand Jury records that Garrison had used in the prosecution of Clay Shaw. About three or four days later, he showed up in Washington with all the Grand Jury records from the investigation by Jim Garrison on Clay Shaw. They were wonderful records, including testimony by Marina Oswald and others. The District Attorney fought us on that all the way to the Supreme Court, on the basis of whether our power or the states secrecy law trumped the other side. So that is an example of some of the fights we had.

Professor Fetzer [4] discussed some of the changes Gerald Ford made in the Warren Commission narrative. This was a significant change even though he denied it was significant. We found that because the chief counsel of the Warren Commission had taken all of the edited early versions of the Warren Report home with him. His son came to us and said that they had been in his dad’s basement for years. He’s dead now, and the

son didn't know what to do with them and asked if we wanted them. Of course we wanted them. Of course we did. All 18 early versions of the Warren Report were included in our records. Gerald Ford's was right there in plain sight, so we had to address that.

We tried to do our best with the photographic record. We were 30 years after the fact. We established there were probably between 80-100 photographs taken in the autopsy room in the Bethesda Naval facility. There are 15 of these photographs that exist today. They have passed through Kennedy's physician, George Burkley's hands, through Robert Kennedy's hands, eventually back to the National Archives, where they are held through a deed of gift, where permission needs to be received from the Kennedy family to view them. Many photographs were destroyed. That raises the question as to why the photographs were destroyed, and why other photographs were not destroyed. We had these 15 original photographs from the 60's that were fading. We had them digitalized. They're very precise now; they will be preserved for history in this precise way. We brought in experts one day to look at them and look at the x-rays. They looked at everything we had. Now, some have argued that some of these photographs are fraudulent documents, but we took what we had. We brought in a group of experts, pathologists who had a great deal of experience, and we asked them to tell us what they thought. They spent a lot of time looking at these documents, and they came to a conclusion that the shot was a head shot that hit in the top of the back of the skull in what they called a trenching wound, meaning that it trenched along, breaking open the flap that is visible in the pictures. In their view, at least in the pictures we had, we collected everything that was available at this time;-- they didn't think that the bullet hit brain tissue, but the shock waves was enough to kill him instantly when the bullet hit.

The Zapruder film was something we spent time on. This film has an interesting history. It was taken the day of the assassination and made into the film. It was processed right away. Three first day copies were made. The government kept each of the first day copies; one of them went to the secret service. The original was sold almost immediately to the Time/Life Corporation. They had exclusive control over the images. These are things that would not happen today. These things happened in 1963. Part of the original film had some damage to it while Time/Life held it. As a result, they became increasingly concerned about holding this important piece of evidence. They sold it back to Henry Zapruder, who was the son of Abraham Zapruder. Henry was a Washington lawyer who died several years ago. The film then went directly to the National Archives. Whatever you think of the Zapruder film, we had the film, and it should be maintained. We had it analyzed by experts at Kodak. They did not feel it had been altered [5], at least that particular copy that they had tested. And we took it, in the Constitutional sense, from the Zapruder family. So the original film is maintained under perfect conditions, at the National Archives, where it is stored. And it has been digitalized, which of course means

it is much easier to see. So we did what we could with the Zapruder film. We had some issues dealing with the Zapruder family. We tried to get them to donate the original film to the United States. We came close at times, but in the end, there was a lawsuit trying to establish the value of the film.

We spent a lot of time trying to get records out of the former Soviet Union. Oswald spent two and a half years there under very close supervision and observation by the KGB. There is a file about eight feet high in Minsk, which includes everything he said and did. It is in remarkable detail; the KGB did its job very well. They kept tabs on him at all times; they were very concerned about him. I've seen a lot of the files out of that series of documents, but we haven't been able to get more than 400-500 pages of that file. We have a horrible relationship with the government of Belarus. It just keeps getting worse over time. In Soviet files in Moscow, there are also files that we haven't got access to yet. The KGB did an investigation into the assassination. It is an important set of documents. For the future, will we get them? I don't know. Things don't seem to be going too well with Russia these days, so at some point in time, if they need something from us, if we are smart enough, we'll ask them to share their archives on the assassination of President Kennedy with us. Maybe we'll get something out of them then. So there is more work to be done, there are files in Mexico City that still haven't seen the light of day; those files are important because Oswald spent some crucial time there. These are just some of the projects that should be pursued.

It was a remarkable experience to work with all of these documents; we tried very hard to review everything that someone might have seen as relevant. This was a one time opportunity to open up classified documents and government files. There are upward of 100-150 researchers a day looking at these files. That was the whole idea behind this effort; it was to open it up and finally trust the people to review the records themselves and decide what happened, rather than have the government tell them what to do.

I want to recall, in closing, this was 1963—it was a very different world then. The Dallas police force was a relatively small town police force, and, in my opinion, a corrupt police force. They were corrupt in a small sort of way, in accordance with the standards of that era. A person like Jack Ruby could spend a weekend in the police station, probably carrying a gun the whole time, and not attract any attention. That is why Lee Harvey Oswald was paraded out twice for press conferences during the 44 hours he was held by the Dallas Police. But security standards were very different in that day and age. The Secret Service, on the day of the assassination, the blackest day in the history of that organization, which dates back to within months of Lincoln's assassination, their procedures and practices were completely changed because of that day in Dallas. A lot of the things we look at today looks like almost criminal negligence on their part and the part of the other agencies that were following Oswald at the time. But the fact of the

matter is, it was standard practice in 1963. We didn't protect our presidents very well. We had a remarkably lax set of standards at that time. Just go forward another 30 years and look at Timothy McVey. Imagine when Timothy McVey was arrested in the Oklahoma City bombing in 1965. Did the authorities parade him out to two press conferences? Did they attempt to transfer him in an unsecured facility? Absolutely not. Those things never happen today. When you think back to 1963, and look at these investigations that were poorly done—they were poorly done, partly because they were done by the standard of the times. The Warren Commission reflected that as well. I'll quit now, so we'll have time to talk.

Question from the audience: Can we find the Zapruder film on the internet , or anything?

Judge Tunheim: The actual original is at the National Archives, but there are many versions that you can see. [6]

Notes:

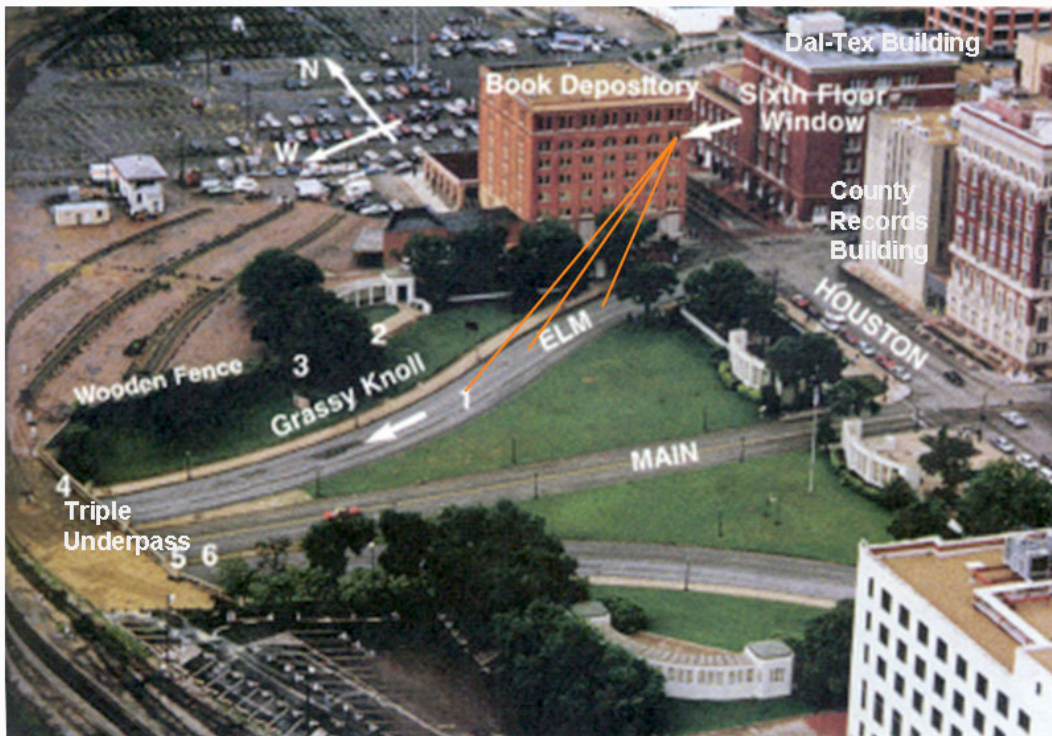
1. The presentation by Judge Tunheim was recorded by Sean Windingland and along with many of the other presentations, placed on youTube. Using the recording preserved by Windingland on YouTube, John Delane Williams transcribed Judge Tunheim's presentation.
2. Tunheim, J.R., (Chair) and others (1998). *Final report of the Assassination Records Review Board*. Washington, DC: US Government Printing Office.
3. Fetzer, J.H. (September 28, 2008). *The JFK assassination: Photographic Evidence*. Presented at the John F. Kennedy: History, Memory, Legacy Conference at The University of North Dakota, Grand Forks.
4. Ibid.
5. Fetzer, J.H. (Ed.) (2003). *The Great Zapruder Film Hoax*. Peru, IL: Catfeet Press.
6. One of the better versions, Images of an assassination: A new look at the Zapruder film is available through a variety of sources, including half.com, Amazon.com and barnesandnoble.com.

Chapter 30

Dealey Plaza Revisited: What Happened to JFK?

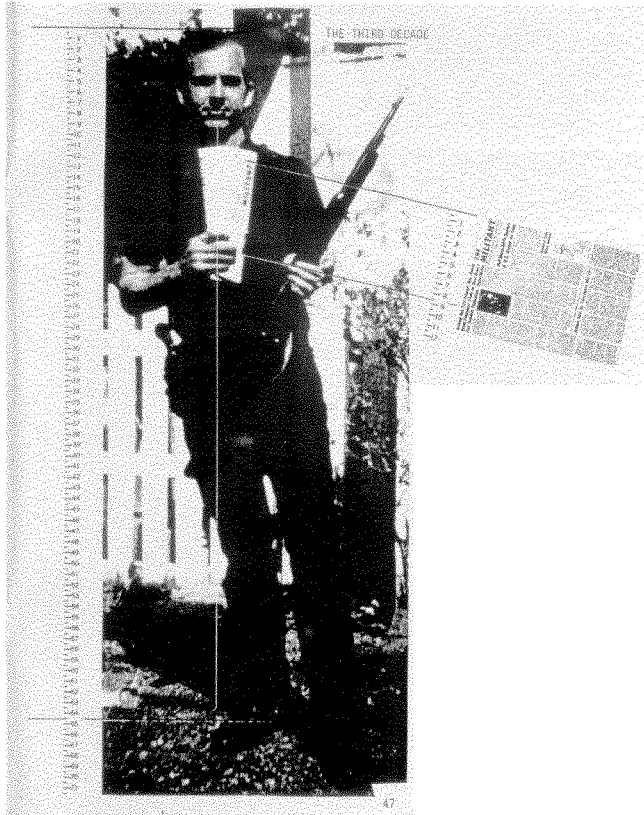
James H. Fetzer

The application of principles of scientific reasoning to the assassination of JFK can contribute to resolving any lingering questions over whether or not he was murdered as the result of a conspiracy. The likelihood L of an hypothesis h , if evidence e were true, is equal to the probability of e , if h were true. The hypotheses are viewed as possible causes of the evidence as effects. This assumes that evidence e includes all of the available relevant data, which may include findings that specific items of evidence have been planted, altered, or fabricated, discoveries that lend weight of their own. This chapter cannot exhaust the evidence in this case, but presents a sample sufficient to demonstrate that the conspiracy hypothesis has high likelihood and the lone assassin low. It should not have been necessary to frame a guilty man.



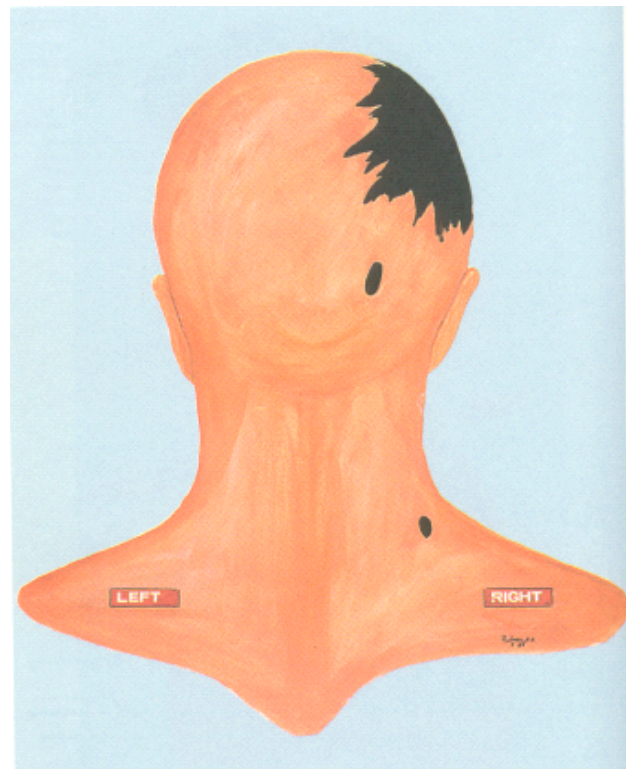
Stewart Galanor, *Cover-Up* (1968), Expanded

According to *The Warren Report* (1964), a lone gunman fired three shots from the sixth floor of the Texas School Book Depository Building, scoring two hits and one miss, which injured a distant bystander, James Tague, who was observing from location #6. Prior to this discovery of a shot that had missed, even the commission supposed all three had hit--the first hit JFK in the back, the second hit Governor John Connally in the back, and the third hit JFK in the head, killing him.



The backyard photograph, which was published in *LIFE*, was a fake. His finger tips were cut off; the shadows from his nose and eyebrows were inconsistent with the shadow cast by his figure; the chin was not Oswald's pointed chin with a cleft but a block chin with an insert line. Jack White used the newspapers as an internal yardstick and discovered that either the person shown was only 5'6" tall--too short to be Oswald, who was 5'10"--or the image of the newspapers was too large.

Two shots were widely reported on radio and television that day, one to the throat, the other to the right temple, which blew his brains out the back of his head. Nevertheless, when the Warren Commission would release its report nine months later, those trajectories had been reversed and JFK had only been hit at the base of the neck and the back of his head, thereby reducing as many as four or more hits to just these two.



131
5-96

ASSIST REPORT
ON
INVESTIGATIVE PRISONER

NAME: LEE HARVEY OSWALD
 BIRTH: 11-23-63
 ARRESTED: 11-23-63
 CHARGE: MURDER OF PRESIDENT JOHN F. KENNEDY
 MURDER OF SENATOR RFK
 MURDER OF GOVERNOR JOHN CONNALLY

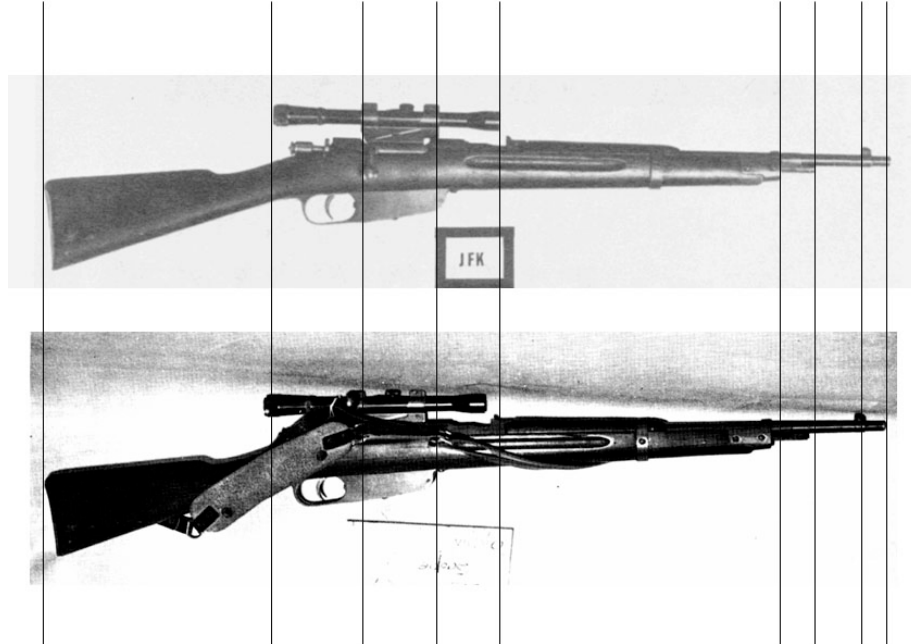
This man shot and killed President John F. Kennedy and Police Officer J. D. Tippit. He also shot and wounded Governor John Connally.

Assn to MURDER REF # 85594

SEARCHED INDEXED SERIALIZED FILED
 FBI - NEW ORLEANS
 OCT 11 1963

The arrest report for Lee Oswald stated, "This man shot and killed President John F. Kennedy and Police Officer J. D. Tippit. He also shot and wounded Governor John Connally." The time was 1:40 PM. That was very fast work. The assassination had taken place at 12:30 PM and virtually no investigation had yet taken place.

Jesse Curry, *JFK Assassination File* (1969)



The alleged assassination weapon--a Mannlicher-Carcano carbine--was photographed in Dallas by the Dallas Police and in Washington, D.C., by the FBI. Remarkably, they are not the same. With a muzzle velocity of only 2,000 fps, the Mannlicher-Carcano is not a high velocity weapon. According to the official account, the President was killed by high velocity bullets, which means Oswald cannot have fired the bullets that killed JFK.

A nitrate test revealed traces on his hands but not on his cheek. While he might have fired a revolver, he had not fired a carbine. Washing his face would have washed his hands, too. He worked in a depository with books printed in ink, which contains nitrates. So this test exonerated him of the commission of the crime in two ways.

BASE OF J. J. PIPER (DOB: 020), JOHN P. ECONOMY (DOB: 020) AND
 LEO OSWALD (DOB: 020)

DATE OF RECEIPT: 11/23/63

DESCRIPTION: One (1) envelope containing a
 cartridge case of the right side of the
 face of Lee Oswald.

EX-27 One (1) envelope containing a
 cartridge case of the left hand of Lee
 Oswald.

EX-28 One (1) envelope containing a cartridge case of the right
 hand of Lee Oswald.

ANALYSIS: Nitrate patterns consistent with the subject having discharged a
 firearm were present on exhibits #2 and #3. The pattern on exhibit #3
 is typical of the patterns produced in firing a revolver.

ANALYST: Lewis J. Anderson

METHOD: Nitrate patterns test.

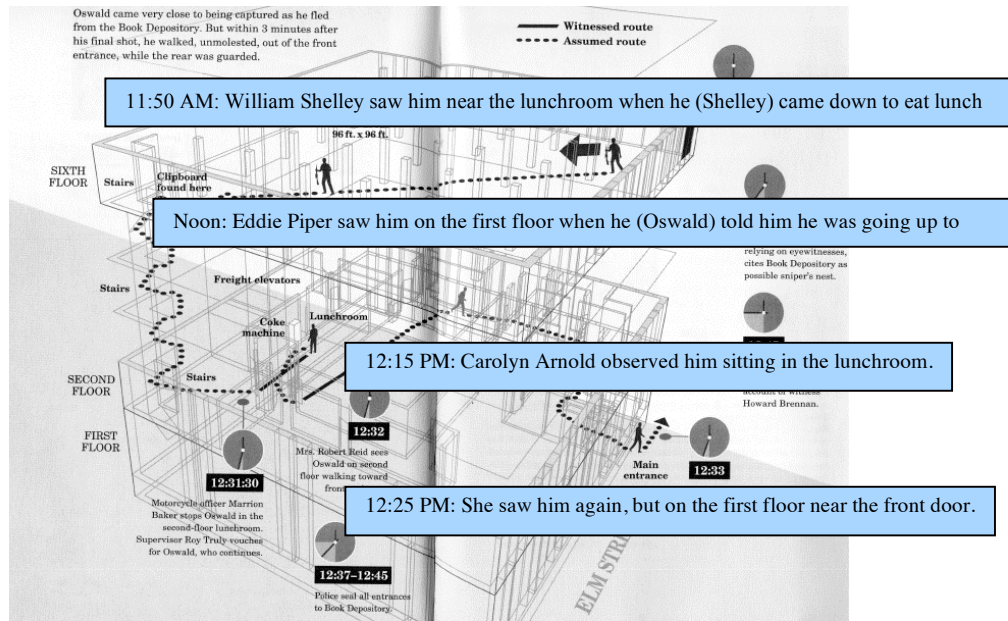
DATE: 11/23/63

REPORT TO: Lt. J. C. Ray

REFERENCE TO: Bureau

EXHIBIT: Copies of nitrate
 patterns of case.

Jesse Curry, *JFK Assassination File* (1969)



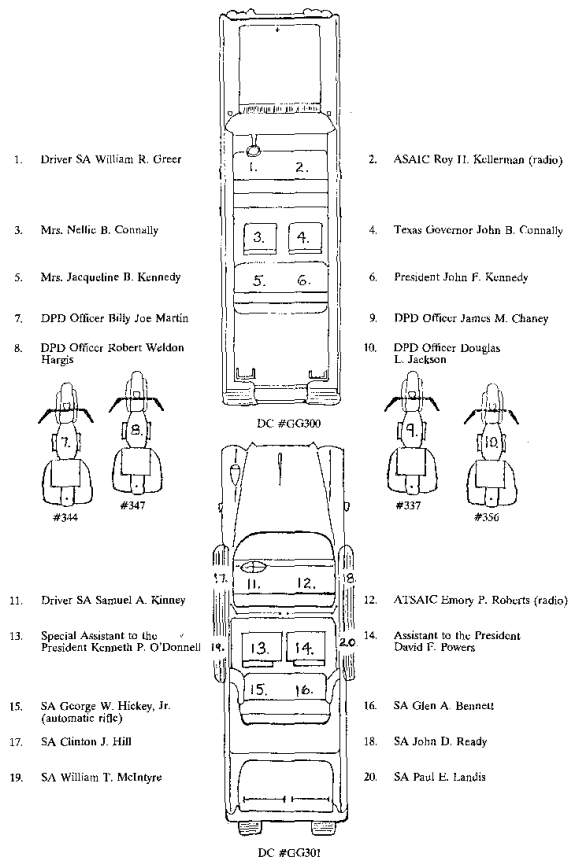
Gerald Posner, *Case Closed* (1993), Expanded

Oswald appears to have been in a lunchroom on the second floor when the assassination took place. He was confronted there within 90 seconds of the shooting by Motorcycle Patrolman Marrion Baker, who held him in his sights until Roy Truly, Lee's supervisor, assured Baker he was an employee who belonged in the building. Both described him as acting perfectly normal, neither agitated nor out of breath, but--Truly added--somewhat startled to find an officer pointing his revolver at him.



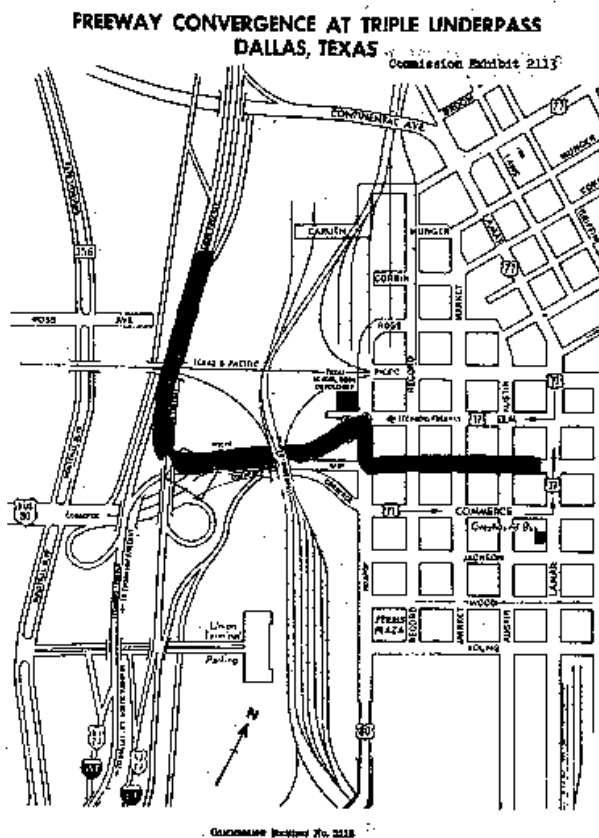
Two Secret Service agents, who would have accompanied the limousine, were left behind at Love Field by Emory Roberts, the Agent-in-Charge of the Presidential Protection Detail. Here one of them, Henry Rybka, expresses dismay at being called off.

The motorcycle escort was reduced to four, who were instructed not to ride forward of the rear wheels of the Presidential limousine. One of them observed that it was “the damnedest formation” he’d ever seen. JFK’s military aide, who normally sat between the driver and the agent-in-charge, was moved to the last vehicle along with the President’s personal physician.



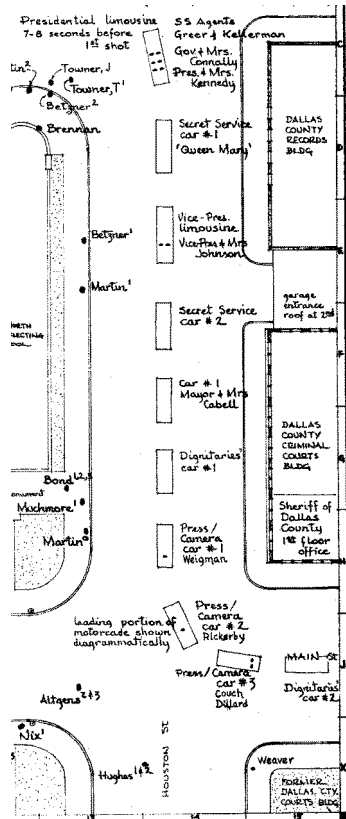
Richard Trask, *Pictures of the Pain* (1994)

There are more than fifteen indications of Secret Service complicity in setting JFK up for the hit. In addition to the agents being left behind at Love Field, the manhole covers were not welded, open windows were not covered, and the crowd was allowed to spill into the street.



Governor Connally was instrumental in making a change to the motorcade route on November 18, 1963, four days before the event.

Normally, a motorcade route, once fixed, is never changed, so the Secret Service can check every building and screen its occupants. This change brought the President past the Texas School Book Depository Building.



Richard Sprague, *Computers and Automation* (May 1970)

Most tellingly, the vehicles were in an improper sequence.

The Presidential limousine was placed first. Lower ranking dignitaries, such as the Mayor and the Vice

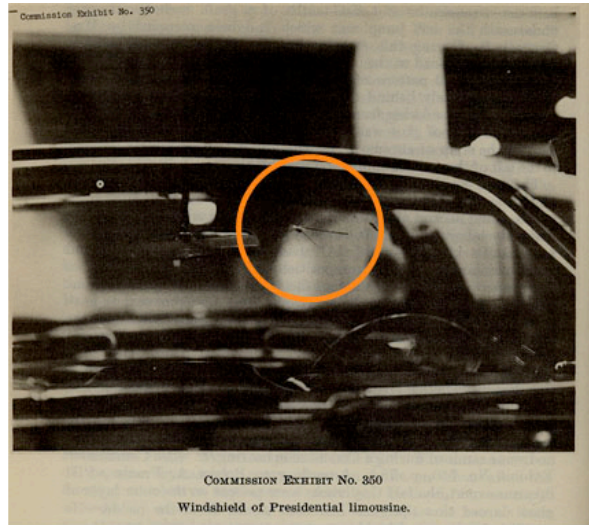
President, should have preceded him.

Reporters were moved to the rear and the President's personal physician to the last car, which put him in the worst location should his patient require emergency medical treatment.

At Parkland Hospital, where the moribund President was taken, a Secret Service agent took a bucket and sponge and began cleaning up the blood and brains from the limousine. When onlookers noticed a through-and-through hole in the windshield, the vehicle was moved.



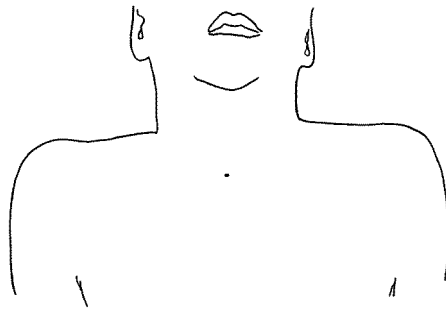
Richard Trask, *Pictures of the Pain* (1994)



By Monday, November 25, 1963, the day of the formal state funeral, the vehicle had been sent back to Ford to be completely stripped down to bare metal and rebuilt, including replacing the windshield, which had a bullet hole (the black spot at the center of the small, white spiral nebula) close to the right-center (facing the vehicle from the front). The Secret Service would produce yet a third, different windshield (with cracks) in its place to misrepresent the original damage.



During a press conference at 3:15 PM, Malcolm Perry, M.D., who had performed a tracheotomy through a small wound in the President's throat, explained three times that the wound was a wound of entry. A transcript of this event would not be provided to the Warren Commission, but would be published in *Assassination Science* (1998).



ENTRANCE WOUND TO THROAT
 Anterior lower third of the neck (tracheal ring, 2") - Spherical in shape with sharp, smooth margins. (4-6mm in size, less than 1/4 inch)

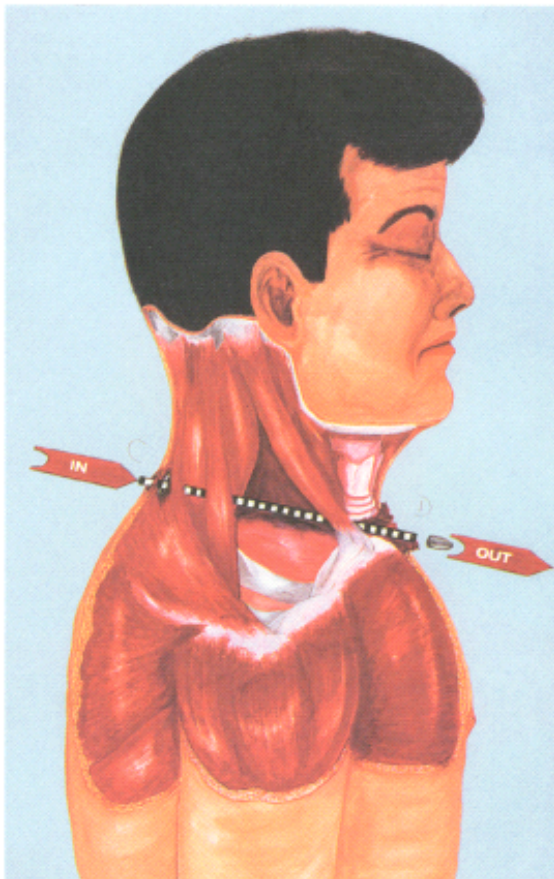
Charles A. Crenshaw
 10/6/63



ENTRANCE WOUND TO THROAT - POST TRACHEOSTOMY
 Post Tracheostomy - by Dr. Perry through the entrance wound. Incision was sharp, smooth, approximately 1 to 1 3/4 inches. (Incision edges were together.)

Charles A. Crenshaw
 10/6/63

Charles Crenshaw, M.D., who was present during the efforts to revive JFK at Parkland, drew these diagrams of the appearance of the throat wound before and after the tracheotomy incision, which are consistent with Dr. Perry's description of it as a wound of entry.



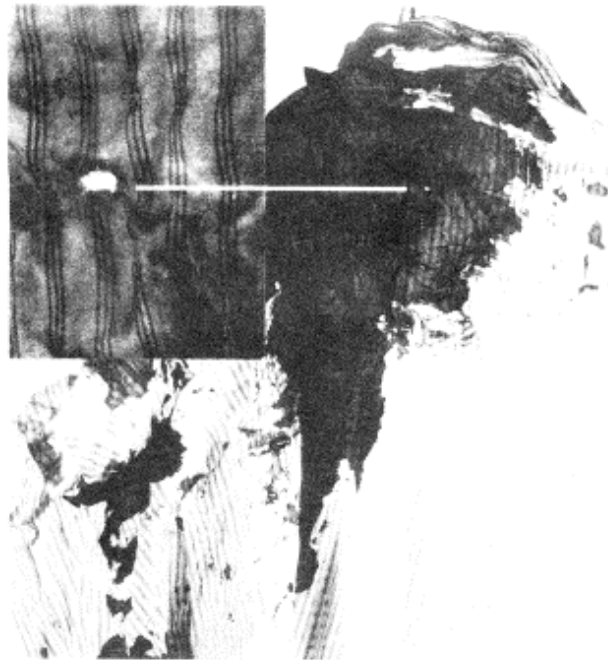
Officially, one shot hit the President in the back of his neck, passed through his neck without hitting any bony structures, and entered the back of Governor John Connally, inflicting multiple wounds. It shattered a rib, exited his chest, damaged his right wrist, and entered his left thigh. Since this trajectory is so implausible and the alleged missile virtually pristine, it has come to be known as "the magic bullet".



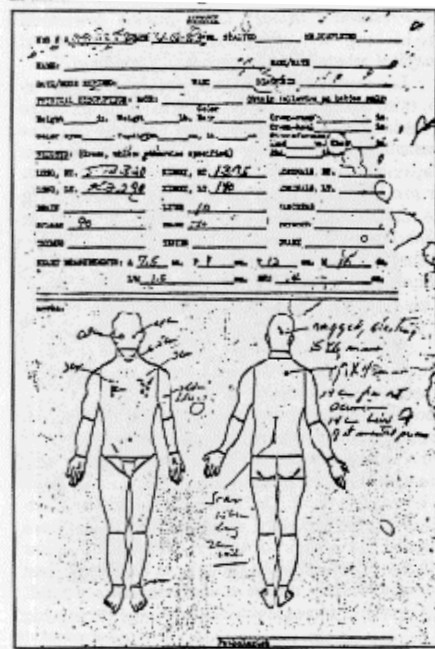
Warren Commission Document 107, Exhibit 59, National Archives.

The jacket JFK was wearing shows a hole about 5 1/2 inches below the collar, which contradicts the official location of the wound. If the bullet entered here, especially at a downward angle, it is difficult to imagine how it could have passed through his neck and exited at his throat.

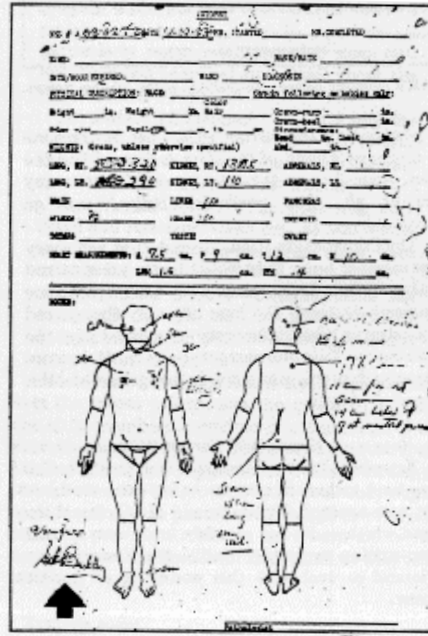
A bullet hole in the shirt turns out to be about 5 1/2 inches below the collar, too low to correspond to the official location at the base of the back of the neck. Neither the shirt nor the jacket were sent forward to Bethesda for the autopsy, a violation of autopsy protocol.



Warren Commission Document 107, Exhibit 60, National Archives.

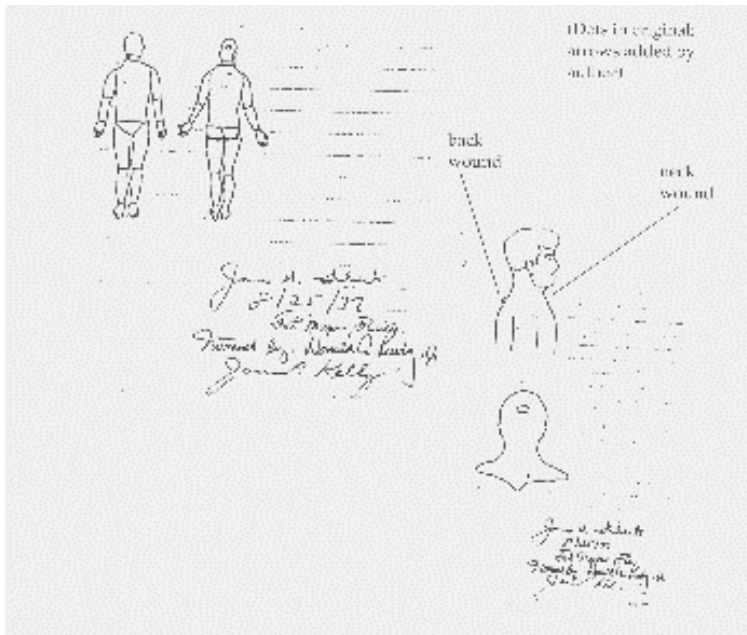


Autopsy face sheet given the Warren Commission; no signature appears on Commission copy.



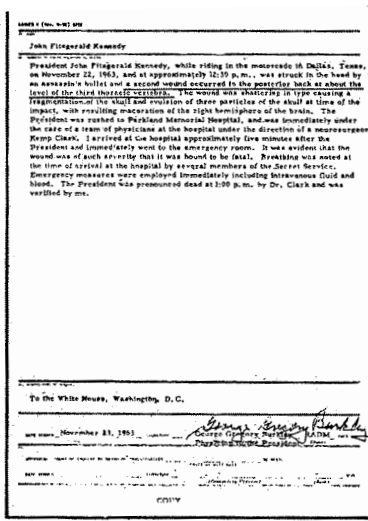
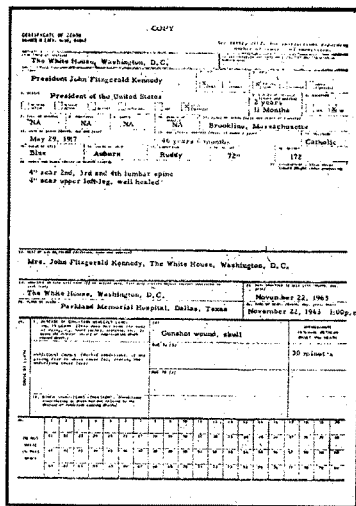
Sheet verifying location of wounds signed by Admiral George Burkley, JFK's personal physician.

The Bethesda autopsy was conducted by James Humes, who was assisted by J. Thornton Boswell. Neither of them had ever performed an autopsy on a gunshot victim before. Boswell's diagram of the wounds shows a wound to the back about 5 1/2 inches below the collar. It was verified by Admiral George Burkley, the President's personal physician.



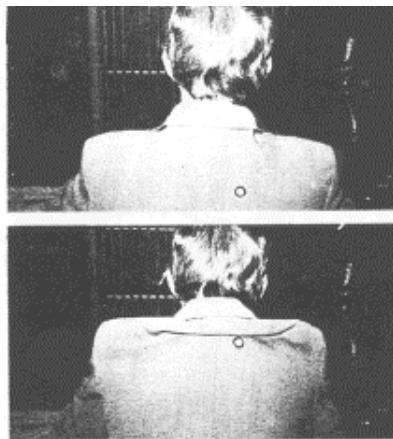
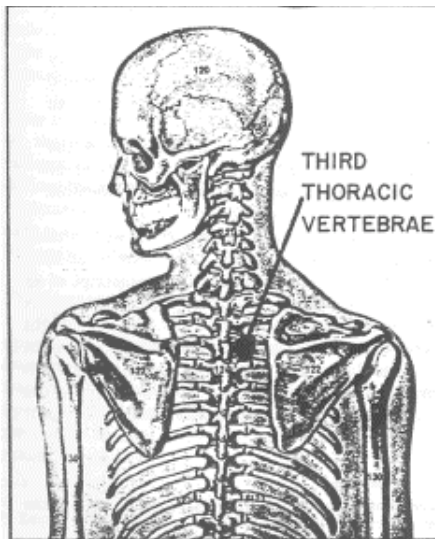
One of two FBI agents who witnessed the autopsy, James Sibert, drew a diagram showing the relative location of the wounds, where the back wound is lower than the throat wound, making it most unlikely that they were connected by a shot that had been fired from above and behind.

Noel Twyman, *Bloody Treason* (1997)



Admiral Burkley composed a death certificate on JFK, which said he had been “struck in the head” by one shot and that “a second wound occurred at the posterior back at about the level of the third thoracic vertebra.” He added that the head wound involved “evisceration of the right hemisphere of the brain.”

James H. Fetzer, ed., *Assassination Science* (1998)



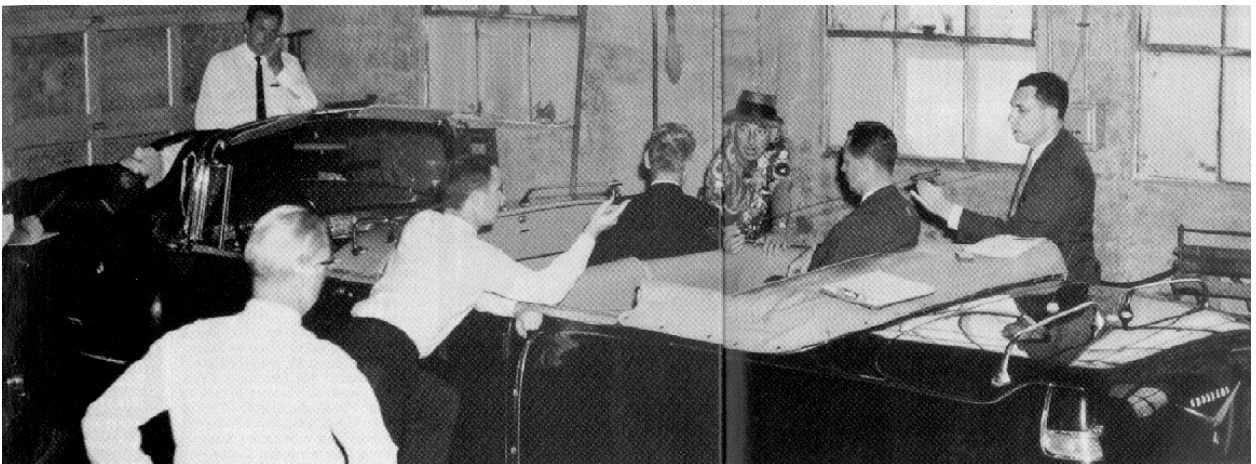
Defenders of the “Report” are resigned to creating outlandishly absurd explanations—like these—to explain why bullet holes in JFK’s shirt and coat are nearly six inches below the spot designated by the Commission as the point of entry for the missile.

Gary Shaw, *Cover-Up* (1976)

The third thoracic vertebra turns out to be approximately 5 1/2 inches below the collar to the right of the spinal column. Some apologists for the official account suggest that his jacket was “bunched up”, which made the hole lower than the wound. But that would not explain the diagrams of the wound showing it at the same location on the body itself.



Even the Warren Commission staff concluded that the back shot had been at that location, as this reenactment photograph displays. The larger circular patch on the back of the stand-in's jacket represents the back wound, the smaller above it the official entry wound to the head.



Newsweek (November 22, 1993)

Arlen Specter, then a junior counselor to the Warren Commission, uses a pointer here to exhibit the path the “magic bullet” would have had to have taken in order to account for all the wounds with only two shots. Since the larger circular patch visible below his left hand indicates the back shot, a photo intended to illustrate the theory actually refutes it.

Ford Made Key Change In Kennedy Death Report

WASHINGTON, July 2 (AP) — Thirty-three years ago, Gerald R. Ford changed — ever so slightly — the Warren Commission's main sentence on the place where a bullet entered President John F. Kennedy's body when he was killed in Dallas.

Mr. Ford's change strengthened the commission's conclusion that a single bullet passed through Kennedy and wounded Gov. John B. Connally, — a crucial element in the commission's finding that Lee Harvey Oswald was the sole gunman.

Mr. Ford, who was a member of the commission, wanted a change to show that the bullet entered Kennedy "at the back of his neck" rather than in his uppermost back, as the commission originally wrote.

Mr. Ford said today that the change was intended to clarify meaning, not alter history.

"My changes had nothing to do with a conspiracy theory," he said in a telephone interview.

But his editing was seized upon by conspiracy theorists who reject the commission's conclusion that Mr. Oswald had acted alone.

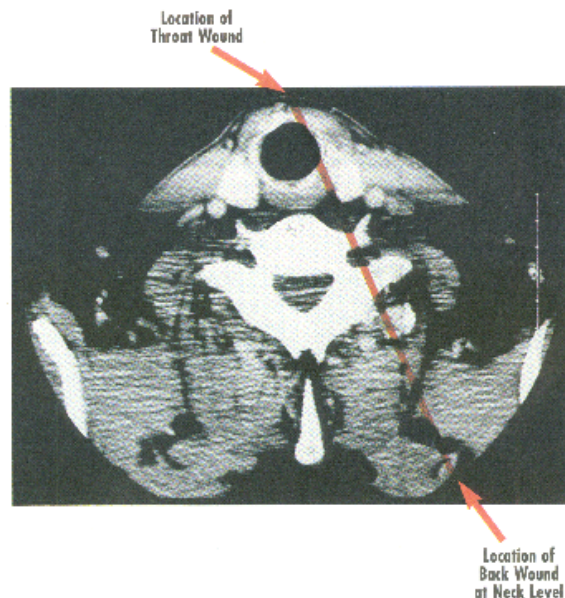
"This is the most significant lie in the whole Warren Commission report," said Robert D. Morningstar, a computer systems specialist in New York City who said he has studied the assassination and written an Internet book about it.

If the bullet had hit Kennedy in the back, it could not have struck the Governor in the way the commission said it had, Mr. Morningstar said.

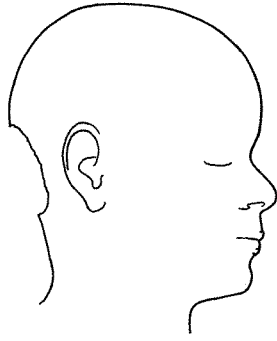
An early document released by the Assassination Records Review Board (ARRB) showed that Gerald Ford (R-MI), then a commission member, had had the back wound re-described from "his uppermost back," already an exaggeration, to "the base of the back of his neck" in an effort to make "the magic bullet" hypothesis appear more plausible.

The New York Times (July 3, 1997)

David W. Mantik, M.D., Ph.D., who is board certified in radiation oncology, took a CAT scan of a patient with chest and neck dimensions similar to those of JFK. When he plotted the official trajectory, it turned out to be anatomically impossible. Cervical vertebrae intervene.

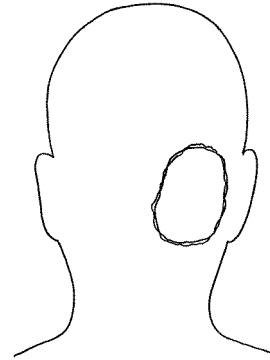


Stewart Galanor, *Cover-Up* (1998)



SIDE VIEW - RIGHT REAR OF HEAD
 Large avulsed area with loss of some parietal
 and most of occipital area of lesion.

Charles A. Crenshaw MD
 10/6/73



EXIT WOUND - RIGHT REAR OF HEAD (OCCIPITAL-PARIETAL AREA)
 2 3/4 inches to 2 1/2 inches (Size of baseball and size
 of fist - more or less circular - Bone and hair gone -
 cerebellum exposed)

Charles A. Crenshaw MD 10/6/73

Charles Crenshaw, *Assassination Science* (1998)

Dr. Crenshaw also drew the massive blow-out to the back of the head, which he described as the size of a baseball or of your fist when you double it up. During an interview broadcast on television, he also described an entry wound at the right temple, consistent with the mortician's description.



When the House Select Committee on Assassinations (HSCA) re-investigated the case in 1977-78, its medical panel concluded that the entry wound was actually four inches above the entry location previously specified. It was depicted in diagrams (right) but not visible in photographs (left).



According to the autopsy report, the fatal head shot entered at the back of his head and blew out the top of his skull. The Navy artist who was instructed to prepare these sketches was not allowed to observe the body and drew what he was told to draw.



Beverly Oliver:
"The whole back of his head went flying out the back of the car."



Phillip Willis:
"It took the back of his head off."



Marilyn Willis:
"A red 'halo' Matter [was] coming out the back of his head."



Ed Hoffman:
"The rear of his head was gone, blasted outward."



Dr. Robert McClelland:
"It was in the right back part of the head — very large ... a portion of the cerebellum fell out on the table as we were doing the resuscitation."



Dr. Paul Peters:
"... right there, occipital parietal."



Dr. Kenneth Salyer:
"This wound extended into the parietal area."



Dr. Charles Carrico:
"There was a large — quite a large — defect about here [pointing] on his skull."



Dr. Richard Dulaney:
"It was up in this area."



Dr. Charles Crenshaw:
"The wound was the size of a baseball."



Dr. Ronald Jones:
"My impression was there was a wound in this area of the head." When shown



Nurse Audrey Bell:
"There was a massive wound at the back of his head."



Theran Ward
"[It was] right back here."



Aubrey Rike
"You could feel the sharp edges of the bone at the edge of the hole in the back of his head."



Frank O'Neill
"... a massive wound in the right rear."



Jerrol Custer
"From the top of the head, almost to the base of the skull, you could see where that part was gone."



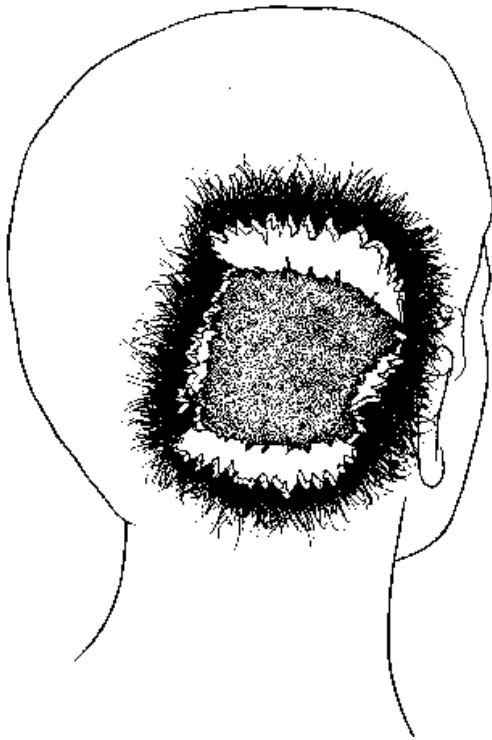
Paul O'Connor
"[There was] an open area all the way across into the rear of the brain."



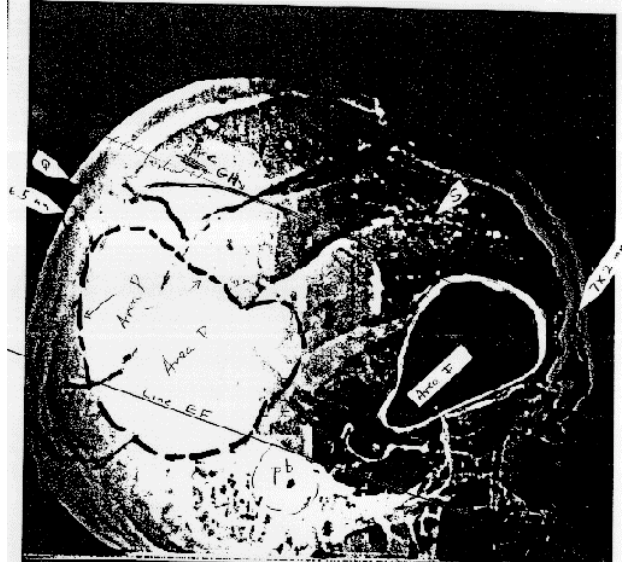
Floyd Riebe
"... a big gaping hole in the back of the head."

Robert Groden, *The Killing of a President* (1994), Expanded

Some forty witnesses from Dealey Plaza, from Parkland and from Bethesda--including bystanders, physicians, medical technicians, and agents of the FBI--reported that JFK had a massive blow-out to the back of the head, the location of which they demonstrated with their hands.



Another diagram of the head wound by Robert McClelland, M.D., who was also present at Parkland, depicts a massive blow-out that fits Dr. Crenshaw's description. It was a terrible wound.



David W. Mantik, *Assassination Science* (1998)

These reports were discounted on the grounds that the autopsy X-rays don't show it. Mantik, a Ph.D. in physics, used the simple technique of optical densitometry to prove that an area--identified here as "Area P"--had been "patched" using material far too dense to be human bone.

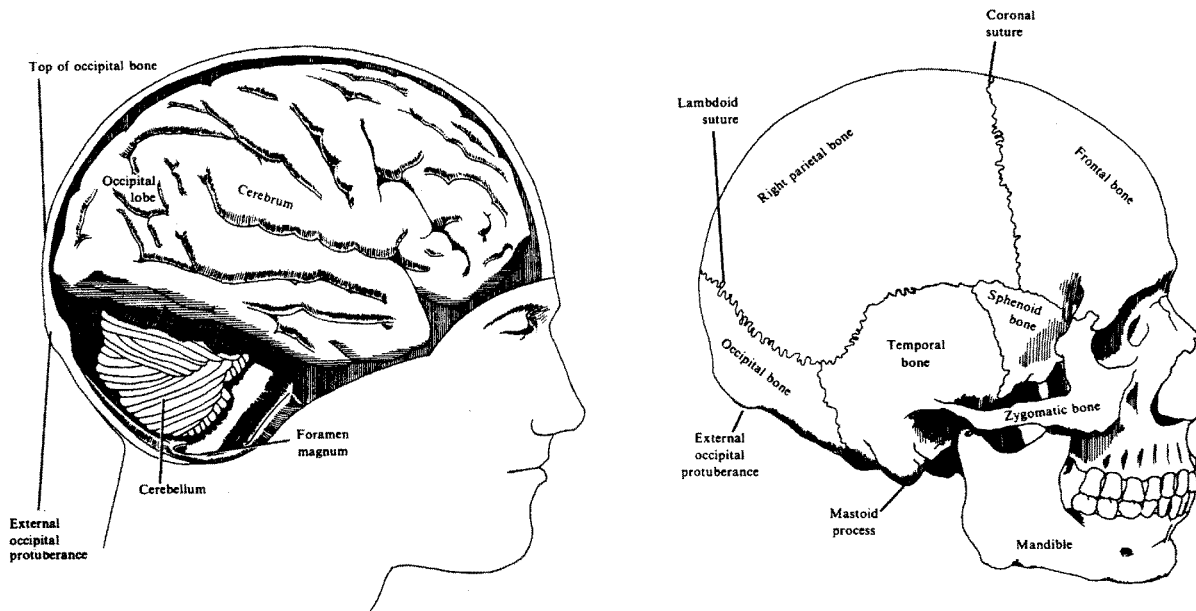


Zapruder Frame 374

It was my suspicion that those who were involved in reconstructing home movies of the assassination, including the Zapruder film, might have overlooked frames past 313-316 that display the wound to the back of the head. I found this image of the blow-out in frame 374.

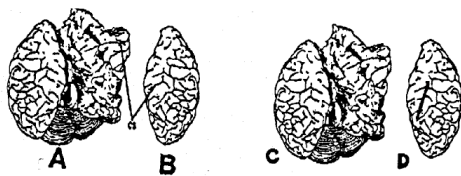
Multiple competent physicians who were experienced with gunshot wounds observed both cerebral and cerebellar tissue extruding from the massive blow-out to the back of the head. These observations were inconsistent with a blow-out to the top of the head that blew his brains to the right-front, which therefore also impeach the Zapruder film.

10. Damage to the cerebellum
 - A. According to the autopsy photographs there is no damage to the cerebellum.
 - B. According to Dr. Crenshaw
Dr. Crenshaw says the cerebellum was hanging out of the rear head wound, with strands of brain tissue extending into the brain itself.
 - C. According to the other Parkland doctors
 - * Dr. Marion Jenkins
 - CE 392--"herniation and laceration of great areas of of the brain, even to the extent that the cerebellum had protruded from the wound." (WR, p. 530)
 - WC testimony--"Part of the brain was herniated; I really think part of the cerebellum...was hanging out from the wound." (6 H 48)
 - HSCA deposition--"He [Jenkins] noted that a portion of the cerebellum was hanging out from a hole in the right-rear of the head." (HSCA, 7 H 287)
 - * Dr. Charles Carrico
 - WC testimony--"...skull was fragmented and bleeding cerebral and cerebellar tissue." (6 H 3)
 - HSCA deposition--"One could see blood and brains, both cerebrum and cerebellum fragments in that wound." (HSCA 7 H 268)
 - * Dr. Malcolm Perry
 - HSCA deposition--"There was visible brain tissue in the macard and some cerebellum was seen." (HSCA 7 H 302)
 - * Dr. Robert McClelland
 - WC testimony-- "...brain tissue, posterior cerebral tissue and some of the cerebellar tissue had been blasted out." (6 H 33)
 - * Dr. Charles Baxter
 - WC testimony-- "...the cerebellum was present--a large quantity of the brain was present on the cart." (6 H 41)
 - * Dr. Kemp Clark
 - WC testimony-- "...cerebral and cerebellar tissue being damaged and exposed." (6 H 20)
 - "...the loss of cerebellar tissue..." (6 H 26)
 - D. IT IS CLEAR THAT DR. CRENSHAW AND SEVERAL OTHER DALLAS DOCTORS SAW THE CEREBELLUM DAMAGED AND PROTRUDING FROM THE OCCIPITAL HEAD WOUND.
 - E. AGAIN, DR. CRENSHAW'S OBSERVATIONS ARE CONSISTENT WITH THOSE OF THE OTHERS IN THE EMERGENCY ROOM.
- ~~(A) PHOTOGRAPHS OF THE BRAIN SHOW THE CEREBELLUM TO BE COMPLETELY INTACT. THIS IS IN FUNDAMENTAL DISAGREEMENT WITH THE DALLAS DOCTORS, INCLUDING CRENSHAW.~~



David Lifton, *Best Evidence* (1980)

The cerebellum is situated at the base of the skull. The cerebrum is a larger mass that comprises the upper portions of the brain. Blown-out tissue of these kinds would look very different in their appearance. Even first year medical students would not confuse them.



- A. HSCA exhibit F-302. Drawing made from photograph of brain illustrating subcortical damage.
- B. Mirror image drawing of left hemisphere in Figure A. Distortion due to damage and/or post-fixation artifact is minimal.
- C. HSCA exhibit F-302 (again). Drawing made from photograph of brain to show subcortical damage.
- D. Mirror image drawing of left hemisphere in Figure A. Black line illustrates schematically the direct cortical damage predicted based upon skull X-rays, which Dr. Mantik has now demonstrated to be composites.

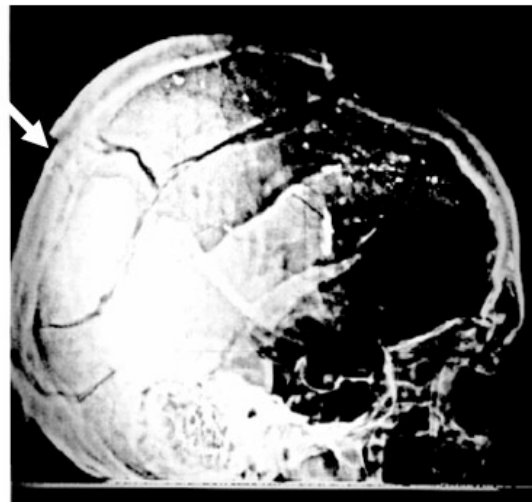
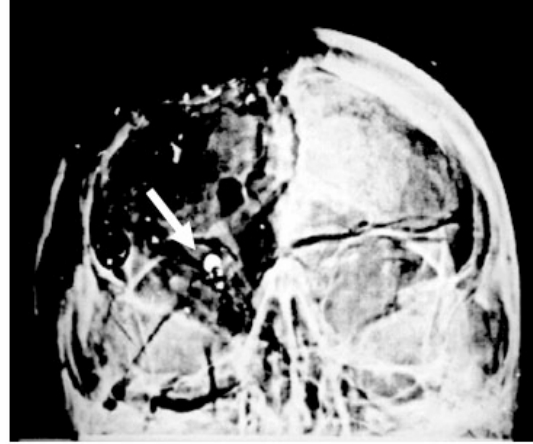
These figures are from Joseph N. Riley, Ph.D., "The Head Wounds of John Kennedy: 1. One Bullet cannot Account for the Injuries," in: *The Third Decade* (March, 1993), pp. 1-15. These particular drawings appear on page 5.

It simply cannot be true that the cerebellum could have been seen extruding from the occipito-parietal wound--by several experienced and thoroughly competent physicians--and for the same brain to be seen in superior and lateral photographs, and depicted in a drawing (superior view) showing the cerebellum as being apparently intact. A conclusion is obligatorily forced that the photographs and drawings of the brain in the National Archives are those of some brain other than that of John Fitzgerald Kennedy.

Robert B. Livingston, M.D., a world authority on the human brain and an expert on wound ballistics, studied reports of cerebral and cerebellar damage from Parkland. He concluded that the brain in diagrams and photographs at the National Archives cannot be that of JFK.

Robert B. Livingston, *Assassination Science* (1998)

Mantik also discovered that a 6.5mm metallic slice had been added to other cranial X-rays in an evident attempt to implicate the obscure Mannlicher-Carcano carbine Oswald is alleged to have used. But the weapon is not high-velocity and cannot have fired the bullets that killed JFK, which means that mistakes were made by using the wrong weapon to frame him.



David W. Mantik, *Assassination Science* (1998)



At 1 PM, November 22, 1963, Malcolm Kilduff, acting press secretary, announced that the President was dead, explaining it was a simple matter of a bullet through the head while pointing to his right temple, attributing that finding to his personal physician, Admiral George Burkley.

Thomas Evan Robinson

ADDRESS AND PHONE INFORMATION DELETED
FOR MR. ROBINSON'S PRIVACY

May 26, 1942 (phone)

Wounds:

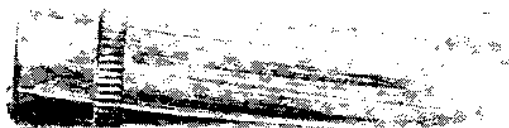
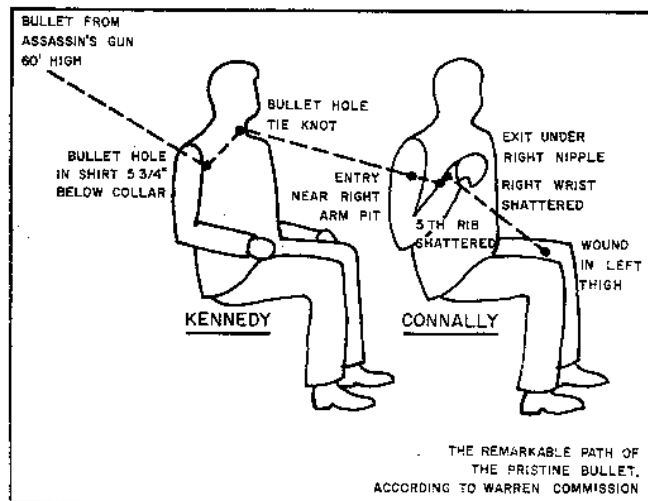
- large gaping hole in back of head, patched by pastretaking piece of rubber ... over it. Thinks skull full of plaster Paris
- smaller wound in right temple, crescent shape, flapped down (3")
- (approx 2) small shrapnel wounds in face, packed with wax.
- wound in back (5 to six inches) below shoulder, to the right of back bone.
- Adrenal gland and brain removed.
- other organs removed and then put back.
- no swelling or discoloration to face. (died instantly)

Dr. Berkley (Family Physician) came in an ask ...
"How much longer ???"
he was told (Funeral Director) "Take your time"

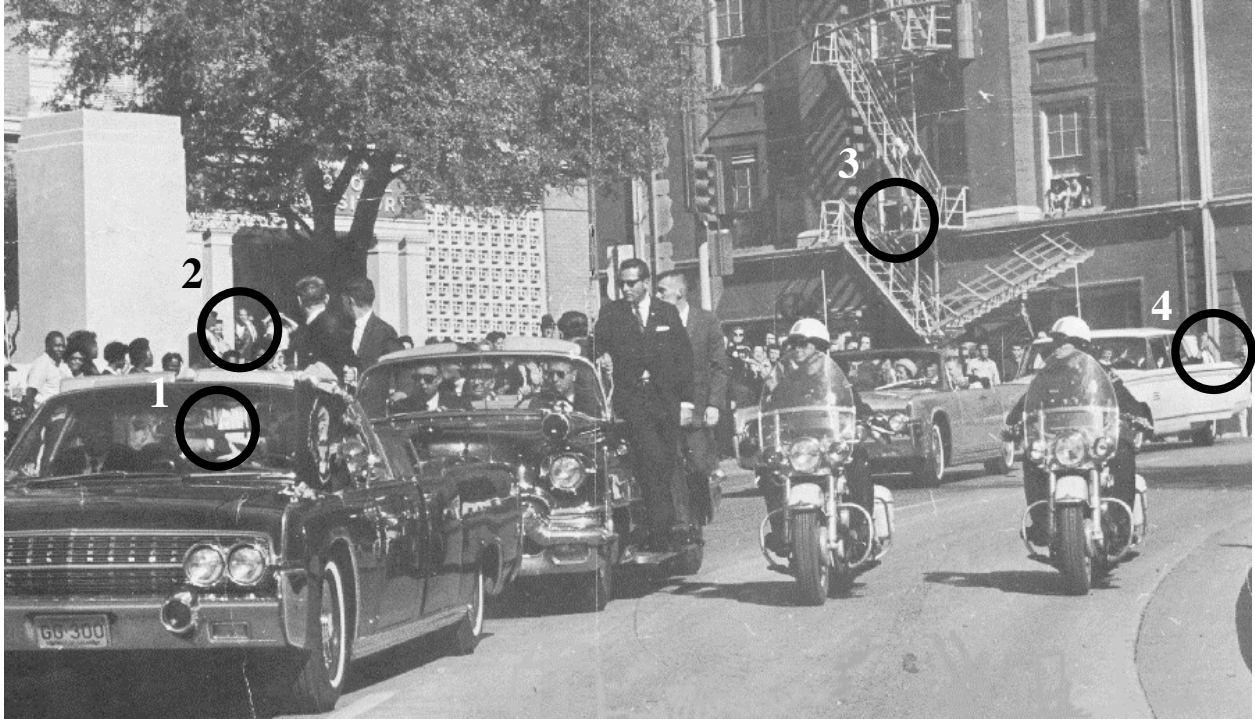
Is in favor of Examining Body ... to settle once and
... for all. "Good Pathologists would know exactly"

The mortician who prepared the body for burial told an investigator that, in addition to a large gaping hold in the back of the head, there was a small wound in the right temple, and a wound on the back, 5 to 6 inches below the shoulder to the right of the spinal column.

When the actual entry location is combined with the rest of the "magic" trajectory, the theory lends itself to ridicule as in Oliver's Stone's "JFK." The bullet alleged to have performed these feats was nevertheless virtually pristine with only slight longitudinal distortion.



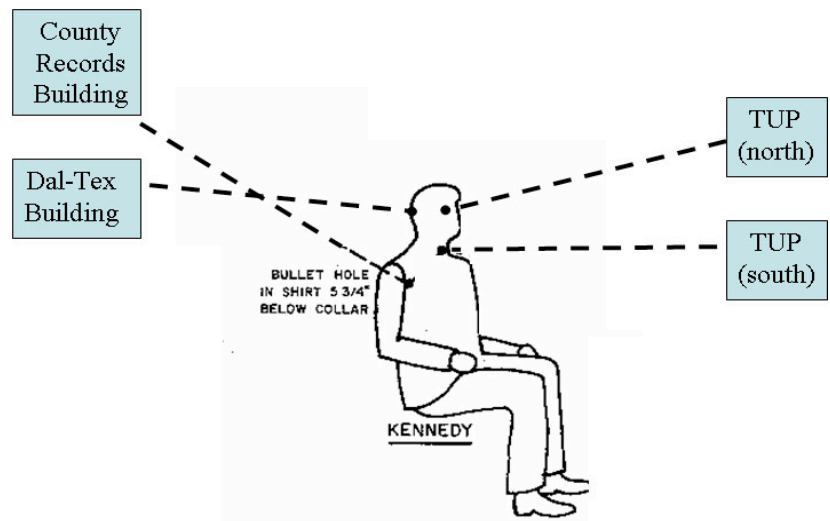
Gary Shaw, *Cover-Up* (1976)



James H. Fetzer, ed., *Murder in Dealey Plaza* (2000)

Taken by James Altgens, this famous photograph shows (1) the through-and-through hole in the windshield, (2) an Oswald look-alike--probably a co-worker named Billy Lovelady--in the doorway of the building; (3) the open window of a closet belonging to a uranium mining company that was a CIA asset, from which three shots appear to have been fired; and (4) the Secret Service assigned to Vice President Johnson responding, even while the Presidential detail still seems to be unaware what's going on.

JFK appears to have been hit four times: once in the throat (from in front); once in the back (from behind); and twice in the head (once from behind and once from in front). The shots to his throat and to his right temple appear to have been fired from above-ground-level sewer openings on the south and north sides of the Triple Underpass.





Color sequence shows how the President was killed

1. A moment before the first bullet was fired, the President and Mrs. Kennedy, Governor and Mrs. Connally, smiling and waving, were passing in front of the brick building where the assassin was taking aim.
2. President Kennedy clutched his hands to his throat. The commission determined that a bullet had entered the back of his neck and ripped through the lower front portion of his throat. They believe the wound would not necessarily have been lethal.
3. As Mrs. Kennedy reached to help her husband, Connally twisted around. He told the commission he heard a shot and turned to see if Kennedy was all right. It is still not absolutely clear which bullet hit the governor. Though he believes it was another bullet--the second fired by Oswald--the commission concluded that it probably was this same one that had passed through the President's throat.
4. Both Kennedy and Connally began to slump. A Secret Service agent sitting beside the driver turned to look back while onlookers, unaware that anything was amiss, applauded.
5. The President's head fell forward into Mrs. Kennedy's arms just before the assassin fired again.
6. The direction from which shots came was established by this picture taken at instant bullet struck the rear of the President's head and, passing through, caused the front part of his skull to explode forward.
7. As the President lay dying beside her, Mrs. Kennedy pulled herself out of the seat.
8. Crawling across the rear deck of the limousine, Mrs. Kennedy reached out to Secret Service man Clinton Hill.

LIFE (October 2, 1964)

When the frames were published in the 26 volumes of supporting evidence, they were in the wrong sequence, greatly mitigating the back-and-to-the-left motion of JFK's head in the extant film. David S. Lifton had a friend write to J. Edgar Hoover, Director of the FBI, and Hoover acknowledged they were in the wrong order. Michael Baden, M.D., head of the medical panel for the HSCA, has observed that, if the "magic bullet" theory is false, there had to have been at least six shots from three directions. That turns out to be correct.

The first frames from the Zapruder film to which the public had access were published in *LIFE*. Most were unremarkable, but this one--frame 313--posed special problems. The plate was broken twice to revise description (6), which appears to be unique in the history of publishing. There are many indications this and other films have been edited, including the all-but-motionless spectators, the driver's head turns (twice as fast as humanly possible), and the "blob" and blood spray, which appear to have been painted in. Blood and brains across the trunk and the driver's pulling to the left and bringing the vehicle to a halt had to be removed, because it was such an obvious indication of Secret Service complicity in setting up JFK for the hit.



Zapruder Frame 315



Zapruder Frame 315



Zapruder Frame 314



Zapruder Frame 316

SAM GIANCANA

A question that has been asked many times is: "If the killing of Kennedy was a conspiracy involving many people, how could it possibly have been kept secret all this time? Why hasn't somebody talked?" The answer to that question is simple. A lot of people have talked. The talking started before the assassination and has continued to this day. There are many examples: Carlos Marcello bragged in front of Ed Becker that Kennedy would be killed and described how it would be done; Santo Trafficante, Jr. bragged that Kennedy would be killed; Joseph Milteer, right-wing nut, bragged that Kennedy would be killed and how it would be done; Johnny Rosselli, Sam Giancana's right-hand man, told Jack Anderson (years later) that Ruby was "their man and was ordered to silence Oswald." David Atlee Phillips, suspected of being the mysterious Maurice Bishop and perpetrator of the multiple Oswalds, said before he died that fringe elements of U.S. intelligence may have been involved in the conspiracy. As earlier noted, Lyndon Johnson's mistress, Madeleine Brown, has said that Lyndon Johnson implied before Kennedy was killed that it was going to happen. Marita Lorez, CIA contract agent, stated in depositions for a courtroom trial that Frank Sturgis told her that he and a group of anti-Castro Cubans had been involved in the Kennedy assassination. And, finally, Sam Giancana's brother, Chuck Giancana, revealed in a recent book *Double Cross* that his brother Sam Giancana confessed to the entire crime in 1966 (in an hour-long discussion at Chuck Giancana's suburban home in Chicago), just before Sam Giancana was to move to Mexico City.

- Chauncey Holt
- Charles Harrelson
- Jim Hicks
- Jack Ruby
- ...
- Billy Sol Estes

Noel Twyman, *Bloody Treason* (1997)

The claim has often been made that the strongest proof against any conspiracy is that no one has talked. That is false. As Noel Twyman, *Bloody Treason* (1997), observed, at least eight prominent figures talked about it before or after the event. Others include Chauncey Holt, Charles Harrelson, Jim Hicks, and Jack Ruby. Reinforcing the conclusions of Lyndon's mistress, Madeleine Duncan Brown, *Texas in the Morning* (1997), and of Barr McClelland, *Blood, Money & Power* (2003), Billy Sole Estes, *A Texas Legend* (2005), implicates LBJ in the assassination, as has E. Howard Hunt in his *Rolling Stone* "Confession" (2007).

The Mafia could not have extended its reach into Bethesda to alter X-rays under the control of medical officers of the US Navy, agents of the Secret Service, and the President's personal physician. Neither pro- nor anti-Castro Cubans could have substituted another brain for the original. Even if the KGB has the same abilities as the CIA to recreate films, it could not have gained access to the Zapruder. Nor could any of these things have been done by Oswald, who was incarcerated or already dead.

THE CONSPIRACY THEORIES		
The official version of the murder—lone nut #1 shoots JFK, gets shot by lone nut #2—seems improbable. Competing theories have problems, too.		
THE SCENARIO	WHAT'S THE PLOT?	WHAT'S THE HITCH?
1 The Ultimate "Black Op" (The CIA did it)	The CIA (or a few rogue agents) feared JFK would sell out to the Reds—and dismember the agency itself. And CIA types know how to do this sort of thing. Oswald, an ex-defector, would have been a CIA recruit. Or perhaps just a "patsy," maneuvered into place to cover for sharpshooters elsewhere in Dealey Plaza.	Oswald was no hit man, and making him a patsy would have taken great logistical legwork. How do you allow the real hit person? Hit him?
2 The Ultimate Mob Hit (The Mafia did it)	What would happen to you if you hired the mob to do your murders, shipped a mob-connected gababout—and cracked down on organized crime? Oswald was a mob guy's nephew; Ruby had many mob acquaintances. Small-time, both-but some doo might have thought their obscurity meant deniability.	Would truly wiseguys take the suicidal risk of wackoing a president? How did they arm-twist Ruby into hitting Oswald? How did they know he wouldn't talk?
3 Cuban Capor I (Anti-Castro exiles did it)	Anti-Castro exiles felt Kennedy hung them out to dry during the abortive CIA-sponsored Bay of Pigs invasion. The supposedly pro-Castro Oswald used a New Orleans address occupied by anti-Castro activists; odd, yes? And Ruby had been in Cuba, visiting a mob boss who later became an anti-Cast. exile.	Would Cuban exiles have trusted the Anglo comrade Oswald? Or, if he was a patsy, could they have set up this more elaborate plot unhelped and undetected?
4 Cuban Capor II (Castro did it)	Castro was well aware of American plots to assassinate him; so less a conspiracy theorist than Lyndon Johnson, he reported Castro had ordered Kennedy killed in retaliation. Oswald, a self-proclaimed Marxist and Castro supporter, had visited the Cuban Embassy in Mexico City two months before the assassination.	Castro has said ordering the hit would have been stupid. He would say that. But it would have been stupid—even if the foot-trottable Oswald had done it.
5 Mission From Moscow (The KGB did it)	Oswald also visited the Soviet Embassy in Mexico, where he met with a KGB official who could be involved in "wet affairs"—i.e., sabotage and assassinations. After defecting to the Soviet Union in 1959, Oswald—no more largely, as Oswald himself—may have come back to the United States a programmed assassin.	Was Affairs Rule One: Don't meet programmed assassins in the embassy. And why risk nuclear war to replace a young hard-liner with an old one?
6 Coup D'Etat (Lyndon Johnson, the Joint Chiefs, the intelligence community and the military industrial complex did it)	This is less a theory than filmmaker Oliver Stone's countermyth of recent American history: the establishment bad guys wanted JFK dead so the war machine could run riot in Vietnam and weapons makers could get rich. Well? It all happened, didn't it?	With so many people ready to help—from his squad to autopsy team to Warren Commission—why a Ruby-Coleberg scheme in view of a handful of witnesses?
7 Honey, I Shot the President I (A Secret Service Agent did it by accident)	Many loud ballistics expert Thomas Donahue argues that JFK was accidentally shot in the head by a Secret Service agent in the follow-up car; his AR-15 supposedly went off when he picked it up in response to Oswald's shot. In the echo-chamber of Dealey Plaza, the agent himself may not have known he'd fired.	None of the nice older passengers ever reported hearing a gun go off in the follow-up car. The agent in question, understandably, wouldn't talk to Donahue.
8 Honey, I Shot the President II (Oswald did it, but he was shooting at the Kennedys)	Marina Oswald testified that she thought her husband may have been shooting at John Connally, not JFK. Why? Oswald felt Connally, former navy secretary, had brimmed off his attempts to upgrade his Marine Corps release. And a Dallas lawyer said he overheard Oswald plotting Kennedy's murder with Jack Ruby.	The assassin not shooting at the president, Oswald—or whoever—did a deadly efficient job. Supposedly he wasn't much of a marksman, but was he this bad?

Newsweek (November 22, 1993)

Among the photographs of onlookers in Dealey Plaza discovered by James Richards and Allan Eaglesham, some include persons who appear to be high CIA officials, such as this one. Lucien Conein was among the most notorious of CIA assassins. His presence in Dealey Plaza thus lends further weight to the inference that the CIA played a leading role in the assassination.



Allan Eaglesham, "Familiar Faces in Dealey Plaza "



Officials of the CIA apparently gathered at Houston and Main to pay their "last respects" to JFK. The findings presented here would be highly probable on a conspiracy hypothesis and have a very low--even zero--probability on its lone-assassin alternative. The strength of the evidence of conspiracy is overwhelmingly greater than that of a lone-assassin.

James Richards, "Familiar Faces in Dealey Plaza II"

For more on the principles of scientific reasoning, see James H. Fetzer, *Scientific Knowledge* (1981), *Philosophy of Science* (1993), and "Propensities and Frequencies: Inference to the Best Explanation", *Synthese* 132/1-2 (July-August 2002). On the specifics of the assassination, see James H. Fetzer, ed., *Assassination Science* (1998), *Murder in Dealey Plaza* (2000), and *The Great Zapruder Film Hoax* (2003). Visit assassinationresearch.com, which I edit with John P. Costella.

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