

these left-wing organizations and all the formal organizations on legal aid and so on and had presented the matter simply on its own merit, individually, to these guys on and in connection with the White House with whom I was able to get access.

That really was quite a victory. Why don't we stop for today.

Mr. Westwood, it's April 17, 1992. We're back together after a two-month or so hiatus and, again, I appreciate your taking the time to spend with me and this project. We left off when we last broke off at the point where you had described your involvement in Legal Aid. That was in the period roughly in the early to mid-1970s and, what I would like to focus on a little bit this morning, if we could, is your practice after that period of time.

Okay. It's a little difficult because I find that my memory has really gone to pieces and we're talking now about a time, it was about 20 years ago.

I must say that your comments that I've taped so far don't reflect a memory that has gone to pieces.

[Laughter] Well, maybe that's because I was always more interested in the things I was talking about than the practice of law. [Laughter] After I got through the

crisis of Nixon having approved the measure instead of vetoing it, I just gave up on legal aid. I'd been at it, as I've probably said before, I'd been at it for, I don't know, 20 years or more and I'd been in it up to my ears in all sorts of different ways and I just was kind of fed up. Furthermore, I have been wanting to spend spare time on writing about the Civil War, something I'd wanted for a long time to do. I'd done some but I was terribly, terribly interested in it and I wanted to do a lot more. As I recall from our earlier sessions, you first came to have your interest in that, was it in Boston?

Oh, it was way, way back. Oh yeah. Way back in very early days and over the years of my law practice, it built up gradually and as of 1974, it had gotten to the point where it was just bursting. Well, in any case, I did then, although I felt a little guilty, in effect, made up my mind that I had had enough of legal aid and I was going to spend what I could devote other than to the practice of law to the Civil War. But there was still some law practice. And one thing that I was very fortunate about in this law firm is that I was in a position here where I was consulted a good deal by other lawyers, younger ones, and I'd had a great deal of involvement in firm management and carrying out basic plans for, oh, organization of the firm, organization even of the physical facilities and so

on. And that I found not only of some interest, but also it was a sort of rewarding thing, or aspect, of being here because it made me feel as though the firm I was working for was in part my own creation and I don't want to exaggerate that. There were others who were, obviously Mr. Ellison was far more important than I. But I had always been given an opportunity here to, in a quiet way, to involve myself in basic decisions as to the way the firm should be organized and run and so on. That doesn't mean I was deciding, but I was participating in the deciding in a way which, to me, was very satisfying.

What were some of the more significant decisions that you can recall?

Well the, of course there was one absolutely basic. When Mr. Ellison died, I mean when he got old, and he wasn't old until about 90, up to that point the firm had been run virtually as a dictatorship; not on the face of things but practically speaking. Whatever Mr. Burling wanted to do was done because we knew the man was wise and absolutely completely unselfish and knew a lot more about how to do things than any of the rest of us. But when, as he grew older, on into his 80s, right after the War, he began shifting responsibility to Newell Ellison. I don't know whether I'm repeating what I've said before or not, but it was peculiar because, you see, in 1950, Paul Shorb

died in early July, Spencer Gordon died in early September; Dean Acheson was soon, well let's see, I've forgotten now whether Dean was here at the time or, but Dean had almost ended his real practice of law, you see, before World War II, when he went on just before World War II, he went into the State Department and he was back after the State Department sojourn for only a year before he was made Secretary of State and by the time he ceased being Secretary of State, he was getting pretty far along. So that Newell Ellison was in a peculiar position; he was just, he was the one man from that generation that succeeded Judge Covington and Mr. Burling who had been practicing right along and who knew the firm and so on. And furthermore, he had great tact, or a knack, of being able to give people the impression they were participating in decisions, but at the same time decide things by himself in the right way. [Laughter] The guy was, he was very good.

That is a great knack.

And, ultimately, the firm governing went through, oh various forms, there was to be, we had, at one time we actually had some partners' meetings and it was ridiculous. You know, you get more than four or five people in a room and everybody starts making speeches to each other. It was absurd. And what we, the first thing we

did was to, instead of having full partner meetings on occasion, we had what was called an Executive Committee. And it wasn't supposed to be very big but it was too big. It was about, oh I think about a dozen or more. And that, that actually functioned during Mr. Ellison's regime as the head of the firm. But, its functioning was kind of funny because, literally, even with cutting down the number of people who would be, we'd meet about once a month or maybe sometimes once a week for lunch on a Monday. Even 12 people sitting around a luncheon table, nobody can speak without making a speech.

That's a particular problem with lawyers.

Oh sure. But with great skill, Mr. Ellison would be able to maneuver around and ultimately do the thing that he'd thought was right. And I was very close to him and I helped him a lot on some of the firm problems. And that took, it not only took a certain amount of time, but it took, as far as I was concerned, a lot of interest. But, ultimately, as I say, Mr. Ellison began to decline and he got old and we never, it was apparent, to me at least and I think probably to some of my brethren, that anything like having a ten- or a dozen- or 15-men Executive Committee running the firm was absurd. And with Mr. Ellison having been unique in that he was the only one really of his generation who was involved in things. He could get away

with what amounted to a dictatorship in the form of democracy and everybody got along fine. But if, once Mr. Ellison passed out of the picture, then we get down to people who ain't by themselves and there's several of them. And the possibility of a dictatorship such as we'd had with Mr. Burling and then a democratic dictatorship such as we had with Mr. Ellison, that was disappearing. The danger was that in the running of the firm, we'd have a bunch of people sitting around every week or every month making speeches at each other and nothing would ever get done. So I got the idea that maybe what we ought to have is a new kind of setup and I began talking about. The net of it all was that there evolved a five-man management committee that had absolute dictatorial power and it, each member of the committee has a five-year term and they're staggered so that there's a new, a term ends each year. In fact, over the years, there's been a kind of tradition that once on the committee, one does not succeed himself. Now that's not been adhered to absolutely but generally. The result is that we have had, let's see, the firm agreement setting up the Management Committee, well it was a long time ago, must have been about 1975, around there. The result is that over these years, a lot of the partners have had a good deal of experience in connection with the management problems.

How were people selected for the Management Committee, by vote?

By vote of all the partners.

By vote of all the partners?

Yeah. And it had just really worked out very, very, very well and then the Management Committee themselves, the five of them, they choose their Chairman and the result is that the Chairman of the Committee is, in effect, the head of the firm.

Is that a position that rotates every year or it just depends?

Well, I've kind of forgotten. I think theoretically they have an annual election. Well, for example, after Mr. Ellison, Mr. Ellison was on this Management Committee for one year and then off he went and lived out his life. Tommy Austern became the head of the five-man Management Committee. Tommy, who is a very prominent lawyer and had been very much involved in the firm from about, he came about 1931 and was a superb person. Completely unselfish in firm decisions and so on and he just automatically became Chairman and the other four members of the Committee would meet with him regularly and they would exchange ideas and instead of making speeches, there was real, genuine consultation and the thing just worked like a charm and has continued to work perfectly, wonderfully. I've always figured that one of my, perhaps my biggest contribution to this firm, was, well I don't know that I dreamed it up

completely, but I'm the guy who really gave the push and it went through, to my amazement. I thought there would be a lot of opposition but there wasn't. I really wonder if there is another law firm in the world that is run as smoothly as this one. And the smoothness has been a consequence of this five-man Management Committee. We have full meetings of partners, oh, maybe once a year and we have Monday lunches, every Monday. And frequently, the Chairman of the Management Committee, about once a month, on such occasions, he'll make a report to the partners telling them what's been decided and what's going on. But we don't, we don't do the kind of partners' meetings that other law firms do.

Nor do we and I'm glad because I was a partner at a firm that did have those kinds of meetings and they're endless and basically useless.

Oh, absolutely.

You, of course, did serve on the Management Committee?

Yeah, I was on it for, I can't remember now whether it was two or three years. Of course, the original members, although the terms were five years, the original members, one had to be for just one year, one for two years, and so on. This must have been done around 1971 or 1972. I'd have to check it. But the point is that I was getting, I felt, old and I was opposed to the older people

hanging on and, although there was a lot of pressure to have me hang on to the Management Committee position longer, I just refused to do it. And I think that helped, maybe, establish a kind of tradition in the firm that it isn't the old men who are going to run the place, it's the guys who really count. And it's worked out real well. Well, I got off on . . . .

Well, that certainly is a significant decision that you were involved in . . . .

Well, in the meantime, as I said, having put legal aid behind me, there were a number of things in the law practice. We were doing some very important work for Westinghouse which required a lot of attention and this was government contract work of one kind or another and very, very important; and there were other things that I was involved in that were of importance that had to be carried on. But I just very deliberately aimed at knocking off the law practice and cutting way back and I would say that from about the age of 65, I was 65 you see in the year 1975. From about that age, I was really stepping down kind of rapidly in the law practice and spending more of my time on other things. Notably on the Civil War. In the new firm agreement that we had set up, it was provided that there would be, in a partner's take from the firm, there would be a step-down from the year in

which he was 65 down to the year in which he was 70, a step-down in his compensation. And then there would be a floor at the age of 70 which would be, in effect, continual and so I figured with that step-down I could sort of justify maybe . . .

A comparable step-down [laughter].

A step-down a little in the practice of law.

Did you have, obviously you had planned to do this and had you planned to pass off your clients to people you had worked with closely and others in the firm?

Oh sure. Let's see, that happened very naturally.

What you always did was to build up younger guys and kind of push them to the floor and then recede into the background so that the matter of transition was never any particular problem. But I had a lot of fun.

When you began to work, presumably almost full-time on the Civil War, did you still, was that at a point where you had stepped down to the point of having stepped virtually out of practice or were you still, for a while, overlapping?

Well, for a while it would be back and forth. But by the time I was 69 or 70, there was, I was really finding good excuses for spending minimal time on any actual law practice. And by that time, any time I would be spending would be essentially consultation with one of my brethren trying to give him the benefit of some background that I

knew about or something of that sort. I very deliberately tried to avoid getting into situations where I would have to do travel out of town on client's work or appearances in court or anything of that nature. And it worked. So that by 1979 or 1980, you were really a full-time Civil War historian?

Yeah.

Why don't you tell me a little bit about how that works?

Well, this evolved, as I say, way, way back there at the beginning. I stumbled on to Stonewall Jackson and I became a Confederate and then later I stumbled on to U.S. Grant and that unedged me. But I'd always found it pretty fascinating and by . . .

Did you find it fascinating as a matter of military history or social history or political history?

Both, the whole expanse. Because it was a unique war. There's really never been another war anything like it anywhere in the world and it has such tremendous social involvements and implications. Tremendous economic aspects and the military aspects, of course, particularly for that day were damn near completely unique. The idea of having a warfare going on over such a vast expanse. You look at Napoleon for goodness sake, he wasn't fighting over any such vast expanse. He was going from here to there. But here, the north/south conflict and the

Prussian War coming right, just a few years after our Civil War wasn't anywhere near as extensive as our Civil War. It was a very important military event. So from every aspect, I found it absolutely fascinating. And it happened that my interest got particularly sparked by my hearing about the Civil War Roundtable. I just stumbled onto that. I hadn't heard anything about that.

What is the Civil War Roundtable?

This is an organization. I joined it in 1955. It was started locally here along about 1953, I'd say. It's a group of people who are interested in the Civil War and who meet once a month. They have a dinner together. And then one of them, or some outsider, will give a paper. The first meeting will be in September and then each month after that through May. And then they'll suspend during the summer. Here in the District of Columbia there is such a Roundtable. The original Civil War Roundtable was in Chicago and it had been formed I think around maybe the mid-40s. Washington was one of the early ones though. By now, there must be a couple of hundred roundtables all around the country, from coast to coast; big cities and little cities. They are not connected with each other. They all have the same name, but there's no affiliation. But they all do the same thing -- meet once a month and talk about the Civil War or things related to the Civil

War, maybe reconstruction or what was leading up to the Civil War or what not. And I just stumbled onto this thing. Someone told me about it and asked me to come to a meeting and after having gone to a meeting, I figured "Geez, I'd like to join this place." From there on, I was really stimulated because it gave me a forum. Here it was possible to deliver a paper and if it is possible to deliver a paper, that kind of gives incentive to the researching and so on. In a sense, even more than simply seeking to have an article. After all, articles, you can't turn them out necessarily quite as you will. But giving a paper to a bunch of people who have no choice but to sit and listen, you can do just exactly what you please. [Laughter]

Well, in any case, when I originally joined the Roundtable, it was a very, very small group and it was delightful and they were good people. I don't think we, in those days, I don't think we had more than about 15 who would attend each meeting and the result was that there was an intimacy and a seriousness. This was no showoff.

Do you still participate?

Oh, yeah. Yeah.

How big a group is it now?

Oh, well, of course, it peaked during the Centennial, the Civil War Centennial. I think the peak was, I think we had something like 600 or 800 members.

Oh, really.

And there would be as many as 300 who would come to a particular meeting. Today, it's slacked off. The same thing happened all around the country. It slacked off right after the War and today the Roundtable here has, I think about 150 members and there will be 60 people, sometimes a little more, sometimes a little less.

Was there any peak in interest after the PBS series that was so widely acclaimed and several books . . .

Not particularly. No.

Did you happen to see that series on PBS?

I watched a little of it.

What did you think of what you saw?

It was alright.

Just alright?

Yeah, it was alright. It wasn't, I mean, after all, if you know a hell of a lot about it [laughter], there's no particular reason to sit there staring at the tube.

Right, and you're not so easily impressed as some of the rest of us were by the way it was put together.

But in any event, I began having, of course, the beginning years, when I first began going to the Roundtable, I was still damn busy practicing law and so on, didn't have too much time. But pretty soon, I began getting to the point where I'd cook up papers and, in the

meantime, I was also trying to write articles and I was beginning to have some success.

Articles on the war?

Yeah. And the, I guess along about, I'd have to check dates, I just don't remember. Along about, I think my first paper must have, to the local group, must have been given about 1960 or '61 or '62, somewhere around there. But in a relatively short time, just a few years, I was doing one a year and then it turned out that I could be most certain that I wouldn't be interfering with any engagement out-of-town or whatnot that I might have, if I would give the opening paper each year at the September meeting. I could pretty well count on always being here in September. So, I've forgotten the year now, it was 17 or 18 years ago, I began giving the opening paper and continued that through last year. I'm not quitting that. I'm just too old, decrepit and run down to maintain.

As I keep telling you, that's not the way you strike me.

It's been a lot of fun and the people, my brethren in the Roundtable, they're now "sisteren" too, we finally ceased being for men only a few years ago, now there's some women around. But they've been awfully good to me and they have responded very, very well to a lot of the things that I've dished out. Well, not only was there the local Roundtable, but I began also to be invited to give

papers to other roundtables, in Chicago, in Milwaukee, in St. Louis, in Cincinnati, no not Cincinnati, in Cleveland and Fredericksburg, Harpers Ferry, Carlisle. I never could, around quite a bit.

You said you were interested in the whole expanse of the Civil War, did your papers cover the whole expanse as well, political, social, military?

Yeah. Oh, yeah. I never . . .

You never got pigeonholed?

No. Now most of it, obviously, does involve military because that, to the average audience, that's the fact that is the most interesting. But I didn't confine myself to that.

I know one of your recent collections has to do with the black soldier in the Civil War. How did you happen to develop your interest in that?

Well, you can't get much involved in the Civil War without getting god damn interested in blacks. That's what the War almost became all about. In a very short time, the north was fighting for the Union for three months and then began to figure, well, we better end slavery. [Laughter] But I don't know that there's any particular thing that elicited my special interest in blacks. But if you get, if you begin digging into the Civil War, you're hitting blacks real soon. And it was a terribly important aspect.

How about the black soldier?

Yeah.

Equally?

Oh, sure. See, the blacks, actually it was a Confederate, free blacks in Louisiana were in the Louisiana State Militia under the Confederates and when they . . .

One of the many things I didn't know about the Civil War.

This was the original, the first blacks in the Union Army were blacks who had been in the Confederate State Militia in Louisiana.

That's interesting. That wasn't the famous Massachusetts regiment that was . . . ?

No, the Massachusetts regiment was by no means the first. The first blacks authorized by the Union were in South Carolina, at Beaufort. They, however, they did not begin to be organized until October. In the meantime, in New Orleans, in August of 1862, Ben Butler was in command, couldn't get any reinforcements from the North. He was isolated there; he had to have more men and he had been turning down one of his officers who wanted to make blacks, slaves and so on, make them Union soldiers and he'd been turning them down because the North wasn't doing it at the time. But then you saw that there were a lot of free blacks around and that they'd been in the Confederate militia. So he began organizing. They actually called

them the Louisiana Native Guard. The first black unit that was in the Union Army was with the first Louisiana Native Guard which was organized and Butler brought them into the service in September of 1862.

And when was the Massachusetts regiment?

Not until oh, about February or March, 1863.

And so it was quite a bit after that?

Oh, yeah. But it, I really have had a lot of fun and in the meantime, not only was I giving these papers around, but I was really trying to turn out articles and, with some success. I've had 30, yeah, at least 30 and maybe 31, I've kind of lost track, articles published and these are not popular, crappy things. These are the, all these articles are really, really good pieces of research and writing and they're in the Civil War History which is one of the leading history journals in the country; it's done out of Kent State, South Carolina Magazine which is done in the University down there, Mississippi, Louisiana, Texas, oh, I don't know, some others. And then there's the popular magazine called Civil War Times which is not annotated, but the stuff is very good and I've had several articles there; in Illinois, the State Journal of Illinois and it's given me a big kick.

I'll bet.

And, see my, those are my papers and articles up there.

Yeah, it really is an amazing body of work that you've been able to put together.

Yeah. It's been a lot of fun. Right now, I'm in a state of crisis because my health, something went bad last fall and I've been having a lot of trouble and I just have not had the drive and the strength to keep at it. And it may be that I've reached an end. I don't know.

Well, hopefully, it'll return and you can keep adding to that body of work that you've put together. Let me ask you this, with all of the time that you've spent, as you put it once before, fighting the Civil War since you began the step down from practice at Covington & Burling, have you had any time to reflect on the current state of the practice of law as you see it?

Well, actually, not very much. I wrote a history of the firm which was published in 1986, I guess, yeah. And it essentially was the history of the firm from the beginning up through 1985. In working on that history, I got in touch with people and got sort of a feel for the way things were going.

How did you feel about the way things were going then?

I was sort of surprised at the extent to which, seemingly, in other law firms, there was a preoccupation with making them kind of business enterprises, it seemed to me. Now I, I think one of the things that makes me

rather proud of this firm is that that sort of thing has been minimal here. We are not as different today from what we were 50 years ago in the nature of the activities, except for having too damn many people around. We're not as different as a lot of other law firms are. And when I was working on the firm manual, I talked to a lot of people, a lot of lawyers, friends, people that I knew and I could talk to them confidentially and they became very, very candid telling me about what was going on in their own firms and knowing that I would respect the confidence and I was amazed at the extent to which, in many firms that I'd always regarded as fine firms and maybe nearly as good as Covington & Burling, not quite, but nearly. I was surprised at the extent to which, in recent years, there's been a preoccupation to making them sort of business enterprises and, I don't know, trying to make a lot of money or something. And it, to me, is just disturbing because, and I will say this, that one of the great things about this law firm is from way back at the beginning, making money was not the thing that was driving and the thing that was driving was the desire to have an interesting kind of activity and sure, we'd be rewarded, but there was just, we were never making decisions on the basis of how much money would be involved. And, look for example, at the way we alone have maintained lawyers, full-time, in the legal services office.

That's true and one of the few firms that has. After so many years in practice, is there anything that you look back on, any one thing that you look back on and say this was my crowning achievement or this is something that if I had it to do all over again, I would do it very differently? Is there anything that you can point to that fits into one or both of those categories?

Well, I suppose that I regard as my greatest achievement the extradition of Perez Jimenez. That was so unusual and remains so.

And that was a great story.

It took a lot of doing. There were other things that I did in the way of law practice that I enjoyed tremendously. I just had an awful good time from the very beginning. It was just great fun as far as I was concerned to practice law. And I was so fortunate in being exposed to interesting stuff. After all, that aviation stuff in those early days, that was damn interesting and it continued that way, right up to the end. I don't know that there's anything in the way of a particular achievement or anything of that sort that I, that in my memory I become occupied with. It was, I just feel an enormous obligation to Judge Covington and Mr. Burling and Newell Ellison and the others who set this thing afloat and then to all the people who have come

along in more recent times and have kept it, kept that  
paddle wheel just turning to beat the devil.

Well, I'm certain a lot of those people owe a considerable  
obligation to you and . . .

Not much.

Well, I think so and I think also that the D.C. Circuit  
Historical Society owes a debt of gratitude to you for being  
willing to take the time to spend with me in these interviews.  
They've turned out to be, from what I initially thought would  
be a couple of hours, to probably seven or eight or nine hours  
and it is a lot of time and I appreciate your giving it up and  
thank you very much.

Well, thank you.