

**ORAL HISTORY OF
PAUL C. WARNKE - SEVENTH INTERVIEW**

APRIL 12, 2001

This is the seventh interview of Paul C. Warnke in the taking of his oral history as part of the oral history project of the Historical Society of the District of Columbia Circuit. The interview is being taken by William Ross on April 12, 2001. The persons present are Paul Warnke and William Ross.

Mr. Ross: You left ACDA, as I understand it, about half-way through Carter's term.

Mr. Warnke: That's right.

Mr. Ross: Could you explain the circumstances of that? Why did you leave that position?

Mr. Warnke: I had made it clear at the beginning of the Carter Administration that if I had that job instead of a Washington-based job, I would not stay for 4 years. It was just too hard on Jean. We had no kids left at home, and I was in Geneva most of the time and she was here, and I didn't like it, and she didn't like it.

Mr. Ross: Who succeeded you in the head of ACDA?

Mr. Warnke: I think that was George Stitzenzeous who was an Army General.

Mr. Ross: Did you think of him as arms controller?

Mr. Warnke: Yeah, because he had been with me for a couple of years and had been interested in it and had become a --

Mr. Ross: A disciple.

Mr. Warnke: Yeah. You have to remember that a lot of the military were very very much in favor of arms control. I mean there were some that weren't, but I'd say that most of them were.

Mr. Ross: Well, it's understandable that they would be knowledgeable about the subject.

Mr. Warnke: They were knowledgeable about it; they hated war; and they particularly hated the idea of a nuclear war.

Mr. Ross: I don't want to go too far into the minutia of arms control because, of course, it's very, very well recorded in history. I know that you have an enormous recollection in that area, but I want to focus more on some things that are more personal. But I do want to ask you about the Standing Committee and your relations with that and any thoughts you had about the effectiveness of that committee during the Carter years and thereafter and its role in national affairs. I'm giving you, in other words, an opportunity to talk about it in any way you want.

Mr. Warnke: Well, I think the Standing Committee had started before the Carter Administration. In fact, it may have started a couple of Administrations before. It consisted of the Secretary of State, Secretary of Defense, the President's National Security Advisor, the Chairman of the Joint Chiefs, the head of the CIA, and the deputy head of the CIA. I think that's about it.

Mr. Ross: How does this relate to the so-called "Tuesday meetings"?

Mr. Warnke: Well, the Tuesday meetings were during the Johnson Administration.

Mr. Ross: Johnson and they did not continue.

Mr. Warnke: They did not continue to the best of my knowledge.

Mr. Ross: And so this was the operative group of high-level officials?

Mr. Warnke: High-level officials that met reasonably often. I didn't find it terribly helpful. There was a lot of friction between Zbig and Cy, and that sort of minimized the overall value. And then Harold Brown was trying to decide which side to be on, whether it was Cy or Zbig. Carter was there most of the time.

Mr. Ross: He actually attended.

Mr. Warnke: Yes, he did.

Mr. Ross: Did he play an active role or was it more that just he was monitoring it?

Mr. Warnke: I'd say he played an active role. He was very interested in arms control. I mean he was a true believer and was very interested in having it come out the right way. He was very torn between Zbig and Cy. Zbig had been the one that basically introduced him to the federal government. I think I've gone into that before.

Mr. Ross: Right, you mentioned it.

Mr. Warnke: So as a consequence, Zbig was important to him and of course Zbig being in the White House had very ready access to him.

Mr. Ross: Did you get a sense in Carter's Administration that Vance could pick up the phone and reach the President if --

Mr. Warnke: I think he could.

Mr. Ross: There are times I gather when that isn't the case.

Mr. Warnke: There are times when that is not the case.

Mr. Ross: There was something that was called a Committee on the Present Danger that was set up quite early and, as I understand it, during the Carter Administration there was a continuation of that committee called the Second Committee on the Present Danger and Paul Nitze was very much involved in that. I guess that Eugene Rostow was another very important --

Mr. Warnke: Oh, very important.

Mr. Ross: Richard Perle and others. At the time I'm focusing on you had left the government and you were practicing law, but I get the sense that you were still very much involved. And you certainly were involved in the minds of the people who thought you were the arch antichrist.

Mr. Warnke: That's right. No, I kept all my clearances and, of course, the guy that took over negotiations, Ralph Earle, had been somebody I'd brought into the government back in the Pentagon days, so he and I remained good friends -- still are. The Committee on the Present Danger was basically against arms control. There was just no question about it. They thought that the Soviets were an unadulterated danger, that you couldn't deal with them; it was crazy if you tried, and Gene Rostow was, I think, almost preoccupied with the menace of the Soviets. And Paul Nitze became more-so, I think in part because he didn't get a job in the Carter Administration that he badly wanted. At one point, I went down to Albany, Georgia with a group, including Harold Brown, Paul Nitze, and Paul was making quite a strong pitch to be high up in the Carter Administration. For some reason, Carter didn't take to him, so then Paul was a strong figure in the Committee on the Present Danger. I don't know how often they met; they didn't tell me.

Mr. Ross: They were very active politically.

Mr. Warnke: Yeah.

Mr. Ross: And they appeared to have access to substantial funds.

Mr. Warnke: I think they did.

Mr. Ross: And, would it be fair to say that they were leading the charge from what might be called the conservative or anti-arms control?

Mr. Warnke: Yeah, I'd say that'd be entirely fair.

Mr. Ross: And, of course they continued to be active up into Reagan's first term.

Mr. Warnke: And then sort of disappeared.

Mr. Ross: Do you recall a term called "Team A" and "Team B" which debated?

Mr. Warnke: Yeah, vaguely.

Mr. Ross: That was set up inside the DOD, was it?

Mr. Warnke: I think inside the Administration. I don't think it was entirely DOD.

Mr. Ross: And was it one of the pro-arms control and the other one negative, or is that too --

Mr. Warnke: I would say that one was neutral and one was highly partisan. Team B really did not want an agreement.

Mr. Ross: These people were supposed to debate, consult and provide advice.

Mr. Warnke: Now who was the prime mover there? Oh, Lord.

Mr. Ross: Were there outsiders involved on those teams?

Mr. Warnke: Yeah.

Mr. Ross: Were you a member of either team?

Mr. Warnke: No.

Mr. Ross: Richard Perle, was he on Team B?

Mr. Warnke: Team B.

Mr. Ross: And Gene Rostow, was he involved?

Mr. Warnke: Right.

Mr. Ross: Were there other names that come to mind?

Mr. Warnke: I'm trying to think of the -- oh God -- I think he was a former military man. He was very prominent in the entire thing. Have you got some names?

Mr. Ross: Well, I've got some names. There's Charles Walker, Richard Allen, Lane Kirkland who, of course, later --

Mr. Warnke: Yeah, he was not very active.

Mr. Ross: Admiral Zumwalt. Was he a pro-arms control?

Mr. Warnke: He was a skeptic. Not violently anti.

Mr. Ross: Henry Fowler, he was the lawyer. Do you think this committee had a real impact on government policy?

Mr. Warnke: I'd say not anywhere near as much as they figured they would have, but it certainly had some impact. For one thing, they had strong Congressional support.

Mr. Ross: Was there a change in the overall balance on this broad issue in the Congress in moving from Carter's Administration to Reagan's Administration?

Mr. Warnke: As far as the Congress is concerned, not much. Those who were pro were still pro; those who were anti, of course, had much more support within the government

than they had before.

Mr. Ross: That was key.

Mr. Warnke: My God, I wish I could come up with that name. He was not in the government at that point. I think he had been an academic.

Mr. Ross: I wish I could help you. Maybe it will come while we're talking. At one point you made a comment which is frequently commented in the literature that I looked at, with reference to Richard Perle, that it was like having the fox guarding the hen house. Do you recall that?

Mr. Warnke: I sort of recall that, yeah.

Mr. Ross: What was the sense there with putting Perle in charge of any part of the arms control?

Mr. Warnke: He was so violently anti-Soviet and against anything that was involved with the Soviets.

Mr. Ross: Let me ask you something that you may not think is terribly appropriate, but you must have over the years thought about the origin of the positions that many of your opponents developed on nuclear arms and weapons and mass destruction, particularly the extreme version of it that we should build a wall around the Soviets and arm ourselves and forget about dealings with them. I know you must have thought about, where does that come from? What is the kind of background and experience and education and temperament that produces a Richard Perle or a Paul Nitze in his last phase?

Mr. Warnke: I don't recall. It came as quite a surprise to me because I really thought that the Soviets were making a genuine effort all during the Carter Administration to try

and come to some sort of an agreement. By that point, Brezhnev was old, tired, a little gaga. Andrei Gromyko was very much in charge of things like arms control, and he and Cy Vance hit it off right away -- became, as a matter of fact, quite good friends when Andrei Gromyko was in his final illness, Vance went over and saw him in Russia. I found, much to my surprise, that Gromyko could be quite amusing. He had sort of a pixie sense of humor, and I really had the feeling that he wanted to deal, and I certainly felt the same way about Vladimir Semenov, who was my counterpart. Semenov very definitely wanted a deal, and tried his best and would meet us more than half-way. We would seem the more intransigent always.

Mr. Ross: During this period, it was a commonplace observation that principal problems with obtaining significant arms control, whether it was SALT II, or whatever lay in the United States of America and in our political system and not in Soviet Russia. There has been the difference of opinion as to whether the United States should try to use the power that nuclear weapons gives it to advance its interests in the international sphere, and this would include, for example, the threats to use nuclear weapons in circumstances which don't involve the defense against nuclear attack, just as --

Mr. Warnke: Some people had felt that way. That never was a feeling that I thought had much currency within the government.

Mr. Ross: It was mostly people outside --

Mr. Warnke: It was mostly people outside the government.

Mr. Ross: Certainly Reagan talked that way at times.

Mr. Warnke: Yeah, but then he talked exactly the other way at times, too.

Mr. Ross: Right. Didn't Carter at one point threaten to use nuclear weapons?

Mr. Warnke: For what purpose?

Mr. Ross: I've forgotten what the purpose was, but it was in some position where we were being crowded or under attack or something like that.

Mr. Warnke: I don't recall.

Mr. Ross: It may have been in the Middle East.

Mr. Warnke: I don't recall it.

Mr. Ross: And it was conditional and so on, but I recall being shocked at that, coming from him.

Mr. Warnke: Certainly Zbig from time to time would make a comment that I regarded as sort of leaning in that direction. But I remember during the Reagan Administration -- to my surprise and considerable pleasure -- at one point Reagan said the only purpose of either side having nuclear weapons is to see to it that they were never used. I said that was very strongly my view and the view of people like Bob McNamara, and I think of people like Jimmy Carter, and I was delighted to hear that.

Mr. Ross: How do you contrast that with the refusal of the United States to adopt a no first-use principle. Is it inconsistent?

Mr. Warnke: It is inconsistent.

Mr. Ross: I've been told that the military were very easy with that policy because they thought --

Mr. Warnke: The military was strongly against. They said you should never foreclose the use of anything --

Mr. Ross: -- the use of anything because you reduce your bargaining power and

the defensive posture.

Mr. Warnke: That's right. I can never recall it being that much of an issue. They felt that way, and that was basically American policy. The closest that was a repudiation of it was the statement by Reagan. It was quite a surprise to his friends.

Mr. Ross: Well, he surprised a lot of people like the Iceland meeting.

Mr. Warnke: No, the funny part was that I think Reagan, when he came into office, had a very strong feeling that the Soviets would be antichrist and there was nothing good you could do with them. You just had to be prepared to go to war, and I think that two things happened. One was he went to Geneva and he met the new Soviet leader Gorbachev. Mikhail Gorbachev. So he found this guy with the funny birthmark and a big smile and they became rather friendly and that made a tremendous change in Reagan's opinion and his entire position. He became very different after that. He figured he was someone you could do business with and somebody who didn't want to blow us up, and equally important, didn't want to be blown up.

Mr. Ross: It says much about Reagan's make-up, personality as anything else.

Mr. Warnke: He had no background in this at all. And he went in just believing all the hard myths that people like Gene Rostow had been perpetrating for quite some period of time. And then all of the sudden he found himself in a world that was different than he thought it was going to be.

Mr. Ross: I'll be coming back to arms control on several points, but do you have -- looking at the situation today, in the light of your law experience -- do you have any thoughts about it, about where we are and where the whole question of these weapons is going to go in the next 5 years?

Mr. Warnke: Well, I really have a feeling that the strong anti-Russian sentiment disappeared with the Soviet Union, and it's very hard now for anybody to take the position that this represents a terrible threat for the United States. They've become a second-rate power, and all the first-rate powers are on our side, so as a consequence it's very hard to get up the kind of feelings of concern and animosity that existed at one point, and you look at the present leaders and the prospective leaders, and they've got so many problems of their own that for them to be concerned with being number one internationally is something totally beyond their comprehension.

Mr. Ross: How does that translate into things like reduction of armaments and safeguards and proliferation?

Mr. Warnke: Well, I think we are, in fact, reducing our arms. We aren't making a big deal about it, but in fact we are, and I think that we are far less able to go to war than we were 10 years ago, much more than 20 or 30 years ago.

Mr. Ross: And we're changing also the nature of our armament. Our trident submarine isn't very good in dealing with the border.

Mr. Warnke: No.

Mr. Ross: The incident in West Africa.

Mr. Warnke: That's right. That's why it strikes me as being such a throwback to the old times to have this plane of ours shot down. What was it doing there? What purpose does it serve to have that surveillance of China?

Mr. Ross: Other than to annoy the Chinese.

Mr. Warnke: It annoys the Chinese, yes. But is that a sufficient reason?

Mr. Ross: I can't comment usefully on that. China apparently is considered at the moment not to have the power to project major power capability outside its borders.

Mr. Warnke: And not acquiring it.

Mr. Ross: Although they have this bee in their bonnets about Taiwan.

Mr. Warnke: Oh, yeah. That's a big issue. Almost the only issue between us at this point.

Mr. Ross: Well, we sit in a way on the top of the world as military power in your and my lifetime. The country basically disarmed itself or started out World War II with so weak a military that we couldn't threaten the Japanese and try to get them to do what we wanted them to do, or get them to stop doing things we didn't want them to do, in Southeast Asia. They were very realistic about our capabilities and they said these people don't have the military capability to step up. You look at the map 2 years later, why, pretty much all of Asia is under their control. Now it's just the opposite. We have enormous power in conventional weapons. You've been thinking about these things for a long time. What do you think this means to the rest of the world? To ourselves, and so on?

Mr. Warnke: Well, I think our friends and allies like that we're as strong as we are and they like being affiliated with us, and they think we serve as a real safety valve. I think they are no longer concerned about us triggering World War III against China or anybody else.

Mr. Ross: They get kind of nervous though we we're talking about this trivial episode --

Mr. Warnke: Of course. That worries them, but I think by and large they realize that (a) we're very, very strong and (b) we're very, very constrained, and not about to use that

strength.

Mr. Ross: Let's move on a little bit. 1978, I guess it was, in calendar '78, you left the government and went back with Clark Clifford in a new law firm.

Mr. Warnke: Not a new law firm, new name.

Mr. Ross: A new name, Clifford & Warnke. Was that pretty much a continuation of the old Clifford & Warnke, Glass and so on?

Mr. Warnke: That's right.

Mr. Ross: And with some of the same people in it?

Mr. Warnke: Yeah. Tom Finney had died. Tom had ALS, so he died when I was in the government, and Carson Glass had retired, Sam McIlwain was almost inactive at that point, and we had some younger people, people like Harold Murray and David Granger.

Mr. Ross: Where were your offices?

Mr. Warnke: Right across the street from -- right there on Connecticut Avenue -- one block up Connecticut Avenue between 18th Street --

Mr. Ross: And I?

Mr. Warnke: No. Between I and --

Mr. Ross: K?

Mr. Warnke: I and H.

Mr. Ross: And how did your practice develop? You'd have a 2-year interruption. Did you sort of pick up?

Mr. Warnke: I sort of picked up and got some new clients. Clark had contacts with an awful lot of corporations and an awful lot of people. And until I joined him, he really

couldn't exploit that. He was much more dealing with top level people at the government, but not trying cases. So companies like Owens Illinois or companies that he had done kind of lobbying work for. All of a sudden I was trying cases.

Mr. Ross: How did you staff your practice because my sense is that you would have needed this.

Mr. Warnke: We brought in people.

Mr. Ross: You were doing Federal Trade Commission, Department of Justice antitrust work?

Mr. Warnke: Yeah.

Mr. Ross: Did you do any Food and Drug work during that period?

Mr. Warnke: Not as much as I had at Covington & Burling, but I did anytime it came along.

Mr. Ross: Did you miss the government?

Mr. Warnke: Always did.

Mr. Ross: And, of course, you kept active in arms control and other issues.

Mr. Warnke: Right. I was a member of the Arms Control Association and the Committee for the Present Danger -- no not the Committee for the Present Danger -- Committee for National Security.

Mr. Ross: Committee for National Security, Yarmolinsky. That was a period of considerable upheavals in government policy, what was called by some people, Reagan's preventive nuclear war. Remember that speech he made? That was the early Reagan. That got a lot of people, turned on a lot of people. Backtracking a minute, did you have any government

involvement during Nixon's Administration that you can recall? I don't mean employment, but you were actively involved in some aspect of government.

Mr. Warnke: Well, at Mel Laird's request, I stayed on for about 4 months into the Nixon Administration. I had resigned, but Mel asked me if I would stay on and go to Vietnam with them. So I stayed on until April, I think it was. I think I mentioned I have letters accepting my resignation from both Johnson and Nixon.

Mr. Ross: Very good. Frame them. What did you think of Laird?

Mr. Warnke: Very good. He ran the Department very well. He had a tendency to talk in a very exaggerated prose about the danger of the Soviet Union, but when it came actually to actions, he was very restrained and he and I got along very well together. I always thought it was a sad mistake he wasn't taken back into one of the Republican Administrations. He would have been so much better.

Mr. Ross: Well, let's talk a little bit more about your practice. How long did you stay -- I'm giving you a base point of termination of Clifford & Warnke. You came back to them in '78.

Mr. Warnke: Right.

Mr. Ross: And at some point, subsequently, you moved to Howrey & Simon.

Mr. Warnke: Well, basically, the firm fell apart. There was -- some of this may be off the record -- but Clark had become quite close to Robert Altman, and they both got involved with BCCI, and with First American. And Clark got more and more involved with them and, as a consequence, the practice suffered and really the firm started to fall apart.

Mr. Ross: Did people leave?

Mr. Warnke: Yeah.

Mr. Ross: He was becoming more of a businessman than he was a lawyer.

Mr. Warnke: That's right.

Mr. Ross: And that left you in a way the only senior lawyer in the firm.

Mr. Warnke: No. Just the most senior. And I was no kid. And Clark was, of course, in his 80's -- well in his 80's -- and your practice falls off when you get to be that age anyway.

Mr. Ross: I've heard that. I've had that experience.

Mr. Warnke: The heads of the clients are just so much younger, so they're looking for younger people.

Mr. Ross: They want contemporaries.

Mr. Warnke: So then some people started getting offers from other firms, and I think it was Harold Murray who had the offer from Howrey & Simon and he figured he would try and bring as many people as he could along with him.

Mr. Ross: Tell me his name again.

Mr. Warnke: Harold Murray. He's not with Howrey & Simon anymore. He left because there was a conflict of interest, and I forget what the name of the firm is now. It's one of the bigger firms. He was quite good, and a lot of us went with him. Most of them have moved on.

Mr. Ross: That happens.

Mr. Warnke: Howrey & Simon, of course, has changed so much and become so big.

Mr. Ross: But you remained active on some business?

Mr. Warnke: I did for a while.

Mr. Ross: Approximately when did you make the move from Clifford to Howrey? I don't have a date, I haven't been able to find it.

Mr. Warnke: That would have been 1991.

Mr. Ross: Did your practice just sort of trail off in a more or less natural way that it does with an older man?

Mr. Warnke: Yeah, it had been for some time. The people I was closest to and some of my best clients had retired. And even though we frequently kept the account, I was nowhere near as active as I had been.

Mr. Ross: When did you retire from Howrey & Simon approximately?

Mr. Warnke: I'd say about -- I don't really recall.

Mr. Ross: 1995?

Mr. Warnke: 1995 or 1996. I kept an office. Still have one.

Mr. Ross: Let me ask you about -- during the period of practice, you could almost say it extended from 1978 to 1996, that's a long time.

Mr. Warnke: Yeah.

Mr. Ross: It's almost a career in itself. What were the things that were most noteworthy about that practice? I know you were involved with the government and you had a lot interactions and so on, but in terms of just practicing law, being a member of the bar of the District of Columbia. I'm going to ask you to search your memory and think about it in terms of lawyers and judges and lawyers, including government lawyers, the legal culture, any

involvement in the bar organizations. You were going into the office every day pretty much.

Mr. Warnke: I did. I had been on the Board of the D.C. Bar when I went into the Arms Control Agency and I had resigned from that and I never became that active in the bar from that point on.

Mr. Ross: Did you have any involvement with the American Bar Association? Significant involvement?

Mr. Warnke: I was on committees for many years.

Mr. Ross: Do you recall any interesting judges nominations that you were concerned on those committees? Was there a Supreme Court Justice position or a local court of appeals here?

Mr. Warnke: I don't think anything terribly controversial.

Mr. Ross: You weren't involved in the Bork nomination, for example?

Mr. Warnke: I don't think officially.

Mr. Ross: Did you have some unofficial involvement.

Mr. Warnke: Yeah, I thought it was a very poor idea.

Mr. Ross: Did you know Bob Bork?

Mr. Warnke: Yeah.

Mr. Ross: What did you think were his limitations? Were they personality or policy?

Mr. Warnke: I think policy.

Mr. Ross: Mainly policy. You didn't like some of his views?

Mr. Warnke: Yeah. I didn't like some of his opinions on the Court of Appeals.

Mr. Ross: Did you have some interesting oral arguments during this fairly long period -- now I'm going all the way back to when you started again with Clark Clifford.

Mr. Warnke: I never had a Supreme Court argument. That was always to me a big gap. I had a number of cases that got to the Supreme Court, but all the ones that I was really counting on, the Court conceded.

Mr. Ross: That can be very annoying.

Mr. Warnke: I had Court of Appeals cases, but I'd have to look them up. I'd forgotten what they were.

Mr. Ross: Well, things come back. I think it's time to break now.

Mr. Warnke: Let me check my records. I had a couple of arguments before Pat Wald.

Mr. Ross: Well, she is a good person.

Mr. Warnke: She was great.

Mr. Ross: She'd give you some intense questioning.

Mr. Warnke: That's right. But very fair.

Mr. Ross: Oh, yeah. When she first went on the court, she decided that she would not recuse herself for any lawyer in our firm except for Bob and me, and I felt badly about that, but then she changed her mind about me, but she never changed her mind about her husband of course; but Bob didn't do very much appellate arguing. I did a lot. I was before her four or five times, and I did accuse her, and still accuse her, of giving me hell just because of who I was. We were law school classmates, and life-long friends, and a partner of her husband. She took a course on economic regulation, and she's one of the fastest studies in the bar.

Mr. Warnke: Very bright.