



# **DAVID C. ACHESON, ESQUIRE**

**Oral History Project  
The Historical Society of the District of Columbia Circuit**

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The Historical Society of the  
District of Columbia Circuit**

**United States Courts  
District of Columbia Circuit**



# **DAVID C. ACHESON, ESQUIRE**

**Interviews conducted by:  
Kurt J. Hamrock, Esquire  
January 27, February 26 and March 24, 2010**

# TABLE OF CONTENTS

Preface .....	i
Oral History Agreements	
David C. Acheson, Esquire. ....	iii
Kurt J. Hamrock, Esquire.. ....	v
Oral History Transcript of Interviews:	
January 27, 2010. ....	1
February 26, 2010. ....	41
March 24, 2010. ....	87
Index. ....	A-1
Table of Cases. ....	B-1
Biographical Sketches	
David C. Acheson, Esquire. ....	C-1
Kurt J. Hamrock, Esquire.. ....	C-3

## **NOTE**

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

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## **PREFACE**

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges who sat on the Courts of the District of Columbia Circuit and lawyers, court staff, and others who played important roles in the history of the Circuit. The Project began in 1991. Interviews are conducted by volunteers, trained by the Society, who are members of the Bar of the District of Columbia.

Indexed transcripts of these interviews and related documents are available in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C., the Library of Congress, and the library of the Historical Society of the District of Columbia. With the permission of the person being interviewed, oral histories are also available on the internet through the Society's web site, [www.dcchs.org](http://www.dcchs.org).

Such original audio tapes of the interviews as exist, as well as the original diskettes of the transcripts (in WordPerfect format) are in the custody of the Society.

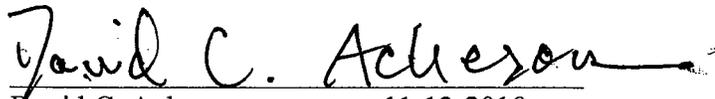
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Oral History Agreement of David Campion Acheson

1. In consideration of the recording and preservation of my oral history memoir by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, David Campion Acheson, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, digital recordings, transcripts, computer diskettes, and DVDs of the interviews of me as described in Schedule A hereto, including literary rights and copyrights. All copies of the tape recordings, digital recordings, transcripts, computer diskettes, and DVDs are subject to the same restrictions herein provided.

2. I also reserve for myself and to the executor of my estate the right to use the tape recordings, digital recordings, transcripts, computer diskettes, and DVDs and their content as a resource for any book, pamphlet, article or other writing of which I or my executor may be the author or co-author.

3. I authorize the Society to duplicate, edit, publish, including publication on the internet, and permit the use of said tape recordings, digital recordings, transcripts, computer diskettes, and DVDs in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

  
\_\_\_\_\_  
David C. Acheson                      11-12-2010

SWORN TO AND SUBSCRIBED before me this

12 day of November, 2010.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 8-14-2010

ACCEPTED this 23<sup>d</sup> day of February, 2011, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

  
\_\_\_\_\_  
Stephen J. Pollak

**Schedule A**

Tapes recordings, digital recordings, transcripts, computer diskettes, and/or CDs resulting from three interviews of David C. Acheson on the following dates:

<u>Interview No. and Date</u>		<u>Number of CDs</u>	<u>Pages of Final Transcript</u>
First	01/27/10	one	1 - 40
Second	02/26/10	] one	41 - 86
Third	03/24/10		] 87 - 129

The transcripts of the three interviews are contained on one CD.

Historical Society of the District of Columbia Circuit

Oral History Agreement of Kurt J. Hamrock

1. Having agreed to conduct an oral history interview with David Campion Acheson, for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Kurt J. Hamrock, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, digital recordings, transcripts, computer diskettes, and DVDs of interviews as described in Schedule A hereto, including literary rights and copyrights.

2. I authorize the Society to duplicate, edit, publish, including publication on the internet, and permit the use of said tape recordings, digital recordings, transcripts, computer diskettes, and DVDs in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

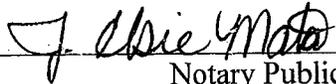


Kurt J. Hamrock

11-12-2010

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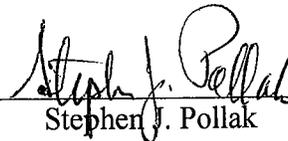
12 day of November, 2010



Notary Public

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Stephen J. Pollak



**ORAL HISTORY OF  
DAVID C. ACHESON**

**First Interview - January 27, 2010**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is David C. Acheson. The interviewer is Kurt J. Hamrock. The interview is taking place in the offices of McKenna Long & Aldridge LLP on January 27, 2010, beginning at 10:17 a.m. in the morning

(Tape 1)

MR. HAMROCK: Mr. Acheson, thank you very much for taking the time to sit with me today and to provide us with some of your memories of your personal life, your legal career, and your experiences in the District of Columbia these past few years. I would like to start by just asking you, if you would, to provide us with any thoughts, or reflections you have about your early life, childhood, or where you grew up, et cetera.

MR. ACHESON: Okay, alright, I will be brief about that. I was born in the District of Columbia, which surprises a lot of people. The reason I was born here is that my father had come here for a one-year job as the law clerk to Justice Brandeis on the Supreme Court. He had a marvelous time with that and he came here in 1919. I was born in 1921. Normally, at the end of one year, he would have left Washington to Boston where he had a commitment to join the Boston firm of Choate, Hall & Stuart. Brandeis's follow-on clerk died in the influenza epidemic of 1919. So Brandeis asked my father to stay another year. So he had the unique distinction, and for him, an enormous benefit, educationally speaking, of having two years with Brandeis. I was born here at the end of that time. I did not know this until much later, but sometime in 1920, when he was still with Brandeis, Brandeis invited a gentleman for lunch at his chambers named Edward B. Burling, who had been General Counsel of the War Shipping Board during World War I. That was a very, very, able lawyer who had been a legendary student at the Harvard Law School, and had a very interesting practice in Chicago where he picked up in his early years there an inventor client who invented a metal cutting machine, and the client, had no cash. He

was a brilliant inventor. Burling's firm allowed him to take stock in the company that he had helped found with the inventor. That later became TRW. It earned Mr. Burling a fortune which made him one of the richest men around. Anyway, my father was invited to join that lunch by the Justice, and Mr. Burling said that he was preparing to start a law firm here and would be interested to know whether my father would care to join them. My father, who was not all that discreet at that age, said, "Mr. Burling, I find it astonishing that a lawyer from Chicago could open a practice in Washington where the practices are local, really local," — real estate, banking and retail. Mr. Burling said, (my father never forgot this) he said, "Well, I believe the government of the United States has formed the habit of regulating businesses during this late war, and they will find that habit hard to break." Truer words were never spoken. So Dad did join the firm in 1921 and I was born that year.

My mother was an artist. She started painting and went to the very first class of the Corcoran Art Gallery. In her later years, she was a very accomplished painter and had many exhibitions in Washington, and showings in New York also. A very prolific painter and a very good one. A lot of people I know have her paintings as Christmas presents, or thank you presents, or something like that. As a kid I went to local schools. There was a well-known school here, Potomac School for younger children, that is now located in the State of Virginia. At the time that I was there it was located on California Street and S Street in Washington, and the playground was gravel and cement (both laugh), but it was a pretty good school. They took boys as far as the fourth grade and then only girls after that. So from there I moved on to the St. Albans School, which is pretty well known here. I stayed there through what they call the second form, which was the eighth grade. I had a good time there. It was a good school. One of the masters that I remember particularly vividly was a Mr. Jarman. We use to call him Pop

Jarman, and he was in the habit of throwing erasers, blackboard erasers at students when they did or said something stupid. Very entertaining. We were right at the corner of Massachusetts Avenue and Wisconsin Avenue. We quite frequently heard ambulance sirens in the classroom, and he would invariably say do not pay any attention to that, it is only a doctor going for a Coca-Cola. At the end of the eighth grade, or form two, as they called it, my father decided that I should go to boarding school. I think what was in his mind was that I needed an environment of a greater severity than a working father could provide. So he sent me to Groton School in Western Massachusetts. Quite an extraordinary school run by quite an extraordinary man, the Reverend Endicott Peabody. Peabody was a clergyman, as I indicated. His uncle, George Peabody, was a famous and very rich banker, an American banker in London. Peabody had worked for him briefly in London, and that persuaded him that banking was not for him. He made a friend there. A British friend who was preparing to go to the clergy. He persuaded Peabody to become a clergyman and take clerical education. Peabody did and was ordained (I don't know the date exactly) but it probably was the late 1870s. His first church, where he was (unusual for a freshman clergyman) assigned, not as second in command but as rector, was in Tombstone, Arizona, in the days of Wyatt Earp and "Doc" Holliday, and all those people whom Peabody knew intimately. He used to say he learned as much from them as he learned from any school he ever attended. He also said that he owed his life to the fact that he never carried a gun in Tombstone, Arizona. He was rector there for two or three years. I think three, but I am not certain. He made a name for himself there by starting a baseball league, two teams. He never had quite enough volunteers to really fill two teams, so before each scheduled game, he said he would go into a bar — (Peabody was a very strong, husky, very athletic man, and he looked big and powerful even in his eighties) — and recruit the first couple of sober men he saw and drag

them out to the field, (both laugh), assign them a position and they would play baseball. He had a great time there and he was a very good athlete, and a good baseball player. He earned the affection of the town because they all liked baseball. He was a novelty, and they liked him because he was a novelty. The fact that he was tough enough to handle himself in any dispute physically was impressive in those days and the fact that he did not carry a gun was impressive in those days. In the end, he decided what he really wanted to do was to educate young men in the Christian ethical system. He was never, as I recalled him, all that interested in theology. He was very interested in what I would call proselytizing the Christian ethical system. When I was a student at Groton, when he was headmaster there, he would always illustrate his ethical principles by some of the scandals involving major corporate misdeeds. Those were the days when railroad stocks were being issued fraudulently and bought and sold by speculators and there was a lot of dishonesty in the American financial scene, and he knew that pretty well. He would refer in his sermons to business scandals as examples to what good, solid, ethical businessmen should not do. There were a lot of sons of the rich at Groton (that did not include myself). A lot of them would joke about this saying, "When I own a railroad, I am really going to remember this (both laugh), when I run the biggest bank in America, I'm going to remember all of this." (both laugh) My father's reasons for sending me there, I think, were probably vindicated because I learned a lot. I learned how to toe-the-line at a school in which conformity was pretty much a given, but I had a good time. My father did not tell me until much later that when he had gone to Groton, he was very anti-conformity and very anti-the-snobbish-rich, that kind of thing, and had a tough time there. I always found that curious because perhaps the earliest close friend he had in his entire life was Averell Harriman. They made very close friends with each other at Groton. Years later when I was married, I was having lunch with

Averell, my wife, and I one Sunday. I said, "Averell, do you remember Dad at Groton?" He said, "Oh yes, of course." He said Dad rowed on the crew. "I was the captain on the crew because I was two years older, but Dean rowed on the crew as a very good stroke." So I said well, "How did Dad like Groton?" Oh, he said, "Dean hated Groton, and Groton hated him!" (both laugh) He said Dean did not like to conform but he learned a lesson and he got along alright. Sometime later, I was having lunch with my father and I said, "What's this about your hating Groton when you were there?" He said, "Who told you that?" I said, "Oh, never mind who told me but I have a good authority." (both laugh) "The thing that I am curious about," I said, "is not why you hated Groton, but if you hated Groton, why did you send me there?" He said, "I felt the reasons I hated Groton were reasons why it would be good for you." (both laugh) So, that's how I got to Groton. Anyway, I had a much better time at Groton than my father did and I was a very good student. I was always second, but once I was first. Most of the time, I stood about second in my class. Then I got on the tennis team, and I had a pretty good time. I took care not to offend the conformity standards while I was there, and I did not take care on account of anything my father told me. It's just instinctively, I felt this was the kind of place that ran a certain way, and if you were not prepared to accept that you were not really going to have much of a good time. I did not find it offensive to conform. Although I was skeptical always about some of the facets of the conformity standards at Groton. For example, every night for dinner we changed from our normal dress at Groton for class. Daytime was sport coat, slacks, shirt and tie, shoes, regular street shoes. Of course, the athletic period in the afternoon you wore whatever you did then for athletics. Then for dinner we always had to change into a shirt with a white stiff collar, a tie, and black patent leather shoes. That was the dress code, and it was an explicit dress code. When children were sent to Groton by their parents, they always got a letter

saying this is what your son will need to bring to Groton. This is why a whole list of things like this — I always thought that was sort of bizarre because my father wore a white detached collar from time to time but I thought for people my age it was pretty ridiculous. But, you know, nobody fussed about it. They just did it.

One day during the summer of my fifth forum year, fifth forum being equivalent to 11<sup>th</sup> grade, my father said to me, “You know, you want to start thinking about where you want to go to college.” So, I said, “Oh I know where I want to go to college. I have given it a lot of thought.” He said, “Really! Where is that?” I said, “The University of Pittsburgh.” He said, “Why on earth do you want to go there?” I said, “Because they had the best college football team in the United States.” (laughs) Dad was a wonderful actor. Instead of saying, Come on, you idiot, that’s a really dumb reason. He took this very suavely, and he said, “Well that is certainly one factor, but there are other factors you probably ought to consider.” One of them is, if you go to Yale, I will pay your tuition.” I did not think I was really serious about Pittsburgh. I think I really probably said that just to bait him. I knew he was a very enthusiastic Yale man. In fact, by that time, he was a member of the Yale Corporation, and I knew that too. Anyway, I did go to Yale and entered Yale in the autumn of 1939.

MR. HAMROCK: May I interrupt you for just a moment? Before we start talking about your college years, during the time you were growing up your parents were living here in Washington, DC.

MR. ACHESON; Oh, I should say that., okay.

Before I go on to Yale, a little about Washington. My parents first lived in a rental house over on Corcoran Street, just off of 18<sup>th</sup> Street, NW, Washington. Which was not a very elegant part of town then, but they had a comfortable little house right near Dupont Circle. By 1922,

they had found a house in Georgetown, which they could buy. The address was 2805 P Street, and they bought that house in 1922, I think, maybe '23, and I lived there until I was married and out of the Navy. They lived there until my father's death, and my mother lived there for another few years and then moved into an apartment. Georgetown was not, in those days, a very elegant part of town. There were some very elegant houses in Georgetown and there was a famous estate of the Bliss family, Dumbarton Oaks, in Georgetown. There is the famous estate of the Belin family, 28<sup>th</sup> and R streets, which is still there. The Belin descendents do own it still. Very elegant estate of many, many acres running down to the cemetery. Dumbarton Oaks was the residence of Jackson's Vice President, John C. Calhoun, Senator from South Carolina.

I will divert for just a minute to an interesting story about Dumbarton Oaks. It was owned by the Bliss family. Robert Woods Bliss and his wife Mildred. Mildred Bliss was the heiress of a great fortune in children's medicine, and they beautified Dumbarton Oaks and built a glorious garden that it still has, and they gave some thought in their advancing years about what to do with it after they died. They had no children that I can recall. In any event, they made a will, leaving it to the United States for the residence of the Vice President, reflecting the history of Calhoun's residence there. Bliss became an Ambassador to Argentina, under President Hoover. In 1932 when Roosevelt, who was a friend of Bliss, became President, Bliss wrote him a sort of jocose note saying, "Congratulations Franklin! In due course, you will, of course, be receiving my pro forma letter of resignation." Roosevelt did receive it, but contrary to the confidence that Bliss had, Roosevelt accepted his resignation., which infuriated Bliss. He and his wife, on their way home, stopped in New York to visit their lawyers and changed their will and left it to Harvard University, which now owns it. The Belin family had du Pont relatives and they inherited a lot of money from them. Their estate was always kept up, always in mint

condition, and it is still there in that condition. Very few people who had a lot of money chose to live in Georgetown. They wanted to live in Kalorama, or out in the further suburbs. It was really not until after World War II that Georgetown became a part of town people with a lot of money liked to invest, then beautify and enlarge their houses. That phenomenon, I would say, is one to two generations old.

In any event, my parents lived in Georgetown and Dad practiced law with Covington & Burling. He was made a partner in 1926, after he had been there just four to five years. He was a very gifted lawyer, a very gifted advocate. He possessed keen powers of analysis and keen powers of advocacy. One of his partners, John Lord O'Brian, told me — he was older than my father and had actually come to Washington as a lawyer under Theodore Roosevelt — David, I've known a lot of lawyers in my time, but I have never known any lawyer who had the combination of your father's powers of advocacy and analysis. I found that quite extraordinary — it never occurred to me until he said that. But when I was quite young, George Rublee, who was one of the founding partners of Covington & Burling, I asked him once — really when I was hardly more than a kid — I said, "Uncle George, what prompted your firm to bring my father in?" — his answer still sticks in my mind. He said, "He was the shiniest fish that ever came out of the sea." (both laugh) So anyway, Dad practiced law, and he did pretty much everything that the firm did — tax law, courtroom work. He did not do wills and estates, as I recall. He quickly picked up antitrust law and represented corporate clients who were being sued by the government under the antitrust law. And the DuPont Company was one of his major clients. He did very well, and I was struck later when I was old enough to think about these things, that during the depth of the Depression in 1931, my father greatly enlarged the house in Georgetown, and one would logically think probably at that time it was not all that costly to do that. But to

me it would always seem that the firm must have been doing really well during that time, seemed to have a practice one would call “depression-proof.”

My mother, of course, was painting during this time, traveling a bit, and painting where she traveled. I was quite impressed when I was a teenager. She had quite a number of exhibitions in Washington, and was showing oil paintings that were really very accomplished, rather large canvasses. She liked doing paintings of people in unrehearsed poses. She said — this would be politically incorrect today — “I made several paintings of colored people at the National Zoo.” She said, “It always struck me as fun to paint colored people, particularly the women, because their behinds stick out.” (both laugh) It is true from her paintings that it really gave her paintings character. Anyway, she was a very successful painter and had a very good time doing it.

MR. HAMROCK: Did you spend your summers in Washington, DC?

MR. ACHESON: Good question. We did not. In 1924 my parents bought a small farm in Maryland almost due north of Washington about 22 miles. The landmark, one would note today, would be the Olney Theater. It was about one mile east of the Olney Theater in a little Quaker community called Sandy Spring. It was a very attractive, very quiet, very orderly community run with Quaker values of modesty and industry and civility, and I had a very good time there. The farm was a pretty old building dating from the 18<sup>th</sup> Century, previously owned by the Stabler family. Their name, in fact, was inscribed in the bricks of the fireplace in the dining room with a date, 1792. So the house did need a lot of fixing up. When my parents first bought it, it was used only for summer residence, but later it was used for weekend residence year around. As a summer house it had no central heating. It had a rather primitive hot water system fueled by a kerosene heater. It had a circulating water system that was run by gasoline-

powered pumps that you had to start the way you started a Model T car. You had to crank a wheel that would fire the spark plugs and that would start the gasoline pump running and that would pump water into a tank, which was located in the upper part of the house so that the gravity would feed water into the taps. Basically, that was the water system that survived in that house the entire time my parents owned it, although, the gasoline pumps were later replaced by electric pumps. When my parents bought the house, there was no electric power in the house. The house was illuminated by kerosene lamps and flashlights. I have forgotten when the electricity was put in, but my recollection is probably not until after World War II. But the farm was great fun. It was located just south of the Quaker meeting house in Sandy Spring, and in a very protected area. There was nothing around it that was going to invade the territory of the farm. There were woods, there were fields of the neighboring farm, and at that time, nobody really thought seriously about development coming that far out into Montgomery County. The farm behind my father's farm was owned by a black family named Hill. Rather improbably the senior member of that family was an old man named Sam T. Hill. The expression, "what the Sam Hill," often occurs to the mind. He was a very engaging, very courteous, intelligent and industrious old man. He drove a carriage pulled by a horse. He had an enormous family. He had six sons who were all big strapping, strong young men, and very intelligent, and four or five daughters who were the same. So my father and mother never lacked for help when they went out there to live and occasionally they would invite people out for dinner and there was always people who could help cook and help serve. In the harvest time, my father was then growing at the farm the usual thing, timothy for hay, and corn, occasionally, wheat and clover. At harvest time the men of the Hill family would provide the crew, and we had a big wagon pulled by horses. We owned two large, strong work horses. They were not Clydesdale, but they were a

similar breed of workhorse that are heavy, very strong and quite docile. They would pull a wagon out in the fields and the bales of hay would be put on the wagon. We had a bailer which was powered by a gasoline engine so the bailing could be done on the place and the Hill boys could do all that themselves. We had a barn about the same age as the house that had a stone foundation going all around the first floor of the house. Within the stone foundation there were stalls for horses. In the upper part of the barn, which was then a large wooden structure, there was a loft to store the loose hay, and on the opposite side of the upper barn there was another loft where you could store bales of wheat, hay or whatever was baled. Years later, after World War II, the Hill family was dispersed at that point. They were all going, or often doing their own thing, or had their own families and jobs. Old Mr. Hill, Sam Hill, was dead, and my father leased his fields to a neighboring farmer and that made it easy for my father to keep the fields up and he got a little income from that. Enough to pay the taxes on the real estate taxes on the farm. One day, when he and my mother were away on vacation in the summer, the farmer, to whom the fields were leased, was running the baler in the barn, and it probably was not the smartest thing in the world to be running a gasoline power baler in the barn, but something happened and some hay dust, or hay on the floor caught fire from the baler. The entire barn burned down, leaving the stone foundation. My father initially thought this was a disaster. But then ,he remember that he had insured the barn, and it turned out that he had enough money from the insurance to build a studio for my mother around the stone foundation of the barn. (both laugh) So, the whole mishap turned out to be very favorable from my father's point of view. I said to him once, "Were there any problems with the insurance company about negligence, or whether there was really a valid claim for insurance?" He said, "The first fact was pretty basic. I was a long way off when the accident occurred." (laughs) So anyway, that was the way life went at the

farm. It was a very pleasant time for me. Even later, after the war when I was married, my wife and I and my kids would go out there and have Sunday lunch occasionally with my parents, when the weather was good, and sometimes when the weather was not that good.

To jump ahead and fast forward just a little bit. During the Truman administration, when my father was serving in Truman's cabinet as Secretary of State, he and Truman became quite close. That summer, and I forget the year, but it had to be between 1950 and 1953, because the Truman administration was gone by 1953. Mrs. Truman had gone out to Independence for the summer, she never liked Washington in the summer. So, Truman was alone in the White House, and my father invited him out to lunch one Sunday. Truman came out with a lot of Secret Service people and we had a great lunch outdoors on the lawn, on a very pleasant day. We took Truman down to the pool to swim. Years before, my father and mother did not have a pool when they bought the place. They discovered in an inclination down by the woods, there was a place where you could drill only 50 feet or so to hit an intake of water, which would yield almost a 100 gallons a minute, which was pretty good. The problem was the water was ice cold. It was spring water that had never seen the sun. My father use to call it the two-martini pool, said that you had to take a martini to get courage to go in, and you had to take another one to restart your heart when you came out. (both laugh) So Truman dove into the pool and when he came up, then he heard him yell, "Wow!" (both laugh) Then he said when they were climbing up the ladder, "I can think of at least five journalists I would like to see thrown in here." (both laugh)

We are now about the time when I graduated from Groton.

MR. HAMROCK: Would you care to take a break now before you move on to something else?

MR. ACHESON: I do not need one, but if you do, please.

MR. HAMROCK: Fair enough. No, no, we will go right ahead.

MR. ACHESON: I was a diligent student. I graduated from Groton second in my class *cum laude*, and I got the Groton School Greek prize, for Greek scholarship. I went to Yale, and my father, when I was talking to him about planning my courses, I knew pretty well what courses I wanted to take. I wanted to take German, which I studied at Groton and was good at, and liked. I wanted to take Greek. I wanted to take English Lit. I wanted to take science, which was required by Yale. So I opted geology, largely because my mother's younger brother was a professional geologist. There was an ROTC at Yale, both an Army ROTC and a Navy ROTC. My father said, "You know, there is going to be a war in which the United States will have to participate, and it may start while you are in college. My guess is it probably will, and I would urge you, therefore, to take one of the ROTCs, so that when you graduate you will have a commission in that service, and you will have a much better time and can be more useful with a commission if we should go to war." I thought that was very good advice, and I did. I took Naval ROTC, largely because I liked boats and sailing and stuff like that. (laugh)

Looking back, I would say Yale certainly was not the place then that it is now. More than that, I would say that the '20s and '30s had not changed Yale much. I think Yale, when I went there, was almost the Yale that existed after World War I. It was sort of still the raccoon coat kind of place where the emphasis was on athletics, and the social emphasis was on parties in New York, and dates on football weekends, and where scholarship did not rank very high on the list of things that brought you campus kudos. (laugh) I use to think later, it was probably too much to ask of the Yale administration, in those days, to have tried to change Yale into a more modern university with more emphasis on the sciences and more emphasis on the values of scholarship in undergraduate life because the whole country of which they were part was still, I

think, governed by the values of pre-World War I. So Yale was really an after-echo of a time that in reality was already gone. Of course, I did not realize that at the time I was there. But looking back it seems to be absolutely certain that that was the case. Charles Seymour, the President of Yale, had been a member of the faculty. It is striking that almost all of the presidents of Yale have come from the faculty, not from outside. You would have thought that that would have lent great emphasis on education values to the administration, but it never seemed to work that way until Whitney Griswold became President. Perhaps I should not say that because way back, when Timothy Dwight and Jonathan Edwards were presidents of Yale, certainly education, coupled with religion, were emphasized values. But in the raccoon coat days, education, I think, really suffered significantly. Seymour, although he was a famous history scholar and wrote a definitive book about the Versailles Peace Treaty, and was in fact, present at the Peace Treaty negotiations, was a very nice man. I do not think that he ever felt that Yale was somehow lagging in education. My father became a member of the Yale Corporation in 1936. He caught on almost immediately to the fact that Yale was not the place it should be in education, and he began pushing people on the faculty to push the administration to a greater emphasis on the sciences, research and advancement in education. His favorite instrument to do that on the faculty was Whitney Griswold, who was a professor of history and had written a PhD thesis on American foreign policy toward the far east. Whitney Griswold became my faculty advisor. He was on sabbatical or something, one year, and Tom Mendenhall was my faculty advisor. Tom also was a wonderful man and a very good scholar. He later became the President of Smith College. Whit was a very lively guy, interesting man with a very keen sense of humor, and he enjoyed social company. He had a very nice wife. He became one of my favorite faculty people, probably my most favorite faculty person. I will come back to

him later because toward the end of my time at Yale we were quite close and even after the war we became close again.

I went through Yale with pretty good grades, and succumbed like most of my friends, a little bit to the raccoon coat values. (laugh) I got my commission, when we graduated, in the Navy.

MR. HAMROCK: Can I ask you a question before you move on to the Navy? Just curious, because I do not remember, was Yale, at the time, a co-ed?

MR. ACHESON: No, no, good point. Yale was not co-ed while I was there. In fact, it did not become co-ed until my older son was there. He graduated in 1972 and it must have been about 1970 that Yale went co-ed.

MR. HAMROCK: Did you find that many of your Groton classmates went on with you to Yale?

MR. ACHESON: Yes, good question. Freshman year I roomed with two of my Groton classmates. Very nice people. Yale had the residential college system. Mr. Harkness, who owned the Harkness Oil Company, and had an immense oil fortune in the '20s and '30s, had so much money that he could endow and did endow both Harvard and Yale to build the residential college system. The Harvard houses and the Yale colleges were all the Harkness gift. Freshman year we all lived on the freshman campus, and I lived in Wright Hall, which was one of the newer buildings, did not date from the 18<sup>th</sup> Century (both laugh), and we had a triple suite. We had a very good time. One of our friends there, and I formed a little reading group and we — for some reason it stands out in my memory — we were reading together *Mutiny on the Bounty* and were assigned parts. So we would read along and in the dialogue, whoever had the part would speak the dialogue. My friend, George Stone, was Captain Bligh, and I, Fletcher

Christian. I've forgotten who the other parts were but there was a point in the book where the ward room mess is undergoing thefts of cheese. Captain Bligh has already formed a dislike to Fletcher Christian because Christian does not like the way Captain Bligh runs the ship and treats the crew. Captain Bligh's suspicion about the theft of cheese now falls on Fletcher Christian. I was reading the part — the dialogue part where the ward room mess cheese has been passed. The cheese comes to me and I say, "Thank you, no cheese." Captain Bligh then says, "No cheese Mr. Christian? It seems to me you were always very partial to cheese!" (both laughing) We had a lot of fun with this and we read some other things, but I've forgotten what they all were. I remember that George Stone sat behind me in English in Joseph Toy Curtis's English course, in which we wrote papers. We wrote papers for every class and he would then choose at random a paper to read from the papers submitted from that class. Then without identifying the author he would then invite comments and criticisms. That was supposed to educate us about critical values in English Lit. So one day he was reading my paper, and then he invited criticism. I got the usual kind of criticism, some people thought okay, some people thought very good, some people thought really badly wrong on this or that. Curtis ended that part of the class by saying — as he always did — addressing the anonymous author. He said, "Well, I would say to this author, there is a great deal in this paper that I find true, and a great deal that I find original, but I have to say, that which is true is not original, and that which is original is not true." (both laughing) So I cultivated a stone face. (laughing) Class is over and we go outside and George says to me, "That was your paper, wasn't it?" I said, "Yeah, how did you know?" (laughing) He said, "Your ears turned red." (both laughing hard) So anyway, I had a good time at Yale.

MR. HAMROCK: Did you find that your classmates at Yale — did you encounter them later in life as well?

MR. ACHESON: Some of my friends at Groton, including the two I roomed with, are still alive, and I still see them when, and if, we have a Groton reunion or gathering. I still stay in touch with them. Out of my 30 Groton classmates only five are still alive. Stuart Clement, a first cousin of George H. W. Bush, was a very close friend at Groton, and is probably the closest friend I still have from my Yale days, and Groton days. He became the class secretary of our Groton class, and then later he wanted to shift that to me and I took it on, so now I am class secretary. We do e-mail conversation still. Every year when I drive to Cape Cod, I stop with a cousin, a very smart lady who lives in Connecticut, and the Clements live close by, and we always get them over to come for drinks or dinner.

One of the friends I made at Yale was two years older than I. His name is Charles F. Spalding from Lake Forest, Illinois. He was on the Yale varsity tennis team, and he took time to coach me in tennis, and I use to play with him. Although he was considerably a better player than I was, he taught me some shots that I learned how to make to advance my tennis career at Yale (laugh), and which I still use. He was the most remarkable guy with a fantastic sense of humor. He was noted at Yale for bringing a football date to Yale for a weekend. Emerson Tuttle, who was the master at Davenport College, where I lived and where Chuck Spalding lived, put his date up so that she stayed with the Tutttles in their house. He was taking her out that evening for a cocktail party, to fraternities and dinner and what not. She had omitted to bring her key to the house. So when they returned, after all these parties were over, the Tutttles had gone to bed and she had no key. So the ever resourceful Chuck Spalding found that the front door of the Tutttles' house had a ledge over the front door and had alternating bricks that emerged from the wall that came down from the edge of the ledge. So he discovered that he could climb up brick by brick to the ledge then stand on the ledge, and there was a window, in

fact two windows right at the ledge level. He said to his date, "Do you remember the Tuttle's bedroom is on this side of the house, or the other side?" She said, "I remember, I'm on this side, and their bedroom is on the opposite side." Chuck said, "That's good, now I will see if I can open one of those windows." So he climbed up and stood on the ledge and, by God, one of the windows was unlocked. He opened the window, he took off his shoes in the room where he was after he got inside the house so that he would make no noise going down the stairs. He went down the stairs shoeless to the front door, opened the front door and let in his date (laugh), she found her bedroom and Chuck went back to recover his shoes, went out the front door, locked it behind him and this became a legendary escapade. (both laugh) Because he told the Tuttle's afterward what had happened, and they were flabbergasted, but thought it was very funny. (laugh) Chuck became, overnight, a campus hero with this original story to tell. Later he became a very close confidante of Jack Kennedy, and traveled with Jack during the campaign, As press reporters had it, he was the man chiefly in charge of finding girls for Jack Kennedy when they were on the road. (both laugh)

I remember that Chuck and I remained really quite good friends, and years later, a man here who has been on the board of a bank was on the nominating committee of that board. Chuck had been connected to some financial institution in Chicago. So my friend here got him put on the board of the bank here, and one day he called me up, a man named Charles Glover here. We were friends, and he said, "Dave would you have lunch with me? I've got a guest, he is Chuck Spalding, and he very much wants you to join us for lunch." So I did. I saw him, that was the only time I had seen Chuck face to face since Yale, and the last time. I have never seen him since then. But he wrote a famous book called *Love At First Flight*, about his training for naval aviation during the war. He and a friend named Otis Carney, who also came from Lake

Forest, were both cadets in the aviation training program of the Navy, and they took commissions and they were flyers during the Navy war. Their book was pretty hilarious. You probably could still get it on Amazon, online, because I'm sure there are copies — out of print copies available, as there are in almost every book.

Yale had ROTC. It was very interesting and I found it every bit as interesting as any of my other courses. I did pretty well in it. We had a lot of drills that were kind of pointless, but we did a lot of reading and naval technical stuff which was actually helpful. Later when I was gunnery officer on a Destroyer Escort in World War II, I remembered the first gunnery lesson we had at ROTC; there was something called the cold gun correction. That meant the first shot fired out of any gun at any time is going to be fired from a cold barrel and that will retard the combustion that occurs in the barrel when the shell is fired. That means the shell will not have the range that it would have after the first shots when the barrel then becomes hot. I thought, goddamn, that's really interesting! (both laugh)

The head of the ROTC at Yale was a Commander in the Navy named Wilder Baker, who later became the operations officer for Admiral Halsey, and the operations of the Third Fleet. Later when I was operating with the Third Fleet, I thought of him when the task force was in port once. I went aboard the flag ship to see if I could find Commander Baker, who was by that time a Rear Admiral. I was told that he was ashore and they didn't know where to find him. The only personal transaction I ever had with him really was in my junior year. I found a telegram on the door of my room at Davenport College. I was fearful that it was announcing the death of a member of my family or something. I tore it open and looked at it and it instructed me to report for duty to the Commandant of the Third Naval District of New York. I thought, God, that's odd! I wonder what that's all about? They could not be calling me to active duty because

— well, maybe they could — maybe everyone in ROTC is being called to active duty.” Well the way to find out was to walk over to the ROTC Headquarters and ask Commander Baker. He was kind enough to see me and I showed him the telegram, and he said, “As far as I know, nobody in this unit is being called up. I’m sure I would have heard about it. He said, “I cannot explain this! All I can do is, I can telephone down there to somebody. If it turns out that you are to report for some reason, you ought to be there. So maybe you ought to go down there and find out by yourself.” So I did. In New York they said, Your name is David Acheson, isn’t it? I said, “Yes.” I said, “I’m David C. Acheson.” He said, “That’s funny, there is no initial on there.” Then they said, Let me look at the file. So they had to go away for a long time, and look in some personnel file. The clerk brought back a sheaf of papers, and we went through those papers together, and it became apparent that I was not that guy. (laugh) He said, “You think there is somebody else with your name at Yale?” I said, “It seems most unlikely, but I suppose it is possible.” So we telephoned the Office of the Registrar at Yale, and we said could you look down the alphabetical list of everybody in the undergraduate school, everybody in the Sheffield Scientific School, which was the engineering undergraduate part of Yale. Curiously then they were separate from the academic side, which was supposed to be the humanities. They go down the list of the law school, the medical school, and the graduate school and see if there is anybody named David Acheson. This person said, “Oh God, that could take a long time!” I said to the person there, “Do you think I have to stay and report to somebody here?” “No, it’s clear that you are not this person. So, you ought to go back.” Meanwhile, they are going to call me back eventually when they get this information. I had a telephone at Yale in my room. A day later, I got a call from this guy in New York, and they said they had found a David Acheson in the graduate school at Yale. I said, “How great!” I took the telegram, scotched taped it to his door.

(both laugh) Later, if you can believe it, much later — years after the war, he turned out to be the husband of the woman who is my friend, whom I stay with when I drive north to the Cape. (both laugh) We became friends in later years. Largely because of the coincidence of the name, initially. Then it was discovered that our two family trees go back to some common point, although it was kind of hard to locate. One year, it probably was in the '60s, my wife and I had a dinner party for all the available Achesons. We had my sister, Mary Bundy, we had my other sister, Jane Acheson Brown, who came up from Florida, we had my mother, who was still alive in her 90s, I guess, we had this David Acheson of the Yale story, and his wife, come down and stay with us for the party, and most extraordinary Achesons, the British Achesons. They are the Earls of Gosford, and one of the daughters of the Earl of Gosford, Camilla, married a German named Axel von dem Bussche, who was a baron, which is big stuff in Germany. He is now dead — he was the only surviving member of the July 20 plot to kill Hitler.

MR. HAMROCK: Wow!

MR. ACHESON: He and his wife came to that dinner. So we had this extraordinary Acheson dinner party, at my apartment in Washington, catered. There was very fancy food, we had a great time, champagne and everything. Axel had a wooden leg. He lost his leg on the Russian Front when he was on the staff of the man known as the most brilliant German Commander, Field Marshal Erich von Manstein. Camilla had been married earlier to the brother of the leader of the July 20 plot. They were divorced during World War II and she was kicked out of the country, of course, being British, and went to Switzerland and became a volunteer worker in a hospital in Switzerland. After Axel had been wounded, his commanding officer knew that he was connected to the July 20 plot, and arranged to have him sent to a famous hospital in Switzerland that was good in prosthetics, because he had lost his leg. They falsified

his identity and got him out of Germany into Switzerland. It turned out to be the hospital where Camilla was working. (both laugh) So they met and were married after the war, or actually during the war, but in Switzerland. Axel was the bravest man that I ever knew. He was very tall and very handsome — sort of a classic, tall, German blond, good-looking guy. He was a major in the 9<sup>th</sup> Infantry and he was chosen to model a new uniform for Hitler to approve. He had been wounded again and had an arm in a sling, and this provided an excuse to have his tunic button over the arm and sling. So he had room inside the tunic for a belt of explosives to be fastened around his middle and a little battery powered switch that he was going to ignite from his pocket standing next to Hitler while Hitler admired the uniform. Axel said the RAF bombed the train that was bringing the uniform — the RAF did not know this, but they bombed the train that was bringing the uniform to Rastenberg for Hitler to see. So that meeting was called off.

MR. HAMROCK: Oh my.

MR. ACHESON: The next attempt they agreed was going to be von Stauffenberg's turn, Axel's friend and colleague. They had agreed each would not make two attempts in a row because they did not want suspicion to fall on them., and if any should be successful, of course, it would not be a repeat of that kind. (laugh) The second attempt after the misfiring of the uniform episode was to be Stauffenberg's. That was the bomb in the briefcase under the table. Field Marshal Manstein was never suspected or accused of complicity of the plot. Axel was also close to Field Marshal Rundstedt who, knew about the plot, but refuse to take any part in it. He was pretty sure that Manstein did not know about the plot until after it occurred, and then he suspected my cousin-in-law, Axel, was involved. But it is interesting that neither Rundstedt, nor Manstein was ever put before a People's Court for treason. Axel, being German, found it outrageous that Field Marshal Rommel, who had actually no connection with the plot — who

was ignorant of it, was forced to commit suicide after the plot, because of suspicion falling on him. (both laugh) Strange tale.

MR. HAMROCK: Oh my goodness, yes!

MR. ACHESON: Anyway, we got off the subject a little bit —

MR. HAMROCK: Would you care to take a short break?

MR. ACHESON: Yeah, we can take a break now.

MR. HAMROCK: We are back on.

MR. ACHESON: My class was accelerated at Yale, because of the war, so we graduated and got our commission on the same day, in December of 1942. My orders were to report to the Antisubmarine Training Center in Miami, Florida, at the Lykes Line Pier, in Miami. The Navy had set up an antisubmarine training center, and I reported there for what amounted to a two-month course. After that I was going to be assigned a vessel that presumably would conduct antisubmarine operations. I had a good friend at Yale who later was my wife's brother. We were very good friends and we decided to room together — he was also in the ROTC. So he got similar orders and we decided to room together down there. I found that place really interesting and I had enjoyed the work a lot. The courses were really interesting. They had a device that was very effective as a trainer, the Sangamon Attack Teacher. What it was, basically, was an electronic device that had a screen and the trainee, me in this case, was not permitted to look at the screen — stand off to the side. Then they had a device that had a compass — you had compass bearings you could choose — and they had a thing that simulated the ping of the electronic signal of sonar equipment. So the episode would start — here you are now, you are the captain of the ship on the con and you hear a ping, that's the echo off the submarine. You look at your compass and there is a little light that shows you the bearing, 90

degrees, 20 degrees, whatever it is on the compass, the bearing that you are hearing the ping from. So you give an order to the helmsman, heading right for the target of the ping. Then the trainer begins to maneuver the electronic submarine. He was changing course, changing speed, he was obviously trying to evade the attack. The ping continues and you see the ping changing bearings as the submarine is changing course and speed. So you counter that by saying, left to this or right to that bearing, and the idea is finally to be right on the target as you cross the path of the submarine where you then drop the depth charges and make a hit. I thought that was just so much damn fun! I really enjoyed it! (both laugh) I got to be pretty good at it too! (laugh) Unfortunately, conditions in real life were never like that.

After the eight-week course, I was assigned to a 110-foot wooden hulled subchaser, building on the ways in Delaware. So I went up there and met with the commanding officer assigned to this ship, and both of us were working with a contractor to finish the building of the ship and I was doing sort of clerical stuff on the paperwork of the building process — so was he really — and the contractor's people were all over the place. The head of the contractor's people was a very colorful, very interesting guy. A very smart guy and we got along famously and had a very good time. We went down to Miami for shakedown after the ship was finished, and there I saw my first Destroyer Escort, which was a new class. I thought, I want to get off of this wooden tub and get on a real ship. (laugh) So, I went in to apply for a transfer, and the head of personnel down there was looking for people to provide crews for these ships because there was a new class and they were trying to get them into action. I had asked the right questions and got right away assigned to a DE (Destroyer Escort) that was building in Philadelphia and was nearing completion. I thought, that's good, because I did not want to be sitting around a shipyard for a long time. This was September of '43. My first orders were to assemble a

skeleton crew and I had the names of the people on the skeleton crew — it really meant that I was going to be the watchdog to take these guys to the place that the crew was being trained in Norfolk. I got all of these guys together finally. We got train reservations and off we went to Norfolk. The train stopped — routine stop, station stop, in Rocky Mount, North Carolina, right on the Virginia, North Carolina, border, and there was a news hawk outside on the platform selling papers — this was in the evening — it was dark and they were selling papers. Some of the crew wondered if there was anything they could find to drink out here, but one of them brought in the paper, and big headlines in the paper “Marshal Badoglio’s Government in Italy Surrenders to Allies.” (laugh) Everybody thought the war was over. (both laugh) In no time all these guys were off the train looking for bars to celebrate. (both laugh) I had to get the conductor to hold the train until we got all of them rounded up and back on the train. Finally, we got them all together again and went on to Norfolk. At Norfolk we were met by the Shore Patrol who knew exactly where these guys were going to go for living quarters and all that, and they arranged it. I was sent to the Bachelor Officers’ Quarters and reported the next morning to the officer in charge of crew training in Norfolk. And there I met for the first time our Executive Officer. He was a very nice guy and also a graduate of Yale, and one of the world’s most outstanding amateur yachtsman. He was really very good. He was not only a very nice guy, but he was very competent. We became friends and we had a good crew training session. We had firing practice with the antiaircraft battery. We went to a place called Dam Neck, Virginia, where you shoot at targets being towed by aircraft for antiaircraft practice. They had a whole row of twenty millimeter machine guns mounted on concrete blocks and you step up to one and actually you shoot the damn thing. And taking care that you did not hit the plane by mistake. (both laugh) Believe me, the tow rope was very long. Then we had submarine training like they

did in Miami. We had a lot of drill on what to do at General Quarters, when you went into action, who did what, and the usual kind of thing. That was all done and we then brought the crew to Philadelphia aboard the ship. The ship was commissioned, so it became an active-duty vessel just after Christmas of 1943. Then we headed down the coast through the Panama Canal with a brief stop in Panama and out to the great Pacific.

MR. HAMROCK: You call that the name of the vessel?

MR. ACHESON: Yes. The vessel was the USS DE 217. It was named after an officer who was killed at Pearl Harbor named Coolbaugh. We were soon out over this ocean where you just go for days without seeing land, without seeing another ship, without seeing anything! — an occasional bird. I almost died laughing one day when — there were two black guys on the crew; in those days, crews were not racially integrated — but for some reason the stewards mates, who serve the officers' mess, who in the old Navy used to be Philippino by tradition, were now mainly blacks. These two black guys, they both came from Pittsburgh, were two of the three mess attendants who served the Officers' Quarters. They made the beds, they provided meals, and all of that. They cooked the meals, the Wardroom Mess Treasurers and Officers did the shopping and the organizing of the meals. These two black guys were standing at the rail one day just looking out over this endless expanse of light blue, grayish blue infinity and I actually stopped by these guys — I got to know them pretty well. I said, "Well how do you guys like the Pacific? One of them said, "Man, that's a heap of water out there!" The other one said, "Yeah, and we're just looking at the top of it!" (both laugh) That was an original observation. (laughing) We stopped at Pearl Harbor and I don't think we did much there except bring in new supplies and stuff That's not true, we had one gunnery training exercise where we fired at surface targets towed by a ship. It was kind of pointless because the main battery of the

Destroyer Escort then was a three-inch gun, one in the bow, and another in the stern. It was clear that a three-inch gun was pretty useless. First of all, we did not at that time have fire control radar. The capital ships did and they were later brought to destroyers, but never the DEs. In fire-control radar the motion of the ship is compensated by the radar, so the gun is constantly changing its aim for the motion of the ship. The gun is always on the target. We did not have fire-control radar, so it was clear in any sea, no matter how calm, you were going to have a gun platform that was moving, you were not going to be able to hit a damn thing with a three-inch cannon. The rate of fire from a three-inch gun was not fast enough. It was not an automatic weapon and you had to manually reload after every shot, so you did not have the kind of rate of fire that would enable you to change the aim as you were shooting. Almost immediately the main battery became a joke.

We had anti aircraft practice again in Pearl Harbor. Then we went off to the Southwest Pacific and ended up in French New Caledonia. It was far enough south to be out of the active battle zone with the Japanese. We arrived there in early 1944, well after the Battle of the Coral Sea against the Japanese where the U.S. lost an aircraft carrier and the Japanese did also, sort of a standoff. That was the first real blood against the Japanese Navy. We were then assigned to go to Manus Harbor in the Admiralty Islands, home port for the Seventh Fleet. The Seventh Fleet was part of the Southwest Pacific Area Command. General MacArthur was the theater Commander for the Southwest Pacific Area and all forces there — Army, Navy, Air Force, and Marines — were under him. Admiral Nimitz was the Commander of the Pacific Ocean Area, north of the Southwest Pacific Area, and all forces there were answerable to him. This was the first time in the history of U.S. warfare that a joint command had been established with multi-services reporting to one Commander. It was so new that, in fact, the Navy hated it, and their

hatred was not mollified by General MacArthur's penchant for publicity. He became the pet hate of the U.S. Navy and the U.S. Marine Corps.

The strategy was to leave Japanese bases behind, and they would then be encircled by U.S. forces and unable to really do anything. So you did not have to fight for every patch of real estate, and the whole idea was to be able to move along faster and save lives. We learned later that MacArthur had a reputation of being a very smart Commander and I did not know at that time, but at West Point, he had the highest grades in the history of West Point before or since. Our ship's part in the strategy was to be part of the antisubmarine escort for supply ships, troop ships, and for tankers that were going to reinforce forward bases, and to escort tankers that were fueling combat vessels at sea.

Fueling at sea was one of the most interesting activities. We would operate normally in a division of six ships. We would be assigned to escort tankers to a point in the ocean. When dawn came up the day you would arrive there, you would see this armada lined up in columns miles long all over the horizon. You would see a column of aircraft carriers, of battleships, of destroyers, of cruisers, all lined up and ahead of them several columns of large ocean-going oil tankers. Each ship would come up to the tanker ahead of its column, throw over lines and pull across large hoses that you would be attached to the fuel intake. Then they would start the pump and fuel the ship. The trick was to stay precisely on course with the tanker and precisely at the same speed of the tanker so that the hose was not subjected to any stress. That sounds easy but it was not because you make a change of five revolutions in the speed of the propeller and you are going to gain or lose speed. If a helmsman is not paying razor-sharp attention, he is going to wander off course a little bit and you do not want that either. When I was officer of the deck and had to stay right on course with the tanker, and right on speed with the tanker, believe me, if one

of the crew occasionally said, Mr. Acheson, can I bring you a cup of coffee? (laugh) I said, “I don’t have time to drink it.” (both laugh)

MR. HAMROCK: While at the same time worrying about potentially any other submarines in the area?

MR. ACHESON: Yeah, well always. Of course, we had a screen around the whole formation. When we were not fueling our ships, we were part of that screen. The funny thing is that the Japanese, correctly one can say, thought that the war was going to be a battle of aircraft carriers and battleships. Because it was going to be that kind of battle, ships of those classes were so fast that submarines would not be able to have any significant part in their actions. Submarines do not have that speed, and until the nuclear age, never were built to have that speed. The Japanese never really built a lot of up-to-date modern submarines. They had submarines and some of their submarines did some damage, but unlike the Germans, they never regarded submarine warfare as really a critical thing to be undertaken. Later when we were operating in the Philippine Archipelago, the islands make any transition of that archipelago a matter of threading through enclosed waters past islands and going through channels, a perfect opportunity for submarines to lie in one of those channels and wait for the inevitable traffic that had to go through. The Japanese did not do that and no one could ever figure out why not. Very interesting.

The *USS Indianapolis* that brought the atomic bomb to Tinian — remember, that was hit and sunk in mid-Pacific by a Japanese submarine with a horrible loss of crew and everything. The whole ship went down. A friend of mine was Commander of the DE that happened to run across the survivors of the crew and rescued them. That was just blind luck for the Japanese sub Commander to have a target out in midocean. In these enclosed waters in the Philippines, we

had plenty of contacts that we thought might be submarines. Only a couple of occasions where ships hit and sunk by subs in the Philippines, it is interesting.

The fueling at sea was great! We would then continue escorting vessels to various advanced bases. As the war went on the bases became more and more advanced into territory occupied by the Japanese. One day we were at our base when we changed the homeport of the Seventh Fleet to Humboldt Bay, on the north coast of New Guinea, up from Manus Harbor in the Admiralties. One day the captain said to me, “We’ve got orders to go over to an operations meeting. All Commanders and all communications officers at the Supreme Commander Headquarters.” The Supreme Commander Headquarters were at a beautiful big freshwater lake about five or six miles into the mountains from the coast, Lake Sentani. MacArthur had his headquarters there and his naval Commander was Vice Admiral Thomas C. Kincaid, who was a very competent officer and a notable gentleman. A really fine person, wonderful guy. He and I became friendly after the war. So we go to this briefing on the next operation, and it was conducted in the greatest secrecy. You had to show your ID, then you were given an assigned seat, and you were looking at this big stage. There were a couple of thousand people in the audience — communications officers. At the head of the stage, an elevated stage, this guy pulls down this huge map of the Philippines and takes a pointer right in the middle of Leyte Gulf — I said, “That’s where we are going?” (laugh) We were assigned to the attack force at Leyte Gulf which was divided into three task units. Each had a Seventh Fleet task unit number assigned to it. The task force was called Task Force 77, and the Task Units were composed of six DEs — each task unit had six DEs for escort, four converted aircraft carriers, that is carriers converted from fleet tanker that had a deck added, and each task unit had four of those carriers. There were three units and we were in the southern most of the three task units. We were operating with

four carriers, *USS Chenango*, *USS Suwanee*, *USS Santee* and another carrier. So off we went. The strategy here was that the carriers would provide air cover for the troop ships to cover the landing so that the landing would not be disrupted by air attacks. The striking force was the Third Fleet. They had the heavy carriers, heavy battleships and cruisers, and their job was to make sure that Leyte Gulf was safe. When you look at the Philippine Archipelago, you can see that Leyte on the east side of the archipelago could not be attacked by the Japanese except by air, or by ships that had to transit the San Bernardino Strait. The Third Fleet's job was to seal off the archipelago from the west so that no Japanese surface vessel could penetrate it and mess up the troop ships in the landing area. We arrived at this point and we started antisubmarine patrolling. The other two task units were out of sight just over the horizon to the north. We began patrolling for submarines and, by God, we got a contact! So we launched an attack on that contact dropping depth charges and everything. We did not see any wreckage, or anything coming up so we could not claim a hit and probably did not make any. While we were doing all of that, all of a sudden there was a loud explosion and one of the four carriers that was with us had been hit by a torpedo. They did their damage control exercise on that ship and prevented the ship from sinking. Then all the DEs were rushing around trying to find that submarine. Interestingly, nobody got another contact. But all of a sudden out of the clear blue sky came a swarm, not a big swarm, but like a dozen, Japanese fighter planes. We thought, God, that's funny. Everyone rushed to General Quarters. We got on the anti aircraft guns. Before anyone could do anything about it, two of these planes dived on one of the carriers, three thousand yards from us. The *Santee* took the first hit, hit twice by kamikazes. These were the very first kamikaze attacks in the Pacific war. No one had even imagined the kamikaze attacks until then. About two minutes later, one of the other four carriers, *Santee*, we were escorting was hit by

another kamikaze. Of course, a kamikaze attack on a carrier is devastating because, depending on where it comes from, it dives through the flight deck, what happens is you get an initial impact on the flight deck which spreads fire, and you have aircraft on the flight deck, you have fuel hoses on the flight deck, and the engine block normally penetrates to the hangar deck below where there are stored aircrafts, and that will start a fire with explosions on both decks and fire. A carrier is a floating magazine and a floating gas tank. So in no time on the *Santee* about 90 men were blown off the flight deck into the water and a number of others were killed in the hangar deck below. After the planes disappeared, we picked up out of the water all of these men, some of them had serious burn wounds which were very distressing to the victim and very distressing to the beholder because they are very painful and horrible looking wounds.

Our pharmacist and our cook prove to be a very interesting team. The pharmacist had tannic acid jelly that you put on burn wounds, but very quickly that was exhausted, with all of these people, because there were far more wounds than any crew of a Destroyer Escort would ever expect to have, but the cook realized that if you boil up a lot of tea you have tannic acid compresses — you have tea bags. Put in about 100 tea bags and boil them up and you have tannic acid, and you could cool it and put on the burn wounds. So we were all doing that and we were all busy as hell helping people who were on deck with wounds and getting them stuff to drink and bringing tea bags and all of that to dress their wounds. It was pretty chaotic, but several hours later it became clear that *Santee* was not going to sink.

A brief aside, one of the four DEs with us was called the *USS J. Douglas Blackwood*. It was part of our screen group in the same task unit. It was the only DE we encountered in the entire war that did not have Negro mess attendants. They had Philippino mess attendants. The *J. Douglas Blackwood* became quickly known in our task unit as the J. Blackless Dogwood.

(both laugh) It was part of our screen and it was picking up men out of the water. The Commander of our task unit was a rear admiral named Sprague, and he ordered our ship to escort *Santee* back to New Guinea for repairs because it had been hit and it had a rudder problem and had to go slowly and all kinds of hull damage, so we were going to have to take it back at about five knots to Humboldt Bay in New Guinea. Ideally, we would have had more than one escort to take the ship back in hostile waters, but they could not spare another escort. There was just too much action going on for the escorts that were there. We went back to New Guinea with this ship and so we missed the rest of the action. Before we had left the following had occurred: The night or two after the kamikaze attacks, I was in my bunk, off watch at night, and the radio man came down from the radio shack — I was communications officer — and he woke me up. He said, “Mr. Acheson, you better come up to the radio shack and look at this message that I think the Captain ought to see!” So I did. The message was from Com Seventh Fleet to CINCPAC (Admiral Nimitz) saying, Where is Task Force 34? That was Halsey’s force. That meant that Halsey was off station and the San Bernardino Strait was open to the Japanese Fleet. The same day we had reports from the Surigao Strait, south of Leyte, where a Japanese task force of heavy battleships, cruisers — the task force tried to come through there. Admiral Oldendorf, the American admiral that was in charge of all the old battleships that formed one task force (like *USS Maryland*, *USS New York*, *USS Texas*), he had them cover Surigao Strait. The Japanese capital ships came through one at a time in column, and Admiral Oldendorf did the classic crossing of the T maneuver, steamed his ships right across the Japanese column and destroyed each vessel in turn by gunfire. That’s what Nelson did at Trafalgar. (both laugh) It was just astonishing! So that told us that the Japanese were trying to penetrate the archipelago, and the radio message that I saw indicated that the northern opening, which was the San Bernardino

Strait, was now open. That put everybody in a panic. And to be sure, Admiral Kurita brought his capital ships through the San Bernardino Strait into the area just north of Leyte, just off the Island of Samar. (The battle now called the Battle of Leyte Gulf at that time was officially called the Battle of Samar.) Kurita expected to be in a gunfight with Halsey's ships. What he knew and what Halsey did not know was that the Japanese had a decoy force of empty aircraft carriers that had only skeleton crews and no planes steaming south from Taiwan to the Philippines that were designed to draw Halsey's force off station. They were the sacrifice force. So Kurita ends up with his force suddenly under attack by planes from Seventh Fleet planes, not Halsey's planes, but Admiral Kincaid's planes. Kurita did not know whose planes they were. So he did not know whether Halsey had been pulled off station or not. Meanwhile, he had a lot of surface targets, converted carriers, DEs, couple of destroyers. That puzzled him because he thought he was going to see capital ships against him. So they had a big shoot-out there in which a number of destroyers and DEs were sunk, and a couple of converted carriers were sunk, or damaged. But it was interesting because Kurita had ordered his forces to load ammunition with armor-piercing shells, believing he was going to be shooting at battleships and cruisers. Several of the carriers on our side and a couple of the DEs on our side experienced sixteen- and eight-inch shells going through the hull and out the other side without exploding because they had fuses built to be triggered only by the impact of battleship armor. (both laugh) It was really just astonishing! Kurita lost his nerve. He did not know that Halsey was off station.

Meanwhile, Halsey was up there and he encountered the decoy carriers and sank them all. Then he got word that Kurita's force was attacking the landings, turned around to come back, but he was way too late. Kurita, meanwhile, not knowing that he could be sure of going into the landing area and shooting up the troop ships because he did not know where Halsey's

force was, so he decided to get the hell out. He turned around and left and an American submarine actually sank his flagship on his way out through the San Bernardino Strait. His flagship was *HIJMS Yamato*, the largest battleship ever built in the history of the world with 18-inch guns. It could have been a formidable enemy, but it took a hit from a U.S. submarine and down it went. So Halsey is covered with embarrassment and he had sent all kinds of messages glorifying his victory over the decoy force. He never forgave Kincaid for his message that said “where is Task Force 34” because it reflected unfavorably on Halsey, but Kincaid was quite correct and Halsey was quite wrong. I was horrified later to learn that Kincaid retired with three stars as Vice Admiral, which he had all along. Halsey was the only officer, after the war was over, to be given a fifth star. I was just outraged!

Kincaid and I and our wives became friends. He and I belonged to a little eating club here called the “Alibi Club” where we would occasionally meet and have a drink. Whenever I saw him there, I always got a drink myself and said, “Tom, lets drink to the great glory of William F. Halsey.” He would laugh.

The rest of the war was sort of anticlimactic after Leyte Gulf. We kept escorting supply ships, tankers, carriers, and other ships to more and more northern and western bases. We were part of the Iwo Jima operation. We were part of the Lingayen Gulf operation where the task force went through the archipelago, and through the Sulu Sea, and up the west side of Luzon into the Lingayen Gulf. The MacArthur strategy was to attack the Japanese occupation force on Luzon from the west side as well as on the east side and trap them, prevent them from being reinforced and resupplied, and that worked out very well. There we did run into some submarine contact and a few attacks that never got any proof of a hit. Proof of a hit was very hard to get, because you have to see the wreckage coming up, or you have to see an explosion or something

on the surface. We never actually saw either one. Then the task got even harder to get credit for a hit because the Japanese would load a torpedo tube full of junk like life jackets, tin cans and stuff that would come to the surface and they would expel it from a torpedo tube while they were doing evasive maneuvers. They would hear a boom or a depth charge go off and then they would shoot this junk out of a torpedo tube and wreckage would come up with a big air bubble and the people on the attacking ship would say, Ah ha, got it!

We ended up the war in October of 1945. Of course, we were all electrified by the news of the atom bomb. That was great! We were quite sure that would make for a shorter war, which, in fact, it did. Shortly after that we were up in the north just east of Japan at the largest naval base in the history of naval warfare. Ulithi Atoll is a ring of coral that nearly encloses a body of salt water. In this case, the atoll was almost 30 miles in diameter and it was very deep and had several openings. The entire Third Fleet could moor in Ulithi Atoll with room to spare. There was an Officers' Club ashore of Ulithi called the Black Widow Club, named for the new class of night fighters, called the Black Widow, a night fighting, double-engine plane that had quiet water-cooled engines and could carry bombs and rockets and even torpedoes. Anyway, while we were in Ulithi, the Navy sent out a fleet broadcast about release to inactive duty, the war now being over with the Japanese and the Germans. Now the priority was to keep cost down. So they wanted to retire people who were not necessary for the war, and almost all of the reservists were no longer necessary. They had to keep some on duty because they had all of these ships, and before the ships could be retired they had to bring them in and then the crews could be retired. Meanwhile, they decided they could do with a skeleton crew on some ships. Before we went to Ulithi, we were assigned to go to several Japanese bases like Rabaul in New Britain, and Hainan off the coast of China, to determine whether there were Japanese forces

there who had not gotten the word about surrender. So we went to those places and we found, in a couple of cases, some Japanese, but they knew about surrender and they were only too glad to be taken off and put in prison camp for a while where they were interrogated by intelligence and then sent home.

All this meant that some U.S. personnel were getting personal relief orders, and the criteria were, if you were married and had been at sea for so long, and had combat duty, you would be the first to retire. I was married at that point. I had married in the States on May 1, 1943. I had been at sea almost continuously for two years. I had been in combat four times — our ship had — so I had four battle stars on my ribbons. While we were at Ulithi the commandant of the base sent a message boat out with relief orders for me personally, and several others. (This was my second DE, by the way, not the original DE, I was on. The second DE was a very pleasant experience also. I mean a good ship, good crew, good officers. I had a very good time.) So I was ordered to go ashore, report to the base Commander, and await transportation to the United States and relief and assignment to inactive duty. The base Commander was a Lieutenant Commander of the Navy. There had been a full captain in command at Ulithi, but he had been relieved, or going somewhere else that was more important to the Navy, maybe Yokosuka in Japan. The new base Commander had been the assistant commandant, and he was now the commandant. I went ashore and met him. I said first interest, of course, was to get transportation home. He said, “Well you know, I think I am going to get relief orders too.” He said, “What I am going to do is send a message to the Type Commander for the Destroyer Escorts in Yokosuka in Japan, and ask for them to send any U.S.-bound vessel past here to pick you and some others up to take you back. Also, to send vessels to pick up the remaining equipment and supplies for the base which no longer need to be there. He said, “You

know, we have several hundred cases of booze here. It is probably our solemn duty to try to consume as much as we can because it is all going to go back to be shipped home eventually.”

The empty bottles would be cheaper to move than full ones. (both laugh)

There are another half dozen of officers who were in my status at the base. We used to gather and have dinner at the base and cocktails pretty much every night while I was waiting for transportation home. You know, I really wanted to be useful so I said to the captain of my DE, “Sure I have been ordered to go ashore, if I can be helpful here the commandant can probably lend me back until you guys leave and if you guys leave before other transportation that I can get goes home, maybe I can go home with you .” So, I did that for a while between the base and my old ship. The commandant said, “You know this is really irregular, but he said, I am Reserve and you are Reserve, so who gives a damn?” When I first went into the Navy the joke was the admirable thing about the Navy system — this is the old Navy system — it is a system designed by geniuses to be run by idiots. In a sense it was true. The peace time Navy was a very small service. A very snobbish service. A very class conscious, race conscious, a very elite service in which actually social contacts were very important to advancement in all of that. To have that Navy suddenly show the ability to take thousands of Reserve enlisted men and commissioned ranks and turn them into useful members of a service in combat was just an extraordinary achievement. Of all of the things I felt about the war, the thing that I found the most extraordinary was that a small, selective service like the Navy could develop into this huge, expansive, effective ship building and training program. I thought it was just absolutely astounding! I still think so. Amazing!

MR. HAMROCK: I do not think you said, did you enter the war as a j.g.?

MR. ACHESON: No, as an Ensign.

MR. HAMROCK: As a Ensign. Okay.

MR. ACHESON: I went to inactive duty, but I did not separate from the Navy for some years. I remained a reservist. I would go down and do Reserve training just to keep my status up because I did not know whether I would have to go back for some reason. We were going to fight the Russians? Who knew? A few years later, I gave it up. But for a while I stayed in the Reserve. I even thought of staying in the Navy as a career, but my father's friend, Admiral Kirk (who commanded the D-Day Task Force, but because he was not a carrier admiral they retired him with three stars), said frankly to me after the war, he urged me not to think about the Navy as a career. He said what inevitably would happen is that the Navy appropriation would be cut sharply, personnel will be cut sharply, promotions will be cut sharply and it will take a lot longer to go from rank to rank. Your opportunity for distinguishing yourself will be shrunk because operations generally will be shrunk." He said, "It is a very poor time to consider going into the Navy as a career. Particularly being a reservist to the extent that the academy social connections, the Green Bowl and all of that have some influence and you do not have any of those factors for advancement." So he said, "I would not do it." I said, "Well, no one should know better than yourself. Thanks for your advice."

Then I decided to enter law school. Largely to see what would happen. I thought it would be a good thing to become a lawyer. I was not sure at all that I wanted to go into law.

MR. HAMROCK: I think at this point we may want to stop because my tape is about to run out.

MR. ACHESON: Okay, yeah let's do that. So we will begin again at Cambridge, Massachusetts.

MR. HAMROCK: We will begin in Cambridge, Massachusetts, on the next tape.

This is the end of Tape No. 1 of the Oral History of David Acheson.

MR. HAMROCK: This is an addition to Tape No. 1.

MR. ACHESON: A correction about the message Kincaid sent to Nimitz, "Where is Task Force 34?" It was actually sent by regular Navy practice encoded with what they call padding on the front and the end. The padding in Navy communications practice was designed to confuse the decoders on the enemy side by putting in words that had nothing to do with the substance of the message. The padding, in this case, read as follows: the front padding read, "Where, oh where." Then the substance read, "Where is Task Force 34?" The end padding read, "The world wants to know." (both laugh) It was the padding that particularly infuriated Halsey because he thought it was an effort to ridicule him (and might have been). (both laugh)

**ORAL HISTORY OF  
DAVID C. ACHESON**

**Second Interview - February 26, 2010**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is David C. Acheson. The interviewer is Kurt J. Hamrock. The interview is taking place in the offices of McKenna Long & Aldridge LLP on February 26, 2010, beginning at 10:11 a.m. in the morning.

(Tape 2)

MR. HAMROCK: Mr. Acheson, thank you again for coming and speaking with us today. We appreciate the time you spent during your first interview with us. Two topics that arise from the first interview we wanted to touch bases on. First, before we continue, if you care to share with us any thoughts, or memories you had of your siblings? Also, you mentioned during the first interview that you, by the time World War II ended, were married. Any reflections of memories you might share with us of you and your wife?

MR. ACHESON: First siblings. I am smack in the middle of two sisters. One, three years older, the other three years younger. Inevitably, I suppose I became quite close to my older sister because she being older and more sensible than my younger sister. (laughs) Not a reflection on my younger sister, but my younger sister was really quite the child. My older sister was six years older than she, and was therefore sort of a role model and a very, very thoughtful, considerate young lady. My older sister, Jane, carried her middle name Stanley, after my mother's maiden name. My older sister, from her earliest years, was what you might call a good government enthusiast. She had a pretty clear idea of how the household and the conduct of its members should proceed. She conducted herself according to her own rules, and urged me to conform to those rules also. Actually, I did not resent that because I thought she was very sensible and had good ideas, and she was also a lot of fun. She was a fun-loving person, and she

was quite smart. She was not a particularly good student, which is surprising because she had very good intelligence and instinct. I learned later in life the correlation between being a good student and being intelligent is not necessarily close, because there could be reading disabilities or something that interfere with the learning process and the reading process. It does not mean that the person does not have a lot of brains. I always felt that my older sister was a great person. We were very good friends really until her death, about eight years ago. My younger sister was very charming. She was as a child, and she became really quite a lovely person, a really good-looking girl. She was clearly the favorite of my mother because they had the same birthday. My mother, who came from a family that you might call part of the Anglo ascendancy in Ireland, was sort of superstitious. She thought because Mary and she had the same birthday — my older sister was Jane and my younger sister Mary — and she thought that the birthday coincidence meant that there was a special spirit between the two of them. That meant that everything that happened in the household brought favor to my younger sister. (both laugh) That was sort of a mild pain for me, but Mary quickly learned that any sound of anguish from her based on anything I did met with quick correction and disapproval at me from my mother.

My father was very skeptical of mother's sort of otherworldly beliefs, and I found that sometimes I could take an appeal to my father when he came home from work. I also learned that was pretty risky because if my appeal was denied, or the lower judgment affirmed, then I was in serious trouble with my mother. (both laugh) So I threaded my way as a youngster through a family relationship that was far from simple, and that gave me, I think at a fairly young age, a sense of the subtleties that one had to work through in life. Anyway, Jane and I became really good friends. Jane is deceased, Mary is still alive. She is a widow. Jane married a very nice man whose family was very wealthy and he was actually a major shareholder in the

holding company called American Electric Power. Later in his life, after they were married, they asked him to go out to Milwaukee and act as the CEO of the Milwaukee Electric Power Company, which was in some kind of trouble. He did that, and he and Jane lived there for two or three years until he went back to New York to resume his role in the holding company.

Just a sidelight, but maybe an entertaining one, when he and Jane were married, I met his parents, Jane's in-laws. Old Mr. Brown was a dapper smallish man with a flowing white mustache like the cover of *Esquire* magazine, you know. Slightly popeyed, carefully combed hair and a really nice man. I only met him once, but I liked him and I asked my brother-in-law about his earlier career. He said, "My father hit the big time, purely by accident." He had a friend who worked at a company that made office machines. He was not happy there and he did not think the company was well run, and he had some ideas that he thought could move the technology forward very rapidly, but he did not have enough capital to really go into it himself, to make the necessary investments as an individual. So he asked some friends to take shares in a company that he was starting up. One of his friends was Mr. Brown. Dudley said Mr. Brown was lucky because he became a major shareholder of what had been a little Mom and Pop operation now called the International Business Machines Corporation. (both laugh) Anyway, Dudley was a nice guy, a very good yachtsman. He became a naval officer in World War II. My younger sister, Mary, married William P. Bundy, who achieved fame or notoriety, at least, during the Vietnam War when he was Assistant Secretary of State for the Far East. He was part of, unfortunately, the mistaken belief that if we did not rescue Vietnam from the Communists all of Asia would go down the drain. He really believed that and he and I had some ferocious arguments about it. I was never close to him. I thought he was very book smart, very able, but seemed to me to have no sense of reality at all. So I was never close to him, and I really never

liked him. I never really saw much of my younger sister until he passed away. Then suddenly we became very good friends, (laughs) — my younger sister and I, and still are. I stay with her (when I drive to Cape Cod) in Princeton where she lives, and I see a lot of her and we talk a lot on the phone.

My wife was a classmate of my sister Mary at the Westover School for Girls in Middlebury, Connecticut, and Mary brought my wife, Pat, home once on a vacation, and we quickly became very fond of each other, which led to an engagement and marriage during World War II, which probably should have been delayed if we had been sensible people. Of course we weren't. (both laugh) Her father was a very nice man who came from a southern family. His father was a banker in Texas, and he was asked to go to New York and become chairman of the Guaranty Trust Company many years ago. So my father-in-law was a southerner by parentage, accent, and all kinds of traditions. His mother was Louisianan from a very distinguished family in New Orleans. My father-in-law became a lawyer, a partner at Lord, Day & Lord in New York. One of his clients was an investment banking firm called Charles D. Barney & Co. A digression for historical interests: Charles D. Barney was the son-in-law of Jay Cooke, who financed the Union in the Civil War. You recall he went bankrupt after the panic of 1873. After the panic subsided he went back into banking. He thought it imprudent to put his name at the head of the firm because of his previous bankruptcy. His son-in-law, Charles D. Barney, was a partner in this new firm and he decided it would be prudent to give the firm that name. So Charles D. Barney & Co. was a successful investment banking firm that did underwriting and I do not think it was a retail brokerage, but I am not certain. My father-in-law was in the Yale class of 1915. Significant members of that class were Dean Acheson and John W. Hanes, the North Carolina textile family. All three of them were members of the senior society at Yale

called Scroll and Key. My father and father-in-law were close friends at Yale, and I asked my father-in-law once when he was a partner at Smith Barney, “What was the story on Smith Barney?” He told me about Jay Cooke at the origin. He said, “My classmate and friend, Johnny Hanes, was a partner at E.B. Smith & Company, and we were having lunch together one day, at the Racket Club in New York, and I said to Johnny Hanes, ‘You know, why do we compete? We are two sort of boutique financial firms and we are always batting each others brains out in competition. Seems foolish, why don’t we combine the two firms?’” Johnny said, “I think that is a good idea!” He said, you go back and put it up to your senior people and I will do the same. They did and the two firms merged and became Smith Barney & Company. (both laugh)

Anyway, we were married during the war and, I went away overseas. I left right away. In fact, truly right away. My wife, who was a serious scholar student and history buff, entered Bryn Mawr College as a student, and I was away so long that I came back just before she graduated. She later became a published writer. She published three books through Dodd, Mead and Company, which was a reputable commercial publisher, now defunct. One of them was called *Our Colonial Heritage*, which was a very interesting book about how each of the American colonies had a distinct personality based really on its derivation from Europe. Was it primarily Scottish, was it primarily English or French? Was it predominantly Catholic? Was it predominantly Protestant? Was it predominantly a commercial mother country, or predominantly an agricultural mother country? She really drew profiles of the thirteen American colonies based on their derivation from the mother country, which involved class, economy, trade, history, political history, and religious history. Some of the American colonies were based on religious persecution and escape and others were not. Others became what you might call the offshoot of the original religious ascendancy in mother country. It was a very interesting book

that way. Then she wrote a potboiler which was not very interesting, but it earned her quite a lot of money. It was published in paperback and hardback, called *Our Federal Government and How It Works*. This book defined the three branches of government, Executive, Congress, Judicial, and something about their functions, with the organization of the executive departments and the way the committees and the Congress worked, and the jurisdiction of the Supreme Court, and how that had changed over time. Not a big heavy book but a book about, I would say, an inch thick, mainly for high school students. Because government changed frequently, particularly executive branch, she was asked by the publisher to redo it about every two years. So this book was kept current you know, and there was a time when there were about eight or ten copies of this book in every USIS library in the world. She found it ironic. She did not have a subtle mind, but she had a disciplined and energetic mind. It was a discovery to her to learn that the least praise-worthy book she had written was the most profitable. (both laugh) Her third book was called *America's Judicial Heritage*, and how its jurisdiction was derived and defined and how it changed over the years. That did very well. That was a very sought after book. That was in education libraries all over the country. Dodd, Mead published all of those books.

As long as I am talking about my marriage, I will talk about my three children. Just for the record my oldest was a daughter, Eleanor, who lives here in Washington and is a lawyer, and is now Senior Vice President, General Counsel and Corporate Secretary of Amtrak. My second child is a son, David, who has unusual ability and imagination, and he became an architect with a close friend from architecture school at Harvard. He formed his own firm in New York and has done extraordinarily well. At a time when most architects are having a tough time, he did it by thinking up two quite original ideas. First, he and his friend were junior architects for a German immigrant who had a very successful firm in New York, Ulrich Franzen. Ricky Franzen, was a

very, very nice man. He was a very gifted man, and he had a very successful firm. He gave those two boys a lot of leeway. After they had been there several years, he said to them, “You know, I don’t believe in enlarging this firm, I never have, and I never will, and I don’t want partners, but you two guys are unusually able architects. I will refer business to you if you go and start your own firm.” David was lucky because Franzen put him in charge of building a mansion for a client in Long Island, which this client wished to become an art museum after his death, because he had a significant art collection. David did that and that house appeared on the cover of *Architectural Digest* with a big story about my son. He had just gone independent and that really put him on the track to go forward. He discovered that the architecture business was based on projects, building projects. Therefore, projects came in and were completed.

Sometimes you would have a new project coming in but sometimes you would not, and if you did not you would want to lay off some people and wait for the next project to come in. This parabolic curve of business seemed to be a fundamental problem of his profession. He said to himself and to his partner, “You know a way to cure that is you can live with the parabola if you have an underlying steady stream of income from the other sources than projects.” How to do this? They became retained by leading hotels in New York to be their house architect, keep them up to code, and if they had to do work on the buildings, David’s firm would do the work. So this gave him a rather steady stream of revenue. He now represents five or six of the best hotels in New York. Not necessarily the biggest, but the ones that have the most *éclat*. That worked very well. Then he and his partner realized that another trouble with income directly derived from projects from developers, is that the architects are the last people to be paid. The development starts with a lot of zoning work. Then it goes through a lot of cost analysis, and then it goes into building. The people who do the first two get paid first and by then the client is

probably running short of money. When the building is finished, and as it progresses, the payment gets slower and slower and the architect is the last to be paid. So David said, "You know, we have had one or two very successful experiences as zoning consultants, why don't we expand that business aggressively and we would have solved that problem because those guys get paid first." So he and his partner accomplished this and are now among the two or three leading zoning consultants in New York. (laughs) He said, we have now arrived at the point where every cycle of a development we have something to do with, as well as the underlying revenues streaming from the hotels. He said, we really are doing damn well. I found that quite extraordinary. I have never heard of other architect firms who analyze things that way and solve those problems that way. But he has unusual powers of analysis, and he is very, very reliable. So he made a great success of himself.

My younger son, Peter, lives in the Hudson Valley and he is an artist. He has not had the financial success therefore that my other two kids have had, but he works very hard and he is doing okay. He works at Bard College in the Hudson Valley, paints and now has a very successful dealer who is selling his paintings pretty well. Curiously, of my three children, I would say he is the one with the most active imagination, and the quickest mind in many ways. For example, he can do the Friday and Saturday *New York Times* crossword puzzle in about 30 minutes. (laughs) My other two kids, although they have great gifts, and even verbal gifts, can not do that. He reads everything, he remembers what he reads, he has a very active mind, he lectures on art, and he paints a lot. He has three children. He is divorced. His oldest is about to enter college. So he is now facing what you might call a testing period for a single parent. So, I think that takes care of my family, as far as my oral history is concerned. I see a lot of my children and talk them a lot on the phone. We e-mail actively back and forth.

So now we can go back to where we stopped, I think, where I had finished my life in the U.S. Navy and was about to enter the Harvard Law School.

My first interview at the Harvard Law School, after I applied for admission, was with a highly respected professor of tax law named Erwin W. Griswold. Later, you may recall, he became Solicitor General of the United States, and he came to Washington where he lived the rest of his life. He had a very nice wife. He and I became law partners at a firm called Jones, Day, Reavis & Pogue, which is a huge firm of Cleveland origin with a big Washington office, and now offices all over the world. You may or may not have heard of them, I don't know.

MR. HAMROCK: Quite a bit.

MR. ACHESON: So Erwin and I used to have lunch together occasionally, and he said to me once, "You know, when you interviewed me, I remember you were wearing a naval uniform," and he said, "I said to myself, this guy probably thinks that I am going to be impressed and his chances of getting in are going to be better because he has his naval uniform on. He said, tell me honestly David, was that ever in your mind?" I said, "You know, actually it never was. The truth is that I only had one other suit to my name and I did not like it and I did not think I should wear it to an interview." He said, "I did not count it against you, but it just crossed my mind to ask." (both laugh) Erwin's lectures always started, "Gentlemen, don't try to think great thoughts about tax law, just read very carefully the words of the statutes." (both laugh)

The great thing about the Harvard Law School was that I saw so many of my friends coming back. The war had collapsed the college graduation years, so the college classes of '40, '41, '42, '43, '44 and even '45, were all together at law school. Some in their third year, some in the second and some in the first, but it was a big mixture of all those people. I saw a lot of old friends there, and I quickly renewed friendship then, and with many of them now married as I

was, I made a lot of new friends there whom I have really treasured later in life. That was on the plus side of the ledger for the Harvard Law School, that was a big plus. I would say some of the teaching engaged my interest. I mean all of it obviously required discipline, work, reading, doing homework and preparing for class the next day, I could do all of that pretty well. On the negative side the big problem was there were a lot, I would say, a high percentage of the faculty was the pre-war faculty, many of whom were old even prior to World War II, and older still by the time I got there, and some probably should have been retired before. All of them, even the ones I liked, tended to teach from the methodology that they thought should be revered because it was traditional at the Harvard Law School. That was a kind of blind adherence to the case method with little patience for discussing the consequences, implications, possible critiques, and the law was taught at the Harvard Law School by that tradition, even when I was there, as if there was no real world. There were only lawyers, plaintiffs, and defendants. It was regarded as intellectual sissy stuff to think about or talk about the social or political consequences of legal judgments, judicial judgments, or legal reasoning. They rather prided themselves on this chilly, narrow definition of legal education as opposed to what they rather contemptuously called social law, as taught by the Yale Law School. I can understand that criticism, but I couldn't agree with it. I discovered very early on, that a lot of my classmates felt the same way. I actually thought about transferring to another law school, maybe University of Pennsylvania, maybe Yale. I did not want to spend another three years in New Haven, which I found a boring surrounding. Penn had a very good representation as a law school, and I thought about moving there. A lot of people, my father, some of his friends, Justice Frankfurter, all discouraged me from doing that because they thought that the thing to do was to just bull your way through the Harvard Law School and you will profit later in life from that harsh discipline. So that is what I did, and now I

am sorry I did that but you can't go back. In any event, in practical terms one of the chief problems I had was that the classes were huge, like three hundred people, and classrooms had no amplification, and if you did not get in the first two rows when class started, you were going to miss a lot. A lot of us had, I know I did, suffered a little bit from the effect of gunfire on the eardrum. I was not seriously impaired enough to need a hearing aid, but I did need to hear a voice really speaking up, and people like Ralph Baker, who taught the corporation law, and E. Merrick Dodd, who taught bankruptcy and corporation law, particularly corporate finance, were kind of old and frail and their voices carried well in the second row but not beyond. I would go to class sometimes and not know a goddamn thing that happened in class, and I would have to go up afterwards and ask a lot of questions, which were received somewhat impatiently. I mean courteously enough, but you asked Ralph Baker a question and he would look at you as if you really did not have a lot of brains, and then he would be looking at his watch and obviously wanting to get out of there. (both laugh) So I felt, Goddamn it, why can't this place amplify the lectures. Not a hell of a lot to ask! We did not have one amplified classroom, and they were huge classes. So we were borrowing each others notes all the time. Occasionally, I would get up in the front row and afterwards I would have about five or six people ask me if they could borrow my notes. More often I would get in the middle, or the back of the class and have to borrow somebody else's notes. There was one guy who was always in the first row scribbling furiously. His name was Albert Sachs. He later became a contemporary of mine at Covington & Burling, and everybody wanted to borrow his notes. He graduated number one in our class. He was on the *Harvard Law Review*. He was very nice guy. He later became dean of the Harvard Law School. He left Covington and went back to teach and became dean. A very good dean and a very nice man. I liked him a lot. Anyway, that was the Harvard Law School. So I thought the

social experience there was very nice and very rewarding. The educational experience there I thought was backward and failed to meet the legitimate expectations of the student body. I can't say that I did not get a good education there as far as it went, but it was not a pleasant experience of my life. Now that I look back on it, sort of saying well — it had its good points, it had its bad points. Basically, I am glad it is over. (both laugh)

MR. HAMROCK: May I ask two questions?

MR. ACHESON: Yeah.

MR. HAMROCK: First of all, what prompted your decision to go to law school at all after the war, and what prompted the decision to go to Harvard versus some other school?

MR. ACHESON: When I was placed on terminal leave from the Navy, I thought carefully about what I really wanted to do in life professionally. I can dismiss some things that I was neither suited for nor educated for, nor disposed toward like medicine. I thought about going to business school, but then I thought, you know, if you are really not sure of what you want to do and you want to be equipped to take opportunities that may arise, getting a legal education would probably open more doors than any other single mode of education. That is what I thought. I am not at all sure I was correct in that judgment, but that is what I thought. I talked to my father about it who knew a lot of — he was a very, very good lawyer. He had been number two in his class at the Harvard Law School. He was the Treasurer of the Law Review on the Board of Editors. He was also a fellow of the Yale Corporation. So he was in a good position to sort of compare the advantages and disadvantages of the legal education. He was also in a position to compare the Harvard versus Yale Law School. Dad encouraged me to go to law school on the grounds, I was thinking, which was to open more doors, probably, than any other single thing. Medicine, church, military, law, business, are sort of the things you think

about professionally. Most of those were not in my field of interest in anything I had been prepared to be educated with or to think about. So he encouraged me to go to law school. His close friend, Felix Frankfurter, who had fatherly feelings for me, was enthusiastic to have me go to Harvard Law School. I was moved by their advice, and I did not talk to anybody who said, For Christ's sake don't go to Harvard Law School. Or, For Christ's sake don't be a lawyer. My father-in-law said, "I am a perfect example of a person for whom doors were opened other than the law because I was a lawyer." So I found that pretty persuasive. In turn, I have to say it proved true in my case. When I look back on how I thought Harvard Law School should have been run, and how teaching should have been done there, when I look back on that now I said, "I don't see how they could do that!" (both laugh) And, that is still what I think.

MR. HAMROCK: One other question that occurred to me —

MR. ACHESON: I thought that thoughtful, able people with good minds and some interest in educating young people, really ought to have thought about how to teach older veterans comprising the majority of the student body. How to teach them in a way different from what they have been doing from the previous 50 years. I do not think they really thought about it.

MR. HAMROCK: One thought that occurred to me was in today's world the cost of law school is such a big factor, and many people talk about how people can go to law school and pay off their debts and so forth. They almost have to try and go for a large corporate experience.

MR. ACHESON: Yes, I understand that.

MR. HAMROCK: How would you compare that to the law school experience?

MR. ACHESON: That problem did not exist when I was in law school. First of all, the GI bill paid every nickel of my legal education. I had saved a lot of my Navy pay so that I

could manage living expenses fairly well. My wife got a teaching job at a very reputable girl's private school in Boston, so she was earning some money. We were getting along okay. We never had extra money in any large amounts but we usually ended the month in the black. I had a very amusing experience. A number of my friends at law school who were veterans and married — there was one guy in particular who was a very amusing and nice guy, who had been to Princeton and been in the Marines during World War II, and came to law school in my class. He was quite a sport, he liked to party. He and his wife — his wife was not working — his wife was a very good friend of my wife and we were having dinner with them one night and Mo said, "You know, I think I am sort of running out of money. I am going to apply for a student loan here." He went to Erwin Griswold, who had just become Dean following Jim Landis, who had left rather abruptly. He went to Dean Griswold and asked for a student loan. Griswold said, "No Mr. Weisheit. Of course, we can consider a student loan, but I cannot tell you off hand that we can grant you one, but if you will prepare a budget that shows what you need and what you needed it for and how much you can expect, or how much of a loan you need, we will consider it." So, Mo being an honest, straightforward guy, put together a budget. He did not know that Erwin Griswold's uncle had died an alcoholic and Erwin had a very strong attitude about alcohol and people who use it. So he shows his budget to Erwin Griswold, and there the bottom item is alcohol, X dollars. (both laugh) He came back and reported this meeting to me. He said, Griswold said to him, "What's this item alcohol at the bottom of your budget!" He said, "We couldn't possibly consider a student loan for somebody for alcohol!" He said, "Go back and revise this budget!" (both laugh) Mo, who had a good sense of humor said, "There's an old story about a guy who was sent on a business trip, and while he was on the trip meeting customers he ran into very heavy rain and he went into a shoe store and bought a pair of rubbers and put it on

his expense account when he came back. This guy who is the head of accounting, looked at the expense account, and he said, "You can keep those rubbers, we do not pay for property that you keep." He said, "Take those rubbers off and resubmit the budget!" The story is, the budget goes back, every figure is different, the bottom line is the same. Then he says, "Now find the rubbers!" (both laugh) Mo said, "Maybe I can do that." He said, "I'll say to Griswold, Now find the alcohol!" (both laugh) I said, "Mo, you better play this straight, or you're going to be broke." (both laugh) But he never did get a loan. Erwin Griswold, I thought, tagged him as a really bad guy. (both laugh)

One of the courses that I really liked was Property Two, taught by W. Barton Leach. A personable, bright, rather elegant lawyer. Tall, slim, witty, wry, and really a kind of professor you would want. He had been in the Eighth Air Force during World War II. As you know, the Eighth Air Force was conducting the bombing raids over in Germany, the heavy bombers. The Director of Operations of the Eighth Air Force was a very, very, young bird colonel named Ramsay Douglas Potts, who later became a founder of the firm called Shaw, Pittman, Potts here in Washington. Ramsay was one of the very youngest colonels that were made in World War II in the Air Force. He was Director of Operations, and Leach was in the intelligence unit of the Eighth Air Force. He was only a lieutenant colonel when he got out of the war. He and Potts had become very friendly during the Eighth Air Force experience. Leach loved to torture Ramsay Potts. After somebody had recited a case, and the discussion of the case then began to enlarge, Leach would say, Well I'm sure we are all interested in what Colonel Potts might have to say about this case. (both laugh) Ramsay said, "Goddamn it, I have to prepare more for these classes than any member of the class because he is always trying to make me look bad!" (both laugh) We had our light moments.

Anyway, after law school, I looked around for a job. I was not on the Law Review, but I had what you would call a B+ and I did not want to go to one of the big law factories in New York because they had evil reputations about the way they treated young lawyers.

MR. HAMROCK: Even back then? (laugh)

MR. ACHESON: Yeah. Besides, I was very interested in doing some government work — public service was very interesting and appealing, and a lot of us in law school were interested in public service. I had a rather technical mind. My father often said that I should have become an engineer because I had a very inventive mind about how to deal with scientific and mechanical engineering problems. Anyway, all of that made me focus on the U.S. Atomic Energy Commission which was brand new. I talked to my father one day; still I was at law school and we talked on the phone. I said, “Dad, do you know anybody at the Atomic Energy Commission who could help me land a job there? It’s a very interesting place, I think I would like to work there.” So he said, “Well, it’s funny, you came to the right place.” He said, “David Lilienthal, the chairman of the Atomic Energy Commission, and Joseph Volpe, the General Counsel, had been working with me because I am chairman of the President’s Advisory Committee on Nuclear Policy.” Dad was then still in the State Department as the Under Secretary and he asked Volpe if they had any openings. He said I had a good record at the law school and interested in the AEC. Volpe said bring him in for an interview So I interviewed with Volpe, liked him and I think he liked me, and before I knew it, I signed up there. The thing that really interested me was to be on forward edge of a new technology that had the potential of changing society. You probably were too young to remember this, but in almost every printed page then involving nuclear energy, there was the phrase “Power too Cheap to Meter,” and another phrase that appeared all the time was “The Atom, A New Servant of Mankind.” (both

laugh) I did not necessarily buy all of that a thousand percent but, that was very appealing. So I went to work there and found that I had contemporaries there, quite young. The agency was brand new and they had a lot of very young lawyers and some of them were very nice, very bright. I really liked it a lot. I had a very good time there and did very good work there, and was praised by my superiors for plain old, you know, research that came up with the right answers. So I thought, you know this could be a good future for me. Then in September of 1949, the Soviet Union exploded its test weapon and overnight the primary mission of the AEC then became military and everything else became a sideshow. Although there were still other applications than military that were interesting, they were now second-tier priorities to the AEC, and that weighed on me very heavily. I thought this is a real disappointment, a real disappointment. I began thinking about moving, but I stayed on and still having a good time there doing interesting work. One assignment that I had there that was particularly interesting. The General Counsel called me in one day and he said, "David, you know we are getting some uranium from Canada, but most of our uranium is supplied by the Union Minière, in the Belgium Congo. The head of the Union Minière is a Belgian named Edgar Sengier, and he is worried about inflation in the United States, and he is worried that his contract really needs to take account of the fact that the U.S. dollar value is going to be going down. He is being paid in dollars. So he has asked for a gold clause in his contract, and I want you to research this and discuss it with me and see if we can come up with some way that we can give Edgar assurance what he is being paid will not go down. I remember saying, Joe, I do not know anything about this, of course, I would be delighted to work with you on this, but just one thought pops in my mind, I remember from my father's experience in the Treasury in 1933, that a gold clause in any contract for the federal government is illegal. Joe said, "Well I do not know anything about that,

but look into it and lets talk.” So I researched the statutes and case law, and sure enough, in federal contracts a gold clause provision was illegal. I went back to Joe and confirmed it. So he said, “Well, David give some thought to something else.” I said, “Well, what about a basket of currencies?” We could pay him in a basket of currencies. Instead of X dollars we will be paying the present equivalent in a combination of Swiss francs and Sterling and French francs, et cetera. He said okay, look into that. So I looked into that and that was perfectly okay, legally speaking. The problem was that it probably did not solve Sengier’s problem because inflation was probably going to happen everywhere after war. At least in a lot of places, and this was not an inflation-proof device. So I went back to Joe and I said, “Joe, what about an escalator clause?” Like the way people pay rent, a lease now will have an escalator clause so the rent will increase by two and a half percent every year because you expect some inflation but you don’t know how much. Sengier had batted down the basket of currencies. We tried this one on him and he batted that down too. I went back to Joe and I said, “Joe, the only thing I can think of now is that we give him a limited opportunity to renegotiate the price, but we need a long-term contract.” So we cannot just say, alright we will pay X dollars this year and we will talk about next year the end of the year, because we need a long-term contract. The reason we need a long-term contract is because the AEC had an appropriation and they have to know how much they can expect to spend on uranium.

Finally, Joe said, “I am going to go to Belgium and talk with Edgar. He said I need a simple device and I need one that will not cost too much. So we basically wrote up a contract that would last for five years with an opportunity to renegotiate the price at the end of each year, limited by a two and half or three percent kicker. If you did not do it within that time frame then you pay the same price for the next year. Joe took that over to Edgar and Edgar said okay let’s

do that. So Joe came back and he said, “Good work David, good work!” (both laugh) That was really interesting to me, and I began to think, Maybe I will stay in the place after all. Then I was moved — Joe had a good policy, which was to move young lawyers around to different client’s divisions in the AEC. Publication, raw materials, international relations, military stuff, security requirements, all of these things, so everybody rotated around, including me. I found most of it pretty boring except for the few things like the ore problem. We got pretty good insurance by increasing our purchases from Canada of uranium and so if Sengier really wanted to screw us, we had a much better alternative from Canada.

Interestingly, later after I left the AEC, my father, when he was back in the law firm between stints in the State Department, had a very interesting client, Joseph Hirshhorn, who had acquired the largest uranium rights in Canada that my father had helped him acquire, all in secret. Algom Uranium Mines was the name of the company. My father represented Algom and Joe Hirshhorn and they cornered the uranium market in Canada. My father said, “I never took stock because it was the policy of the law firm not to let lawyers take stock in payment of the fees.” He said, “I could have become very rich.” (both laugh) He said later that he helped Joe sell Algom to Rio Tinto, which is now the largest mining company in the world. Dad said, “I was really well paid for that.” He said it all went to the firm and the firm gave him a little bonus at the end of the year. (both laugh) He said, “Made me feel like an associate again.” (both laugh)

Anyway, a friend of mine at Covington & Burling suggested that since my father was no longer in that firm, but was back in the State Department, it would probably be okay for me to go there if they wanted me. He suggested to one of the hiring partners there that I talk to him, and they invited me to come over and talk to him, and I did, and they signed me up. I was initially

put on a really great assignment working for a man who later became Judge Gesell. Gerhard A. Gesell, who was a very energetic, very bright, imaginative litigation partner specializing in antitrust work. We had three cases going for the DuPont Company at the same time. The *Cellophane* monopoly case, a suit by the Department of Justice, the General Motors case in which the Department of Justice was trying to force DuPont to give up its controlling interest in General Motors. You may not recall it but DuPont owned 28 percent of General Motors. They initially had made that investment when General Motors was a gleam in the eye of an inventor because they thought the automobile might be a market for paint made by DuPont. (both laugh) Anyway, the department was trying to break it up and they succeeded in breaking it up, forcing DuPont to sell. The third case was the large British chemical firm, Imperial Chemical Industries (ICI), was being sued at the same time they were suing DuPont to break up the agreement between those two companies, which the Department of Justice thought was a restraint of trade in products that were made by both companies. That ended in a consent judgment.

The *Cellophane* monopoly case was really fascinating. DuPont had actually created a competitor in the manufacturer of cellophane in this country. There was already cellophane being manufactured in Europe because the whole viscose industry started in Europe and it started with rayon. They were extruding cellulose as a filament and hardening it in acid baths that would come out as a thread and they were making rayon that way. That process was originated by a French company called Comptoir des Textiles Artificiels. Anyway, DuPont had about 95 percent of the American market in cellophane. It had several plants in the United States. It had a big plant in Richmond, and I went down with Gesell to see how it was made. You would see this waterfall of liquid viscose coming down in an acid bath with rollers pushing it forward and the moment it came into the acid bath it was picked up by the roller and passed on

as a sheet — as a transparent sheet. An amazing process. Early in the game, Gerry, who had a lot of imagination, said the only way we are going to win this case is the hardest possible way. We are going to have to establish that the appropriate market in which this case should be judged is something larger than cellophane. So he said we can only do this by developing convincing proof that cellophane competes with other packaging materials and is therefore, a minority factor in that enlarged market. That was such an imaginative and radical undertaking and it seemed to me just fascinating. So I worked on evidence supporting an enlarged market, and we had one marvelous witness who was the director of sales for cellophane and had just retired from Du Pont. We developed our case largely through his testimony and other supporting evidence from competitors. He would go around to all these packaging firms and he would ask them if they would buy DuPont cellophane and these guys would say, Why should I do that, I am buying Goodyear's pliofilm at X dollar a pound! What are you guys going to charge? Or, he would go over to the Celanese Corporation of America who made acetate film, not cellulose film. The packaging firm would say, I am getting a damn good price from Celanese Corporation of America, why should I buy cellophane! Either the DuPont guy would give him a lower price, or he would talk them into buying cellophane by comparing the properties for packaging use of celanese versus cellophane, or pliofilm versus cellophane. But there were also all kinds of other packaging materials like parchment for meat products. We got convincing testimony from a lot of these Goodyear people, Cellonese people and would say, Gosh, I remember going to my customer one day and he said DuPont has just been here with cellophane and they showed me it has these properties that your product does not have and they are giving me a good price, what are you going to do? (both laugh) So we have an array of witnesses from both sides of the competition and the Department of Justice played a very wooden game. They were just saying

Look, we get to define the market and DuPont is dominant in this market. Gerry Gesell would say, What is this dominance? What does it mean to be dominant? What does it mean in terms of power over the market, power over the customer? Then this other evidence would come in. Judge Leahy in Wilmington was the judge trying the case and he was just totally sold. I do not think because he was prejudiced in favor of DuPont, I think it was because he was listening to a very appealing, imaginative and well documented defense against an unimaginative plaintiff's case.

We came to a point in the trial where the government said, DuPont should not be allowed to go forward with this defense because cellophane is a definable market and DuPont is dominant. We said, The consequences of dominance are not present if there are other competing materials and we should be allowed to prove that because it goes to the central issue of competition and power over the customer. I was the guy who was to write up, what we called the "Offer of Proof," and this was my big moment and I poured myself into it and wrote a really convincing document. It was well written and buttressed by all kinds of specific evidence. So we went forward with this and presented our "Offer of Proof" and Judge Leahy said, "No way I can exclude this evidence!" Then we thought we were half way home and then we put on the case and it was really credible, convincing evidence because this DuPont witness, who was a very nice man, very bright guy, had worked himself hard during these sales calls. He had a bad back and he would shift uncomfortably in the witness chair to change his sitting position because of his bad back, and the Judge would say, Oh Mr. Smith, (Bob Smith was his name), Mr. Smith would you like a break? (both laugh) He was getting a lot of sympathy, and finally the judge ruled in our favor on the "Offer of Proof." Then we go weeks and weeks to put on all the witnesses and documents. It was horrible because those were the days when your document

evidence was all photostats, white print on black paper. It just ruined your eyes! Anyway, we put it all on and it was just overwhelming. So the government appealed under the Expediting Act, which meant they could by-pass the U.S. Court of Appeals and go directly to the Supreme Court. One day years after we started, we got a six-to-three judgment in the U.S. Supreme Court saying our market was the market, and we won the case.

Then after that the firm's rotation policy put me in the hands of other senior partners. Most of whom gave me quite boring work. I had been part of a really important case that was important to the firm and I was important to it. I thought that this was dimming my prospects in the firm because this was boring, secondary work that did not excite anybody and the cases weren't important, I just got bored. But you know, I went from partner to partner doing the things that you normally do in a big firm's rotation policy. It was okay, they made me a partner after I had been there for about seven years, which was sort of the standard time.

When Jack Kennedy started running for President, I decided I had enough of this boring work and I told the firm that I would like to apply my accrued leave and take a leave of absence for some additional time to campaign for Jack. They said okay, but they were not all that enthusiastic about it, but they sort of said well, okay. (both laugh) So I became a part of a team of three people, one of whom I had already become friendly with, to go to New York in September, remain in New York until Election Day and run Jack Kennedy's campaign in the five-county area of New York. So the three of us did this and it was fascinating! It was great, great, fun and influential in the campaign because of the importance of New York. The name of the game obviously was to rack up enough votes in the city, that is Brooklyn, Manhattan, and Rockland County, to offset the Republican vote upstate and Sussex County, and in Staten Island.

So we did that and Jack won the popular vote in New York by a whopping margin. He won the electoral vote of the United States by a hairsbreadth.

The first time he came through New York after we had taken up residence there, two issues had emerged very suddenly, one was the Catholic issue. He was going to come to New York, and the Catholics, of course, expected him to meet the Cardinal. We said to him, that's okay, you have to do that. The big question would be whether you kiss his ring or shake his hand. (laughs) Jack was getting a lot of pressure from both sides on that issue and my group urged him to shake his hand, don't kiss his ring. He agreed. I remember Jack was quite cynical. Unlike Bobby, who had a bad reputation as a sort of a McCarthyite at one time, that is Joe McCarthy, not Gene McCarthy. But, later as events proved, Bobby was a really sincere public servant who cared deeply about helping the country and doing things in public service. Jack was pretty cynical about public service, he was very thoughtful about doing things for Jack. The other issue was that Martin Luther King was just put in jail and the issue was whether Jack would gain more votes from the civil rights community, black community, from liberals generally, than he would lose from conservatives if he appeared to be sympathetic to Martin Luther King. We had a lot of people who had made quick surveys of that calculation. Finally we said to Jack, we think our advice — and was not sure if he would take our advice — but our advice was, do not roil up the southerners, or the conservatives, by visiting King in jail, but call him up and sympathize with him and say what you will do to help him out and tell him you sympathize with the civil rights cause that had led to his incarceration. Even that was a risky thing, but there was no question but to doing something sympathetic to civil rights will, even in political terms, pretty soon become the right thing to do and you might as well start now so you don't have to reverse course on that issue later. My feeling, individually, and I said this to Jack

and to Bobby, the worst thing that can happen to a politician is to have to climb down from issues that he has embraced. If you approach civil rights as if it's a big civil disturbance and you are against it, it will not be more than a couple of years from now and you would have to climb down from that position. What the risk is tomorrow morning will be a very different thing two years down the road. If Jack wins the election, you don't want him to have to climb down on that issue as he faces his next campaign. Anyway, Jack agreed with all of that and called up Martin Luther King in jail, and a good story on that broke all over New York, and the nation, actually.

The nation did not care too much about the Catholic issue because I think the nation by then had pretty well decided that Jack was a bad enough Catholic. So it wasn't really important anymore. So we stayed in New York until the Nixon/Kennedy debate on television, which we watched, of course. Jack acquitted himself very well. Nixon did not acquit himself well and the momentum quickly rose in Jack's favor as a result of those debates.

MR. HAMROCK: I'm curious when you signed on to the campaign did you specifically asked for the New York area? How did you end up in the New York area?

MR. ACHESON: No, they asked me. I forgot to tell you that, in 1956, I had done advance work for Stevenson. I had covered Providence for him, and part of Kentucky for him, and Jack's people were looking for advance men who had experience. Curiously, I was asked by Johnson's people to do advance work for them. I was considering that until the very next day, I was asked by Jack's people to do advance work for them. I decided I would do it for Jack. I did not really like LBJ. Never did. So that's how I got into that. They asked me specifically to do New York because they were assembling a team for that and they felt there was very little time

to be lost because it was a big area,. It was an important area and we better get our people up there right away.

We stayed at the Biltmore Hotel, now defunct. There is not even a building there representing the Biltmore. They tore it down. The Biltmore was also the headquarters of the state and New York County Democratic chairs. Mike Prendergast was the State Democratic Chairman, and Carmine DeSapio was the New York County Chairman. We worked very closely with them. Hardly had we arrived in New York when the reform Democrats, who were trying to bring about good government in New York, and were trying to oust DeSapio and Prendergast, sought our help, and we sought their help. It became clear to the three of us in New York that we had a difficult situation there because both the Prendergast-DeSapio machine, and the reform Democrats, really expected Jack Kennedy to play their game, and the reform Democrats wanted to use Jack as a rally magnet to raise money to beat the machine in '61. The machine wanted to use him as a magnet to raise money to defend themselves against the reform Democrats. Marietta Tree was a friend of mine and she was a big wheel in the reform Democrats, and Senator Lehman was the father figure of the reform Democrats. Of course, Prendergast and Carmine were both after us to schedule rallies for their constituencies. It was clear to me that we had to make the same deal, and make it very open with both. We could not have suspicion. We could not become an enemy of either faction. We met with the leaders of both factions. We had to play this very straight: We are here to get Kennedy elected. We are not here to concern ourselves with the internal political factions of New York. So the deal would be the same for the reform Democrats and for the machine. We would get Jack to their rallies. The financial split would be fifty-fifty with both camps. We will not involve Jack with any rhetoric that tilts one way or the other. We said, "Look, this may disappoint you, but that's just the way it has to be."

Marietta was a very doctrinaire liberal. Mike and Carmine understood this immediately — Marietta felt this was outrageous. She said, “Jack’s an educated man! He should be for good government in New York!” I said, “Marietta, he will not be anything if he is not elected, come on!” (both laugh) She said, “David, you are certainly no friend of the reform Democrats.” I said, “I am not going to attempt to defend myself against that charge. I am not here to be a friend of either faction, now come on.” I said, “In any event, Kennedy will certainly bring people to the rallies of both factions, and what the advantage will be I cannot possibly predict, but you would be a lot better off than having nobody come to your rally. Come on, accept it for Christ sakes!” Finally, she grudgingly agreed, she did not become unfriendly. She was Endicott Peabody’s granddaughter. Her brother, Chub (Endicott, II) who was governor of Massachusetts later in life, was a friend of mine, and her younger brother was a classmate of mine at Groton, and I knew her pretty well. She was always showing up at Groton when we were kids. I remember dancing with her at the prom. (laughs) She was a big shot in New York, and she felt that you were really a bad person if you were not a reform Democrat. So I just took my lumps.

Anyway, that was the way that panned out. Earlier, I would say in the mid-1950s, I had become a member of the Democratic Central Committee of the District of Columbia, and they were always pushing for various things to happen in the DC Government. They were pushing for the DC representation of the Congress, and they were pushing for legislation that would help the District, and doing it under a certain amount of lobbying on the Hill for that cause. I was fairly active in all those endeavors. Gerry Gesell was also a member of the Central Committee. After I had completed my campaign work with Jack, the Central Committee asked me if I would like to be the United States Attorney for the District of Columbia, which they thought could happen if I wanted to do that.

MR. HAMROCK: Before we get into this part, would you like to take a quick break?

MR. ACHESON: Yeah, I would.

MR. HAMROCK: So we will go off the record for the moment.

MR. HAMROCK: We are recording again. I had just indicated, I was going to ask Mr. Acheson to give me the approximate years of his law school graduation and the various employments we just discussed.

MR. ACHESON: I graduated from law school in 1948, having started in January of 1946, and having run straight through two successive summers, which was brutal. Seven semesters were required for graduation at that time. I do not know why there was seven, but there were.

MR. HAMROCK: And you indicated that graduation was May 1948?

MR. ACHESON: Yes.

MR. HAMROCK: And I believe you told me that immediately thereafter you went to work in Washington for the Atomic Energy Commission?

MR. ACHESON: Correct. Oh, you say immediately, my wife and I were looking for a place to live and finally found one and got it painted up and accomplished our moving during the summer of 1948. Actually, I think I started working in September. Maybe even in August.

MR. HAMROCK: I believe you told us during your last recording about your first home in Washington, is that correct?

MR. ACHESON; My first home in Washington was a rental — you mean after the graduation?

MR. HAMROCK: Yes, after —

MR. ACHESON: 3422 Q Street, N.W. I drove by it frequently in the last several years. I always remember it quite fondly. Georgetown, you know, was very different then. It was not so elegant. It was not so sort of ultra, in terms of real estate values. Across the street from us there was a frame house with a big yard on the north side of Q Street between 34<sup>th</sup> and 35<sup>th</sup>, and there was a big yard with a chicken wire fence, and they kept chickens inside the chicken wire fence. (both laugh)

MR. HAMROCK: Oh, my. (laugh)

MR. ACHESON: But we had a good house. We had an English basement, a second floor with a nice living room, bathroom, a dining area, kitchen, and third floor with two bedrooms and an attic. We had to do a lot of walking up and down stairs, of course. (laugh)  
Now, what else did we omit?

MR. HAMROCK: Well, I wanted to confirm that the years you worked with the Atomic Energy Commission ?

MR. ACHESON: I started in the late summer of 1948. I left there in late autumn of 1950, when I started with Covington. My very first day of work at Covington was to start on a field trip with another lawyer to Richmond to visit the cellophane plant.

MR. HAMROCK: And I believe you said that you worked at Covington through 19—  
I guess left in 1960 to work on the campaign?

MR. ACHESON: Yes. I was made partner, I think in 1958, '57 or '58 — I think it was '58.

MR. HAMROCK: One other question we mentioned in the break that I thought I would ask would be, any reflection you have on sort of the political life in DC?

MR. ACHESON: Yeah, a very good question. The District of Columbia at that time was governed by a three-man commission. A chairman, who was a personal friend of mine at the time. A major general in the Army Corps of Engineers who oversaw what you might call the logistic aspects of the governance of the city, the highways, the upkeep, and the infrastructure. Then another civilian commissioner who was more concerned of the financial side and appropriation by Congress and all that stuff. It actually ran very well. It has been traditionally criticized as being an un-democratic mode of government, but the city was well kept, well run.

MR. HAMROCK: Who was the chairman that you mentioned?

MR. ACHESON: The chairman at the time I became U.S. Attorney, was Walter Tobriner. A very nice man. A lawyer. A very bright guy who was quite attuned politically, and I enjoyed working with him a lot. We became quite good friends.

Now where did we leave off? I had just been nominated to be U.S. Attorney.

MR. HAMROCK: Actually, you had just been approached about seeing if you were interested?

MR. ACHESON: Yep. I indicated that that would interest me and in due course, it happened. I would say in due course because it did not happen in January when Kennedy took office because there were other candidates who wanted to be considered. The appointment was probably not the highest thing on the agenda of the White House. The multiplicity of candidates — not a lot of candidates — but there were at least one or two that I recall had some interest in it, and that took a little sorting out. But by March it was all but a certainty that I would be appointed. Then a really bizarre complication arose. Senator Robert Carroll of Colorado was the chair of the Senate Judiciary Committee, and he had just finished a long vendetta with the New York Port Authority, and there was a man whose name I am trying to recall, but I am

having trouble with it, who was the chairman of the New York Port Authority who had been subpoenaed to appear before the Congress, before the Commerce Committee. He had refused to answer certain questions. There was, at that time, on the books of the U.S. statutes, a law that said that anyone who did not respond to a subpoena, or answer questions under subpoena before the committee of the Congress, would be subject to citation for contempt of Congress and if that contempt citation was issued, the United States Attorney was required to put the citation before a grand jury and seek an indictment. Senator Carroll then had one question for me. If I should become United States Attorney, and such a citation was presented to me, would I put the matter before a grand jury and seek an indictment? Now this had just occurred so it was clear what he had in mind was bringing the chairman of the Port Authority down again and getting a refusal to answer questions again and getting a citation. I decided the smart thing to do, when I was told that I would be asked this question on confirmation hearings, I decided that I would go to Byron White who was then the Deputy Attorney General, and say, Byron, this is going to be asked, now the statute says I must prosecute, but of course, I am subject to the oversight jurisdiction of the Department of Justice, and if the Justice Department does not want to seek prosecution, what do I do? I need an answer one way or another. I do not know whether I would be able to give an answer that Senator Carroll will like. I remember Byron, who was a very approachable guy, very nice guy, very easy to work with, very quick and very bright, he said, "Oh, Christ, that matter has come up again?" So, I said, "I guess so." He said, "Well, I am from Colorado and let me talk to Bob Carroll." So he talked to Carroll and he said, "Acheson is subject to the instructions of the Attorney General. If the Attorney General instructs him to put the matter before the grand jury he will. If the Attorney General instructs him not to then he will not. If he should seek to do it anyway, he will be fired." (both laugh) So, Byron called me back and he

said, "Well, I talked to Bob and he said to me, 'Well thanks for being so candid, Byron.'" He said, "I don't think I need to ask Acheson that question." My confirmation was a breeze. After confirmation, I asked Felix Frankfurter if he would swear me in, and all of my new staff and I gathered in Felix's chambers, in the Supreme Court and he swore me in, and they made a little talk which I will not soon forget. Anyway, he said, "David, remember that you will have it in your power in your criminal jurisdiction to ruin people's lives." He said, "Of course, you must do your duty as the law sees it, but remember you have that power. Always exercise it with consideration." I thought it was very good advice. And what he was too tactful to say outright, I am fully clear what he meant. He meant, Don't be one of these prosecutors who like to collect scalps. I took that to heart. In fact, I had early opportunity to exercise that judgment.

I had a Deputy, a bright, attractive, black lawyer who later came to grief, and I will deal with that later. My office had about 52 lawyers and some small supporting clerical staff. The head of my Criminal Division was an old hand. A younger guy was head of my Appeals Division, a pretty senior guy was head of my Municipal Court Division, which was where criminal cases started. Criminal cases could start with an information which would originate in the Municipal Court, now called the Superior Court. Of course, indictments would originate in the U.S. District Court before the Grand Jury. The head of my Criminal Division came to me with a case, the name of which I do not recall, and the question was, is a small corporation involved that had done some things that were not good and he wanted to indict the corporation. I said, "John, why the corporation? Why not the individuals who did these things?" He said, "Well the corporation has more resources and can pay a big fine." Well, it was a small company that had some employees who were honest law-abiding citizens, and two or three principals who were the sources of trouble. So I said, "John, I do not see why we don't just indict the people

who caused the problem.” He said, “Well the corporation is a legal entity so they caused the problem.” I said, “No, the people who caused the problem were the individuals who made that happen. Now, if we indict the company and they pay a big fine and the company is liquidated, you have stockholders, you have employees who are then out of work and out of money, and they have done nothing wrong. I do not see it makes any sense to indict the company. Lets just indict the individuals who made the decisions.” He shook his head as if I was announcing some radical departure from common sense and justice. He said, “The policy has always been to indict the corporation.” I said, “John, the U.S. Attorney makes the policy and we make it case by case, and we have just decided this case.” The word went around pretty fast that I was not necessarily going to follow the old pattern.

The next challenge that I had was a number of criminal cases had been prosecuted, gone to the jury, come back with a verdict of guilty, trial under Judge Holtzoff, who is famous for his arbitrariness. There was a saying at the time, that was on appeal. The appellant would say, we have several grounds for appeal, and of them is the case that was tried by Judge Holtzoff. In this case, Judge Holtzoff had sentenced the defendant to death in a criminal case. There had been a defense of insanity, and temporary insanity in the Court of Appeals, and three judges on the panel of the Court of Appeals had reversed the verdict on the grounds that Judge Holtzoff did not correctly charge the jury under the so-called *Durham* rule. The *Durham* rule in the case earlier decided by a panel under Judge Prettyman, had held, if the defendant has a mental disease or defect, and the criminal act was a result of the disease or defect, then a defense of insanity must be part of the charge to the jury. So a conviction was reversed by the Court of Appeals. The Court of Appeals panel consisted of Judges Henry Edgerton, David Bazelon, and Charles Fahy, who are known as the three musketeers of the liberal wing. So I summoned a meeting of my

criminal trial attorneys and said now we must not fall into this trap again. We know that there are judges on the Court of Appeals that are looking for a reason to reverse cases where there is a death penalty imposed. If those cases are reversed, they must all be retried, or forgotten. Now, we do not have staff that can waste a lot of time here. We do not want to try cases two or three times. So, I want to put all of you guys on notice, except in a really heinous case, you are not to request the death penalty because in many cases that will simply assure a reversal and a retrial. There was a lot of grumbling and these guys were looking at each other and very quickly the word was going around and picked up by the *Evening Star* newspaper, that said "Is Acheson soft on crime?" I caught a whiff of this. So I made a talk to the Bar Association, in which I said we had to adopt a more pragmatic approach to these cases or a lot of capital cases are going to be tried multiple times and we do not have the staff to do it, and the dockets are running behind. I told my people: I do not want any of you guys thinking that your reputation as being tough on crime really depends on your asking for the death penalty. We are not playing the posture game here, we are trying to get through our criminal traffic. After having to say that two or three times, they began to understand it. Then I realized I was dealing with a staff that were really used to doing things the wrong way. So I had to really be quite aggressive in turning it around. I had another meeting with them and said, Look, we are not instruments of the police. We are lawyers and we have to conduct ourselves as lawyers, and we have to look for results as lawyers. We are not playing cops and robbers. We are not trying to characterize ourselves as tough-on-crime personalities for the local press. I really want to get over this mentality that we follow what the cops want us to do, or the FBI. There was a lot of grumbling about that.

Finally, though it began to catch on, there was another issue. The police in the pre-enlightenment days were very quickly getting confessions after an arrest without giving

detainees a chance to talk to a lawyer. So confessions were being offered in evidence and then they were being bounced by the Court of Appeals because they were not advised. I talked to a couple of trial attorneys in Criminal Trial Division, to whom this had happened, and said, Why did you do this? You know as well as I do that an unadvised confession was going to be bounced by the Court of Appeals after we tried the case, and probably cannot retry the case because you are not going to be able to overcome the fact that the evidence proceeded from the confession. They began to get that message, and I kept saying, Do not go to the grand jury with a nonadvised confession. Just don't do it! If the police ask you to do it, say that is not your job and you have been told not to do it. Pretty soon the newspaper began carrying this debate and I had the opportunity to meet with the editorial staff of both the *Evening Star* and the *Washington Post*. *The Star* wanted me to be tougher on crime and work by the old methods, and the *Post* wanted me to be cognizant of new judicial rules. I began getting some traction from the local papers. Finally, I had one meeting — I had several meetings with them, but you know, you never can do this all in one meeting, you have to keep repeating. One meeting I said to them, “The next guy who gets a conviction with a nonadvised confession is going to be transferred to the Appeals Division instead of the Trial Division, and he will have ample opportunity to explain to the Court of Appeals why he does those things.” (both laugh) Eyebrows went up and everybody looked around like that, and, by God, one of the senior trial attorneys did that almost the following week, and I called him in and I said, “Hal, listen, I told everybody, and you were there, and you as of today, are being transferred to the Appeals Division. You better make damn sure that your colleagues in the Trial Division are not sending you unadvised confessions.” So I began to split the team, you know, that way. I said, “Your fitness report shows that you had a lot of reversals from your conviction. You are not going to get a merit promotion.” Slowly, but surely, they all

began to — and the guy I remember his name was Harold Titus, whom I transferred to the Appeals Division, said, “Well, I am going to have to seek my rights under the Veterans’ Preference Act.” So I said, “Hal, look, I am a veteran and I know that Act pretty well and I don’t think you have the right to challenge your reassignment. You have a right maybe not to be reduced in grade, maybe you have a right not to be fired, but you do not have a right not to be transferred. Same pay, same grade, different job.” He took it and finally said, alright I will do it. Then he turned out to be a really good appeals attorney, and he really got religion. Now they knew I was going to do it. Everyone of them knew they could be next and they changed almost overnight. I felt that was a big win for me.

Another problem was the insanity defense. I mentioned it earlier, I had been there about two years. The American Law Institute of which I was a member, considered at one meeting the issue of criminal liability, and criminal responsibility. They did not like the *Durham* rule any better than I did, and they put me on a committee to consider a new test of criminal responsibility. We defined that test in a way that was adopted formally by the American Law Institute, and that test was this: The defendant may have a mental disease or defect, but those can be greater or lesser, and if the defendant has retained the capacity to distinguish right from wrong, in spite of a criminal mental disease or defect, then he is responsible for his act. So the capacity test became the new test that the ALI proposed. The first case under the insanity defense that went through the Court of Appeals, I called Archie Cox who was the Solicitor General now, and a friend of mine, because he had been labor law professor at law school. I said, “Archie, I have an opportunity to present the ALI, criminal responsibility test now to the full court for the petition for rehearing en banc. I cannot do that unless you approve of our petition to the full court, because that is the rule of the Department of Justice that the Solicitor

General passes on the petition for rehearing en banc. So he said that this is a good reason to approve of the petition for rehearing. We went up to the full court — I argued the case myself and we had a long discussion, and we had one new judge on that court and we got a 5 - 4 majority. Then two more of the old three musketeers, retired, Fahy, Bazelon and Edgerton were the three. Edgerton was the first to retire, then Fahy retired, then Carl McGowan was put on the court. He was an excellent judge who happened to be a friend of mine.

Another case of the same issue came up and we petitioned for rehearing and went back again, and got it. I argued that case again, and we won again with a heavy majority, and that was now the rule of the Court of Appeals. Then I discovered that arguing appeals was a lot of fun and I started arguing a lot of appeals. I must have argued ten a year. I became very good at it actually. I was a damn good appeals advocate. Archie Cox learned of that and he asked me to argue a tax case in the Second Circuit, which I did, and won. Then he asked me in my last year as U.S. Attorney to argue a Supreme Court case, which I did and won that five to four. So, I had a pretty good time. I had my office under control. I had quite a number of retirements of older lawyers, and the authorization of a couple of new places on my staff. I reached out to very young graduates of very high caliber quality, like people who were on the Law Review from a good law school. The word went out quickly in those places, Harvard Law School, Stamford, and Yale. I got young lawyers who had been on the Law Review there, and word went out very quickly among judicial clerks. You could have a lot fun if you came over to my office. In the space of two years, the majority of my staff were those people. Warren Burger and I had become friendly when he was on the Court of Appeals. He told me once — I had argued a case in the Court of Appeals, he was on the panel, and he asked me to come up to his chambers afterwards and he said to me, “Why didn’t you take the position and argument that I had taken in

that earlier case X against Y?” I said, “One simple reason, I need a majority. My job is not to vindicate the position of the single judge, my job is to just try to win cases, and it was clear to me that the majority was not going to go your way.” He said, “Things are really changing a lot around here from what I understand, I don’t think I could get a job on your staff.” I laughed about that. Pretty soon all of the judges were beginning to say to me, You really organize an office here that does terrific work. We had a few protégés like Tony Amsterdam. Have you ever heard of him?

MR. HAMROCK: I know the name.

MR. ACHESON: You would ask him a question about 4:00 o’clock in the afternoon and he would stay down there all night and he would have a well-reasoned, written and typed answer for you by 9:00 o’clock. He was just amazing! Another star on my staff — I still see him around town — Rezneck, Dan Rezneck. Do you know him?

MR. HAMROCK; No, I don’t know him.

MR. ACHESON: He was a superstar, and they were both such nice guys. Very friendly, civil, sophisticated guy, people you would like to have lunch with. I was not only having a great time, I was arguing a lot of cases myself. I was wining most of them. I had a great staff. I really thought that this was probably the best job I would ever expect to have in my life.

One funny thing I have to tell you. David Bazelon and I — I knew most of the judges on a first name basis, though I addressed them formally in public, and in court, of course. So one day Dave Bazelon called me — he was the Chief Judge of the U.S. Court of Appeals. He asked me to come up to his chambers and have lunch with him in his chambers, and we got lunch from the judges’ dining room sent up, and we sat there, and we had a beer at lunch and I said, “Well,

Dave, you asked me to come up here and if there is anything I can do for you, I would like to feel I could do it.” He said, “Well there is something I would like to discuss with you.” He said, “You know President Truman appointed me to this court when I was so young (he comes from Chicago) that I have been on this court now for over 30 years.” But, he said, “I am not yet 65, so I do not have the age requirement to retire.” He said, “I have been here for a long, long, time and I am sort of interested in doing some different things. I have other interests and I would like to be able to retire with full retirement pay, but I cannot for a while. It has occurred to me, I was thinking the other day, I bet my friend Dave Acheson would really be glad to see me retire.” Of course, he was our chief problem in terms of reversing convictions. He said, “Do you think you could bring yourself to support an amendment to the retirement legislation that you could call the Bazelon Retirement Bill, and maybe the Attorney General would think well of the idea, and if I could retire just because I have been here that long, regardless of age I would like you to do that, and the Attorney General would have an opportunity with the President to appoint a new judge, and maybe it would be good for everybody?” So I said, “Well, Dave, it would be a shame if you were to think that we would be eager to see you retire. If you want to do that, I would be willing to talk to Bobby Kennedy and see what he thinks, and if he wants me to go up with him or without him, or if he wants to go up himself to see Senator Eastland, Chair of the Judiciary Committee.” Then I said, “I would be happy to do that, and I will certainly talk to him. I will talk to him today if you want me to.” He said, “Please, I really would appreciate that.” So I called Bobby, we had become very friendly by then. Anyway, I talked to Bobby about Dave Bazelon’s request. He said, “You know it is not a bad idea, and he probably has earned retirement in any sort of equitable sense. But, the statute is the statute and if we try to change it, a lot of people will say, ‘These prosecutors are trying to get rid of a pro-defendant judge,’ and

that is not good and it doesn't look good, and lawyers will not like it, the Bar Association will not like it, and the liberal judges would resent it. I think it is just going to cause more trouble than it would be worth." He said, "Actually you've tamed Bazelon pretty well." Just enough of the judges had turned over so that in a halfway decent case, I can get a majority. I said, "Yeah, I think you are right, that would be my judgment also." So he said, "Well, tell Bazelon that you tried." So I called Dave back and said the AG did not think it was a good idea, and I told him why and he said he thinks he could understand that and we forgot the whole thing.

Fairly early in my tenure, my office had occasion to produce an indictment of two big-city political bosses, either in Philadelphia or New Jersey somewhere. Being Middle Atlantic big city bosses they were, of course, Democrats. They were guilty of all kinds of things involving the Federal Wire Fraud Act and the Federal Mail Fraud Act, and we got indictments and got a big press. Bobby called me up that time and he said, "Dave, you got a really good story on those indictments to those political bosses. But," he said, "I have a question for you, do you think you could ever find it in your heart to indict a Republican?" I said, "Bobby, if you can show me an eastern big-city boss who is a crooked Republican, you can bet that I will indict him." He said, "Well they are pretty hard to find but maybe I can scare one up."

One other thing to tell you about my tenure there. Within a few weeks after I took office as the U.S. Attorney, it was clear that the docket in both civil and criminal cases was running late, and in criminal cases it was an urgent problem because of the speedy trial requirements in the Constitution. On the civil side it was a problem because justice was really being denied and in some of those cases you would not get to trial until over a year after the pleadings were filed, and then witnesses could be dead, they die or they could be moved out of town and all kinds of problems could occur. I went up to see Chief Judge McGuire, Matthew McGuire, who was the

Chief Judge of the U.S. District Court, and said we have got to do something about this docket. It is awfully slow, and it is getting worse and the backlog is building. I said, I am not saying this in any spirit of criticism of the court, I am just saying I am going to try to do my part to speed it up, and I am submitting to you my belief that this could be an embarrassment for the court if we cannot speed it up on the court side. He always took anything I said about his jurisdiction as implied criticism. He bristled a little bit and I said, "Matt, I am not placing blame anywhere, I just wanted to tell you that I am concerned about this problem, I will cooperate in anything that we can both do to fix it." He said, "It's very good of you, Dave, always very good of you to come up and give me your wisdom." (both laugh) I said, "Please, I am just saying this is going to be a problem and it will embarrass both of us if it isn't fixed." He said, "Message understood." Then he stood up, clearly indicating that the session was over, so I left. Within a few days I was asked to make a speech to the Bar Association. So I said to myself, Okay, I am going to use some dynamite here. I told my Deputy, and he said, I don't think you ought to do that. I said, "What can they do to me!" So, I went to the Bar Association to make a speech and was received very well. I said, I think it is pointless for judges or government lawyers to try to place blame on the other side and I am certainly not going to do that. I do, however, have a suggestion. The U.S. Judicial Code provides that if a judge qualifies for, and seeks, senior status, he will be granted it, and can then be available to continue to sit on the docket, with chambers, with a clerk, handling trials or appeals, as the case may be, and can be assigned either in his own jurisdiction or do another jurisdiction and sit on cases there under the direction of the Chief Justice of the United States. We have here a situation in which we have almost half of the U.S. District Court is now eligible for retirement. If any number of those should elect senior status they could continue to hear cases and try cases here or elsewhere. New judges will then

be appointed to take their places, the active seats that they have vacated, and you will then, in effect, have enlarged the court without going to Congress for new legislation. I would be foolish if I did not see this as an opportunity for very effective action, duly action to relieve the docket of congestion. I got a big hand, a lot of applause and questions, and everybody seemed to think that was not a bad idea at all. I said in my speech, toward the end of my speech, to avoid any misunderstanding, I want it clearly understood, because I have made this suggestion, I feel that I could not accept any appointment to that court. That sort of took them all by surprise. The next day, Matt McGuire called me up to his chambers and he was very angry. He said, "You had no right to make that suggestion! This is a matter for the court to decide whether it should seek that kind of remedy." I said, "Matt, the last time I looked this is a free country, and I can make this suggestion." "Well," he said, "a lot of people around here are saying you want to open up a place for yourself." So I said, "Did you read that line in my speech?" The text of my speech was in the newspaper this morning. He said, "What line?" He had not read the speech. So I read it for him. He had a copy of that newspaper on his desk. He said, "Oh, I didn't notice that." I said, "Well, you would be doing us both a service if you would tell anyone else who did not notice it that I disqualified myself for that reason, and it is proper that I should." So that problem erupted with a 24-hour cycle and disappeared. In fact, I was nearing the end of my tenure and Nick Katzenbach, who was Attorney General, asked me if I would accept a judicial appointment on that court. I said, no. He said, why? He had forgotten if he ever knew, about this disqualification line in my speech. So I told him that and then I said, "Besides Nick, I am not cut out for judicial life. I would be restless, and I would want the phone to ring and it wouldn't and I just don't want that."

So then the very last year I was in office, Archie called me up and asked me if I would like to argue in the Supreme Court. I said I would love a case in the Supreme Court. So he said, this is not a gimme — in golf terms — this is not a gimme, this is a case that might be hard to win, but it is a very interesting case and it is one that has not really been definitely decided. Certainly not by the present court and not for a long time by the Supreme Court. I said, “What is it about?” He said it is a criminal case in which an informant advised the Bureau of Narcotics about the possession by a certain person of illegal narcotics. On the strength of that, a written affidavit was prepared by the government signed by the informant and on the basis of that a search warrant was issued, narcotics were recovered, an indictment obtained against this party and at the trial, the defendant asked for the disclosure of the secret informant. The prosecution declined. The trial court declined. The Court of Appeals reversed and said the informant must be disclosed. The case then came to the Supreme Court to ask for reversal of that decision. So, I said that it sounds like a damn interesting case, I would love to argue that case. Archie said, in a couple of previous cases that my staff has looked into, they told me this has always been a controversial issue and a lot of good arguments on both sides, so prepare yourself that it could go either way. I think you will really have a good time with it, and I would like to see what you can do with it. I said, fine, I’ll do it. He said, this case is on the summary docket of the Supreme Court, which allows for a thirty-minute argument. He gave me the date and I started preparing for the argument. I did a lot of work, believe me, and I got a lot of help from Archie’s staff, and they gave me the moot court, you know the murder board treatment, which was very effective and well done. So I was really ready. I went up in my tail coat, striped pants, that I borrowed from my father, happily the same size as myself. But, the day before I went up to the argument, they moved me to the plenary docket. I now had an hour’s argument with only one day to

prepare for the added time. I kept asking myself, What should I be doing to prepare for a longer argument? I did not want to embarrass myself by stopping after thirty minutes, and I was not quite sure what else I should cover because it look to me as though I was covering everything pretty much for a thirty-minute argument. It probably would be different in an hour's argument, except being on my feet longer. Finally, I said screw it, I think I am prepared. I was still nervous about what would was expected of me that would be different for a one-hour argument. Anyway, I went up there, dressed to the nines. Chief Justice Warren could not have been more gracious. I had been admitted to the practice of the Supreme Court some years before, and I had actually come to know Chief Justice Warren socially, a little bit, not intimately but a very, very, nice, very civil gentleman, and I liked him a lot. Frankfurter was no longer on the Court. Black was on the Court. Byron White, I remember all the others. I started out and gave a nice crisp definition of how the case came out, and what the issues were. Then I started into the issues and immediately I got a question. I answered it as crisply and succinctly as I could, but without leaving anything out. Another Justice disagreed with that answer and he asked me another question and I answered that. Pretty soon it was clear that I was getting questions from the entire court. Not one Justice did not ask a question. Several of them, at least two pairs were asking questions as a form of debate between themselves through me. I was kept on my feet one hour and forty-five minutes. I was beginning to sweat, and finally Chief Justice Warren said, "Mr. Acheson, we have imposed grievously on your time, so if you wish to take another fifteen minutes to cover anything you have not had a chance to cover, the Court willingly extends that opportunity." Some little bird in my head said, turn it down, turn it down while you are ahead. I said to myself, If I turn it down, I think they would like that better than anything I could say in the added fifteen minutes. So I said thank you Mr. Chief Justice, I think the issues have been

adequately ventilated, and I respectfully decline. They smiled broad smiles and I really knew that was the right answer. And then a couple of the Justices nodded like that, you know. I thought I had done the right thing. Then Archie had called me within two hours and said his staff had been there and said I had made an excellent argument in very difficult circumstances. He said maybe you ought to come over and work for me. I really liked that, but I thanked him and that was it. About 3:00 o'clock in the afternoon, I was working in the office still in my tailcoat, getting ready to go home and have a martini, and all of a sudden I felt a pain in my foot as if I had been shot. A sharp pain, throbbing, horrible pain that really felt like a gun shot, and I thought what in the hell! I look down at my foot and I could see that my ankle had swollen up. I did not know what it was but I hobbled out to a taxi and decided to leave my car. I was sure I could drive, but the Deputy helped me out into the cab and I went home. I called my doctor and described my symptoms. My doctor said, "Dave, please accept my congratulations, you now have the disease associated with the unusually intelligent, namely gout." I have been taking a medication ever since, and it is very effective. My father had gout and he controlled it with medicine. I will tell you a story briefly about that. I went to a garden party at the British Embassy a few years after all of this, with my wife, and my father was there, and I went up to the bar on this nice pleasant day outdoors in the garden. There was a bar, wine bar, champagne, and I went up to get a glass of champagne for myself and my wife. My father was standing there with Allen Dulles, and Allen Dulles had his foot wrapped up in bandages. I came up behind them and spoke to them both and I heard my father say, "Allen, what's with this bandage all over your foot?" Allen said, "Dean, I have gout and I have to keep it bandaged up so that I do not have a sharp contact with my foot. It can be very, very, painful." Dad said, "God, Allen, I have gout too but I have controlled it with Benemid. Why don't you take Benemid instead of

wrapping up your foot?” Allen said, “You don’t understand, gout is supposed to be the disease of the exceptionally intelligent. Now everybody knows that you are exceptionally intelligent so you don’t need to wrap up your foot, but nobody knows that I am exceptionally intelligent so I wrap up my foot just to remind them.” So, that really concluded my time in the U.S. Attorney’s office. If there is anything you think I have omitted, I can fill it in.

MR. HAMROCK: What year did you leave the U.S. Attorneys office?

MR. ACHESON: 1965.

MR. HAMROCK: Why don’t we do this, since we are running just of three hours, let’s go ahead and stop today, and we will schedule another time.

MR. ACHESON: I can complete the entire thing easily in another session.

MR. HAMROCK: Fair enough, but this will also give me a chance to check my notes to see if there are any follow up left about your time.

MR. ACHESON: To cover anything we missed, you mean?

MR. HAMROCK: Exactly. That would be good. Alright, so we are going to go off the record now. It is 1:20 p.m. on Friday, February 26, 2010. Thank you very much Mr. Acheson.

**ORAL HISTORY OF  
DAVID C. ACHESON**

**Third Interview - March 24, 2010**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is David C. Acheson. The interviewer is Kurt J. Hamrock. The interview is taking place in the offices of McKenna Long & Aldridge LLP on March 24, 2010, beginning at 10:23 a.m. in the morning.

(Tape 3)

MR. HAMROCK: Mr. Acheson thank you joining us again for this third session of the oral history project. When last we spoke we were talking about your time as U.S. Attorney. So I'd like to go back to that point and ask you to continue your discussion and your experience.

MR. ACHESON: Okay. Very good. Shortly before I completed my four years as U.S. Attorney, which would have been in the spring of '65, I was asked by Nick Katzenbach if I would like to be a district judge. I told Nick, who was then Attorney General, that was not part of my life scheme, but I was grateful for the thought. When they asked me if I would like an appointment to the U. S. Court of Appeals, I gave the same answer to that. A few days after that, he called me and asked me if I thought my Deputy, Charles T. Duncan, would be a good appointment on the district bench. I said, I thought so because he was a competent trial lawyer, he was highly regarded by the community and the press. He was a black lawyer with a white-shoe education, and I thought he would do very well. Nick said, fine he thought they would go ahead with that. About a week later, I was called by a newspaper reporter, who said, "Did I have any comment on the report that Mr. Duncan and his law partners, before he came to the U.S. Attorney's office, had borrowed money from a court-appointed estate in which they were

conservators, and used the money to decorate their offices.” I said I never heard of such a thing and I had no comment on it. I did not know about any such thing and would be very wary of the authenticity of any such report, and I had no further comment. The next day a report appeared in the *Washington Post* to that effect. Nick called me and said this was very embarrassing and perhaps I should consider firing my Deputy. I said, “Well Nick, you know I was appointed by the President. My Deputy was appointed by the Attorney General, and I don’t really think I have the authority to fire him. If you are asking me whether I would recommend that he be fired, I would say probably not because inevitably that would create a ruckus with the black community and who needed that. He could probably be persuaded to resign.” I had a good friend who was then the chairman of the three-person Board of Commissioners that governed the District of Columbia, Walter Tobriner, and he was the chairman of that commission. I called Walter and said, “Walter, I just want to clue you in on what is happening to Charlie Duncan here. There was the thought of a judgeship for him and now that is out the window of this report about what could be, legally speaking, an embezzlement, although the money was returned.” Walter said, “Perhaps I could be helpful here because I am looking at a vacancy almost immediately in the job of the Corporation Counsel for the District of Columbia. That job does not require Senate confirmation, and I would be glad to take Charlie on if he would resign from his present position with you.” I said, “I think that would be a really neat solution. I would be very grateful to you for pursuing that. Can I call Nick and tell him what we are going to do?” Walter said, “Yes.” Walter was a real gentleman, solid guy, always did what he said he would do. A really good friend of mine. I called Nick and Charlie resigned with a very bad feeling towards me. He seemed to think that this was all my fault. [Both laugh.] I said, Charlie, if I had known at the time you were appointed to my office, you and your partners had this financial transaction, I

think I would have wanted to be sure it was disclosed. Whatever remedy had been taken at the time, and maybe there would have been an outcry and you would not have had this appointment, but I feel a little bit that I have been ambushed here, and I am very sorry for the judgeship problem here, but I think it is inevitable and we would just have to pursue this arrangement with Walter. So Charlie, rather glumly, acknowledged that was probably the case. Seemed to feel that I should have gone to bat for him more vigorously, and I told him that there was no way in the world that we could bury this thing. It had to be disclosed. Once it was disclosed, there was no way he really could keep the job he had. I thought that Walter was being more than generous in putting his neck on the line. Anyway, Charlie sort of grumpily went off and reported to Tobriner about a week later, and he and I never spoke again. I always thought there was a lot of truth in the old saying, "Do a friend a favor and make an enemy for life." [Both laugh.]

Shortly after all that happened, my term came to an end. As I was then juggling ideas about what to do next, Lloyd Cutler had asked me to come over to his firm. I did not want to go back to Covington, because I did not like the structure of the firm. They had too many senior people, sort of top heavy and the opportunity for the next generation down to my age was appropriately slim. Anyway, while I was debating all that, Henry Fowler called me and asked if I would like to come over to the Treasury with him. He had just been appointed Secretary of the Treasury. He and I were old friends, and said, the President, meaning Johnson, was very hot on law and order, a big community issue in those days. He said having someone with my background come to the Treasury would put him in a good position on that issue. I said, "Yeah, I would like that." Because I liked Fowler. I thought maybe some doors would be open here to a financial career, which would not be too bad. It would be an interesting way station for whatever happened next. Fowler was a very considerate and gentlemanly guy and a loyal friend.

I thought, I have been very damn lucky to have Bobby Kennedy as a boss and have somebody like Fowler as my next boss. It was almost too good to be true. So I went over there, and I was sworn in, and I brought two guys from the U.S. Attorney's office with me. A man named Robert E. Jordan who was later President of the D.C. Bar, and a very, very talented advocate and writer named Anthony Lapham. My immediate problem at the Treasury was to deal with the Warren Commission Report on the assassination of John F. Kennedy. That had just, in the last few weeks, been submitted to President Johnson. What it implied was the need for a radical overhaul and a modern intelligence capability of the Secret Service, creating in the Secret Service a much more sophisticated mode of acquiring and processing intelligence. Another problem that I inherited was the chronic misconduct of the Bureau of Narcotics, which was then in the Treasury. Now it is called the Drug Enforcement Agency in the Justice Department. They had a long record of abuse of criminal process and warrantless searches and arrests, and bureaucratic warfare with the Customs Bureau over who had jurisdiction over the importation of drugs. The more I considered that, the more it seemed to me those two priorities were pretty much what I was going to do for the next two years. The other functions I had, the Coast Guard, the Law Enforcement School in the Treasury, which had a good and vigorous training program, those were all sort of running themselves okay. I assigned Tony Lapham to keep his eye on the Bureau of Narcotics for me and I went to work with Bob Jordan on what we should do about the Secret Service. Richard Helms was at that time the Deputy Director of the CIA, and a close friend. I asked him to have lunch with me and help me find somebody, whom we could install in the Secret Service in a senior position, who would take over their intelligence operation. I also thought that we could put some of the people in the Secret Service through a training program in the CIA that would not require them to be exposed to any classified information. Dick agreed to

that and he was very helpful. He helped me find a guy who was well adapted to the intelligence function of the Secret Service. Jim Rowley was the Director of the Secret Service and a well-meaning but second-rate guy. I called him in and said, "Look, the Warren Commission Report reflects quite unfavorably on your agency, and some people might call for a change in the leadership of your agency. But, I am going to put that on the sidetrack and I want you to understand that you have got to accept a radical upgrade in the intelligence capabilities of the Secret Service." I told him that we are looking for a guy to command that function in the Secret Service, and I was going to look for a way to put some of his people through intelligence training at the CIA. He agreed to that, reluctantly, I may say, but he agreed to it. Dick Helms was as good as his promise and all of this went forward. The immediate question we had to deal with from the point of view of public relations in the Secret Service, was a stream of information going from the press and various so-called experts. Some law enforcement people in Dallas, some crime reporters and various other types were coming forward with public advocacy that there had been more than one assassin and they had various theories to support that. The echo of the shots fired at President Kennedy and Governor Connally, sounded like more than were actually fired. There were actually two shots fired, but sounded like four shots. The question was whether there was another assassin who fired those shots. We went all through the Warren Commission findings. We got hold of the FBI material that examined the ballistics and we discovered that all of the recovered bullets, of which there were only two, had similar characteristics in the ballistics test indicating that there was only one weapon used. I prepared a press release saying that we had examined these new theories against the findings of the Warren Commission. We thought them without foundations based on these reasons, and then we put forward our reasons to quiet down all of this speculation. Later a couple of books were written

to justify the theory of an additional assassin. Those books produced nothing new that we had not already addressed in our press release. I thought that was a good thing to do and Chief Justice Warren, with whom I was already acquainted, called me one day and he said he thought that press release was very helpful and well done and I was pleased at that. Pretty soon the changes in the Secret Service began taking hold, and that was no longer an urgent priority.

The Narcotics Bureau was becoming an urgent priority. Partly because the Commissioner, Henry Giordano, and his Deputy, George Gaffney, hated each other. The Deputy wanted the Commissioner's job, and the Commissioner wanted to fire the Deputy, but he had questionable authority to do so. About once a month, Henry Giordano would come to me and ask me to fire his Deputy. About once a month, his Deputy would come to me and ask me to fire Henry. After this had gone on for several months, I called them both in and said, "Look, I am really tired of this entreaty that I fire one or the other of you. I am not going to talk to you anymore about that and I do not want to hear about it anymore, but I will tell you if anyone is going to be fired, both of you are going to be fired. This will be simultaneous. [Laugh.] That may produce some initial problems in management or your agency, but those are minor compared to the problems you guys have already given me. I'm really seriously considering that alternative. If you guys can get along with each other, I don't care if you do not talk to each other, but just do not bring me any problems. I want all of your agents now to go through a new course of training about how to make arrests and how to make searches and how to avoid these embarrassments that appear in the press all of the time when your guys do something without lawful authority. Then they began arguing with me. Henry Giordano said, "Look, these problems are occurring because the Customs Bureau is trenching on our authority to make searches and arrests involving the importation of drugs. They think it's a Customs problem, I

think it is a Narcotics Bureau problem. We have these jurisdictional battles.” I said, “You know, it becomes almost comic when the press carries reports of your guys arresting Customs officials and vice versa. I said that this has really got to stop. We cooked up some rules that were supposed to prevent this from happening and did help, but it really was not a radical solution. I began thinking of a radical solution, and finally a brilliant idea dawned on me. I went to see the Secretary. I said, “Joe, you know — (he and I were friends, but I always called him Joe in private, although his real name was Henry. He was called Joe because in his youth there had been a notorious criminal named Joe Fowler, so he got the name for life). [Both laugh.] I said, “You know, this Bureau of Narcotics is such an embarrassment for this department and it does not belong here, it has no financial function. It really should go to the Justice Department.” I said, “I am going to submit to you a recommendation that we move it to Justice and I am going to give you written reasons for this and I am going to cite authority that makes it all perfectly clear.” We discussed that, and he did not know about this, but I said, “There is a 1949 statute that says the President may move any unit of the executive branch to any other department by fiat, providing he gives notice to the Speaker of the House and the President of the Senate, and within sixty days if Congress does not do something to amend or negate that action, it becomes law.” My scheme was that we are going to write an order for the President and I am going to take it over to Joe Califano, who was Johnson’s right-hand man in the White House. He and I were friends. I am going to ask Joe to take it up to the Speaker and the Vice President and submit the bare minimum notice, with the caution that nobody should hear about this. [Both laugh.] The chances are we will get the sixty days. I went over to see Joe Califano. Fowler thought it was a great idea. Somewhere in my earlier career this statute got my attention and I thought it could be useful. Califano thought it was a great idea! He said, “I am going to tell the

President, this is the first time in my memory and possibly in the history of the United States that any department of the government has tried to reduce its jurisdiction.” [Both laugh.] He laughed and he said, “I can’t wait, I think this is just so good.” He briefed Johnson, and Johnson was highly amused at this. He thought it was a great idea and he thought it was very amusing. He completely fell into the conspiracy of the silence, a bare minimum of notice to Congress. So, all of that was done and in sixty days it became law. I said nothing, of course, to Giordano or his Deputy because I did not want any leakage. I knew they would probably want to defeat it and they would probably go to the Hill and get people to oppose it. The day it became law, I called Henry in, and said, “Henry, I am going to shake hands with you as a goodbye. Your agency is going, this very day, to the Department of Justice.” He looked absolutely stunned. He started to argue. I said, “Look, Henry, I am not going to hear about this and it is out of my hands. The President has done this and you are going to have to live with it, and frankly, it’s a good thing. Your agency belongs in a law enforcement department. It does not belong in the Treasury. One of the reasons you guys have gotten away with what you have gotten away with for so long, is that the senior management of the department basically has no interest in what you are doing.” I’ve forgotten how we brought Nick Katzenbach into this conspiracy. We had to have done that, but I just do not remember how that was done. I saw no reason why Nick would object. I never heard a peep from him, but I am sure we pulled him in on it, I’m sure Califano must have done that, but I did not do it personally.

Just to give you a fast-forward footnote on this. When Janet Reno was made Attorney General, she appointed my daughter Assistant Attorney General for Policy Development which is kind of the oversight role in the Department of Justice. I was asked to come over for her swearing in and was introduced to Janet Reno for the first time. She said to me, “Well, Mr.

Acheson, I understand I have you to thank for the fact that the Drug Enforcement Agency is now in my department.” [Both laugh.] I laughed and I said, “Well, Madam Attorney General, I don’t really require or expect thanks for that favor, but I thought I was doing my duty.” She laughed and said, “Well, that’s the way it is!” We became quite friendly after that. She asked me to go to a meeting once that she was having with the Lord Chancellor of Great Britain. It was lunch with a half of dozen people, including Kay Graham, who was then the Publisher of the *Washington Post*. The Lord Chancellor said, “Now as I understand it, the federal judges in your country are nominated by the President of the United States, and confirmed by the Senate, and the constitutional requirement is the advice and consent of the Senate, is that the way it works.” Janet Reno said, “Yes, that is the way it works?” I said, “Well, if I may volunteer a comment, I would say not quite so fast. What really happens is the senior senator of a given state of the same party as the President will recommend the nomination of someone in his state to be a judge. That recommendation is then reviewed and assessed by the people in the Department of Justice, and normally the Deputy Attorney General is responsible for that role. So if they are satisfied, and there are no problems, then they tell the White House to send the nomination up to the Senate. Really, you might say that nominations originate in the Senate, and they are then confirmed, in a sense, by the executive branch. Then they are reconfirmed by the Senate and that is what makes the whole process normally work in sort of a smooth fashion. Occasionally, you will get problems when someone in the Senate objects to a nomination and they want to put a hold on it. Or, in the vetting process, someone in the Department of Justice would say there is only one little problem here and that is, the nominee has a criminal record.” “Oh,” the Lord Chancellor said, “Yes now I see how it really works!” Janet Reno said to Lord Chancellor, “Well, Mr. Acheson’s account is completely accurate, and I can say it is unnecessarily candid,

but nevertheless accurate.” [Both laugh.] She and I always got a good laugh over that when we met, as we did several times later in life.

I was only two years in the Treasury and I remember Fowler desperately wanted to be the President of the World Bank. Fowler really had his heart set on that. There was every reason to expect he would be a natural choice. Then for some reason, LBJ decided to nominate Bob McNamara. As they say in *Brer Rabbit*, Fowler was thrown in the briar patch by the chairman of Goldman Sachs who asked Fowler to come to Goldman Sachs as vice chairman in charge of their international practice. Joe was a little disappointed that he wasn't going to the World Bank, but he embraced this and discovered that he was being run around the world nonstop, just all the time. But he enjoyed it, and the pay was terrific, a lot better than the World Bank. He went off to Goldman Sachs and he asked me if I would like to come up there with him. And he said, I don't know that it's possible, but I would be very interested in bringing you along if I can get agreement from the CEO. So I thought about that for a day, and I thought, you know, it's probably a big mistake to try to go into a business that I really don't know anything about, and the question sooner or later is going to be in the minds of everybody there, what am I contributing to this operation? Maybe there's some way I can contribute that would show on the bottom line, but right now I can't imagine what it is, so I think it would be a mistake, and I told Fowler that. And he said, well, you may be right about that, but he said if you want me to talk to Levy I will. I said, I don't think we ought to try that. So he went off to Goldman Sachs, about two months later. I hadn't heard from him in a while, and he and I were very good friends, so I called him up and said, “Hi Joe, this is Dave Acheson, I'm just calling to see how you're doing.” He said, “Oh, I'm doing fine. I think things are going well here. I like the people, and I like the

work.” I said, “How are you spending your time?” I’ll never forget his answer, he said, “Well, mainly just listening to the tinkle of the cash register.” [Both laugh.]

So then I was considering what to do next, and totally out of the blue, an old friend of mine, a classmate of mine at law school named Bruce Sundlun, called me up and he said, “Would you have lunch with me and the general counsel of AT&T?” So I said, “That’s interesting, I’d enjoy that. Tell me what it’s about.” And he said, “Well, the lawyer who handled the initial stock issue for COMSAT is retiring. He’s not well, he was ready to retire as the partner of Sherman & Sterling in New York, and he said the board of incorporators of COMSAT got him to do the initial securities issue that would finance COMSAT which is now an all equity issue.” But, Bruce said, he is retiring, and we are looking to appoint a new general counsel. Bruce was on the board of incorporators, and Horace Moulton, general counsel of AT&T, was on the board of incorporators. The capital structure of COMSAT at that time was that the communications common carriers owned half the stock, and the public investors owned the other half. There was no debt in the capital structure at all. So I said, yeah, that will be very interesting, I’d like to hear about that. So I went to lunch with them, and after a long lunch, running to almost two hours, which we talked about everything, we parted and Bruce and Horace said, we’d like to recommend to our board that they appoint you, but of course we had to have their authority, so you’ll hear from us. So in about a week they called me and said the board would like you to come aboard as senior Vice President and General Counsel. It was a brand new operation, very interesting from the technological point of view, using space satellites for worldwide communications, and very interesting from the legal point of view, because there had never been an animal like this. There was no government money in this, it was all private capital. But heavy, heavy federal regulation. And the way the thing was set up, COMSAT was

the chosen instrument for the United States participation in the worldwide consortium for communications by satellite, and the Communications Act of 1962 called for an all-equity capital structure with the common carriers owning half the stock and the public owning the other half. The SEC was to oversee the securities transactions. The FCC to oversee the conduct of communications as a common carrier. The State Department to oversee the participation in the international consortium, which meant we, for every meeting of Intelsat, which was the name of the international consortium, we had to have instructions from the Department of State as to how to vote and what to press for. That wasn't too troublesome, because we usually wrote those for the Department of State [Laugh] but to say that there was plenary regulatory authority over this new creation would not have been an overstatement.

But it was very interesting, and I read up on the technology, which basically was simple. A satellite would be constructed under contract with Intelsat. And it would basically be an orbiting radio with transmission and receiving capability. And there would basically be three of these circling the globe at the equatorial latitude 120° apart from each other. So each covered a third of the earth at the Equator. Since the earth curves, radio transmissions could no longer be received under the dark side; the satellite next to it would pick up that and there would be ground stations that could receive and transmit all around the world at least one station for each participating nation. Initially, there were about 10 participating nations, and that grew to over 100 over time. And initially, COMSAT was the manager of the international consortium, as well as the U.S. participant, and the ownership share of each country's participation was based on its use of the system. So that as the traffic increased or decreased from each country in relation to the other countries, its percentage of ownership and therefore its vote would go up or down. COMSAT started as manager and as an owner with 29 percent participation. Inevitably, that

shrunk as new stations around the world came on-stream. And there were backup satellites that worked with each of the three, so that you have three positions, but at each position, there was a basic operating satellite and then standby satellites in case you had an outage. They were all controlled from the control stations run by COMSAT, and there were several. There was one in Thailand, there was one in Hawaii, there was one in Spain, there were two in the United States, one in Maine and one in California. It was important that the satellite be stationary in space in relation to the earth as the earth rotated. That was achieved by having a little control jet in the satellite kick it into an equatorial orbit, and to make it stationary in relation to earth. It had to be at an altitude where its orbital speed would produce enough centrifugal force to keep it from crashing into earth and yet not too much centrifugal force because you didn't want its centrifugal force to carry it out further and further, so it would be out of station. You wanted to be able to cover one-third of the earth and stay there in the same position. Turned out that the altitude to accomplish all that for each satellite was about twenty-two thousand, three hundred and some miles. Each satellite was launched from the NASA station at Cape Canaveral, and that put the satellite into an orbit that was irregular, that had a perigee, meaning a low point, to earth and an apogee, meaning a far point from earth, and in the satellite there was a rocket motor that kicked it into a stationary orbit. To accomplish that with a delicate piece of radio equipment, was a really technological challenge.

Then the control jets in the satellite would tweak the position until it was absolutely perfect for centrifugal force and gravity to be exactly equal. So this is a very complex undertaking, just as a matter of technology and management. COMSAT had one of Wernher von Braun's team, a German, named Siegfried Reiger, who was crazy and also an alcoholic, but was a brilliant scientist. And so I read up on this technology, and I was very interested in it, and

I read up on all the regulatory problems, and pretty soon I began to get into a position where I could manage the whole regulation scheme pretty well.

MR. HAMROCK: Can I interrupt you for just a second, do you recall what year you began there?

MR. ACHESON: Yes, 1967. So I'd been in the Treasury two years, basically, and then I went to COMSAT.

One day at the Monday staff meeting, Monday morning COMSAT, Dr. Reiger reported that the main Atlantic basin satellite was out of order, and communications had been lost. The control communications were not lost, but the commercial communications traffic was lost. The satellite was what they called a spinner, that is to say, in order to keep the axis of the satellite stable, so it didn't wobble, you had to spin the satellite. If the axis wobbled, then the spot illuminated by the antenna would wobble, move back and forth, and would not consistently cover the area on earth it was supposed to cover. So, the question was, how to achieve stability of the antenna, and the answer was to spin the satellite, so it would be a gyroscope spinning in space. But, if the antenna was spinning, you would lose communication, so you had to have an electric motor fed by solar power cells that would provide a constant stream of electric power to de-spin the antenna at the same rate the satellite was spinning the other way. And what had happened in this case, was the heat of the sun had expanded the metal collar that connected the antenna to the hull of the satellite. It had expanded and no longer would spin because the collar was too tight. And Reiger reported on this, and he said this was his theory, this must have been what happened, because there was no sign of any battery loss or power loss. By deduction, he thought this was probably the answer. So what to do? So, I remember I piped up and I said, Sig,

I'm no expert of course, probably the last in this room that knows anything about this, but if this is the case, then if you invert the satellite so the collar is in the shade and not on the sunny side of the satellite, then it'll cool, because space is very, very cold, and the spin will then be resumed. Why wouldn't that work? [Laugh.] Sig said, well what do you know about it? And then Joe Charyk who was the President of COMSAT, and a scientist said, hey wait a minute, wait a minute, he said, why wouldn't this work? And Reiger basically wanted to say, well, because I didn't think of it. But, Joe said, "Sig, why don't you give it a try? See if it works." He said, can you invert the satellite? Oh yes, he said, we just kick one of the little control jets and turn it over, and we know exactly what angle to set it for. We can do that. So, Joe said, can you do it today? Time is of the essence, we're losing revenue because we're losing communication. He said, yeah, we can do it. So, Joe said, well, do it as soon as you can and report back. So Reiger went off to assemble his crew to do this. Two o'clock in the afternoon, they had inverted the satellite, the collar was cold, the metal had shrunk, and communications had been resumed because the antenna had commenced to de-spin. So, Reiger said, next time I saw him, he said, Dave, do me a favor. He said, next time you have a difficult legal question, he said, let me in on it, will you? [Both laugh.] I enjoyed that episode so much, and I quickly got an undeserved reputation in the place for thinking outside the box, but it was a lot of fun.

Well, time went along pretty evenly; Joe Charyk and I and our two wives and one of the staff took a trip around the world, in 1970, to visit a dozen of the countries that had come on station with ground stations and were participating in communications traffic, and one particular occasion we wanted to cover was the inauguration of the first satellite station in Morocco. So, we flew overnight directly to Morocco, to Rabat, the capital. We were met there by an official of COMSAT who was stationed there, and we went around and did some tourist visits. It was

winter, and all the storks in Holland appeared to have migrated for the winter to Morocco. And all over Rabat, they had these plane trees, you know, that had a lot of heavy flowering and kind of a flat formation at the top, and dozens, hundreds of them, were covered with these huge nests built by storks who were wintering there from northwestern Europe, and it was just fascinating to see that. And it was very pleasant, comfortable temperature, and the occasion the next day that we were to cover was the inauguration of the Moroccan satellite station with the King of Morocco making an appearance at the station, and speaking to President Nixon on the line. So, we were all vetted by the security of the King, and we went out to the station, and we were put in the VIP box up near the station, and just below the station, there were two lines on each side of the road approaching the station. There were two lines of mounted horsemen, in their long, flowing robes, their burnouses and everything, all holding these ancient muskets, and pretty soon the King's limousine appeared and started down the road between these two lines of mounted tribesmen. And as the King's car passed each one, he would fire his musket in the air, so this ripple of musket fire followed the car as it went down to the station, and it was very, very colorful and very dramatic. The King stepped out and there were other people from his government, of course in the VIP box with us, and the King came over and he greeted all of us, and he was very cordial and rather formal, and he went to the microphone that was set up, hooked up to the satellite circuit, and he addressed President Nixon in French, and President Nixon replied and both speeches were amplified so the audience could hear. And, then we were all invited inside the station for tea and coffee and little cakes and then we resumed our trip around the world.

I think we went next to Geneva, and there was a COMSAT representative in Geneva, and we talked with him to see what was going on there. The Geneva station was handling traffic

from other countries in Europe who did not yet have their own station. Before Geneva, as I recall, we flew to, it was a weekend, we flew to Marrakesh. We stayed at the old Mamounia Palace Hotel where Churchill used to stay, and it was very colorful and very, very pleasant, very good fun. We went to the souk, the native market, where there were cobras in baskets and snake charmers and people selling almost everything you could think of, and smoky emanation from food they were cooking right in the market. It was extremely colorful. The snakes were a little creepy, they were highly venomous snakes. We had a guide who spoke both French and the native language as well as a little English, and Joe Charyk, our President, (he and I were the only two representatives of COMSAT traveling.) I said to him, “Ask one of these snake charmers, if they have mambas here.” He asked, and had muttered conversation with one of these snake charmers and came back and he said, “No, they only use cobras.” He said, “Mambas are unreliable.” I thought, Cobras are reliable? Then we went from Marrakesh to Bahrain and from Bahrain we visited ancient burial places and there wasn’t a lot to see. By the Gulf Hotel where we stayed overnight, there was this large traffic circle, with roads coming in from all these different directions and appeared to be total chaos ruling, and we said to our driver, Who has the right of way in this circle? and he said, “Oh it’s very simple,” he said, “the right of way goes to the driver entering the circle from the road named after the senior sheik.” This was supposed to be clear to everybody. So we then had the usual thing — the Amir gave us a little reception. It was very stilted, where instead of being able to talk to each other, we had to sit in a row of chairs and then talk to Amir down the row and it was a little awkward. You were served coffee, little tiny cups of very, very strong coffee, and little cakes about that big, but it was, you know, very civil, and the costumes were very elegant.

Then we flew from there to Bombay, now Mumbai. And the Indians had arranged for us to visit their satellite ground station at Poona. And this is interesting because on the west coast is Mumbai, and on the east coast Calcutta, and sort of in the middle is Delhi. At Poona, they built the ground station to serve the entire country's satellite traffic, about 300-400 miles north of Delhi, sort of right in the middle of this triangle of Calcutta, Bombay and Delhi. And so we're flying out from, we got up very early in the morning, we're given tea and some kind of toast or something on the plane, and we're flying out to Poona, the communications minister was sitting next to me and I asked him why the satellite station was not built in at least one of the three major sources of communications traffic. And his answer was, "Impossible." And I said, "Why impossible?" And he said, "Because of radio frequency interference with the microwave system." So I said, "Well I have two questions about that. First, why would they have to be on the same frequency band? And secondly, I didn't see any microwave stations as we were leaving the airport at Mumbai, at Bombay, and I don't see any up here, so where's the interference?" He said, "Oh," he said, "there aren't any." I said, "Well, am I missing something?" He said, "Perhaps you are, Mr. Acheson." He said, "The point is the microwave system is senior on the five-year plan." And now it began to dawn on me why nothing in India worked, because bureaucracy dominated the whole thing, and the personal pride of the ministers and their seniority and their command over their particular operation was the total governing motivation for everything that happened. So the fact that there was actually no danger of microwave interference didn't really matter. Jurisdictionally there was a conflict. I'd said to Joe Charyk later, "It just came as if the scales had fallen from my eyes. I suddenly realized why nothing in India works." That is no longer true, I can say now because they've really gotten well past that. But *then* it was totally true.

So then we went on from India to Thailand, from Thailand to The Republic of China. Not the mainland of course, but Taiwan. And we flew to Taipei, the capital. And we were put up in this huge and elegant but very ancient, formal, drafty hotel called The Grand Hotel, Taipei. It had about, it must have had 500 rooms. It had about 30 people at the most staying there. This was not a good season, it was the middle of winter, and it was cold and wet and not a good time at all for anyone to visit Taipei. Except, since there were hardly any tourists there, we were given a really interesting tour of the National Museum in which we saw all the antiquity treasures of China that Chiang Kai-shek had taken from the mainland to Taiwan when he fled in 1949. And it was just amazing. I mean, there were hundreds and hundreds of things, like priceless urns covered with jewels given by the Sultan of Turkey to the Emperor of China 500 years ago or a 1000 years ago, and really amazing stuff, just amazing! And you could see why Chiang Kai-shek wanted to take it because it was all very valuable, both historically and in monetary value. He didn't want to leave it to those Communists, but it wasn't doing anybody any good, and I don't know how many people a year get to see it in Taipei today. It occurred to me years later that one of the ways that Taiwan could really earn its way back into a good relationship with the mainland is to return all of those things in exchange for something, but I don't know what. And whether that would be possible or not, I don't know, but I don't think they would be allowed to bargain self-government in exchange for a return of the antiquities, but they, you know, they could do something with it. Anyway, that was the last thought I had leaving Taipei.

Then we went to Japan, stayed at the Hotel Okura very near the Palace and near the American Embassy, and were entertained by the Japanese. Oh!, before I leave Taiwan, they flew us down the day after our arrival in Taiwan to the southern part of the island of Taiwan to

show us what the country looked like, and it was beautiful country. It was wonderful mountains and beautiful valleys and great meadows and rivers and just gorgeous country. The island of Taiwan is divided by this spine of mountains and it turns out the whole island is really made of marble — and they took us to visit a marble factory where they were making statues and things and sawing enormous blocks of marble in the forms that they could, you know, work from as sculptures and stuff, and they were using these great electric-driven saw blades cooled by spraying water on them as they cut through this marble. It was really quite a thing to watch, but it was sort of absurd, I mean, they were making things like toy elephants for kids out of marble. But everything's made of marble. So we visited the satellite ground station, and there's this elegant station in which the floors, walls, everything appeared to be made of this gorgeous marble. And I said to the Communications Minister, "Could I guess what it might have cost to build this station?" He said, "Well of course we used the cheapest building material because that's marble on this island." [Laughter.] So then, they were building this road up to cross the mountain range so they could eventually connect the East and West sides of Taiwan to each other. They had built close to the top of the ridge of the mountain and driving up there you could look up into these deep cuts that they had made when they were building the road and blasting stuff away and there were these great gorges on each side of the road of black and purple and yellow and white, every kind of marble you could imagine with the sun coming down on these amazing colors, in these gorgeous, ravines cut by construction. The road finally stopped at the end of the present progress of the construction at a bridge that crossed a gulley with a rushing torrent coming down. And the bridge, we parked the cars there and walked over the bridge — foot bridge — to a tea house. The bridge was called the Mother Bridge, because it was named after the Mother of Chiang Kai-shek. And the jolly proprietor of the tea house was

very friendly, spoke excellent English, and he gave us rice wine, which was good because we needed a little pepping up. We had a very delicious lunch and very interesting conversation with the proprietor who told us a lot about the work on the road and what the dynamics were for connecting the two sides of the island. He said it would produce a great economic development because one side of the island had some resources the other didn't have, and labor was unequally distributed, and the road would sort of make everything more homogenous. It looked like a really smart thing to be doing. We didn't talk any politics with him because it was a very sensitive subject then. But at the end of this very pleasant lunch, and we had already visited the earth station, the ground station for COMSAT, he said, "Now before you leave, would you be good enough to sign the guestbook?" And so we said, Of course we'd be glad to do that. So we walked over to the guestbook and he said, "It's customary to leave a little verse in the guestbook." He said, "We prefer humor, but any gracious message would do." So we looked at some of the comments that we could read in English that had been there before in previous years. So he said to Joe Charyk who was our leader, he handed him a pen and he said, "Dr. Charyk, you write a little verse and then please add your signature and the date." So Joe said, "Well unfortunately I don't do verse, but Mr. Acheson does verse." [Laughter.] I thought to myself, Thanks a lot, Joe. But I had had enough rice wine in me so I decided I was going to write something. And it all came to me in an instant. The location of this little tea house which also had a store and a post office and something else, so it was just a little tiny village and it was called Tien Sieng. So I wrote in the book:

There was a young girl of Tien Sieng  
Whose will power wasn't so strong  
To ward away ill  
she carried the pill  
and always took Mother along

[Laughter.]

And I signed it and wrote the date. The proprietor looked at it; he said, “Brilliant, Mr. Acheson! Brilliant!! Brilliant!!” and he laughed. [More laughter.] And Joe said to me, he sort of muttered as we were leaving, he said, “Well you could have written something serious.” I said, “You had your chance.” [More laughter.]

So then we went to Japan and we were greeted there, the usual Japanese style — great formality. First a business meeting with the head of Nippon Electric; another business meeting with the Head of the National Television Authority; and then a lunch attended by all the wives, our wives and their wives, all very stilted, all very formal and sitting next to somebody who didn’t speak your language and try to say something, occasionally talking across the table. They don’t make any effort to keep these affairs brief so that the stilted agony lasts really quite a long time. We were finally really glad to be out of there.

Oh, I forgot Thailand, we went to Bangkok. I should have told you that, but that was a very brief visit. Except at Sri Racha, which is where they have the earth station in Thailand, they have two stations side-by-side, big antennas — one pointing at the Indian Ocean satellite and one pointing 120° away at the Pacific satellite so they could work both streams of traffic. It was almost right on the sea in a kind of flat swampy kind of place. Instead of walking up to an entrance at ground level and walking inside, you entered the station by walking up a metal stairway with handrails, I would say almost 30 feet high, you had to walk up at least 30 feet up these stairs. And I asked the Director, “Why do you — can’t you just walk in from the ground through a door?” He said, “Oh we have flooding, and when we have flooding, the cobra nests under the ground become flooded and the cobras come out and they seek high ground and you

cannot enter the station at all when the cobras are out on the ground. And sometimes the water reaches a level where they're actually — the cobras are swimming, and you can't even approach the station to get in." And he said, "What we do when that happens often, is we have to leave a crew there that will work for several days until the flooding subsides, and they're supplied with food and they have bedding and cots and running water and all those things they need to live there." But he said, "Sometimes the Pacific satellite or the Indian Ocean satellite will go off the air because the crew can't get in on account of the snakes." So Joe Charyk I remember said, "Well couldn't you have built the station on higher ground that would not be subject to such flooding?" And he said, "This is cobra country. You do not want to go to higher ground in cobra country." He said, "Here the cobras are underground most of the time. In higher ground, where it's rocky," he said, "they'll be out in the open most of the time." [Laughter.] So that was a great revelation to me. You know, modern technology really has to come to terms with nature.

So after Japan we got home after a full month going around the world, and that trip made a great friendship between Joe Charyk and myself, and between our two wives because we saw each other all the time for a month; we got along very, very well and had a very good time. I think it may or may not have done some good, but it acquainted us with how things looked in the overseas areas.

I was at COMSAT until 1974 or 1975, and in the last couple of years of that period life became more complicated with the regulatory authorities of the U.S. Government. And the reason was this — COMSAT had a monopoly chosen-instrument position in international communications. No one else was permitted by law to do it by satellite in the United States. But worldwide, there were a lot of people who wanted to start up specialty satellite systems. For instance, for domestic communications, particularly in underdeveloped countries, satellite was a

great boon because if you did not have AT&T long lines or microwave stations really reaching across the country, the only way to reach from one part of the country to another would be by satellite. And so domestic communications was an early and promising market, particularly in developing countries where there was not an established land infrastructure for communications. Another area that looked promising was maritime communications. You had ships, tankers, freighters, passenger ships constantly crossing the ocean, all oceans constantly. And having a satellite receiving station sending and receiving station on each such ship, a smaller and fairly inexpensive facility made a lot of sense. And the satellites were now developing sufficient capacity going from the early satellites that had maybe 30-circuit capability to satellites that would produce roughly 3,000 circuits apiece and then you could subdivide each circuit by time division or frequency division. You could arrange your transmissions so that they used the same frequency but milliseconds apart — each transmission milliseconds apart from the other, so the same frequency was doing almost simultaneous communications for different traffic streams. Or you could do it by frequency division which would refine the part of the frequency band that a particular circuit required until it was very, very refined and separated narrowly from the next sub-band. By frequency division one entire traffic stream could now be subdivided into maybe 50 different traffic streams. So volume capability was seemingly unlimited. The limiting factor was it all required use of the International Radio Frequency Spectrum, unlike cable. There were just so many ways you could divide up the frequency spectrum, and eventually you were going to have a requirement for such fine division you couldn't do that anymore. And you were going to have traffic interference. So at the times I left you could still handle that problem by technology. Maritime communications was a promising field. Aviation communications, commercial aviation communications then became an interesting prospect. Could you fit out a

large passenger airplane so it could have a satellite communications antenna onboard that would reach a ground station at each end of the flight track? And so GE and RCA and Nippon Electric, a lot of other companies in Europe and in Asia began trying and experimenting with receivers and transmitters to accomplish something with a small volume of weight, with a small cost in dollars, and a high capability in traffic capability and volume capability. And because we were looking at all these different markets now, the Federal Communications Commission — naturally, its jurisdictional sense became aroused. [Laughter.] It decided that none of this was going to happen without FCC okay. So they came up with this, I think, terrible decision, but maybe it makes sense from a point of view other than my own — and that was, because the international business for COMSAT was a monopoly in America, they did not want that monopoly to be able to subsidize competitive communications that did not also enjoy a statutory monopoly, such as domestic communications, aviation communications or maritime communications. And the only way they could figure out how to do that and make it airtight was to divide the company into two companies: one doing only the monopoly service and one doing everything else. So eventually that became their policy, that policy was converted into a full series of regulations, and buttressed with economic analysis. And then we had to decide whether the President of the Company would go with the monopoly or would go with the competitive entity. We had to decide whether the Senior Vice President and General Counsel had to do the same. And so in the end, Charyk and I, and all our senior coordinates, like our Financial Vice President and, the Vice President for Science and Technology, Sig Reiger, and whether all those guys, all of us had to go with one company or the other. And when it came to me to make that decision for myself, I said I am looking at two total unknowns now. I have no idea, I assume that the monopoly, the international monopoly will prosper, but it will not any

longer do so by leaps and bounds because it's reached kind of a plateau. And I have no idea what will happen when the competitive entity, what other communication services will prove doable by technology, doable financially, so I'm just not going to make that decision. I'm going to leave the company. And a Washington law firm probably well known to you called Jones, Day, Reavis & Pogue asked me if I would like to go with them as a partner, and I said I would.

MR. HAMROCK: Would you like to, that was in 1974.

MR. ACHESON: Four — four going on five, right at the end of that year.

MR. HAMROCK: We are at about an hour and forty minutes. Would you like to take a short break?

MR. ACHESON: Yeah. I only have another 20 minutes or so to go then.

MR. HAMROCK: Okay. Why don't we take a break.

MR. ACHESON: Okay, take a break now sure. That's great.

===== break =====

MR. HAMROCK: Alright. We are back on the record.

MR. ACHESON: Joe McConnell, who was the chairman of the COMSAT ward, wanted me to stay and become vice chairman of the parent company, that is the international service company, but I didn't want to do that for the reasons I've given you. And so he said, "Well if you go into practice with Jones Day," he said, "I will make sure that some of our work goes to you." And he was as good as his word. Some of their work did come to me, but not a lot. Their main outside counsel on the FCC stuff was Wilmer Cutler through a man named Roger

Wollenberg, who was the chief communications practice partner, and he was a very competent lawyer, a very nice guy, and I was certainly not going to displace him. But another stream of work came into me sort of out of the blue. I don't know if you recall this, maybe not, at that time in the '70s, there was a nationalistic movement among all the countries that produced bauxite for the aluminum industry. They really wanted a bigger piece of the action. So most of them had these agreements with the aluminum companies whereby the aluminum companies owned mining properties in their country, and they would extract the ore in their country, and then they would ship it probably to the United States and smelter it into ingot. And the countries that produced bauxite really said: You know, just taking commodities at a royalty payment to us and leaving us with only the royalty interest in it is not fair. We should have a bigger piece of the action. And we should have smelters, or we should own the ore in the ground. And so a lot of them began to nationalize the ore in the ground. The leader, interestingly, was Jamaica. It had large bauxite holdings. And in Jamaica, up to that point most of the ore in the ground, bauxite, had been owned by Alcoa, to a lesser extent by Kaiser Aluminum. And so that movement began to spread to Surinam in South America, the former Dutch Guyana called now Surinam, to British Guyana to French Guyana to Yugoslavia to Greece to a number of African countries — Ghana, Guinea. And before long, bauxite nationalism began spreading all over the world. And the aluminum companies didn't know quite what to do about this, but they decided they better have some common plan of action or else they were going to be picked off one at a time. A characteristic way to pick off a producer of aluminum would be for the bauxite country to go on strike, and then the aluminum ingot would close down for that producer and his competitors would get way ahead of him and sooner or later he would be forced to the wall. So this technique of picking off the aluminum competitors one at a time with strikes began to

spread. So the bauxite company, the owners, the producers finally decided a plan of action was necessary and they organized what they called a common front negotiating team, and that was lead by Alcan, the Canadian company, and by Alcoa, with Kaiser Aluminum and with 4 or 5 other minor producers coming along on a smaller scale. And they retained me as their antitrust lawyer to make sure that in their meetings with each other over common strategy I was a legal monitor present to prevent them from talking prices or anything that bore on price fixing or exclusionary action of any kind that would hurt customers. So for about 2 years, I was going to a lot of these meetings. The first one was not very promising. It occurred in the O'Hare Airport in a hotel room. [Laughter.] It lasted a day and a half, but that produced an agenda, and it was a fairly productive way of arriving at a common strategy. So we would have these meetings. We had several in O'Hare, then in Jamaica. A favorite location was the Plantation Inn at Ocho Rios. Then I went to another one in Greece. But what these companies had finally decided to do, which seemed to me to make a lot of sense, was to say to the host country where they had mining facilities and bauxite ore: Alright, we'll negotiate a price with you where you can take over the bauxite. Then you produce the bauxite, and we will buy bauxite from you at a price that we will negotiate. And their hold on the host country was that they wouldn't buy bauxite at a price that they deemed unattractive from that country, that they didn't have to, they could buy it from some other producing country. So to resist the competitive pressure that the bauxite countries were trying to put on the producers, we decided to turn this around so the producers were putting competitive pressure on the host countries to compete with each other in the sale of bauxite and try to optimize the price of bauxite that they would buy by that competitive pressure. And that was a good strategy that not only didn't involve, or didn't risk violation of the antitrust laws, but actually militated to make the product, the end product cheaper because you get a

better price, price for bauxite if you'd shopped around. Greece, Surinam, Jamaica, French Guyana, Australia (big producer of bauxite), lots of options. So finally, almost all the producers gave up their bauxite holdings and bought bauxite from the host country, but not necessarily from that host country. And this cut down a lot of expense for the producers and it permitted them to bargain among the producing countries for bauxite. And every time we had a meeting, I prepared a memorandum which I then took down to the Department of Justice and showed it to the head of the Antitrust Division. [Laughter.] So, we had a really clean record, which I made with these memoranda. So I got a name for honesty with the Department of Justice, kept the client out of trouble, and had quite a bit of work to do in this area for about 2 years, maybe a little more.

MR. HAMROCK: I'm curious. It just occurred to me that around this time I think, or actually a few years before I guess, OPEC was sort of rearing its head —

MR. ACHESON: Yeah. Absolutely. Sure.

MR. HAMROCK: — with their concerns that the bauxite-producing countries might try and band together in that fashion.

MR. ACHESON: Well they were already banding together in that fashion. They had not quite arrived at the point that they had a uniform price for bauxite. And OPEC hasn't either, you know. [Laughter.] But, no that was clearly visible on the horizon as a risk. But in the end, I would say perhaps unlike oil, bauxite was so common, so commonly in the ground around the world that there were lots of options for the metal producers. And the competitive advantage which started to look like it was with the bauxite countries quickly passed to the producers. And I had a hand in turning that around. So I enjoyed that whole experience a great deal. Finally

though, the whole thing stopped. There was some tension between Kaiser and Alcoa. My best friend in this whole thing was the Senior Vice President for Production at Alcan, the Canadian company. A wonderful man, named Jacques Gagnon. And he was very friendly. He was very smart. He told me a lot of very interesting history. Alcan, you may or may not remember, was almost at one time a worldwide monopoly. Alcan owned a controlling interest in Alcoa until 1940 when they were forced to give it up in the famous aluminum company case before Judge Hand. And Arthur Vining Davis, the head of Alcan at that time, sold his interest in Alcoa for something like 2.5 billion dollars. He became probably at that time, if only for a short time, the richest man in the world. But then he put most of this money, or at least a lot of it, into Florida real estate. By way of parenthesis, you may or may not know, that today approximately a third of the land area of Florida is owned by the Estate of Arthur Vining Davis (CARVIDA), another third is owned by the Estate of Alfred I. du Pont. (His cousins bought him out in 1928, and he put all of his money into Florida real estate.) Anyway, Gagnon and I became great buddies who drank martinis together, and he told me stories about Alcan and its interesting history. And finally the whole deal blew up because Alcoa did not trust Kaiser. It felt that Kaiser was shading the agreements they made with the other producers, then trying to make advantageous terms with the producing countries, the bauxite countries. And they said: We can't trust Kaiser anymore, so we're not going to continue with this deal. So that work for me stopped, but it was a lot of fun while it lasted.

One case, and then I'll move on, COMSAT asked me if I would help them — COMSAT, Joe Charyk came to me and he said, "Look, we have a problem here. The Intelsat IV series of satellites is a huge deal." Intelsat IV was a new design of satellite. All the earlier satellites had been spinners, gyroscopic stabilized satellites that spun in space with a de-spun antenna; I told

you about that earlier. For the first time, they were now going to make a body stabilized satellite which had an antenna with an internal gyroscope, so you do not have the body of the satellite spinning around an antenna. You had an antenna independently mounted with a gyroscope inside the hull of the satellite spinning to stabilize the hull, and that was obviously a great advantage of stability, avoided the temperature change problem and all that, and although it was a much more expensive way to produce a satellite, it was a huge increase in the capacity of space satellites, communications satellites now permitted that greater expense, because on a per circuit basis it would be a lot cheaper because of the volume capability. So, Joe Charyk came to me and said, "Ford Aerospace — the Ford Motor Company's aerospace unit — is bidding for the Intelsat IV and we are favoring their bid, but there's a problem. They want to put design specifications on paper, send them out to the member countries' industry, the Intelsat member countries industries, like the antenna producers, the generator producers, the transmitter producers, and he said the problem with that is that the munitions control people in the Pentagon and the State Department will not permit the export of space software that could be translated into military applications. So we don't know quite what to do about this. So Ford Aerospace wants to talk, and we'd like you to go out and talk with them about this and see what you can do with munitions control in Washington." So I went out to see them in California, and we kept fiddling with exactly what we could put on paper and ship out to component producers in Europe and Asia, but at the bottom of every analysis there was some residue of design that would have an application for military use. And trying to do a lot of fussing with the details was not ever going to solve that problem. And I told that to the General Counsel and the President of Aero Ford, and they said, What do you recommend? So I said, "Look, I am far from a scientist or an engineer in your business, but I would send out to the foreign industry performance

specifications. I would say to them, 'We want you to do the inventing here. Here is our weight constraint. Here is the internal space constraint, that is the volume that the component has to be within. Here are the cost constraints. And if you guys — and other constraints, weight and, weight and power, as well as internal space are the real drivers.'" As you can probably guess, you will always want to minimize weight for launch purposes and you want to maximize power. Power and weight are nervous partners. [Laughter.] And so every effort to get what you want and the power-to-weight relationship is a challenge. But I said, "Now, if you say these are our requirements. You do the inventing and you do the design. Submit the designs to us and we will assemble the whole thing in California. And you can build the components after we approve the design. But the design has to come from you." So I said, "That way, the classified technology will be coming into the United States, not out of the United States." And you really solve this problem in a fundamental way that the government can't quarrel with. And they, some of the guys at Ford, thought that would mean they'd be giving up something that they wanted to keep. But then they began to realize this is the only way out. So finally they said, Okay, this is a good idea. We'll do that. And that's what they did. And it turned out to be a huge success. The satellite was a marvelous piece of invention with a gyro and antenna made in Italy, a power system made in Japan. The Brits provided something and I've forgotten what it was. The French produced a battery system. And it was all assembled by Ford in California. Not one, not one page of design left the United States. So this was an accomplishment.

So I practiced law with Jones Day until the firm split. The government contracts group was always uneasy with the leadership of the firm. And the other people, like Welch Pogue, who did aviation regulation, and Chappie Rose who did corporate work, others, they didn't like the government contracts people because they thought they wanted too much money and the

contracts people didn't like them because they thought those guys were claiming too much authority and management for what they were producing in terms of revenue. So the firm split along those lines. And then I had to decide once more which side of the split to go with, and I decided as I did in the earlier case I wasn't going to go with either one. What I was going to try to do was find a firm that did not have a Washington office and wanted one, and offer to organize it for them and start it up. So I looked around for such firms and found that Drinker Biddle & Reath in Philadelphia was in exactly that position. It had an excellent reputation, high-class people, very successful practice and wanted a Washington office. So I joined them as their only Washington partner, and moved fairly soon after that to bring in another partner, Joseph F. Johnston, who's still a good friend of mine but he's retired now from that firm. And we started up a pretty good practice.

MR. HAMROCK: Approximately when did you leave Jones Day?

MR. ACHESON: That would have been 1980.

MR. HAMROCK: '80.

MR. ACHESON: Yeah.

MR. HAMROCK: And you began with Drinker Biddle shortly thereafter.

MR. ACHESON: Yes. And I found some office space. A pretty able associate from their firm was sent down to live here and help out. Later I brought in Joe Johnston who had a major corporate insurance practice dealing with D&O insurance chiefly. And he also represented Lloyds of London, both before and after their catastrophe. I did a little more of my work with the aluminum producers with them, but not much. I think I took 2 trips more, 2

meetings more with those guys. But I had some difficulty generating clients and practice revenue on my own. I spent quite a bit of time dealing with problems that the firm asked me to deal with. I got increasingly disenchanted with my own ability to generate new work. Because you know I didn't really have much of an independent practice record or experience. So I don't know, I decided I wasn't going to stay there a lot longer. I did stay there 8 years and had a pretty good time with them and did some interesting work. But it was not exciting work. It was fairly boring work. I didn't think it was going anywhere. I didn't see my practice expanding in the way I would like to see it. So I decided maybe I should retire and do something else. So at that point, a very interesting thing happened. I was a member of a group led by Henry Fowler and some others. And they asked me to join this group of people who would meet together from time to time and develop a strategy to defeat the proposed nuclear arms control treaty that the Carter administration was trying to make with the Soviet Union. And we generated a lot of good schemes. We did a lot of influential lobbying. And we pretty well scuppered the Carter administration's first nuclear limits proposal. The ground on which we did this was that the Soviets had an advantage in the number of heavy nuclear weapons available. The Carter Agreement wanted to fix limits on each country's capability, quantitative limits on the number of warheads. We opposed that agreement for two reasons. One, the Soviet — it did not force the Soviets to reduce the number of weapons they had deployed. It fixed limits that were beyond what they had, and we thought it was kind of pointless when what we really ought to be doing is trying to limit what was already in place, reduce it. The other problem was it did not deal with the problem of putting multiple warheads on individual rockets. The Soviets were doing that. And if they could independently then target different targets with the independent warheads on a single missile after the missile had reached its orbit, then it was just like having more weapons,

more rockets. So we felt the whole thing was sort of pointless, and it was purporting to tell the American public that we were getting nearer in accommodation with the Soviets when we were not really. So that was quite a lot of fun. I spent a lot of time on that.

And also at the same time, the Atlantic Council asked me to join their Board of Directors. The Atlantic Council was started as a NATO support group in 1954. And both Republicans and Democrats were the founders. It had a policy of remaining bipartisan. It had a policy of doing independent studies of national security problems, writing those up in a report and making those available free of charge to the government and to the Congress. And I thought that was very useful work. And so I readily joined that Board and was very active in its work. And during that time, the Atlantic Council had a very well-known woman as President who had been Assistant Secretary of State for Europe in the Reagan administration. But she didn't know anything about raising money. And she really didn't know anything about running an organization. [Laughter.] And her reputation, which was good as a diplomat in the State Department, was virtually irrelevant to which the Atlantic Council was doing. General Andrew Goodpaster, who was the Chairman of the Board of the Atlantic Council, was getting a little uneasy with that problem. I was put on the Executive Committee of the Board, and one day I was having lunch with General Goodpaster (he had been the NATO Commander and was retired now as a four-star general and was a very nice guy and a wise man, little bit naïve about corporate management and fundraising, but otherwise a good guy). So, at this point Rozanne Ridgeway was the President of the Atlantic Council. She had been Ambassador in East Germany and in Finland as well as Assistant Secretary of State for Europe. The era of getting female corporate directors was just dawning, and she was a prominent name and she began being bombarded by requests to join corporate boards. And before you could hardly take it all in, she was on 8 corporate boards.

And one day, before this lunch with Goodpaster, I was talking with Roz, and I was on a couple of corporate boards myself, I said to Roz, “You know your potential liability being on 8 boards, and the risk that you’re not really generating enough time to do what a shareholder’s suit would require you to have done, bothers me.” And she said she wasn’t sure why I should be worried about that. She didn’t quite say it’s really none of your business, but I said I would regard it as a risk for the reputation of the Council if her name ever figured prominently in that kind of claim of liability, putting aside the question of whether you’re saving enough time for the Council, which I can’t say I really know either way. So she said she’d been thinking about that herself. And she had thought maybe it was time for her to become a professional corporate director and leave the Council. So then I had this lunch with Andy Goodpaster, and I said to him, “I had this talk with Roz and I’m really concerned about her situation. And I think before it becomes an issue for the Board of this Council, we should encourage her to pursue this career path that I think she’s looking at anyway and find a new President.” I said, “Andy, you’re the Chairman of the Board, and I would think it would be appropriate if you formed a search committee of a compact, small number of qualified directors to look for a new President. I’d be glad to serve on it if you want.” So he said yes. And he said, “Before I form a committee formally,” he said, “I want to talk to a few people on the Board and get back to you and see what they think of this.” So I said, “That makes sense. By all means do so. We’ll have lunch again.” And he said, “Okay.” So about 3 weeks went by and he invited me for lunch again and he said, “I’ve had a talk with some people on the Board about the conversation you and I had, and they think it would be a good idea for Roz to move on, and they think it’s a very good idea that I form a search committee, on one condition — that you would accept the job of President and CEO.” [Laughter.] So I said, “Well that’s quite a jolt. It was certainly far from anything I had in mind

when I talked with you and I don't know that I really want to do this. My wife isn't well, and she's going to require more of my time, but I — what kind of consensus would there be for my doing this?" He said, "Well I've talked to the Directors that I feel have the greatest credibility with the rest of the Board." We had a big membership board on the Council, like 50 people. But we had an Executive Committee of about 10. And he said, "I think, if all those people who gave me a green light to put this to you would all agree and would certainly move the rest of the Board to go along." So I said, "Well let me think about this. Let me talk to my wife, and talk to her doctors, just to see how this is going to go." So that took about a week, and then I got back to Andy and said I would do it. And so the Board agreed, and I started out immediately trying to raise money for the next project. [Laughter.]

Among the interesting connections that I made when I was a member of the, what we call the Committee on the Present Danger, which was that group I described that was lobbying to defeat the SALT II Nuclear Arms Agreement — among the friends I made in that group was a man named Bill Graham who was President Reagan's Science Advisor in the White House. And one day I went out to a corporate board meeting that I was on in Oakton, Virginia, not far from here, and when the meeting was over, I realized that the space shuttle — the Challenger Shuttle — was about to be launched, just about the time our meeting broke up. We broke up at noon and the launch was supposed to be at 12:30. I stayed after the meeting to talk with the president of the company and then got in my car to drive back to Washington and turned on the radio to hear the launch. And to my astonishment, maybe a minute after he said, "We have liftoff," the guy said, "Uh oh, there seems to be something wrong here. Not quite sure what it is, but it looks like maybe this launch didn't go just right." And then a few minutes when a very excited broadcast voice said, This looks like a very bad situation. It appears that this may have been a disaster

with the loss of the launch shuttle itself and the crew. So when I got back to my office at the Council, no it wasn't the Council, I was still at Drinker Biddle and Reath I think —

MR. HAMROCK: Was in '86?

MR. ACHESON: '86. I was still at, yes, at Drinker Biddle and Reath, because I left there at '88. So got back to my office, I immediately found Bill Graham at the White House and said, "I just heard the broadcast about the launch. This is a terrible situation for the country, and horrible for the families of the crew, but really very bad for you, and if there's anything I can do to help you out, let me know." So he said that he had already talked with the President, and the President had already asked him to put together a list of names of people to form a commission to investigate the accident and come up with recommendations for the future of the Space Shuttle Program, and he would like to put my name on the list. He said, "You've had a lot of exposure to the space business, and we need somebody who is wired more or less to the Washington establishment on this, and we're going to have engineer professors, we're going to have the publisher of *Aviation Week*, we're going to have a variety of people, and we are going to have two astronauts." He said, "I haven't asked them yet, but I'm putting, their names on the list — we're going to have Neil Armstrong and Sally Ride. Remember Sally Ride, the first female astronaut? — and I'd like to put your name down." I said, "Bill if you want me to do it, I'll do it." Bill Rogers was not his choice, but President Reagan's choice, to be the chairman of that commission. Rogers and I were friends, not close friends, but friendly acquaintances. And so a week later, it was decided that these would not be presidential appointments subject to Senate confirmation, but simply temporary appointees, and if we could complete our task within 180 days we were not governed by the formal statutes about conflicts of interest. So, Bill Rogers organized a meeting of the members. He said, "I think, we've got about 18 or 19 members. I've

been wondering if we shouldn't have a larger body of this commission with broader representation. Bill said, "What do you think about this?" And he looked around without calling on any person in particular, and I said, "Well, Bill, the others may disagree, but let me say, I would be against that for several reasons. One, we need a really early start on the work, and we can't wait while we do a lot of searching and hunting around for new people and vetting appointments and all that. One of the reasons that is mandatory, is because if we go by 180 days, we will lose our immunity from the conflict of interest statutes. And then Gene Covert, who was the professor at MIT in charge of their aviation high-technology department, spoke up and he said, "I completely agree with that." Then pretty soon, everybody agreed with that, and Bill said, okay, we'll start as we are. So we set a date for an early meeting, and we had an early meeting. We said we would break up the group into teams of two, and each group would be assigned to look into a particular aspect and talk to particular people at a particular place in the NASA establishment. And we proceeded in that way, and we finally completed our work by June of '86, having started in mid- to late February. I did one mission with Sally Ride. I did another with Gene Covert. Then we began drafting, and Bill Rogers divided up the team into small groups to do some drafting. The head of *Aviation Week* was a guy named Bob Hotz, H-O-T-Z and he got sick and he left the group. So, Rogers asked Neil Armstrong and myself to be the editors of the report. We took the stuff that other people had drafted, and we went out and we asked for additional material and we did various things to get it in shape. Finally, got it in shape to every member of the commission signed off on it, and we met at the White House with President Reagan in June of '86 to present our report. During our meetings to draft the report, we had one meeting of the full commission, and we had a draft, and we had already circulated that with the full commission. Bill said, we have not yet finished, the last thing to decide was

the recommendations. We had some draft recommendations, and so we spent quite a bit of time talking about the recommendations and Bill Rogers said, now does anyone have any recommendations to add? He said, I don't think we want to get into the kind of detail that we ought to leave to NASA's judgment, but anything that really is basic to the investigation. And I said, "Yes, I have a suggestion. If we submit our report to the President, the President thanks us, everybody goes away, the report goes over to NASA, and it will sit on the shelf at NASA, and nothing will happen because Bill Fletcher, the new director of NASA, who had been opposed to the appointment of an independent commission." I said, "That is not a good sign. Now, what can we do to force NASA's hand?" So I said, "I would add this recommendation, that within one year from the submission of the report to the President, NASA must submit to the President a report detailing the measures it has taken to comply with our recommendations. Then there is no escaping it." Bill thought that was a great idea, so that was put in as our key recommendation, really. And that was pretty much the end of our work together.

One amusing thing happened, the famous Richard Feynman, the celebrated scientist at Caltech was on our commission. He and I had become friendly, and he was a great showman, and a bit of a pain frankly. But very, very able, smart guy. Anyway, we all convened at the White House. On the bus, I was sitting next to Dick Feynman. I said, "Dick, you are wearing, if I am not mistaken, a dark, heavy woolen suit? It's 90° outside!" I said, "You're going to fry! We're going to be sitting in the Rose Garden in the sun." I said, "God, you should have worn something light!" And Dick, without a moment's hesitation said, "Well, you know, we don't wear suits in California. This is the only suit I own, and the reason it is what it is, because I had to buy it in Norway when I went to get the Nobel Prize." [Both laugh.] I thought to myself, Okay, the game's begun. You are now points ahead of Acheson. [Both laugh.]

MR. HAMROCK: Oh my.

MR. ACHESON: So listen, I'm going to stop there. I don't think there's a lot more of any great interest. I had to retire from the Atlantic Council when my wife became terminally ill, because I was taking her to the hospital at unforeseen moments, and they had increased in frequency. One thing that I thought I might mention, that the changes that I have seen in Washington as I have, since I grew up here. When I was a kid, Washington was a sleepy southern town. Racial segregation was everywhere. Blacks were not permitted in most movie theaters, except one or two in the black part of town. Blacks sat in the rear of the bus. The District of Columbia was ruled by a commission of three white individuals, a chairman, who was sort of the guy who dealt with Congress and the public, another civilian commissioner who was the financial guy, and a major general in the U.S. Corps of Engineers, who was the infrastructure guy and made sure that the streets, roads, infrastructure of the city, pipes, all that, were taken care of. And it ran very well. For those who were entranced by the notion of democracy, it was certainly not a model, but it ran very, very well, very smoothly. As we all know, the unrest of the blacks in the city forced changes that were way overdue without question and rather quickly accomplished. But as late as 1954, you would be perhaps surprised to know, blacks were not permitted in the National Theatre and in that year, that color bar was broken in that theater, and then it started breaking everywhere. That was a major change. But before the riots in Washington, in 1963, the interracial relations were really quite civil, and one can say that that was because the blacks did not challenge the whites for their place in society. And there's a lot of truth in that, of course, but it was like many other southern towns, everybody knew what to expect of each other, and it was all pretty well run on the basis of a confined and probably unjust agenda. It was easy for me to ride a bicycle all over town. I could go over to northeast. I could

ride up to the 18th and Columbia Road to the Ambassador Theater for the movies. I had quite a nice life when I was growing up and going to school in Washington. The change in the way the District was governed came under President Johnson when Congress authorized an appointed mayor. Johnson appointed Walter Washington, a respected, prominent black man, as the first mayor. And he was appointed, he was confirmed by the Senate. He was a very successful, sensible man and did a good job. His wife wore terrible hats, but aside from that, that experiment worked very well. So the next step was an elected mayor, and as to the elected mayor, I would say that experiment has not worked quite so well, not because of the person involved so much as the fact that, I think there were going to be a lot of political claims on the first elected mayor by a black constituency that thought that he owed them a lot. And they had earned places in the government, they had earned tenure not necessarily related to efficiency, that, it really became kind of a patronage operation. I think we're out of that now. Fenty has not been a good mayor in my judgment largely because he has rather gratuitously worsened relationships with the city council. But I thought his predecessor was an able mayor, and a tactful one, handled relationships well with the council, and certainly did a lot to put the DC government on a performance and efficiency basis. The transformation, just to take one example, of what you used to have to go through to get a driver's license, or to have your car inspected, has now just been revolutionized. So it's now quick, it's efficient, it's run by competent people who have computers and can instantly ring up information and it's really just the difference between night and day. So, that is a major change that I have seen, and I've seen it get better, I've seen it then get worse. Now I think it's getting better. But the city council, something has to be done, maybe to change the structure of the council, maybe to make it smaller, although it's risky to try to diminish the representation on the council. But it's also

risky to keep so many people on the council, all of who want to be mayor, and all of whom are picking some fight with the mayor just to advance their own personal agenda. But this is the way of all democracy I dare say, so if we don't go the way of the Athenian Republic I think we will live through it. [Both laugh.] I don't have anything else to add, unless you have questions that you would like to ask me, and then I think we probably go to break for lunch. You can still have lunch with me?

MR. HAMROCK: Oh yes.

MR. ACHESON: Good, good.

MR. HAMROCK: Mr. Acheson, thank you very much. What I think we'll do since we are close to the end of this tape is we'll go ahead and sign off for now.

MR. ACHESON: Okay.

MR. HAMROCK: And then possibly, because, we'll sign off for now, and then we'll go over the process for you reviewing these transcripts.

MR. ACHESON: Okay, good.

MR. HAMROCK: So we are —

MR. ACHESON: Let me say, if you want to ask me additional questions, e-mail me, and I will answer them by e-mail. And you could add that to the transcript.

MR. HAMROCK: Oh thank you so much. It's 1:30 p.m. on Wednesday, March 24th, and we are off the record.

# Oral History of David C. Acheson

## INDEX

Acheson, Camilla, 21–22  
Acheson, David, 20–21  
Acheson, David C. – Personal  
    birth, 1, 2  
    brother-in-law, 23, 43–44  
    childhood, 7  
    children, 12, 15, 46–48, 94  
    father, 3, 6, 10, 11, 13, 50, 56  
        Brandeis law clerk, 1  
        at Covington & Burling, 2, 8, 59  
        at Groton, 4–5  
        and gout, 85–86  
        at Harvard Law, 52–53  
        Secretary of State, 12  
        and Truman, 12  
        at Yale, 44–45  
        Yale Corporation member, 6, 14, 52  
    father-in-law, 44–45, 53  
    Groton School, 3, 5–6, 13, 67  
    gout, 85  
    Harvard Law School, 39, 68  
        costs, 53–54  
        courses, 55  
        decision to attend, 52–53  
        faculty, 50, 51  
        friendships at, 49–50  
        interview, 49  
    marriage, 37, 45  
    mother, 2, 9, 21  
    in Navy  
        active duty mix-up, 19–21  
        anti-submarine training, 23–24  
        commission, 15, 23  
        destroyer escort assignment, 24–27, 37  
        gunnery officer, 19  
        relief orders, 37–38  
        Reservist, 39

- in Southwest Pacific theater, 27–37
- at Potomac School, 2
- at St. Albans School, 2–3
- sisters, 21, 41–44
- summer house, 9–12
- tennis, 5, 17
- wife, 5, 12, 21, 44, 54, 85
  - health of, 123, 127
  - as writer, 45–46
- at Yale University, 6, 13–15, 23
  - Davenport College, 17, 19
  - friends, 17–19
  - Groton classmates, 15–17
  - Naval ROTC, 13, 19–20
- Acheson, David C. – Professional
  - Atlantic Council board member and president, 121–23, 127
  - and Bazelon, 78–80
  - Committee on the Present Danger member, 120–21, 123
  - Communications Satellite Corp. Senior VP and General Counsel, 97–100, 109–12
    - international trip, 101–109
  - at Covington & Burling, 59–63, 69, 89
    - Cellophane* case, 60–63
  - Democratic Party Central Committee of DC member, 67
  - Drinker Biddle & Reath partner, 119–20, 124
  - Jones, Day, Reavis & Pogue partner, 49, 112, 118–19
    - antitrust lawyer for bauxite cartel, 114–16
    - COMSAT case, 116–18
  - Kennedy campaigner, 63–67
  - Rogers Commission member and report editor, 124–26
  - Special Assistant of the Treasury for Enforcement, 89–90, 96, 100
    - Bureau of Narcotics transfer, 90, 92–95
    - Secret Service overhaul, 90, 91–92
    - Warren Commission Report, 90, 91
  - at U.S. Atomic Energy Commission, 56–59, 68, 69
  - U.S. Attorney for the District of Columbia, 67, 86
    - cases argued, 77–78
    - case docket issues, 80–82
    - confirmation hearings, 70–72
    - Criminal Division cases, 72–76
      - on death penalty, 73–74
      - and Duncan, 87–89
      - on insanity defense, 73, 76–77
    - political boss indictments, 80

staff, 72, 74, 77, 78  
Supreme Court case, 77, 83–85  
on unadvised confessions, 74–76

Acheson, David C., Jr., 15, 46–48  
Acheson, Dean, 3, 6, 10, 11, 13, 50, 56  
  Brandeis law clerk, 1  
  at Covington & Burling, 2, 8, 59  
  at Groton, 4–5  
  and gout, 85–86  
  at Harvard Law, 52–53  
  Secretary of State, 12  
  and Truman, 12  
  at Yale, 44–45  
  Yale Corporation member, 6, 14, 52  
Acheson, Eleanor D., 46, 94  
Acheson, Pat, 5, 12, 21, 44, 54, 85  
  health, 123, 127  
  as writer, 45–46  
Acheson, Peter, 48  
Alcan, 114, 116  
Alcoa, 113, 114, 116  
Algom Uranium Mines, 59  
aluminum industry, 113  
American Law Institute (ALI), 76  
*America's Judicial Heritage*, 46  
Amsterdam, Tony, 78  
Armstrong, Neil, 124, 125  
Atlantic Council, 121–23, 127

Bahrain, 103  
Baker, Ralph, 51  
Baker, Wilder, 19–20  
Barney, Charles D., 44–45  
Battle of Samar, 34–35  
Battle of Surigao Strait, 33  
Battle of the Coral Sea, 27  
bauxite nationalism, 113–16  
Bazelon, David, 73, 77, 78–80  
Belin family, 7–8  
Black, Hugo, 84  
Black Widow Club, 36  
Bliss, Mildred, 7

Bliss, Robert Woods, 7  
Brandeis, Louis, 1, 2  
Braun, Wernher von, 99  
Brown, Dudley, 23, 43  
Brown, Jane Acheson, 21, 41–43  
Bundy, Mary, 21, 42, 43–44  
Bundy, William P., 43–44  
Bureau of Narcotics, 90, 92–94  
Burger, Warren, 77–78  
Burling, Edward B., 1–2  
Bush, George H. W., 17  
Bussche, Axel von dem, 21–22

Calhoun, John C., 7  
Califano, Joseph, 93–94  
Carney, Otis, 18–19  
Carroll, Robert, 70–72  
Carter, James E., 120  
cellophane, 60–61  
Central Intelligence Agency (CIA), 90–91  
Charyk, Joseph, 111  
    on COMSAT international trip, 101, 103, 104, 107, 109  
    and Intelsat IV, 116, 117  
Challenger Space Shuttle  
    accident, 123–24  
    investigation, 124–26  
Chiang Kai-shek, 105, 106  
Churchill, Winston, 103  
Clement, Stuart, 17  
cobras, 103, 108–109  
Committee on the Present Danger, 120–21, 123  
Communications Act of 1962, 98  
Communications Satellite Corporation (COMSAT), 98–101, 112, 116  
    monopoly, 109–11  
Connally, John, 91  
Cooke, Jay, 44, 45  
Coolbaugh, Walter W., 26  
Covert, Gene, 125  
Covington & Burling, 8–9, 59–60, 89  
Cox, Archibald, 76, 77, 83, 85  
Customs Bureau, 90, 92–93  
Cutler, Lloyd, 89

Davis, Arthur Vining, 116  
Democrats, 66–67  
DeSapio, Carmine, 66–67  
destroyer escorts, 24, 28–29, 30–32, 33, 34, 37  
District of Columbia, 6–7  
    city council, 128–29  
    Democratic Central Committee, 67  
    Georgetown, 7–8, 69  
    mayors, 128, 129  
    racial segregation, 127  
    three-man commission, 70, 88, 127  
Dodd, E. Merrick, 51  
Dodd, Mead & Co., 45, 46  
Drinker Biddle & Reath, 119  
Dulles, Annen, 85–86  
Dumbarton Oaks, 7  
Duncan, Charles T., 72, 87–89  
duPont, Alfred I., 116  
DuPont Company, 8, 60–62  
*Durham* rule, 73, 76  
Dwight, Timothy, 14

Eastland, James, 79  
Edgerton, Henry, 73, 77  
Edwards, Jonathan, 14  
Eighth Air Force, 55

Fahy, Charles, 73, 77  
Federal Communications Commission (FCC), 98, 111  
Fenty, Adrian, 128  
Feynman, Richard, 126  
Fletcher, William, 126  
Ford Aerospace, 117–18  
Fowler, Henry H., 89–90, 93, 96–97, 120  
Frankfurter, Felix, 50, 53, 72, 84  
Franzen, Ulrich, 46–47

Gaffney, George, 92  
Gagnon, Jacques, 116  
General Motors, 60  
Geneva, Switzerland, 102–103  
Gesell, Gerhard A., 60–61, 62, 67  
Giordano, Henry, 92–93, 94

Glover, Charles, 18  
Goldman Sachs, 96  
Goodpaster, Andrew, 121–23  
Graham, Kay, 95  
Graham, William, 123, 124  
Great Depression, 8–9  
Griswold, Erwin W., 49, 54–55  
Griswold, Whitney, 14  
Groton School, 3–5  
    conformity standards of, 5–6

Halsey, William F., 19, 33, 34–35, 40  
Hand, Learned, 116  
Hanes, John W. 44–45  
Harkness, Edward, 15  
Harriman, Averell, 4–5  
Harvard Law School, 52–53  
    faculty, 50, 51  
Harvard University, 7, 15  
Helms, Richard, 90–91  
*HIJMS Yamato*, 35  
Hill, Sam T., 10, 11  
Hill family, 10–11  
Hitler, Adolph, 22  
    plot against, 21–23  
Hirshhorn, Joseph, 59  
Holtzoff, Alexander, 73  
Hoover, Herbert, 7  
Hotz, Robert, 125

Imperial Chemical Industries (ICI), 60  
inflation, 57–58  
insanity defense, 73, 76–77  
Intelsat. *See* International Telecommunications Satellite Organization  
International Radio Frequency Spectrum, 110  
International Telecommunications Satellite Organization (INTELSAT), 98  
    Intelsat IV, 116–18  
Iwo Jima, 35

Japanese, 27, 28, 29, 31, 33, 36–37, 108  
Johnson, Lyndon B., 65, 89, 90, 93, 94, 96, 128  
Johnston, Joseph F., 119  
Jones, Day, Reavis & Pogue, 49, 112, 118–19

Jordan, Robert E., 90  
Justice Department, U.S., 60, 61–62, 71, 94–95  
    Antitrust Division, 115  
    Bureau of Narcotics addition, 93–94

Kaiser Aluminum, 113, 114, 116  
kamikazes, 31–32, 33  
Katzenbach, Nicholas, 82, 87–88, 94  
Kennedy, John F., 18, 70  
    assassination report, 90, 91  
    campaign in New York, 63–64, 66  
    and Catholicism, 64, 65  
    and Martin Luther King, 64–65  
Kennedy, Robert, 64, 79–80, 90  
Kincaid, Thomas C., 30, 34, 35, 40  
King, Martin Luther, 64–65  
Kirk, Allan G., 39  
Kurita, Takeo, 34–35

Landis, James M., 54  
Lapham, Anthony, 90  
Leach, W. Barton, 55  
Leahy, Paul C., 62  
Lehman, Herbert H., 66  
Leyte Gulf, 30–31, 34, 35  
    Battle of. *See* Battle of Samar  
Lilienthal, David, 56  
Lingayen Gulf, 35  
*Love At First Flight*, 18

MacArthur, Douglas, 27–28, 30, 35  
Manstein, Erich von, 21, 22  
Marrakesh, 103  
McCarthy, Joseph, 64  
McConnell, Joseph, 112  
McGowan, Carl, 77  
McGuire, Matthew, 80–81, 82  
McNamara, Robert, 96  
Mendenhall, Thomas C., 14  
Morocco, 101–102  
Moulton, Horace, 97  
Mumbai, India, 104  
*Mutiny on the Bounty*, 15–16

National Aeronautics and Space Administration (NASA), 99, 125, 126  
New York

    Democratic factions, 66–67  
    and Kennedy, 63–64, 65–67  
    Port Authority, 70–71  
Nimitz, Chester W., 27, 33, 40  
Nixon, Richard M., 65, 102  
nuclear arms control, 120–21, 123

O’Brian, John Lord, 8  
Oldendorf, Jesse B., 33  
*Our Colonial Heritage*, 45  
*Our Federal Government and How It Works*, 46

Peabody, Endicott, 3–4, 67  
Peabody, Endicott (“Chub”), II, 67  
Peabody, George, 3  
Pogue, Welch, 118  
Potts, Ramsay Douglas, 55  
Prendergast, Michael H., 66–67  
Prettyman, E. Barrett, 73

Reagan, Ronald, 124, 125  
Reiger, Siegfried, 99, 100–101, 111  
Reno, Janet, 94–96  
Rezneck, Daniel A., 78  
Ride, Sally, 124, 125  
Ridgeway, Rozanne, 121–22  
Rogers, William P., 124–26  
Rogers Commission Report, 124–26  
Rommel, Erwin, 22–23  
Roosevelt, Franklin, 7  
Roosevelt, Theodore, 8  
Rose, Horace Chapman (“Chappie”), 118  
Rowley, James, 91  
Ruble, George, 8  
Rundstedt, Gerd von, 22

Sachs, Albert, 51  
Salt II Nuclear Arms Agreement, 120–21, 123  
San Bernardino Strait, 33–34, 35  
Sandy Spring, Maryland, 9, 10  
Sangamon Attack Teacher, 23–24

satellites, communications, 97–101, 104, 106, 108–109  
    aviation, 110–11  
    domestic, 109–10, 111  
    maritime, 110, 111  
Secret Service, 90–92  
Securities Exchange Commission (SEC), 98  
Sengier, Edgar, 57–59  
Seventh Fleet, 27, 30, 33, 34  
Seymour, Charles, 14  
Smith, Bob, 62  
Smith Barney & Co., 45  
Soviet Union, 57, 120–21  
Spalding, Charles F., 17–19  
Sprague, Clifton A. F., 33  
State Department, U.S., 98  
Stauffenberg, Claus von, 22  
Stevenson, Adlai, 65  
Stone, George, 15–16  
submarines, 29–30, 35  
Sundlun, Bruce, 97  
Superior Court of the District of Columbia, 72  
Supreme Court, U.S., 63, 77, 83–85  
Suriago Strait, 33  
  
Taiwan, 105–107  
Task Force 34, 33, 40  
Task Force 77, 30–31  
Thailand, 108–109  
Third Fleet, 19, 31, 36  
Titus, Harold, 75–76  
Tobriner, Walter, 70, 88–89  
Treasury Department, U.S., 89, 90  
Tree, Marietta, 66, 67  
Truman, Harry, 12, 79  
Tuttle, Emerson, 17  
  
Ulithi Atoll, 36, 37  
Union Minière, 57  
U.S. Atomic Energy Commission, 56–59  
U.S. Attorney’s Office for the District of Columbia  
    Appeals Division, 72, 75, 76  
    Criminal Division, 72, 75  
    Municipal Court Division, 72

U.S. Court of Appeals for the District of Columbia Circuit, 73–74, 75, 76, 77, 83

U.S. District Court for the District of Columbia, 72, 81–82

*USS Chenango*, 31

*USS Coolbaugh DE 217*, 26–27

*USS Indianapolis*, 29

*USS J. Douglas Blackwood*, 32

*USS Santee*, 31–33

*USS Suwanee*, 31

Volpe, Joseph, 56, 57–58

Warren, Earl, 84, 92

Warren Commission Report, 90, 91–92

Washington, D.C. *See* District of Columbia

Washington, Walter, 128

Weisheit, J. Elmer (“Mo”), 54–55

White, Byron, 71–72, 84

Wollenberg, Roger, 112–13

World War II, 19

    Eighth Air Force, 55

    kamikaze attacks, 31–32, 33

    Seventh Fleet, 27, 30, 33, 34

    Southwest Pacific theater, 27–28, 29–37

    Third Fleet, 19, 31, 36

*See also specific battles, commanders, and vessels*

Yale Corporation, 6, 14

Yale Law School, 50

Yale University, 13–15, 44–45



## Cases Cited

*Durham v. United States*, 214 F.2d 862 (1954), 73

*United States v. Alcoa*, 148 F.2d 416 (2d Cir. 1945), 116

*United States v. E. I. du Pont de Nemours & Co.*, 351 U.S. 377 (1956), *affirming* 118 F. Supp. 41 (D. Del. 1953), 60–63

*United States v. E. I. du Pont de Nemours & Co.*, 353 U.S. 586 (1957), 60

*United States v. Imperial Chemical Industries*, 105 F. Supp. 215, 217 (SNDY 1952), *suppl.* 100 F. Supp. 504 (SDNY 1951), 60

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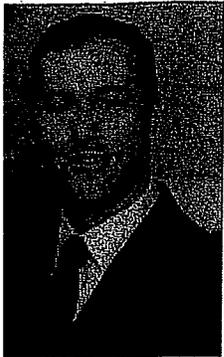
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- "'No-Injury' Consumer Class Actions," *LJN's Product Liability Law & Strategy Newsletter*, Vol. 26, Num. 11, (May 2008).
- "The Political Question Doctrine: An unusual (and Unused) Path to Dismissal of Product Liability Suits," *LJN's Product Liability Law & Strategy Newsletter*, Vol. 26, Num. 1, co-authored with Shannon G. Konn, (July 2007).
- "In re Allied Chemical Corp.: Cause for Celebration By Defendants?," *LJN's Product Liability Law & Strategy Newsletter*, Vol. 26, Num. 5, co-authored with Geraldine Doetzer, (November 2007).
- "Researching Your Case: When Hard Work Pays Off (For the Other Side)," *LJN's Product*

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*Liability Law & Strategy  
Newsletter*, Vol. 23, Num. 12, co-  
authored with Lisa Abrams,  
(June 2005).

- "A Second Bite at the Apple:  
Petitions for Rehearing and  
Suggestions for Rehearing En-  
Banc," *Andrews Government  
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Issue 11, (June 1998).

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