TRANSCRIPT OF INTERVIEW WITH MYER FELDMAN:

Meredith Coleman (MC): Hi, I’m Meredith Coleman and I will be interviewing Meyer Feldman. This is part of the University of Pennsylvania Law School’s Oral History Project. I am at Mr. Feldman’s home in Potomac, Maryland. It is currently 3:30 pm on March 12th, the year 2000. This interview will proceed chronologically, beginning with Mr. Feldman’s childhood.

MC: When were you born?

Myer Feldman (MF): I was born on uh, January, January… June 22, 1917.

MC: And where?

MF: In Philadelphia.

MC: Can you tell me a little bit about your early childhood?

MF: I was an orphan. And I went to Girard College, which is a school for poor white male orphans under the will of Steven Girard. Since I fit into all of those categories it was easy for me to gain admittance. And I was there—they put me through high school until I graduated from high school.

MC: Part of Girard College’s mission statement was, I quote, “to prepare scholarship students for advanced education and life, as informed, ethical, and productive citizens.” Do you think that this philosophy influenced you later career decision and philanthropic endeavors?

MF: Well when I’ve been asked at various times, and most recently the Washington Times did a profile on me, and they asked for a quotation that might characterize what I thought throughout my life what I said is what Steven Girard said and what he said was: “My deeds must be my life and when I am dead, my actions must speak for me,” and I think that that is what Girard College puts into the minds of all its students.

MC: During those years, did you have any hobbies or activities that you liked as a child?

MF: While I was in school at Girard College? Oh, well I was an athlete, which was good for me… I um you didn’t get any… well since I had a mother but no father…the definition of an orphan was someone without a father but my mother couldn’t afford to give me anything so I would sell candy cars to make enough money to get some of the extras that I wanted. So I did that. And I worked in the library where I learned all about palmistry and phrenology and graphology and all the occult sciences. And I found that that was very useful when I dated because girls loved to have their fortunes told and I loved to hold their hands. So it was a great social achievement. No, I did all those things and I was valedictorian of class… um... and first honor. So I enjoyed it.
MC: During those years uh, did you have any grand plans about what you wanted to be when you grew up?

MF: Well I always knew I wanted to be a lawyer. Our commencement speaker when I graduated from Girard College was Owen J. Roberts who is a Supreme Court Justice and after I had made my speech my mother met him and, uh, Roberts said to her—now what is Meyer—you know, I wasn’t known as Mike then—what is Meyer going to do now that he has graduated at the tender age of 15? And she said, “Well he’s going to be a lawyer and he says that someday he’s going to be in the White House.” And that’s true.

MC: Was the only, was he the first lawyer that you’d met, or had you known any other lawyers...

MF: He was the first lawyer I had ever met, yes.

MC: You attended the Wharton School, at the University of Pennsylvania...

MF: Yes I did.

MC: And what influenced you to go there, how did you make that decision?

MF: Well I always wanted to be a lawyer. I had a choice of going to the College or going to the Wharton School. The College would prepare me just for general life, it wasn’t going to help me in the practice of law. But I knew that if I went to the Wharton school and learned a little bit about business and learned a little bit more about how people reacted in the course of business, that would be useful in law. Besides they had a, a...pre-law kind of course at the Wharton school in which you took commercial law and took a couple of other things like that, so I felt that the Wharton school would prepare me better for law school than the college, so I went to the Wharton school. I had a scholarship from Girard College to University of Pennsylvania.

MC: And then you decided to pursue a career in law...

MF: Yes, and I went to law school.

MC: ...at the University of Pennsylvania Law School. And can you tell me a little bit about the admissions process for that?

MF: When I went to law school? Oh, I don’t know. I just uh applied and was admitted I knew I would be admitted, I had, I had a perfect grade average in college. And I, I was editor of the campus publication and I had various other things and I knew I couldn’t be turned down, so...I didn’t think anything about it—I just applied and was admitted.

MC: What was the campus, what was the name of the campus publication?
MF: The um, It wasn't the Daily Pennsylvanian. And I became a member of the Franklin society as a result of that which was the editors for all the publications. We had a um, a literary organization, and an organization that put on plays called the Zelosophic Society. Zelo, or the Zelosophic Society, then merged with its competitor, the Philomathian society or Philo. I think only Philo survives today. But we felt that we were, um, very literary, I guess is the only explanation for it. We did a lot of writing. To get into it you had, you had to submit to the members something that you had written. And so I, I became the editor of the Wharton, I think they called it the Wharton Review, I don't know whether it's still in existence or not. But it uh it was a full it was a magazine it came out every month, and it dealt with business topics, book reviews and things like that.

MC: Um, how would you say that your life at law school, how did you feel during your, going to school there— how did you feel it was different from being an undergraduate there?

MF: Oh sure. I thought I flunked out my first year. When I completed my examinations my first year, I didn't want to hear what I did, I thought I'd messed up on all the examinations, so I went to Canada for a month... didn't even want to get my grades and when I came back and saw that I guess I was uh second in the class that the grades were really extraordinary, I uh was pleased but surprised. In fact, for one examination, for my examination in business organizations— that was a first year course then— I read the examination on-- I taught later on—so this is what I remembered when I taught—I remember when I made— I did my blue books on, in the examination room, um, business organizations, I read the question and I said it's impossible to answer this question—so I filled two blue books with questions that were not answered, that couldn't be answered, because there weren't enough facts, uh, in the paper. I later talked to Professor Frye who had given the examination, and he told me that I was right and he gave me the highest grade that he had ever given. So that was—but my first year I thought that I had really flunked out. I was active in class, I asked a lot of questions, and I was self-confident but when I did the examinations I thought that I did very poorly but it turned out that I didn't.

MC: Why did you decide to also attend Penn for law school?

MF: I went to the undergraduate school—and it seemed natural—oh, I considered Harvard—but uh, that was too far away—I could live at home if I went to Penn—and I worked and I had a job in Philadelphia so um—it seemed to me I had, I either had to go to Penn or Temple and at that time nobody considered Temple a first rate law school.

MC: What was your additional job when you were in law school?

MF: I sold ladies dresses and coats... in the evenings and on Saturdays.

MC: You were a member of the Law Review?
MF: Yes.

MC: And what were some of the tasks that you worked on?

MF: Well I was Book Review Editor of the Law Review. So of course I handled all the books and of course, uh, before you become book review editor you write an article and, and you write a note... in my day. You wrote an article and a note in order that they might determine whether you were going to be part of the managing board or not. We had 6 people on the managing board and we had 30 people who were members of the Review. So they picked the preceding year, picked the managing board of the Law Review so everybody who was on the review had to write a note, had to write, uh, an article. And that was the basis for my becoming Book Review Editor, which I liked — I thoroughly- in fact I liked it so much that as you may know from my resume—uh later on I became a book review editor of the Saturday Review of Literature.

MC: What did you write your note on?

MF: I’ve forgotten. I did write a, uh, an article later on—maybe I’m getting ahead of you. But I wrote an article on insider trading when I went to work for the SEC. The Chairman and I, and of course the Chairman didn’t do anything, wrote a, wrote a two, I think it’s the only time Harvard Law Review has ever used two issues for one article. And um, I wrote an article on insider trading because I think I argued every insider trading case that the SEC had during the time I was there. So I wrote that and it’s still being quoted in the Supreme Court. Justice John Paul Stevens, who, a tennis partner of mine, called me and said he’s quoting it in his opinion, which he did—today. I mean, in this current term. So this is something that was written, what, 30 years ago or so, and apparently it’s still valid, and I’m rather proud of that.

MC: Were there any Professors when you were at the law school that you found particularly influential?

MF: Yes, and there were two. One who, was not considered a scholar, and he taught trusts and contracts- never did any writing- and was not part of the intellectual side of the school, students, neither the students, nor the faculty, nor the dean, considered Professor Reese a giant in the fields that he taught. But he taught me a lot because he took an interest in me. And, I used to go out to his house. I used to be the bartender when he used to give parties, which he paid me. And in our conversations, he really taught me a lot- not so much about trusts or contracts, we never discussed that, but about the practice of law, and what you had to do to be a good lawyer. So I’ll always be indebted to Professor Reese, who’s now, Reese, W. Foster Reese III, who’s not alive anymore. And the second one, was uh, Professor Frye, the person that gave me that great grade in business organizations, because after the first year he used to call me and we’d talk after, after, uh, class and I’d go to see him, and uh, I guess he was much more intellectual, he was much more a part of the faculty, um.... Reese would leave immediately after school, he’d go home and he’d go horseback riding or he’d go...he’s a great fox hound, hunter, he lived out in Marion and uh, he was a part of riding clubs, and that’s what he liked to
do, but, and his was social, but yet he added a lot. Frye, on the other hand, was very intellectual, and very perceptive, and what we would talk about were nuances of the law, particularly the courses that I was taking. I found both very influential and, uh, I think I still use lessons that they’ve taught me.

MC: What are one of the lessons that Professor Reeve told you would make a good lawyer that you still use today?

MF: Um, I guess a lesson, or a principal lesson that he taught me, that I have used to this day—and use it with my son, who’s now Assistant Solicitor general of the United States—when he got his job—and I might say, my son was President of the Harvard Law Review and graduated first in his class from Harvard. But, uh, what he taught me was what I used in my law firm—I had a law firm—until very recent... until a few months ago—with a 125 lawyers. I started the firm—I hired everybody and it was my firm. Before I hired anybody in that law firm, I used what Professor Reeve had taught me. What he said was “Whatever case you take, make sure that you believe in it.” He said, “If you take a case you don’t believe in, you’re not gonna do a good job.” So when I hired lawyers, I always said to them—“If you don’t think that you’re on the right side—don’t take the case. If any partner says anything—you come to me. And you’ll never be asked to take a case in which you think you’re on the wrong side.” And you know, that’s such good advice, and I’ve had so many of the lawyers that I hired tell me that that has kept them with the firm when other firms made big offers, it made them feel good about the practice of law—and perhaps more important, it made them respect the ethics of the law. So, I um, will always be indebted to Professor Reeve for that, if for nothing else. And I use it now—when my son decided—I’ll tell you a story about my son, may I? I, uh, he uh, left Harvard, he worked for uh, a Justice in the Supreme Court—Bill Brennan—when he finished it, I, uh, asked him what he wanted to do. He said he wanted on the Supreme Court. I said well, you can’t do that right away—he said, well, now I’d like to argue before the Supreme Court. Well the only place he could argue before the Supreme Court was in the Solicitor General’s Office. And I said to him—I don’t think you can get a job in the Solicitor General’s Office—it’s a Republican administration, they all know I’m a Democrat, they all know about me and the Solicitor General, Ken Starr, was Solicitor general then—he knows me very well. And he knows I’m a Democrat and I’ll never be a Republican—how can you get a job there? He said, well, I’m gonna call him. So he called Ken Starr, and usually you’re hired by the SG after, through a long process, a lot of interviews, and anybody that’s hired—goes through about what you go through when you become Pope, I guess. But Ken interviewed him and told him right then, that he called him—told him what his record was—and Ken interviewed him and said—well, we’d like to have you. And my son said—well, I’m not sure that I want to work here because the Jones case was fresh in his mind—he said, there are cases that you’ve argued where I think you were on the wrong side. And interestingly enough, Ken Starr said, “If you’re assigned a case like that, please come to me because I’m not going to ask you to take a case where you’re on the wrong side.” Ken has been criticized by a lot of people, but for that, I’ll always be grateful to him. And my son enjoyed it, he’s now the top guy there...I think. He won, won an award as—the Clark award—as the
outstanding lawyer in the United States, the first in government. So, he must be doing a good job. Now he has a Democratic administration. He’s more comfortable.

MC: Maybe it was good parenting.

MF: [laughs]

MC: Sorry...[laughing]

MF: That’s ok...

MC: Back to you. You served in the airforce in...

MF: Yes I did.

MC: ...in World War II.

MF: Yea.

MC: What was it that made you decide to enlist?

MF: I enlisted first, when I was um, um, when I was, when I was offered a secondary lieutenancy, an officer’s position—I failed the physical examination because of my eyesight. Uh, I wanted to be in the airforce and I couldn’t fly a plane because my left eye is not very good. So I enlisted as a private-- the next best thing. And you—you, who were born so long after World War II, don’t understand the kind of patriotism that was ramped in the United States in World War II and anybody who didn’t serve in one of the armed forces...couldn’t get a date, was looked upon as what they called a ‘slacker’, even if he was he was not eligible for enlistment—he was what was called 4-F because he had something wrong with him. That didn’t matter. They were rejects. Um, so uh, you had to enlist and I did and I got into the airforce.

MC: What sort of life lessons did you bring away from that war?

MF: Um...I guess the one thing that I understood perhaps better after serving in the airforce, and I under... I should have understood it before because as I grew up I associated with people of all races, all colors, and um, some of my good friends were African-American, you didn’t call them African-Americans then. Um, and I should have understood that we’re all the same—but when you’re in the airforce and you’re thrown together with that kind of diverse group, you understand that even if intellectually, and this is true with whites as well as blacks, that even if intellectually they’re not your equal, they are your equal in every other way and you have to treat them as such. We had a colonel who was a bus driver in civilian life-- he was a fine colonel and a fine soldier-- he didn’t have the intellectual qualifications of the people that I had associated with prior to that time, but I understood that bus drivers, ditch diggers, uh, everybody, um, had- is a human being who has the same capacity that I have, and that there’s no way in which
anybody will ever say to me, no matter what I accomplish, or what I do that I am better than anybody else—because I’m not—and the army, the airforce, taught me that.

MC: When you returned after the military – you became the Assistant to the... well, first you began to teach at the University of Pennsylvania Law School.

MF: Yes.

MC: And what sorts of courses did you teach?

MF: I taught Pennsylvania practice. Since I had never practiced—I felt well-- very well qualified to teach it [laughs]. Uh, and I think that’s the only course I taught, I mean, I taught other courses later on at other universities but at Penn I think the only course I taught was Pennsylvania Practice. And I enjoyed it, and apparently the students liked it—when they had a group of people from the Association of Law Schools come through to determine whether the teachers were well qualified at the law school—they asked the students who their favorite teachers were—I won hand down, hands down. The uh, I, with the people that I taught—remain friends. [Pauses] Shall I tell you a story that probably I shouldn’t tell? This was during war. The last, the last class session before examinations, I knew that most of the class was going into the army, navy, or airforce. Whether they’d live or not I didn’t know—nor did they. So the last class was very dramatic—it wasn’t given over to any Pennsylvania Practice problems—it was given over to stories about life, the future, and the war. And when I finished – I said “I’m not going to flunk anybody in this class. I don’t know where you’re going, or what you’re gonna do—but you’re not going to get a failing grade from me. But I’m gonna give you a tough question.” And I got the bluebooks back—and one student didn’t write a word in his bluebook, he just said—“You promised you wouldn’t flunk me.” And I gave him a passing grade. That was the feeling of that class that I taught—a wartime class. And with that much patriotism, is different from anything you’ll ever experience. (Pause) Is that worth putting on tape?

MC: We’ll keep it.

MF: Chosen from features, too.

MC: Did you actually keep in touch with any of your students?

MF: Oh, sure, I actually recommended one of them when I got to be in the White House. One of the students had become president of the Illinois Central Railroad, and I’d followed his career and talked to him—and to his wife—his wife was also in the class—he married Mary—and they were in the same class. And I called him and I said we need somebody to run the General Services administration—and it’s a shambles—and you’ve done a hell of a job with the Illinois Central Railroad—will you come join the administration and be our General Services Administrator—which is just like a cabinet job. He thought about it and he turned it down. But, uh, we then appointed him to
various committees and commissions. So uh, yes I stayed in touch with him and there were a couple of others that I saw later.

MC: How did you become an Assistant to the Attorney General of Pennsylvania?

When I graduated I was offered a job with various New York law firms but I decided I wanted to stay in Philadelphia. I did not, was not offered a job—I didn’t apl- I’ve never applied for a job anywhere. And—I didn’t apply for a job—and all you can do is open your own office. But I got a certain amount of publicity when I graduated from the University and I had two offers—one was from the Assistant Attorney General—of Pennsylvania—who among other duties was in charge of inheritance tax litigation and inheritance tax, uh, problems. I opened my own office and he said he did not have time to do that. Would I appear in Orphans Court for him—representing the state and handle that area. Well—I needed the money to run the office so I said I would and I did while I was there. The second was from Cardinal Docherty, the Archbishop for the Philadelphia Dioceses. He had hired as his counsel, the former Chief Justice of the Pennsylvania Supreme Court—his name was Kephart. And Kephart, he didn’t think he was qualified to handle the many cases that came before the Catholic Church on Cannon Law, he was an expert on the, on the civil law, on uh, the common law but not on cannon law—I wasn’t either—but he said it would be available to me—a whole library on cannon law—and so he asked whether I would serve Cardinal Docherty as uh, instead of him. And he would introduce me to the Cardinal and tell me what he was doing. And I said sure since again I needed the money and he was a good client. So those were my two principal clients when I opened my own office.

MC: Could you tell us a little about your—well in nineteen, oh, in 1946 the law firm of Ginsberg, Feldman & Bress was opened. Can you tell us a little bit about that?

MF: Um—it wasn’t 1946—the firm of Ginsberg Feldman & Bress opened in 1965. In 1965—I left the White House... I had offers in San Francisco, New Orleans, Chicago, New York, Philadelphia, Washington, but I wasn’t satisfied with any of the offers that I received—it was as if, as if I was just graduating from law school—and again I felt that the best way for me to decide what I wanted to do for the rest of my life was to open my own office. It happened that I was playing tennis while I was thinking about it. I was playing tennis with Dave Ginsberg’s wife. And she said to me that Dave had just lost his partner—it was Ginsburg and uh Leventhal, and Leventhal had gone to the Court of Appeals—he had been appointed by the President of the Court of Appeals and Ginsburg needed a partner. And would I join him. And I said I would join him if it was on an equal basis—I didn’t want to work for anybody. And so I met her husband and we decided that I would replace Harold Leventhal in that firm. It was just—there was just the two of us at that time and uh, after I joined the firm—we hired one lawyer a month for the next 24 months—until finally we wound up with 125 lawyers.

MC: And what sorts of matters did you handle?
MF: Well, I was head of the law firm—Dave Ginsburg didn’t have a big practice. And I had most of the clients—so uh, I just, I just took whatever seemed to interest me—I didn’t specialize in anything. Obviously my background is securities, mergers, acquisitions, umm, and I had to learn communications law because by that time I also was buying a radio station...theatrical law. But I didn’t think that I was unqualified for anything—I even handled an anti-trust case. And I handled uh, proxy fight—MGM proxy fight. But, uh, whatever came along that interested me I did—and I thought that I had the perfect practice.

MC: There was actually an influential case called Ginsburg, Feldman & Bress v. Federal Energy Administration, um...

MF: No, I don’t know that one.

MC: I guess...well, the question’s centered around that...it was actually, the law firm had argued that they deserved to see certain documents of the FEA.

MF: Oh that was different. In another, we were involved in a case involving um, the um right to see the papers of a White House employee. That’s not it though, is it?

MC: No, I think the name changed on appeal though. I’ll go on to another question. Um...

MF: Which case is that? I think that I know every case, any important case they had.

MC: It was a case that basically, the firm argued that they deserved to see certain documents of the FEA.

MF: We very argued document cases—a lot of them—but I don’t remember that one. The Kissinger Case was the big case we argued—which we went to the Supreme Court on it. In which Kissinger wanted to protect his telephone conversations—he recorded all telephone conversations that he had in the White House and he wanted to protect those—he didn’t want to expose those to the press. So the press sued to get access to it and that went to the Supreme Court and we won—kind of won anyhow—he didn’t have to show them everything—a judge was empowered to look at it and see what was involved—what involved the federal government and what didn’t and when he called his wife to order a dozen eggs they weren’t allowed to have access to that. And I remember that case—it was an important one. I’ve argued, I’ve argued a number of cases in the Supreme Court—

MC: Can you tell me about those cases?

MF: I argued a couple of utility cases and uh, one of which, uh, challenged the right of the SEC to, uh, to force a utility company to put in its proxy statements things that dealt with matters that—we argued—that stockholders were entitled to—and we won. I argued one under the Public Utilities Holding Company Act of 1935—which, uh, dealt
with really the constitutionality of the Act insofar as it dealt with uh, insofar that it dealt with the financial arrangements, the accounting—and I lost that. And, I guess I’ve been in the Supreme Court half a dozen times.

MC: Did you ever think, back to when you were a child—did you ever think that when you grew up to be a lawyer that you might be arguing before the Supreme Court?

MF: Oh, I always assumed it. [chuckle]

MC: You worked as an assistant to the Chairman of the Securities and Exchange Commission as well as Counsel to U.S. Senate committees investigating the stock market and President Truman’s discharge of General MacArthur. How did you get these appointments?

MF: Um, when I first went to work for the SEC- almost immediately—well, within six months, anyhow—Harry Truman fired General MacArthur. And the Senate Foreign Relations Committee and the uh Senate Armed Services Committee – for the first and last time I think in history decided together they would hold a hearing on why the President fired General MacArthur, who was then a Presidential candidate, thinking of being a Presidential candidate. Now, the leader, the Chairman of that committee was Senator Russell—Senator Russell’s protegee was Lyndon Johnson—Lyndon Johnson was on that committee—Senator Russell asked Lyndon Johnson if he would staff that committee. Lyndon Johnson turned to his closest friend and advisor—who was a man named Cook—Donald Cook—who was president of American Electric Power, and a lawyer, and at that time he was chairman of the SEC and I was working as his assistant. And he asked me whether this would interest me—fairly young and this is through the corridors of power—so I said sure—and he introduced me to Lyndon Johnson and Lyndon Johnson introduced me to Senator Russell—and I became a counsel to the committee and I wrote a book about it.

MC: What sort of day to day things did you do in this position?

MF: Well, I didn’t ask questions the Senators asked the questions. But after each days hearing, we would take the transcript work through the night and develop questions for the following day which we would give to the Senators to ask—and that hearing went on for about a month I guess. Um, anyway—I thought it was useful.

MC: You later co-wrote, as you mentioned before, some law review articles which discussed Section 16 of the Exchange Act...

MF: I wrote a number of law review articles—not only the Harvard Law Review, but the Michigan Law Review, uh, a couple of others...

MC: the University of Pennsylvania...
MF: uh huh—the University of Pennsylvania. I’ve written a number of law review articles.

MC: Did your views in these articles—were they affected by when you were working at the SEC? Did that shape your views?

MF: Well- I didn’t have a lot of time to do original research for these articles, so these articles were mostly about things that I was doing for the SEC that I could enlarge upon and express opinions about and not be limited by the confines of a brief. So what I did really was write an article about something I was working on.

MC: Um, later you became—a lot of these articles were on insider trading…

MF: I wrote two articles, I think, on insider trading.

MC: Have your views changed since um, you…became an insider?

MF: No, I told you the Supreme Court is still following it.

MC: Um, predating the law firm—if we jump back, do you recall the first time you met John F. Kennedy?

MF: Yes. I had been counsel to the Senate Banking Committee investigating the stock market. My office was next door to his in the Senate office building. After the first hearing, he called me in, he asked me to— asked to see me—he was not on the committee but he was interested in what the committee was doing. He called me in and asked me, uh, where the committee was going and what I thought and then told me about people in Massachusetts that were involved, or might be involved in the stock market and whether or not they might be guilty of manipulation or some other crime. And I gave him all the information I could. And from then on, he used to call me in regularly, to discuss what the committee was doing… he never tried to influence me. He never tried to ask me to ask certain questions or not to call a witness—and I was impressed by that. He just wanted to know what was going to come out so that he would be prepared for it. And uh at the conclusion of that—when I was trying to decide what I was going to do—he offered me a job in his office.

MC: And what made you accept?

MF: When he offered me the job I wasn’t sure that I would accept—he offered me a job paying fifteen thousand dollars a year—I had an offer from a brokerage firm of two hundred thousand dollars a year. If I was interested in money, I certainly wouldn’t have taken the job. But he also told me he was thinking of running for the Presidency—that I would not have to work in the office like, as one of the normal office workers who handle constituent mail and take care of the constituents—that I would solely be engaged in the national campaign. Well, I’m a kid from South Philadelphia, who, uh, in his wildest imagination couldn’t conceive of being involved in a presidential campaign. Now I
didn’t think John Kennedy had much of a chance—he was a Catholic—he was a first
term Senator—he hadn’t really accomplished an awful lot. But when would I, when
would anybody like me have the chance to be in something like that—a presidential
campaign—the job he offered me was a pretty good one. I was to be in charge of all
policies. Why I was qualified for it, I don’t know—but I was in charge of policies—I,
uh, and then questions were asked by the newspapers—they’re put in writing and then I
would answer them for the candidate. I, only Sorensen and I were the only two people
that was him before the debates—we prepared him for the debates. The intellectual side
of the campaign is what he offered me—and Sorensen and I were the only two people—we
had six speech writers—none of them ever wrote a speech for Kennedy. Sorensen or
I wrote every speech he ever delivered. Um, but um, that was attractive to me—to be a
part of this national campaign. Even if he lost—it would be uh, a great experience I
thought—and it was. Probably the greatest experience of my life—so, um, after thinking
it over I told him I’d write him a note the following day—I thought it over and said—this
is an opportunity that I can’t turn down. So, I went to work for him. And everything
proved exactly—to be exactly—as he predicted, except that he won the presidency. We
didn’t think he’d win at that point.

MC: When you were helping him prepare for the debates—in...against Nixon in 1960,
how did you help him prepare?

MF: Three days before the debate—my office stayed in Washington—I ran an office with
twenty other guys who were were, were working in the Congress mostly—they were
working for Senators or Congressmen but they were familiar with the issues. If there was
a, if there was an issue of uh, forestry, I could pick up somebody in the Interior
Department and he would write a memo or something for me. And I translated it into a
possible speech and sent it out to uh... So I stayed in Washington most of the time—but
three days before each debate—I would go out—since I was in charge of all of the
policies and programs and Sorensen traveled with him—he was the one that would draft
the final speeches—I had to be there though because I had the basic material—So three
days before each debate I went out there. We’d talk at night because he had a very busy
schedule—he had as many as twenty speeches in one day, um, the first day. The second
day, he’d be more relaxed and give me a little more time—while we’d talk about what
the papers were writing, what would come up in the debate, uh, what we thought of
things—I’d check and see what was needed and then the final, the day before the debate,
he’d cut his speaking arrangements, and we’d go up to his suite at the hotel, and we’d
spend most of the day before the third day—by then I’d written out cards—with all the
questions I could think of—and Ted did—Ted Sorensen did the same thing. All the
questions I could think of that could possibly be asked of him. And we’d run through
those—he, he’d go to bed, and while he’s, he’s in the bed, we’d be at the foot of the bed,
and we’d throw these questions at him—to get his answer—and where there was some
research that was necessary—I’d look it up. And, uh, that prepared him for the debate. I
will—can I tell you one story? Interesting.... I was back in Washington, and when
something, they needed something out of, from the field when he was making a speech.
Perhaps the most important speech during the entire campaign was a speech that he used
to ministers. Because he was a Catholic, and they thought no Catholic could ever be
elected president—they thought he'd have a direct line to the pope—and the pope could tell him what to do, and Catholic's actually weren't elected to very many political offices prior to this time. So we decided we would schedule as speech before ministers—and the Houston ministers had a, had a conference—and he was to speak there. 3 o'clock in the morning—my phone rang—and I was, I was asleep—and it's the candidate saying—Mike, he said—"How many Catholics died at the Alamo?" The speech was in Texas—and I said six. He said "Three o'clock in the morning you can tell me that you're sure that 6 Catholics died at the Alamo?" I said, "I'm certain, as sure as my name's O'Brien." He said, "How do you know?" I said, well it occurred to me that maybe this would be a good time to tell about how many Catholics died at the Alamo. So I got the Library of Congress to give me a list of all the people who died at the Alamo—and there were 6 O'Brien's and Murphy's and people who I could identify as Catholics that, uh, that died at the Alamo. And he said great. And that was my function to anticipate what would be needed in a speech.

MC: Do you think it was this prior planning that was the--

MF: Oh, I knew him so well—by that time—I knew Kennedy as well as I know my right hand. In fact, I voted him on the Senate floor—he was away most of the time. And I would try to get a "live pair"—I could always get a live pair from Barry Goldwater—he was always on the other side—and you know what a live pair is? If you're not there—you normally you get up and say, "The Senator is unavoidably absent and therefore cannot cast his vote." But that means he's not really representing his constituents because his vote is not counted. But, if you can get another Senator who" voting the other way not to vote because he happened to be out—it's called a live pair—and then you get up and say—"He's unavoidably absent. Senator Goldwater would have voted in favor of this proposition. Senator Kennedy would have voted against it-they cancel each other out—Senator Goldwater is not going to vote and Senator Kennedy is not going to vote." That's a live pair. They don't give those today anymore. Because there's too much bitterness in the Senate. But in those days I could always go to Barry Goldwater—in spite of the fact that his views were antisent [unsure of this word], just opposite what Kennedy's were—he was a really nice person and I'd say, you know, he's out there campaigning—he's giving his life to the country. You've got to give me a live pair—he could do it. And again, I have a lot of people on the other side that I'm indebted to and Barry Goldwater is one of them. Uh, I can tell you, well, I'm not gonna tell you the story of Lyndon Johnson and Barry Goldwater because that's not part of this interview but uh, I repaid that favor to Barry Goldwater later on, I uh... So, uh, I knew Kennedy so well that I could anticipate and I knew his schedule, I knew he was speaking, I knew that this was the most important speech in the campaign. And I knew it would arrive, and I knew that the Alamo was right there—so...

MC: Um, you worked as deputy counsel to President Kennedy from 1961 to 1964. What assignment during those years gave you the most personal satisfaction?

MF: [clicks tongue] Well, you know that's impossible to say. You know there was nobody in the White House that had anything to do with any policy but the President.
Nobody in the White House or anyplace else that ever wrote a speech for a Kennedy with only two exceptions—except Sorensen and me—and we worked together—we were a team. When I was appointed Deputy Special Counsel to the—the title—I am the only Deputy Special Counsel in the history of the United States—it was a title that I asked to have. Um, it was with the understanding that Sorensen and I would be a team—and we’d do every, everything intellectual, every bill, every speech, every policy, every plan, was ours. Nothing went to the President that I didn’t see—or sometimes that Sorensen saw. So to say what was the—what I’d have to—I’d have to answer that by saying what are the most important things that the administration things that the administration did during that time. That’s difficult—I can only tell you that the most important thing that John Kennedy thought he did was the uh, nuclear proliferation treaty with the Soviet Union, At that time we were sure that there would be at least nine countries that would have a nuclear bomb—we were sure that some of them were irresponsible. We were sure that the United States would become involved in a nuclear war—we were sure than any bomb directed at the United States would kill seventy five million people in the first day. We were sure that this, the globe, might not survive a nuclear war—and getting the Soviet Union to cut back on its nuclear weapons, to get them to cut back on any testing, to get them not to agree to give any weapons information to any other country, was a major accomplishment. And that’s what Kennedy always regarded as his major accomplishment. So I guess I feel the same way. We worked on...[trails off].

MC: Most people who lived during the 1960’s can say where they were the day President Kennedy was shot. Where were you?

MF: The President asked me to go to Japan—I was on Air Force One. There are two Air Force One’s. One he was using to go to Dallas—the second I went with 6 cabinet members. The only time that 6 cabinet members have been on the same plane. And there never will be again because Lyndon Johnson signed the executive order immediately afterwards, saying no two, more than two cabinet members can ever be on a plane. We had 6 cabinet members going to meet with the Japanese cabinet and the Japanese Prime Minister to solve some serious trade problems—(laughs) we still have them today. And I was on that plane—we had just crossed the international date line. When uh, we had a teletype machine in the plane, which was directly connected to the White House situation room. And the news came over—the president has been shot. Um, (pauses) Dean Rusk, who was Secretary of State, got the teletype, called all of us into the forward compartment of the plane—showed it to us. Orville Freeman, who was Secretary of Agriculture, had been shot in Guadacanal and had a bullet go from his chin through his skull and of course I said, well that doesn’t mean anything, he’s been shot, but so has Orville—and that’s what been wrong with him ever since (laughing). Uh, but a few minutes later, of course, we got the news that he was dead. So we turned the plane around, we had just crossed the International Date Line. We thought at that time, since Dean Rusk was fourth in line, we thought that maybe the President and the Vice-President had been shot. That he would have to take over if he was on our plane—and um, the military then were instructed to protect our plane—and I’ll bet there were a thousand planes that came up from Hawaii to protect us. Just circling—I mean you’d look out the window and there were planes as far as you could see protecting our plane.
And the question was, where do we fly? Do we fly to Dallas or do we fly to Washington, and we decided to go directly to Washington because by that time we found out, we’d been traveling, we found out that Lyndon had been sworn in. And we had to go meet him—all of us—submitted our resignations on the plane. And, uh, I’ll tell you a story. When I got there, it was about 2 am. I had my letter of resignation, so I went in to the oval office to put it on the president’s desk. When I left, the rug, was a green rug with a presidential seal in the middle of it—when I got there—blood red rug with the Presidential seal in the middle of it. And I guess for the first time in my life I almost fainted thinking my eyes were playing tricks on me. Actually, Jackie had ordered the rug before the trip and I put the letter on the President’s desk and thought I would never come back again. But Lyndon called me, and paid me the honor- which was the greatest honor you can get in the White House- of coming for a swim with him in the White House pool, where he persuaded me to stay. I used to do all, I did every message, every veto message, the President ever sent to Congress. There was a lot of legislation piled up on Lyndon’s desk—he didn’t know what to veto, and what to sign, and he insisted that I had to stay at least until then. And, um, then he insisted that I had to stay through the 1964 campaign for a very different reason. And, uh, I resigned three times, finally I made it stick.

MC: How would you say the leadership styles of President Johnson and President Kennedy differed after having worked under both of them?

MF: Well, uh, to be a good leader you need two things: you have to have good people and you have to have the ability to inspire. Kennedy had both—I think. Uh, Lyndon, uh, generally acted awfully- whatever he, his inspiration at the moment was. He, uh, went off regularly, I thought, without really considering all the issues and he…. Kennedy would rely on uh, close friends and advisors, there weren’t more than a dozen people at most, that were involved in any major decision, including the Cuban Missile Crisis. Lyndon, if Lyndon did a speech, it went through 30 or 40 revisions because he always sent it out to everybody. Lyndon was a kind of a “grasp-for-your-lapel” leader, you know, he made it very personal. You had to vote for him, you had to help him, you had to do things with him. And Kennedy was that kind at all—he uh, he was much more intellectual—and uh, he had to persuade them on the basis of either their political salvation or the uh, merits of the case. Lyndon’s final argument always was—well, you’ve gotta support your President. Kennedy’s final argument was—you gotta do this for the country. Uh, he was right there….

MC: You worked on both their campaigns—and you mentioned before that — you are presently working on, were working on the campaign that’s going on for Bill Bradley for President. How would you say that the campaigns of that era differ from campaigns of this era?

MF: I can’t think, um…I can’t think of any comparison really. We have really personal campaigns. In spite of strong feelings against Nixon, and everybody in the campaign had those feelings, Kennedy didn’t. Kennedy was actually a friend of Nixon. But he did not have strong feelings against him. But everyone else in the campaign did. I defy anybody
to find anything personal that Kennedy ever said—or any of the kind of ... uh ... kinda below the belt things that they do today. They used to do them in the olden days—Grover Cleveland, even George Washington suffered from it. But I think a Kennedy campaign was on a pretty high level. And the Johnson campaign was the same way, but Johnson was sure that he’d win overwhelmingly. He didn’t have to resort to personal attacks. Uh, today—the campaign is very much like the Congress—I told you before you can’t get a live pair in the Congress today because there’s too much animosity. That wasn’t true when I was in the Senate and when I worked on the Presidential campaign. We would go have a drink, or meet our opposition all the time. I used to go into Richard Nixon’s office to watch television. Uh, his office was right across the hall from Kennedy’s office when he was Vice-President. When he was Vice-President, his office was directly across from Kennedy’s. And I’d go in to even borrow ice cubes. Um, that couldn’t happen today—they’d throw the ice cubes in your face. You know, I think today’s campaigns are nasty. And one of the reasons that I supported Bradley is because he’s such a nice guy. And at least he started the campaign without any viciousness, any feelings of vindictiveness, without any thought that he was going to use—in fact, he said he wasn’t even going to use the major—I think he lost because he wasn’t going to use the factors that George Bush is going to use against Al Gore. Bradley refused, when he was offered the opportunity to talk about Al Gore and his fundraising—specifically refused. Uh, but the other candidates do worse than that. So, how do I compare them? I enjoyed the Kennedy campaign—I’m not sure I enjoy the campaign this time... although, I think we are going to support—my wife is meeting with Gore today. And to see what we’re gonna do.

MC: Um, you are presently on the Board of Directors for the Special Olympics—

MF: I’m chairman of the Executive Committee.

MC: And can you tell us a little bit about that?

MF: Well I was, while I was in the White House, I helped with the beginning of the Special Olympics when Eunice Shriver came in and asked for some legislation to help the mentally retarded—the President said, “Go see Mike.” She came in to see me—and the first I said—we’re busy, we’re busy with the Russian treaty at this time. I don’t have any time to talk about anything else. And this is in a book—and so I don’t mind telling you—a book by Larry Winger—on the Kennedy women. So she started to cry—she said—you gotta do it. And the one thing that’s always affected me are women’s tears. I said, “Alright Eunice, I’ll do the legislation—we’ll get it done.” And we did—and so I was in it from the very beginning—so when Special Olympics was finally organized they asked me to serve on the Board. I currently am not on—am not only on the Board, I’m on the Executive Committee—I run the Executive Committee in the absence of Eunice and Sarge. I um have called a number of the corporations, five members of the corporations—they’re the ones that select the directors. And I’m one of those, so I like to think that uh, I’m involved in the Special Olympics up to my ears.

MC: And what’s made you stay with it all these years?

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MF: I get more, more satisfaction out of what I do for Special Olympics than anything else I do.

MC: Um, some of the other endeavors you’re involved in involve financial matters. Um, for example, you work with your wife, she’s the CEO of TotalBank in Florida.

MF: She is not the CEO, she’s Chairman of the Board.

MC: Sorry, she’s Chairman—and you work with her as—

MF: I’m Vice-Chairman.

MC: as Vice-Chairman. What’s it like to work with your wife in a business capacity?

MF: Well I like to think we work the way any husband and wife works. She doesn’t do anything without consulting me, and I don’t do anything without consulting her.

MC: What are, can you tell us about some of the other business enterprises that you’re involved in?

MF: Oh gosh, who knows? It’s as long as your arm, I… I… you name something—I once challenged somebody—I am a member of 40 different partnerships. I once challenged somebody to name a business that I haven’t been in. I said—I’ll bet you a case of champagne that you can’t name a business I haven’t been in. And he picked cemeteries—but I have been. I mean I, used that as a tax shelter for a long time. And I would buy cemetery lots and that served as a tax break. So, you know, I couldn’t possibly name all the things I’m involved in.

MC: What qualities do you think a good lawyer requires versus a good businessman?

MF: I think a good lawyer has to be a good businessman. I don’t think you can be a really good lawyer without having some of the qualities a good businessman must have. Uh, I, I do think there’s quite a difference between a lawyer and a businessman. I think uh, I think in representing other people and that’s the big difference. When you’re a lawyer, you represent other people. When you’re in business, you represent yourself. Now in representing other people, you must be very careful that, uh, what you do, what you say, what you advise, is something that you can always support and will not injure the person you are representing. You have to bear in mind that it is not you, you can’t do what you want to do—you have to do what your client wants to do. While if you’re in business, representing yourself, you can do anything you want. I think that’s the major difference. The second difference, of course, is I think lawyering is an intellectual profession. You, uh, worry about, uh, the nuances of agreements, or actions that are uh, taken whether they’re business actions or whether they’re tort actions, or whether anti-trust actions, or… anti-trust is largely business though. But, you have to worry about the intellectual aspects of what you’re doing and be sure that they’re fine from that point of
view. When you’re in business, it’s not so much the—you don’t think of it from the intellectual point of view—you think of it from what’s called the bottom line—you think from a profit point of view. And if I do this—do I make a profit, or do I lose money? Your standard in business is whether or not—the way you decide whether you’re a successful businessman is whether or not you make money. The way you decide whether you’re a successful lawyer or not is whether or not the policies you advocate and the things you advise are satisfactory and work out. It’s quite different.

MC: When your son told you that he was going to law school, did you approve?

MF: Yes. I did not advise him, I didn’t force him. It was his own decision. When he graduated from University of Pennsylvania, he did not decide to go to law school—he went into business for three years. And after three years, he said he wasn’t at all interested in what he was doing—he’d like to go to law school. Not only did I approve, I was delighted. But I told him he would never join my law firm. He had to make it on his own.

MC: Why wouldn’t you let him join your law firm?

MF: Because he’s good enough so that he can make it on his own. If he joins my law firm, everybody would say he had an advantage—his father was head of the law firm. So, and he has made it on his own.

MC: Do you think because you had to make it on your own that that’s made your viewpoint as such?

MF: No, I advise this to everybody. I know a lot of people whose children go into their law firms, or go into their business, and I always disapprove. I say, “leave them alone—let ‘em do what they want to do.” My speech at the last commencement dealt with that. And I think if you do what, where your passion leads you—you don’t do it...in fact, it’s a handicap to do it because you’re family has done it.

MC: Of all the endeavors—this is a very broad question—of all the endeavors that you have been involved with—what’s the one thing you’d really like to be remembered for?

MF: The Special Olympics.

MC: And what does the future hold for you? Any new projects?

MF: Oh sure. I’ll be dead when I don’t have new projects. No, I have a lot, and uh, some of them are very personal. Uh, which I can’t really reveal, but there are things that excite me, that interest me now that I’m working with, on, a very very close friend. And if she does what I think she’s going to do—it’ll be something we’ll both be remembered for.

MC: That’s it. That concludes our interview.
MF: Thank you. How long did it take us?

MC: One hour fifteen minutes.

MF: All right, that's fine.