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JUSTICE ARTHUR J. GOLDBERG

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INTERVIEW

Q: Let me get right to it. What prompted you to leave the Supreme Court and go to the United Nations?

GOLDBERG: I should like to make clear at the outset that it was not because President Johnson twisted my arm, as I have read in many publications. A president of the United States cannot twist the arm of a Supreme Court justice, even Lyndon Johnson. As a matter of fact, to prove that, sometime before then he had invited me to become his attorney general, and I refused it. Therefore the question recurs, why did I leave?

I left for this reason. I had the feeling, on the basis of what was developing, that we were going to get enmeshed in Vietnam. I also had the egotistical feeling, based upon my long experience with government and private life as a person who could influence policy, that I could influence the President to not get overly involved. Sending some military advisers is one thing, sending five hundred thousand troops is another.

There was another reason, to be very honest about it. I'm a first generation American. My father came from Russia. Although he was an educated man, as an immigrant he made his living, since he didn't know the language, driving a blind horse, which is all he could afford, hauling potatoes for a wholesale distributor. Since I was a first generation American, the only one of my family that went beyond grade school -- although I had to support myself to do it; my father died when I was eight -- I felt that I owed the country a great deal.

And since I conceived that, and properly conceived that this was of major importance to my children and grandchildren, as well as to the country at large, I made the decision, based upon Johnson's assurances that I would play a key role in determining what we ought to do about Vietnam, that I would reluctantly leave the Supreme Court. I was not bored with the Supreme Court. And I must be honest with you, since you're conducting an oral history, I was furious with Johnson when in his book he said I was bored. I called him on the telephone when I saw that. And I was very -- I was impolite I must say. I've always been polite to presidents and ex-presidents, but I was infuriated because I had told him previously that this rumor was circulating around and I had not warned him, but said to him in the most emphatic terms, "I don't want that ever repeated. I love the Supreme Court. I did it as a national duty."

Q: Where did the story come from then that Ambassador Galbraith is supposed to have passed this rumor along?

GOLDBERG: I have never traced it down, but apparently Ken Galbraith is a big talker, a good friend of mine, a big talker, and likes to show he's in the know. Probably he said that to Johnson. It did not enter into my own decision.

Q: When was this proposal made? I associate it with Adlai Stevenson.

GOLDBERG: No, it was made before, and then typical of Lyndon -- now I can call him Lyndon, he's dead; I always called him Mr. President although I knew him a long time -- typical of Lyndon, he first urged me to take the office. Then when I went to the White House to discuss it with him Jack Valenti mentioned something about HEW. And I said, "I'm walking out. I'm not interested in HEW." At which point, you know, he went in to Lyndon and Lyndon never mentioned that and said, "The thing I talked to you about was the U.S. ambassadorship and a key role in the Vietnam situation." And he just disregarded the other statement. Apparently, knowing Jack Valenti, he and Jack had talked about it.

Q: You've mentioned this to some extent. What were your views on the Vietnam crisis at the time?

GOLDBERG: Oh, I was thoroughly convinced that, to use a hackneyed phrase, wrong war, wrong place. I did not conceive that we had a national interest in that situation. Our national interest was not served. I had no illusions about what was happening. In fact, I remember a conversation with Walter Lippmann who talked at the time about a coalition government, at dinner one night. And I told Mr. Lippmann, I said, "You're foolish, Walter. You're a good newspaperman, but if North Vietnam is on top, they're going to take over the country," which indeed they have.

Q: Didn't the President lead you to believe that you were going to play in fact a key role?

GOLDBERG: Oh, well, all you have to do is go back to the clippings. Just look at your morgue. Why, he made a great deal of that. The announcement of my appointment and the statement he made says that, and then of course repeatedly he made statements to the same effect. I would be called down to the Ranch to discuss it. And indeed, there were certain actions that proved it at the outset. For example, before I was appointed I was invited to Camp David that weekend. I hadn't submitted my letter of resignation. I told him I was going to do it. Bob McNamara suggested we call up the reserves, put our nation on a full war footing. I told the President, in front of Bob, who's an old friend of mine from the Kennedy days, "You do that and you don't get my letter of resignation," and he stopped in his tracks. He didn't want that to develop.

So if you'll read the history of the times, and I guess I'm driven to write my own memoirs, but in your archives you have micro film of the New York Times and you have

the State Department papers as well as the presidential public papers, you will find it replete with references to that.

Q: Were you aware at the time that you took the appointment that the decisions to escalate had already been taken sometime before?

GOLDBERG: No. I knew that we were increasing our participation, and that is the thing that worried me. By the way, you must understand I'm not a peacenik or unilateral disarmer. I have always been rather sympathetic to the Pentagon and the Joint Chiefs, with whom I had many conversations. You remember I also sat as an ad hoc member of the National Security Council, and I served in World War II as an assistant to General [William] Donovan. I was sympathetic to them in the sense that they said, "You're asking us to fight an impossible war. You're putting restraints on us. We can go to Hanoi. You cannot fight a war unless you take the nation's capital." They could have done it, you see. Well, they were afraid of the Chinese, overlooking many centuries of history. As we see now, when the Chinese invaded Vietnam, I had no doubt -- because I am a historian like yourself -- I never had any doubt that the Chinese couldn't care less. Of course they provided arms and help, mostly because they didn't want the Russians to get too predominant a place, but that they would go to war with us over that, no.

Q: Would reconvening the Geneva conference have been helpful at this time?

GOLDBERG: It would have been, but no possibility. The Russians, although they said they were for it, they consulted with North Vietnam, and North Vietnam was not very agreeable. We constantly, if you looked at my speeches, talked about reconvening the Geneva conference. But the Russians were co-chairmen, and they never agreed.

Q: Did the State Department and President Johnson favor reconvening the Geneva conference?

GOLDBERG: I never knew. When I would recommend it I would get kind of an Agreement, and I would make speeches which I prepared. Unlike Adlai, I prepared my own speeches and sent them to the State Department. I did not do what Adlai and [Henry] Cabot Lodge did, regard myself to be an employee of the State Department. I was not. I was an ambassador appointed by the President. Ambassadors forget that they are. But career ambassadors, you know, their career depends upon advancement, so they do what the Secretary of State tells them to do. But I must say that Dean Rusk, whatever his views were, and he was on the hawkish side, he respected that. He never resented that I could pick up a telephone and call Johnson. And in turn he knew from White House memos that Johnson talked to me frequently on this subject.

Q: Would you describe the role that U Thant played during these years?

GOLDBERG: Well, before I do that, I want to correct my earlier answer somewhat. While I overestimated my capacity to influence Johnson to get the hell out, I did achieve what I had in mind three years later. After Tet, I sent him a memo. I had sent him

previous ones, that's why I asked you if you've received everything. I sent him a memo which reflected a memo I sent within two months after I got to the U.N., saying that "if you want to keep the consent of the governed" -- which I did not find present and which is required under our constitutional system -- "you'd better get out." But three years later I was more emphatic, "You have lost the consent of the governed."

Now that memo created an explosion. He didn't call me for three days. [It was] unlike him; he was on the telephone all the time. You know Lyndon Johnson. You've now interviewed enough people. He would call me on anything. But after three days it was quite interesting. He asked me to come down, and very soberly -- this is now in 1968, about a month or so before he announced that he would not run. After sulking around for several days, he called me and asked if I could come see him. I did. And he said, "I've read your memo. It's a serious memo." And I said, "It was intended to be." He said, "Would you mind joining a group of so-called Wise Men" --

Q: Did he call them the Wise Men?

GOLDBERG: -- "which I have relied upon for advice in this area?" I never knew about that group, typical of Johnson. Although I was supposed to be au courant with everything taking place pursuant to our understanding, but I never had heard of that group. And he said, "Would you present your views to that group?" and I said, "I don't know anything about that group, who is it?" And he told me in general who it was: Douglas Dillon, General [Omar] Bradley, and General [Matthew] Ridgway -- I'm trying to think of all the fellows who were there.

Q: Dean Acheson was there, I think.

GOLDBERG: Dean Acheson, yes. You can recall the membership better than I. "That group is meeting tonight." And I said, "Yes, I'd be glad to." That was the group, you know, where there was a briefing by Phil Habib, a CIA --

Q: Was that George Carver?

GOLDBERG: Yes, Carver. A very nice intelligence general from [William] Westmoreland's staff, and that is the one that [David] Halberstam picked up in gossip, but it's true. I listened to what they had to say, that Tet was a great victory, and since I'd been on the Supreme Court and am a lawyer of long standing, I know how to ask questions. I asked the key questions. I said, "General, it's a great victory." "Yes," he said. Reminded me of a [Robert] Southey's poem. In any event, I said, "Would you tell me how many Viet Cong effectives you think there are buttressed by [North] Vietnam?" and he said something. I don't remember exactly. He said something about a hundred and eighty thousand Viet Cong and maybe they're buttressed by twenty or thirty thousand North Vietnamese. I said, "All right, let's say two fifty. Those are the effectives. Now we had a great victory. How many did we kill?" He said, "Oh, we must have killed a hundred and eighty thousand or a hundred and ninety, and the rest we wounded." I said, "Wounded in the sense they're in the hospital?" "Yes." So I started to add up, and the

number he gave me of killed and wounded was greater than the number he mentioned as effectives. So I asked the ultimate question, which was kind of dirty. I said, "General, if you are correct, I have added up the figures. Who are we fighting?" And he was stymied.

That was the situation which developed. The next day Johnson invited the key figures, including myself, to the White House for lunch, and General [Creighton] Abrams, who obviously was designated to be Westmoreland's successor, and he had heard about the briefing. It was at that luncheon where it became apparent that Johnson had decided that he had to cut back the bombing and lay the groundwork for starting a negotiation. It was also that briefing where the Wise Men who had supported the war effort, including Clark Clifford -- not only supported it, stimulated it. Because I was in the bedroom when Abe Fortas and Clark Clifford, Johnson's bedroom at night, told him no American president has ever lost a war and so on. I had always been opposed so I used to argue against that and point to de Gaulle, [who was] stronger because he left Algeria. I said this is nonsensical. In any event, it was at that luncheon that I think Johnson made up his mind he wouldn't run again.

Q: Did you have any hint of that?

GOLDBERG: No. But I had a pretty good idea after that luncheon, that he felt he was so involved and could not extricate himself.

Q: As long as we're to that point, let me ask you the next question I always ask, which is where were you when you heard the March 31 speech?

GOLDBERG: I was with my wife at the U.S. Mission to the U.N., at the residence of the U.S. ambassador, and I heard it.

There was a cabinet meeting the next day, and he reported to the cabinet. I, as a senior person -- Rusk wasn't there and at that time the U.S. ambassador was regarded to be next in seniority and protocol to the secretary of state. So as senior cabinet officer, I said in effect, "You've made the right decision," although I was polite, "we regret it." He had said "You're free, since I made the decision, to do what you want to do about staying or how long." I went in and I said, "That being the case, I resign."

It remained that way until I got a call from Rusk. The Nonproliferation Treaty -- it was a UN treaty -- had come to the floor of the UN Rusk said, "It's our conception that you, with your experience, can negotiate its adoption. The Geneva negotiators, Bill Foster and Butch [Adrian S.] Fisher, although they've been very good, don't know the UN So would you take charge and would you defer your resignation until you get it through?" Since I am an old-fashioned patriot and since I believe in nonproliferation, I agreed. And that's why if you'll see the record, Johnson I think made a speech in March, if I remember, that he would not run again. I deferred my resignation until we got the Nonproliferation [Treaty] through, and we got it through.

We had a good hassle at the UN. The UN countries, many with their own axes to grind like Brazil, were opposed. Italy was opposed. And so it took a good deal of negotiation. We got it through and it took a long time, some months of careful negotiation in which we and the Russians collaborated. We were both for nonproliferation. It was then, after I got through with that, that I then said, "Well, I've done it. Now send your successor." George Ball had been appointed.

It always puzzled me, to be very honest, why George Ball, who has written that he was a great peacenik, stayed with Johnson. While he left the State Department, he immediately took the UN assignment, and that has always puzzled me.

Q: You never discussed it with him?

GOLDBERG: No. I read a little of his biography and he said I always mentioned that I had a constituency, and I never mentioned that. I had left the labor movement in 1961 and said I would never return, so I don't know what constituency he was talking about.

Q: We've gotten a little out of chronology here, but that's perfectly okay. We've pursued these themes.

Let's go back to U Thant now. What kind of a role did he play in all of this?

GOLDBERG: Well, U Thant was a well-intentioned but not a formidable statesman. He tried his best. He had made up his mind that the war -- being an Asian -- was not a good war, and ought to be terminated. He tried various means, by statements and otherwise, to affect our policy. I would say that the dominant mood in Washington was not to pay much attention to him. I was always polite to U Thant and when he made a statement, tried to be very careful for our government not to directly contradict him, to try to milk out the positive elements. He was rather naive about it.

Q: Did he ever come up with a serious channel, a serious proposal?

GOLDBERG: No, neither he nor Norman Cousins, who thought -- of the Saturday Review -- that he had an in. We had all kinds of people who were in touch and who would say we've got the formula. I would check it out. Interestingly enough, the people who represented North Vietnam at the UN were the Hungarians. You know, when a country is not a country represented at the UN, they usually rely on some other country to send them the papers and so on. Well, I always checked with the Hungarian Ambassador. He was a communist, but a rather nice fellow, [Karoly] Csatorday. He died under peculiar circumstances. And he told me "not a chance."

Q: What was his name again, sir?

GOLDBERG: Csatorday.

Q: We can look it up. What peculiar circumstances? You had a --

GOLDBERG: I don't know what happened. I don't mean he was assassinated or anything, but he had a heart attack or something like that, but he did die at a relatively early age. I'm not imputing that he died for other reasons.

Q: How did the bombing affect our position in the UN?

GOLDBERG: Well, I was opposed to the bombing on a couple of grounds. We had a meeting of the National Security Council at which I spoke to that subject against everybody's -- as far as I was aware -- position, including Ball, who's supposed to be the peacemaker. The President talked about bombing Haiphong and beyond what parallel is it, I've forgotten.

Q: The Seventeenth?

GOLDBERG: Seventeenth. I get it confused with the Korean, Thirty-eight. The President, I must say conscientiously, raised the question and was worried about civilian casualties. He was told by the head of our air force at the time, I've forgotten the name of the commandant, chief of staff of the air force, but President Johnson asked that question. The Chief of Staff of the air force said, "Oh, we've got smart bombs. If we have five casualties, that will be a lot of civilians."

Q: Would that have been General [John P.] McConnell at the time?

GOLDBERG: I've forgotten his name. But you can trace it. Well, that was a little too much for Bob McNamara, who then spoke up and said, "Well, I can't guarantee five, but there won't be any more civilian casualties than in the neighborhood of fifteen or twenty-five." At which point I intervened and said, "Look, I come from Chicago. Right outside Chicago are the oil depots, at Whiting, Indiana. Workers live all around it, even though we have automobiles. Those are their homes. Also I served in World War II." North Vietnam had terrific anti-aircraft supplied by the Russians. I said, "My experience in World War II and my experience in Chicago demonstrates that -- and I don't blame them -- a pilot shot at by anti-aircraft fire is going to throw his eggs wherever he can and go home, and I would do the same thing. My prediction is there will be hundreds of civilian casualties, Mr. President, and you ought to be told that." And then I finished, typical Johnson, and I said, "Mr. President, we're here for a purpose, I assume to advise you, is that correct?" He said, "Of course, I want to hear advice." So I said, "You can't do that." The President got his back up and said, "I'm President of the United States and of course I can do it." I said, "I made a mistake." So he thought I was going to apologize. And I said, "You mustn't do it."

Q: How did he react to that?

GOLDBERG: He didn't say anything, but he did the bombing. And I disagreed with Clark Clifford who, after Tet, favored a partial bombing. He is an astute compromiser, and on this I thought there wasn't room for compromise. He suggested we confine our

bombing after he began to see some light. Turning from a hawk to somewhat of a dove [he] sold David Halberstam that he was a dove. I said, "Clark, if we're going to do it, then we ought to stop the bombing totally and we ought to make preparations to get out and give Abrams what he needs to rearm the army of South Vietnam and make it self sufficient." Perhaps Clark was right, in light of the practicalities of the situation and I was wrong. One can never know in these sensitive matters.

Q: But of course this was later. This was in 1968.

GOLDBERG: Yes.

Q: There has been some controversy about Johnson's stand on the various bombing halts that took place.

GOLDBERG: Well, I recommended a complete bombing halt shortly after I came to the [UN]. I was turned down by Johnson. I said, "Let's stop bombing of all kinds and let's see if we can have negotiations." Because I thought I saw some signals in the traffic reporting the North Vietnamese statements. He turned me down, but -- it was around Christmas time as I recall it that the President for a limited period ordered a bombing halt, as I suggested. What year was this?

Q: 1965-66, I think.

GOLDBERG: Yes. I took a little vacation. We just had finished the India-Pakistan War and I was pretty worn out, and I flew down to Eleuthera, to the place of a friend of mine. I was there one day and I got a call from the President, he changed his mind, and is sending an airplane to pick me up to go on one of those aborted peace missions. I saw the Pope, General de Gaulle, and Harold Wilson, and would have continued had we not had a death in the family. My beloved mother-in-law who lived with us died, and I had to return for her funeral.

Q: That was the thirty-seven day pause I think, the long pause.

GOLDBERG: Yes.

Q: Did you get any feeling that that had accomplished anything or that the North -- ?

GOLDBERG: I didn't think it would accomplish anything. In fact, my conclusion was we should get out the best we could. A bombing halt of limited duration would not accomplish our objective of a peace negotiation. Like any person trying to negotiate, a stubborn employer or president, I had various fall back positions and so on. But basically, as my early memoranda show, I felt that we ought to get out. You know who supported me at the Wise Men meeting? One person.

Q: You want me to guess?

GOLDBERG: General Ridgway.

Q: That's who I would have guessed.

GOLDBERG: A great man, I think one of our greatest generals. General Bradley was opposed, Secretary Dillon was opposed. Rusk, Acheson, McCloy and some others were still opposed. They had second thoughts and were prepared to tell the President, as they did, at our next meeting, at our luncheon meeting the next day, that maybe we ought to have another bombing pause.

Q: There's one story that President Johnson turned a little sour on those who had recommended the bombing pause.

GOLDBERG: I cannot answer that because -- and I should have said this at the outset -- the experience where things were going on that I was supposed to know about and didn't know about soured me. That's why I handed in my [resignation] immediately after Tet. Among other things the President opened the door by saying, "I accept your resignation. I think you ought to do what you think." But also the fact that things were going on that I knew nothing about. For example, some of the telegrams you saw and memos were supposed to be sent to me. This is the first time I've seen them.

Q: I rather thought that might be the case, but I don't know why. Do you know why?

GOLDBERG: Oh, it would be the President saying, "You'd better watch out for him. He's a peacenik and you'd better not share it." Although I like Mac Bundy, I think he's one of the brightest fellows whoever served our government.

There's another reason I stayed as long as I did. I had made up my mind in 1967 that I was going to resign, but the Middle East war broke out and Rusk disqualified himself since he had been an assistant secretary of state and made some anti-Israeli statements. The President thereupon asked me to take charge. So the State Department did not handle the 1967 war, I handled it. Of course, I advised them, I advised the White House, but I dealt primarily with the President.

Q: Let's follow that for a second. A lot of anti-Israeli countries made a lot of the fact that you have a Jewish heritage, the Rostow brothers have a Jewish heritage, and they said that Johnson had nothing but Zionists advising him.

GOLDBERG: Yes, I saw that, and it's a lot of poppycock. I'm proud of my Jewish heritage, I don't like any American who's not proud of his heritage. But don't forget I was one of Kennedy's co-managers, and I would expect a John Fitzgerald Kennedy to have strong feelings toward his native land, the land of his ancestors, and I'm the same way. But when I was at the UN or when I was ambassador-at-large, the interests of our country come first no matter what. That nefarious accusation was only voiced by Syria, whom I slapped down. He made an obnoxious remark along these lines, said he didn't know whether he was listening to the ambassador from Israel or the ambassador from the

United States. I said, "That's beneath contempt." The peculiar part is that, as we know now, [Henry] Kissinger, a Jew, did rather well in Middle East affairs. Without false modesty, I think I did rather well. I was the principal drafter of [Resolution] 242, which all parties say they accept. If I had not been there and in charge, I doubt that Resolution 242 would have been drafted, as it was, and agreed upon.

Q: I was wondering if it did in any way compromise your position with other nations in the UN.

GOLDBERG: No. In fact, among my greatest friends at the UN to the very end were several ambassadors, very distinguished, from the Arab countries. Or three. One was the Ambassador of Egypt, [Mohammed Awad] El Kony, he's dead now. His son-in-law -- I've often run into him at some reception -- is still at the Egyptian Embassy as an attaché. The Ambassador to Algeria, I've forgotten his name, he's the fellow who drowned -- I got him a little mixed up with Csatorday -- on his honeymoon, was another who cooperated and, more importantly so did the Soviets. Most of my negotiations about 242 were with Deputy Foreign Minister Kuznetsov, an old Bolshevik and skilled diplomat. We got on very well, although for Soviet interests and ours. In general I was treated with great respect by all of the Arab ambassadors.

You will notice, I do not say he was a friend. In diplomacy one does not have friends, contrary to presidential statements when we meet at a summit conference, "we have learned to be friends." What the hell kind of friends can the President be with Khrushchev, Brezhnev or now Andropov? It's nonsensical to think that one does anything because all of a sudden personal friendship has developed. Every diplomat must look to the interests of his own country. There are no diplomatic friendships.

Q: How did the various factions and blocs in the UN react to the news of Tet? How did that break on that? Were you able to observe this?

GOLDBERG: Oh, it was a mixed bag. Some privately would say to me that obviously the North Vietnamese and the Viet Cong did not succeed what they had hoped to accomplish. Others would say that they won a big victory. Always with the ambassadors of the various countries, you have to distinguish between the rhetoric they employ and their real feeling. And it's very hard sometimes to do that.

Q: How did you react to Tet? Now you've said that --

GOLDBERG: Oh, Tet, I didn't regard it to be of that great consequence, because I had pursued the same line for about three years. I did think it demonstrated thoroughly that they had the capacity to stage an attack in Saigon itself. If not a successful attack in the sense that it drove us out, it was a successful attack in world opinion in the sense that our embassy was besieged and so on. But for me, it was the final act that convinced me that I should get out because what I had tried to do for three years was not successful. Then peculiarly enough it was, by the memorandum I sent. The March memorandum I sent was preliminary to resignation. But I thought I owed it to the President to state my views.

Q: How did you react when the North Vietnamese accepted, at least conditionally, the offer to talk so quickly?

GOLDBERG: I knew it would be a long process, and being a realist I knew also that whatever deal they made -- unlike Kissinger who thought he'd made a deal -- would not hold up, that they were going to take over the whole country. But as I said, I always believed they would. I didn't like it, but I didn't believe that our national interests were served in Vietnam by massive intervention to prevent that.

Q: Why do you think they accepted so quickly? I think it was only four days between the March 31 speech and [their acceptance].

GOLDBERG: Oh, they saw a president going down the drain, and they thought psychologically that was a good time.

Q: I see. I get the impression that you felt -- and please correct me if I've misinterpreted -- that you did not have what we could call genuine backing in the government.

GOLDBERG: No. In the early days, you know, Johnson, if you look at the clippings, well, he put me in the forefront and said, "Now this proves my peaceful intention. He's a peaceful guy," so on and so on. And then I increasingly got the impression I was being used. Well, you must remember the period. Various things happened outside of Vietnam which militated against my resigning at an earlier day, which I might have done. Oh, I'll illustrate. The India-Pakistan War. We played a great part in stopping it. I played a great part, again without false modesty. Then the Pueblo, and there, too, I was called in and handled it. And to the White House I said what ought to be done, and I said, "We are in one war, and we can scarcely afford another." And the President said, "What can we do?" I said, "Well, make a noise at the UN, and then we'll negotiate something." And that's precisely what happened. The Hungarian Ambassador came to me for the North Koreans and said, "Yes, they are prepared to negotiate, but not at the UN, because they are not members." That's understandable. The North Koreans proposed negotiations at Panmunjom and we agreed. And it took a long time to renegotiate it out

Well, we also had the Greek-Turkish proposed war about Cyprus, and I was in charge of that. We stopped an almost certain war. My formula was to get a formula and let U Thant announce it, not us. That's what happened. I have often wondered whether the subsequent war also could not have been avoided by prompt and skillful diplomacy. And of course we have the 1967 war. So these things started to happen, and the President and Rusk both urged me to postpone my resignation. And then we had the Nonproliferation Treaty and the space treaty, which I negotiated. So all these things, which I regard to be of great importance, kind of held me back.

Q: Were you a front man so to speak for -- ?

GOLDBERG: I was being used about Vietnam; there can be no doubt.

Q: This was the cause of your unhappiness?

GOLDBERG: Yes, but you know Johnson. Although I broke with him ultimately in leaving -- he didn't like it, but I withdrew. On the other hand, he supported these other efforts, all of which were important, too. Resolution 242 may ultimately be more important than the tragedy of Vietnam.

Q: Let's talk about that 1967 war for a minute. From your vantage point at the UN, how did you interpret Nasser's moves?

GOLDBERG: I knew a war was inevitable when Nasser moved his troops into the Sinai and Sharm el Sheik, evicting the UN. It was impossible for Israel to mobilize its troops and keep them mobilized for an indefinite period. They have a civilian army. Indefinite mobilization would bankrupt the country. Therefore I anticipated, as the record proves, that Israel would have to launch a pre-emptive strike. They couldn't indefinitely continue with complete mobilization, giving Nasser the option to launch an assault when he chose. And the Israelis always said that blockading the Straits of Tiran would be a casus belli. I told this to [Abba] Eban when he called on me after seeing President Johnson on the Friday preceding the outbreak of the war on the following Monday. Johnson twisted his arm at the Friday meeting. Eban saw me after he saw Johnson, went back to his cabinet, and said, "Well, the President of the United States says he's with us provided we pursue our diplomatic endeavors." When he came to see me after seeing the President -- I knew him; I always called him Aubrey, he changed his name to Abba -- I said, "Aubrey, tell me" -- he was dead tired, he really wasn't functioning. It was the Friday before the war started on Monday morning. The Israeli cabinet always meets on Sunday. I said, "What did the President say to you?" He reported, "The President said to me, 'Subject to our constitutional proscriptions, we are with you.'" I said to Eban, "You owe it to your government, because lives are going to be lost and your security is involved, to tell your cabinet that the President's statement means a joint resolution of Congress before coming to your aid, and the President can't get such a resolution because of the Vietnam War."

I have always believed in candor. I reported my conversation with Eban to the State Department and to the White House. Well, the Israelis debated Eban's report and my comments in the cabinet meeting on Sunday. [Levi] Eshkol, Israel's Prime Minister, sent a flash telegram to Johnson on Sunday in which Eshkol said -- he didn't refer to me -- "Our foreign secretary says that you made a commitment to really stand by us. Please confirm." Johnson then called me. He said, "Do you understand I made a commitment to go to war with Egypt with the Israelis if Nasser doesn't get out of the Sinai?" I said, "No. Look at my telegram to you." He said, "I haven't seen it." I said, "Get it, Mr. President. It says that you used the words 'subject to our constitutional provisions,' and it further says in my opinion, I don't see that the House and Senate are going to agree. You were very careful." He said, "Thank you." He said, "What do I do about Eshkol's telegram?" and I said, "Don't answer it."

Q: The memo that I have seen has the President saying, "Israel will not be alone unless she decides to go alone."

GOLDBERG: Yes. That's the language. They interpreted that to mean that the United States would be at their side and straighten it out. Well, Rostow, Gene Rostow, is very well intentioned but, in this instance, was impractical. He tried to organize, as [John Foster] Dulles did during the Suez crisis, an international force to force passage through the Straits of Tiran.

Q: The Red Sea regatta, was that -- ?

GOLDBERG: Yes. I was against it. I said, "That's nonsense. We're not going to get any help." And sure enough, you know who we got? A Dutch admiral, that's all. All our allies faded away and it fell apart, as I knew it would.

Q: Do you have any insight into the stories circulating that at lower levels in Washington Mr. Eban and the chief of the Israeli intelligence service, who I think came with him, were told, perhaps in not so many words, "We wish you would go ahead and clean this mess up"?

GOLDBERG: No. No. I have no information on that. The only information I had was the presidential statement reported to me in the manner in which I indicated, and my response. I wanted to protect the President and our country and also be accurate. So the Israelis could determine what was required for their own security. I didn't want them fooled. When I heard those -- after all, I had been a former justice to the Supreme Court -- when I heard the words "subject to our constitutional requirements, we are with you --"

Q: That's a code word, right?

GOLDBERG: Yes. Subject to our constitution. Are you aware that most of our treaties contain that provision? Except NATO.

Q: Really? Well, I wasn't aware.

GOLDBERG: Yes. NATO is a firm commitment. The Congress approved it, it's a treaty, so it doesn't contain that language. NATO action does not require approval by Congress. But most of our other treaties of alliance and so on contain that provision.

Q: I see. Were you in contact with the Egyptian Ambassador during the build-up of the crisis?

GOLDBERG: Oh, yes, continuous. And more important, the foreign minister of Egypt, [Mahmoud] Riad who was here, and King Hussein of Jordan.

Q: Were they cognizant of the fact that Israel could not sustain a mobilization over -- ?

GOLDBERG: Well, no -- Riad came later when we negotiated Resolution 242. El Kony was not conscious. He was a very smart man, but he was being fed a stream of telegrams, false telegrams, from Nasser that they're winning the war. It was only after a few days that they recognized that the war was determined the first day when the Israeli aircraft knocked out virtually all of the Egyptian airplanes.

Q: With reference to the couple of weeks or month before the war actually broke out, Nasser took a number of moves, made a number of statements, which were regarded as inflammatory. Did he act in the belief that the Israelis were not going to make war?

GOLDBERG: I don't know. Nasser's rhetoric always had to be taken with a grain of salt, as is customary with Arab rhetoric. It's pretty high-flown stuff. I did get most of the intelligence reports. I did not get the Mac Bundy reports, which evaluated the flow of intelligence, although Mac and I are great friends. There was no intimation in the fragmentary reports furnished to me that Nasser was planning what he did do. I recall the circumstances when I received real intelligence very well. I was taking all the UN ambassadors on a Circle Line tour of New York. My wife and I were tired of formal dinners, so we took the UN ambassadors on the Circle Tour. We had an old accordion to provide music and we served our guests hot dogs and the like. In the midst of the tour, which took place about the middle of May, a Coast Guard cutter hailed me and said I was urgently required to go to the U.S. mission, the President wants to talk to me. To the applause of the passengers, I had to climb down a ladder to get on, and it was then that I learned from the President that Nasser had moved into the Sinai, and that he had brushed the UN peacekeeping force aside.

I always faulted U Thant for not playing a waiting game, and also Ralph Bunche -- but Ralph was getting older and sick -- for acceding to Nasser's request. Instead of immediately acceding, they should have said, "We must first obtain the approval of the [General] Assembly or the Security Council." We had a letter which was given at the time of the 1956-57 war, from Hammarskjöld to Dulles saying that, at the insistence of the U.S., the UN peacekeeping force in the Sinai would only be withdrawn when their mission was completed, which translated means it would not be withdrawn absent a peace treaty. Interestingly enough, because Bunche's eyesight had failed and his memory somewhat, he didn't recall it. I had to bring him a copy of this letter. He didn't remember the letter.

Q: Did anybody ask the Israelis to accept the peacekeeping force on their side?

GOLDBERG: Oh, yes. Since Nasser was the aggressor, there was no discussion about this. Egypt withdrew from the Sinai by force of Israeli arms, and the terms of the deal were that the Sinai would be demilitarized. So that it was not logical to have a discussion about a peacekeeping force on the Israeli side. What was involved was the demilitarization of the Sinai, which had been agreed to with DA Hammarskjöld. After all, the Israelis in 1956-57 pulled out at our insistence, General Eisenhower's, and part of the deal was what I told you, a letter that the peacekeeping force -- which [David] Ben-Gurion was reluctant to accept; after all, he had to pull out. The quid pro quo was that the

UN peacekeeping force in the Sinai would not be withdrawn until its mission was complete.

Q: Let me recount a couple of things that we both are perfectly aware of. One was that the Israelis could not maintain their armies in the field indefinitely. The other is that Nasser began to remilitarize the Sinai.

GOLDBERG: Yes. He breached the understanding.

Q: He closed the Gulf of Aqaba, at least declared a blockade.

GOLDBERG: Yes, notwithstanding that Israel had to have access to Africa and to the port of Eilat.

Q: Nasser apparently accepted spurious reports that the Israelis had mobilized on the Syrian frontier.

GOLDBERG: I don't know about that. **SANITIZED**

*Q: **SANITIZED***

GOLDBERG: **SANITIZED**

*Q: **SANITIZED***

GOLDBERG: It was a complete canard [that we were bombing on the first day of the war]. I answered it in the Security Council.

Q: No, I have seen reports that claim the Russians were feeding Nasser intelligence.

GOLDBERG: That is correct. But on the first part, I did what our navy went up in arms about, but I said I had no choice and the President, I must say, supported me. In order to put to rest this canard, I invited UN observers to go on board our carriers and see their logs to demonstrate our planes did not participate, you see. Now about Russians -- it's a most peculiar thing, never explored in depth. The Russians certainly knew that the Israelis were not going to launch a pre-emptive strike, certainly Against Egypt. They were always worried more about Syria. Syria was ideologically closer to them. Although, during the fighting, the Soviets seemed to get fed up with Syria. Would it interest you to know that for some reason of Russian policy, when the Israelis started to move to El Quneitra and were thirty miles from Damascus, the same Syrian ambassador who had insulted me, came to me and said, "We need a cease-fire." And I said, "Go to your friend, the Soviet Ambassador." The Syrian Ambassador said, "He won't listen to me." We thereupon proposed the cease-fire resolution at the behest of Syria. I said, "We don't want another war and we don't want Damascus invaded." So I was the one who offered at the request of Syria, a cease-fire.

I remember further instances of Soviet behavior during this crisis. Khrushchev sent a threatening telegram to the White House similar to the one Kissinger got all excited about during his tenure. Johnson called me and read it to me. I was in charge, as I have mentioned. The President asked, "How do we answer this?" you know, over the hot line. And I said, "Very simply. It's a phony. The Russians logistically are a long way away, and the Israelis have a pretty potent army." So I said, "Why don't you answer --" He said, "I'll put my secretary on." I dictated an answer and the President sent it. This, in essence, was the answer: "I suggest your Ambassador at the UN communicate with Ambassador Goldberg, who is in charge of this matter, and discuss it." This was the last I heard about it.

Q: It seems to me that Nasser either had very bad judgment or a very poor intelligence service.

GOLDBERG: There's no doubt the Russians told him of their suspicions, whether genuine or fabricated I cannot say. It is significant, however, that before Nasser mobilized and occupied the Sinai, the Russian Ambassador to Israel woke Eshkol up and said, "Our information is that you're going to strike Syria." And Eshkol, in his pajamas, three o'clock in the morning, according to all accounts I've read, said, "You come with me to the Syrian front and I'll show you it's not so." And the Russian Ambassador said, "We have our own means and I'm not going to accompany you."

Now, it's true there were some belligerent statements by Israel, but those were not enough for any country to base its policy on. Now why the Russians fed the Syrians and Egypt with suspicions and highly provocative intelligence and removed their personnel has always puzzled me. Did they want to stir things up, create instability? This may be the only explanation. Because they must have had better intelligence.

Q: That would be my point. Surely the Egyptians had sources of their own, didn't they?

GOLDBERG: Well, but you must remember the extent to which, at that point, Egypt relied upon the Russians, a great deal. There were thousands of Russian specialists in Egypt at the time, and thousands in Syria. So, whether the Soviets were the motivating factor for Nasser, I cannot say.

Q: Some people have made much of the fact that we had no ambassador in Cairo for about two months prior to this time.

GOLDBERG: The State Department, just before the outbreak of the war, sent an untutored fellow as our new ambassador to Egypt. I tried to brief the fellow, and along with the briefing I gave him a copy of the 1956-57 memoranda -- I've forgotten the exact date -- by Hammarskjöld. This fellow thought it was a contemporaneous memorandum of our desires. It referred to a lot of concepts which we no longer subscribed to. He gave that to Nasser as our present political wishes. Fortunately, his foreign minister and some others of course recognized the document as the old document. They knew he had made a

mistake. And they told Nasser. It was a subject of great laughter. Their ambassador in the UN told me about it, and we had to pull our new Ambassador out.

Q: That's astonishing.

GOLDBERG: That is an astonishing faux pas.

Q: How difficult was it for you when the Israelis apparently took advantage of the cease-fire in order to -- ?

GOLDBERG: I had to ride herd on the Israelis all the time. I remember one time I wouldn't take Abba Eban's call. They played games about accepting [Resolution] 242. First they accepted it and then they started to back away. I remember one night my wife woke me up about three o'clock in the morning and said, "It's Mr. Eban." After I got acceptance. "Will you talk to him?" I said, "Don't take his call." They had internal political problems, and they were waffling, but I had a commitment and I acted on the assumption that they accepted it.

By the way, it was our resolution. The British had about as much to do with it as you. I must say for Johnson, he gave me great personal support. For example, we were having trouble with the Argentinean Ambassador about his voting for 242. I called Johnson and asked him to call the President of the Argentine and instruct his ambassador on the Security Council to go along. Johnson did. I also asked the British to have their ambassador weigh in. He never did. All you have to do is look at the documents. You will see that the resolution we offered, then withdrew, is basically 242, with a few additions. The British did offer a troublesome addition, which we had to accept, because they showed it to the Arabs. It is a preamble statement about recognizing the inadmissibility of force to settle international disputes. This is not international law. If so, we ought to give up Texas and New Orleans. The Russians ought to give up the Kuril Islands and part of Poland, and Poland ought to give up part of Germany. International law unfortunately recognizes that to the victor belongs the spoils. Look what we almost did to Germany. We were almost going to make them an agricultural country.

Q: Was that Mr. Morgenthau's suggestion?

GOLDBERG: Yes. We were the victors, and our troops are still there, after what, forty years. So you know, the whole theory of it's a violation of international law for a victor to occupy territory is unfounded. We didn't ask the Germans for permission to station our troops in Germany, nor did the British, the French nor the Russians. We all did it as victors. We defeated them. As far as I know that's still the rule of international law.

Q: Vae victis I guess is the term.

GOLDBERG: Yes.

Q: There were reports in the press as early as 1967 that I have been able to find, and they may have been earlier, I'm not sure, rumors that you were in fact unhappy at the UN and so on.

GOLDBERG: Well, I told you. When it became apparent -- I heard rumors that President Johnson was having meetings with Rusk and McNamara to which I was not invited, despite. . . . And also, I persisted -- if they ever release the documents -- in the concept we didn't belong there, we ought to get out. Lodge was wrong, [Maxwell] Taylor was wrong, Habib was wrong. I thought I was right. It may have been egotism, but I was proved to be right ultimately.

Q: Did this complicate your relations with the President?

GOLDBERG: Yes. I told you, we ended on a very bad note. And you must take my oral history recognizing that fact, you see. No, I have to reveal my obvious strong feelings that I was asked to participate in a venture to try to extricate our country as a principal adviser and found I was not the principal adviser. The strength of my feeling is illustrated by a true anecdote. My wife had given him a painting. When I read his biography saying that he took me out of the Supreme Court not because of my convictions about Vietnam, he wanted me, but because I was bored, I lost my temper and called him and said, "I don't want that painting in your house." She had given it to him. That's a terrible thing to do. I wanted it back. "I don't want that in your house." Now that is not a nice thing to do, but I want you to know that you're hearing a person with strong convictions.

Q: Nothing could be more fair.

GOLDBERG: No, but I think you're entitled to know that, as a historian. I have strong feelings, and I have not diminished those feelings.

Q: At the risk of touching on something sensitive, I'm going to ask it anyway. Was there consideration given to reappointing you to the Court?

GOLDBERG: No, never. I would never make such a deal.

Q: Did the President consider it?

GOLDBERG: No. When Fortas resigned, as a result of the [Louis] Wolfson scandal, the President did have a talk and he said, "Would you accept a recess appointment as chief justice?" That was in 1968. Before then, there were no conditions. I would not do that. And I said yes, I would accept it. He said, "Congress is in vacation." I said, "I will take my chances. I've always been confirmed unanimously," which was true, for all my offices, even by reactionaries. Then he called me the next day and said his staff had looked it up and they found a speech of his against recess appointments. So I said, "Then forget about it. If you feel that your statement is more important than getting a chief justice that would reflect liberal values." You see, I always thought he was a great domestic president. And I said, "So be it. You're the president." You know what he did

without my permission? After Nixon was elected -- Nixon's staff told me this -- he went to Nixon and asked Nixon to appoint me. The chances of that were ridiculous.

Q: Were you aware that Drew Pearson had entered the lists on your behalf with Johnson?

GOLDBERG: Oh, yes. Drew and I were old friends. He would tell me.

Q: Apparently the President asked him to sound out various people in the Senate as to how they would react.

GOLDBERG: Never any difficulty. [Robert] Griffin, who was assistant majority [minority] leader I guess at the time, because there were a lot of charges of anti-Semitism, made a statement in the Senate that if my name were sent in there would be no problem.

Are we almost done?

Q: We're almost done. I'll ask you a question that will let you fire all barrels if you like. Where were the crucial turning points? Where did we go wrong, if you will? What should have been done differently?

GOLDBERG: Well, in my view we should never have participated in Vietnam beyond supplying hardware. I have never objected to supplying hardware, which was the old Russian concept until they got bogged down in Afghanistan. Hardware, yes. I don't object to that, even in El Salvador. The moment we start sending ground troops -- and I'm not bothered about fifty advisers, that's foolishness. I [don't] know what people are so terribly excited about, except the Vietnam syndrome. They're afraid it's the opening wedge to sending combat troops. I believe Reagan when he says he has no intention of sending combat troops.

But we cannot be policemen of the world. That's a cliché. And I have that concept. I frankly did not see, and I think events have proven this, what our national interest was in Vietnam. Europe, yes. We have, as we demonstrated twice, a strong national interest in preserving democratic Europe. We have an interest in Japan, and witness our troops in South Korea, which is basically for Japan. But these countries in Southeast Asia which are marginal in terms of trade, intercourse and so on, it's a terrible thing, as we know in Cambodia, under both regimes, [Pol] Pot's regime and the Vietnamese. It's hard for me to choose between the two in Cambodia. They both have killed. Maybe the Pot regime has killed more people; I think it has. I'm going to be a co-chairman of Amnesty's photographic exhibit in the capital showing how many people they killed. They killed an enormous number.

But in the peace mission I saw de Gaulle. I knew him from London when I was an OSS officer. Privately we had a great talk. I asked him a direct question, I said -- he wanted us to get out, as he did in Algeria -- "Mr. President, you're aware of, I'm sure, that if we do, it will be a communist regime." See, as I've said, I didn't believe in Lippmann's idea about a coalition government. That would never come about, no possibility. And he was

frank with me, he said, "Sure it will be a communist regime." But he then said, "But it will be a messy type of communism."

Q: Would you expand on that? What do you think he meant?

GOLDBERG: Well, his concept was that Asians do not fit within the Russian concept that they have imposed on Eastern Europe. They're even having trouble on Eastern Europe. And this concept was that they cannot have a tight hold on Asia. Religion enters, a lot of things enter –

(Interruption)

Besides which, there are people who don't like white people. They think we're barbarians, you know, new culture and so on.

Q: Yes. Yes, sir.

GOLDBERG: And he conceived that, and I agreed with him.

Q: Did President Johnson ever ask you, during the earlier phases when these big decisions were being made, should we go in, should we not? Should we commit troops, should we not?

GOLDBERG: Well, I sent a memorandum very early urging complete withdrawal. I then got a call from two people, Bob Kintner and Bill Moyers, both presidential assistants. "The President would like you to withdraw the memorandum." I said, "Withdraw it? That's nonsensical. He can tear it up. I sent it, how can I withdraw it?" I was furious about that. It was a signal to me of his attitude. He was pretty much committed.

Q: You interpreted this as meaning they didn't want even a hint of a division in the ranks?

GOLDBERG: Well, it was typical of Johnson. He thought I'd leak the memorandum, which I never did. It was early in 1965.

Q: He was very concerned about leaks.

GOLDBERG: Well, so is Reagan, so is every president. I remember President [Kennedy?] making a big to do about leaks. He and I were pretty intimate friends, and that evening I'd seen him in his private quarters. He wasn't a drinking man, nor am I, but we had a glass of wine. I said, "I want to say something to you about leaks." He said, "What?" "The biggest leaker is you." It's true. He laughed and said, "Yes."

Q: Shall we wind it up, sir?

GOLDBERG: Yes.

End of interview