

*Further Reflections On The RFK I Knew: His Conduct During The Cuban Missile Crisis – 13
Days in October, 1962*

By: Jay Goldberg

What prompted this article is my having viewed an episode of the NOVA TV program that appeared on PBS on October 9, 2013, which purportedly detailed material events surrounding the 1962 Cuban missile crisis which placed “the country, if not the world, on the brink of nuclear annihilation.” The program failed to give due credit to persons entitled to be denoted young “unsung heroes,” whose conduct literally may have saved the world from destruction.

I was also taken by Senior Second Circuit Judge Chester J. Straub’s views, expressed in his article that appeared in the *New York Law Journal* entitled “Encouraging Political Participation by Young Lawyers.”

I would like to share with the Council my personal observations, interactions and conversations, from the time I was in the Department of Justice in Washington, D.C. during the Cuban missile crisis and was in some respects, a witness to history. A multitude of things led me to conclude that the young lawyers, Robert F. Kennedy, then just one year into his service as attorney general and now 36 years of age, and his contemporary Ted Sorenson, were unsung

heroes. The other unsung hero – not a young man – was former Ambassador to the Soviet Union, Llewellyn E. Thompson Jr.ⁱ

In my last article, “Reflections On The RFK I Knew,” appearing in the May 2011 issue of the Council’s Quarterly, I made clear my tenure, as acting United States Attorney for the Northern District of Indiana had concluded when the Mayor of Gary, Indiana, who had seconded the President’s nomination at the Democratic National Convention, and was in all respects an intimate of JFK, was indicted on February 21, 1962. The mayor had been awaiting confirmation as JFK’s nominee to serve as Ambassador to Greece. By May 1962, the President finally had found someone to nominate as the United States Attorney for the District, and I returned to Washington.

In my earlier article I wrote on RFK’s failings to be a “no-holds barred” prosecutor when the interests of politics and his brother, JFK were at risk, and the way in which unsuccessfully attempted to thwart the investigation into official crime and corruption in the Northern District of Indiana.ⁱⁱ

When RFK was appointed, Newsweek condemned the appointment as “a travesty of justice,” while The Atlantic wrote that it was a “slap in the face of all law abiding citizens.” He was just 35 years of age when he began his service as attorney general. He had not had a

distinguished record as a prosecutor or legal scholar, or the experience of someone who had served at the bar for a good length of time. He had managed JFK's political campaigns, served as Chief Counsel to the McClellan Committee which was concerned with official corruption, particularly within labor unions. He had also been minority counsel to the McCarthy Committee, which was concerned with purportedly ferreting out supposed communists from government service. Based on his work, he wrote The Enemy Within.ⁱⁱⁱ

While he was a competent lawyer, looking back to the nomination process, he seemed clearly to lack a sufficient background for appointment as attorney general. He was, from a distance, not thought to have a sufficient background to handle critical matters that would likely come to the attention of an attorney general.

Nonetheless – and this must always be remembered – when the world was at a high risk of annihilation, this young lawyer, then 36, played the decisive role in making critical decisions that avoided nuclear destruction and led to a diplomatic resolution of the crisis.

It was mid-October 1962, RFK and I met to decide where I would next go as part of the Department's organized crime unit. Whether a joke or not, Henry Petersen, Deputy Chief of the unit, with Byron White present, jokingly[?] said that a good assignment would be Las Vegas, but then again, "you might run into trouble from Frank Sinatra." Neither RFK nor White made any

comment with respect to Frank Sinatra. Thereafter I had several conversations, becoming more frequent in October 1962 it just so happened, as to whether I was a proper “fit” for Las Vegas or was needed somewhere else.^{iv}

In the middle of October, before a decision was made on where I would be assigned, the newspapers reported that U-2 photographs pictured missile bases in Cuba being constructed to house missiles sent to the Island from Russia, in addition to the missiles that were already there. While there was turmoil around RFK as he sat in his office, sleeves rolled up, feet propped up on the edge of the desk, receiving calls from the White House and teletype messages relating to the crisis, he always maintained control and coolness, whether we were speaking generally or about a new assignment or whether someone interrupted him with a call, generally from Ted Sorenson, with whom he worked most closely in an effort to resolve the crisis. From time to time, as I happened to be in the office overhearing one side of the conversation, he turned to me and used me in a very real sense as a sounding board as he formulated his strategy.

Once it became known that there would be Russian nuclear weapons just 90 miles from Florida, JFK set up a special Council which consisted of well known, grey haired emissaries, such as Senator Russell, V.P. Johnson, Maxwell Taylor, Chairman of the Joint Chiefs of Staff, Dean Acheson, Robert McNamara, who had earned the moniker of “whiz kid” before his service as Secretary of Defense,^v Ambassador Thompson and Air Force Chief of Staff, Curtis LeMay,

who never encountered a war he didn't like. RFK did not neglect his duties as attorney general following his arrival at the Department of Justice in his jalopy an old "beat up" Plymouth sedan.

Despite efforts to hamper my investigation in Indiana, I believed RFK knew what was "right," and as a result, as earlier noted, we developed a warm, but respectful relationship.

I learned from him as well as the newspapers that the group chosen by the President had been considering several options, some favored immediate air strikes to destroy the missile bases with an invasion of the Island to follow. Others favored a naval blockade to prevent the arrival of further shipments destined for Cuba. It was learned there were Soviet submarines in the Florida straits and General Taylor had ordered the Naval Chief of Staff to take steps to destroy or cause the submarines to surface, which would facilitate their capture. Fortunately for the world, the efforts of the Naval Chief of Staff failed.

RFK's views, expressed to me and surely to Sorenson, were that precipitous military action was too risky because we just didn't know enough to make a military decision, and care had to be taken when we were dealing with nuclear weapons.

It was reported that the person presiding at such meetings was the young attorney general, and that JFK was seldom present, leading one to conclude that once a decision had been made by the Council, influenced in large part by RFK and Thompson (with Sorenson, not a

member of the Council, but acting as an adviser to both) to resolve the matter diplomatically, RFK reported the views to JFK, who did of course make the final decision.

There had been plenty of “hawks” on the Council, but RFK, Thompson and behind the scenes, Sorenson, were firmly of the view that there was not enough known to pursue the option of military force. RFK and Thompson were derided as being too dovish, but events would later show how sage was RFK’s position.

On October 26, 1962, John Scali a correspondent for ABC Television News relayed an offer from the Russians that Premier Khrushchev, Chairman of the Council of Ministers of the Soviet Union, was prepared to seek the approval of his own Council to the effect that if the United States were to remove the nuclear missiles it had much earlier placed on bases in Turkey that could destroy Moscow in under 20 minutes, were they to be launched, then the Soviet Union would no longer deliver missile parts to Cuba. Further Russian and United Nation technicians would assist Cuba in dismantling what had been on the Island housing the missiles already there and those that had already shipped and would soon be received.

The crisis ended on Sunday October 28, 1962, with letter agreements that were delivered by the Soviet Ambassador to RFK. The Ambassador obviously knew that RFK was *the* person of influence. Kennedy’s position, announced to those around him, including myself, was that this was not a “tit for tat” deal, but an act that was necessary to save the nation. So very right he

was, for one or more of the Soviet submarines off the Florida straits had been outfitted with nuclear missiles, able to be launched with the proverbial press of a button. Had Dean Acheson and the truly experienced “hawks” of the Council had their way, most assuredly, there would have been quick nuclear retaliation by the Russians, as well as our own destructive response.

Is it any wonder that I have previously termed RFK as a complex man? I was fortunate enough to interact with him, observe him and form judgments about his character under pressure when the interests of his brother were at stake in organized crime investigations, and now when the threat to the very existence of the nation was real.

Looking back at the actions of the 36-year-old attorney general, it is truly astounding that his views carried the day over the views of so many esteemed members serving on the Council. He rose to grand heights to ensure the very preservation of the nation, and for that, he must be remembered, not only as a legendary attorney general, a truly great American, but one entitled to be admired as a true internationalist.

This article was prepared with the assistance of my esteemed associate Alex S. Huot.

The role the author played in the Administration is set out in part in the following books: Navasky, *Kennedy Justice* (Atheneum, 1971); Hersh, *Bobby and J. Edgar Hoover: The Historic Face-Off Between the Kennedys and J. Edgar Hoover That Transformed America* (Carroll & Graf Publishers 2007); Goldfarb, *Perfect Villains, Imperfect Heroes* (Random House 1996).

ⁱ Thompson also served in office from 1967 to 1969.

ⁱⁱ The present article may be of particular interest to a distinguished judge who presides in the Southern District of New York, for he was an honorary pall-bearer as RFK's body in coffin lay at St. Patrick's Cathedral on Fifth Avenue on the evening of June 8, 1968, just days after the Attorney General's assassination by one who was consumed with such hatred of Israel and RFK, that he believed it was necessary for him to win the plaudits of Arab nations by assassinating RFK as he stood in the Ambassador Hotel in California celebrating his Primary victory.

ⁱⁱⁱ Da Capo Press (1960).

^{iv} I agreed to take on an assignment for the organized crime unit in Pittsburgh. But here too, I ran into the same problems I encountered in Indiana - my belief that the ringleader of the corruption scheme was a close friend of JFK. When it became clear that I would be subjected to the same pressures that I had endured in Indiana, RFK, kindly and I mean kindly, relieved me of what would have been the standard upset when a prosecutor is forced to compromise because of political considerations.

My earlier article recites the last time I spoke with RFK before that terrible night in the Ambassador Hotel.

^v McNamara had earned the handle of "whiz kid" when he helped rebuild Ford Motor Company after World War II.