The Ivy League, the FBI, and the Kennedys

Kennedy Justice

By Victor S. Navasky
Atheneum. 482 pp. $10

Reviewed by JON R. WALTZ

When John F. Kennedy named Robert F. Kennedy as U.S. Attorney General, there was a storm of criticism. Some of the outcry was because the two men were brothers, in blood and in outlook; talk of political cronyism, as recurrent as it is meaningless, gave way to rumblings about a family dynasty, which might be something else again. Less emotional observers were concerned about thirty-five-year-old Bobby Kennedy's lack of legal experience: Yale Law professor Alexander Bickel said, "On the record, [he] is not fit for the office." But Robert Kennedy accepted the appointment, despite his own misgivings, because his brother Jack had told him, "I've got to have you. I need the help of my brother more than I need anyone else."

Three years later, RFK had resigned his Justice Department assignment to begin his doomed climb toward the office from which his brother had appointed him. Since it is easier to view with alarm than it is to weigh accumulated evidence, for some eight years there has been no useful assessment of Robert Kennedy's tenure as Attorney General. There is one now.

Victor Navasky, a Yale Law School graduate who is best known as founder of the satirical political journal *Monocle* and as a frequent commentator in *The New York Times Magazine*, has written a serious, analytical, important, tantalizing book about the Kennedy years at Justice. It is a serious book in the sense that it is not a collection of reminiscences or of backstairs gossip—Navasky is sparing of anecdotal material—and it is not one of those read-it-and-weep Kennedy books. It is analytical; not content simply to disgorge five years of research, the author has focused his considerable intelligence on the significance of his evidence and has tried to organize it and make some sense of it. The result is a genuinely illuminating study that informs us about the delicate, dangerous interplay between the short-term federal planner and the mammoth, entrenched bureaucracy with which he must work if his administration's policies are to draw breath. The book is tantalizing in the sense that, despite Navasky's admirable efforts, one still does not know what measure of credit Attorney General Kennedy could claim for the undeniable fact that new things got done, some of them quite satisfactorily, during his tenure. In a broader sense it is tantalizing because, much as we may wish to, we cannot with any real assurance project Kennedy's interrupted career.

Navasky has discerned the primary codes by which Kennedy, willingly or unwillingly, had to live. Partly because the FBI accounts for 41 percent of Justice's budget and 42 percent of its manpower, but more subtly because the maximum cabinet officer ("My brother, the President . . .") was pitted against the ultimate bureaucrat ("Mr. Hoover became the Director of the Bureau in 1924, the year before the Attorney General was born"—*The FBI Tour Guide*), *Kennedy Justice* deals at length with the code of the FBI. Because Kennedy deliberately surrounded himself with a battery of lieutenants from elitist Eastern law schools ("a bunch of Yale Law types recruited by 'Whizzer' White," said one Harvard man who didn't make the team), the second part of *Kennedy Justice* is devoted to the code of the Ivy League Gentleman. Finally, of course, there is a section on the code of the Kennedys.

It would be unfair to Navasky's detailed treatment of complex topics to summarize his book. Those who wonder whether Kennedy authorized the FBI's tapping of Martin Luther King's telephone must read the book, not a précis of it, and the same holds true for those who want to know how and why Kennedy set out to destroy Jimmy Hoffa. A reviewer had better restrict himself to a few of the general conclusions that are justified by Navasky's careful dissection of a whole series of situations.

In any battle between charisma and a fully organized bureaucracy, charisma will lose. So it was with Kennedy and J. Edgar Hoover's FBI, and Kennedy seemed to realize this quickly. Though he had the chance to pry Hoover from his post, not only did he not do so, but he quickly adopted a policy of non-confrontation with the Bureau. More than that, in one Faustian bargain after another—mostly to get a little support from the FBI for his war on organized crime and, later, some minimal involvement in the civil rights field—Kennedy enlarged the Bureau's jurisdiction and its budget. Navasky's obvious desire to admire Robert Kennedy rarely overpowers his analytic faculties, and he is reduced to the humiliating conclusion that "Hoover was the jockey, and Kennedy was the horse." On the way to this judgment Navasky provides a brilliant interpretation of the FBI as a full-fledged secret society possessing enormous, ominous power.

The code of the Ivy League Gentleman committed RFK to the faiths inculcated in young law students, mainly at the Yale Law School, during the Forties and early Fifties. These faiths included a belief that patient, reasonable men can achieve desirable change by mediation rather than by crude confrontations. Nowhere was this attitude more evident than in Kennedy's extended negotiations with Governor Ross Barnett of Mississippi, to seek assurances that James Meredith could register as a student at "Ole Miss" without getting lynched. At least in this notorious instance, Kennedy was again outmaneuvered and ultimately captured, not by agile bureaucrats but by men who appreciated the tactical advantages of lying in their teeth. A gentleman's code works only with gentlemen.

> *"Kennedy was outmaneuvered by men who appreciated the tactical advantages of lying in their teeth."*

Although Navasky never explains what part the Ivy League code played in the Kennedy administration's wretched record of Southern judicial appointments, he does show that nowhere is RFK's attorney generalship more vulnerable to criticism than in the part he played in selecting at least five racist federal judges. These men dealt crippling blows to the civil rights cause in which Kennedy had taken a belated interest. For Robert Kennedy, judge-picking became an extension of politics, an approach that flatly contradicted some of John Kennedy's loftier oratory. It cannot be denied that Robert Kennedy abetted the appointment of judges who were later to call black litigants "chimpanzees."

The conflicting codes of bureaucracy and of Ivy League lawyering did not prevent RFK from adhering to his elaborate family code. In describing how the Kennedy family functioned, Navasky comes closest to the man Robert Kennedy. The family code made Kennedy strive for excellence, to be brave, to try to take the humane position. As an example, Navasky cites Kennedy's reaction to the plight of James Landis, a former dean of the Harvard Law School and a friend and adviser of the Kennedys. Having grown eccentric, to say the least, he let five years go by without paying his taxes. RFK's role in the politically sensitive Landis case does him credit and suggests that everything about him was not tough and heartless.

The flaws in *Kennedy Justice* are mostly inconsequential. Navasky too often prefaces his points with a statement of what the point is not; here and there his book turns into an ode to the Yale Law School; it is over-organized, in that portions of the text bear little relation to Navasky's numerous and ambitious section headings.

But the only truly unsatisfying thing about *Kennedy Justice* is unavoidable: Navasky's repeated efforts to convey RFK's "most significant achievements" culminate in anticlimax. Kennedy was stylish, he was tenacious; he could draw good people to him and he knew how to delegate responsibility; he was willing to tackle neglected problems; he was no yes-man to the president. (He was also partial, impulsive, an occasional believer in the end justifying the means, and he was morally chargeable with some of the FBI's grosser iniquities.) Navasky shows Kennedy's spirit enlarging; he cannot tell us how large it would have grown. But, because Robert Kennedy was not allowed to complete his own record, let alone his older brother's, we must be deeply grateful for this thoughtful, ambiguous book about the most demanding period of his short life. □

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