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to Senators Paul Douglas and William Proxmire, 1955-1982

Interview #7: Battling the Bureaucracy

(September 24, 1987)

Interviewed by Donald A. Ritchie

Ritchie: You spent a great deal of attention, while you were on Senator [Douglas'](#) staff, on the case of Sergeant Carl Buck. I wondered if you could tell me what that was all about, and why you got so involved in it?

Shuman: The Sergeant Buck case represents several different things. I worked on it on and off for nine years. First of all, it has to do with the First Amendment, because the First Amendment states among other things that Congress shall make no law which would prohibit the right of the people to petition the government for a redress of their grievances. I think that Senate offices must spend half of their time answering the petitions of grievances of individual citizens. It is an institution of our government which is essentially unknown in most parliamentary governments, and I think is an extraordinarily important aspect of making this a political democracy and keeping us free to a much greater extent than other political democracies, Britain and France for example.

But in addition to that, the Buck case illustrates three other things. It illustrates what's wrong with military justice. It illustrates to me at least how unwilling to bend the

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bureaucracy was, the impossibility of getting the bureaucracy to change a decision that was wrong -- it just refused to do it. And the third thing, it was a detective story with a happy ending.

For me it started in 1956. I got the case by accident. Ordinarily I did not handle case work, but in July of that year the woman in the office who was the administrative person came to me and said "I'm going on vacation. This week a man by the name of Sergeant Buck, who has an incredible story, came in. I don't have time to do anything about it, will you take it while I'm gone?" I said, aye, aye, I'll do it. A few days later Sergeant Buck charged into our office. I was in a long, narrow office that had been built out of a corridor in the Old Senate Office Building, now the Russell Building. I had the very last desk, and there were at least five or six desks in front of me. Sergeant Buck charged down the corridor like a Marine landing at Tarawa or Iwo Jima. He charged back to my desk and

said, "You Howard Shuman?" I said yes. He said, "I'm Sergeant Buck." He was dressed in full Marine uniform. He was a Master Sergeant, so he had six stripes on one sleeve. He'd been in for twenty years, so he had all the fogey stripes on the other arm; and he had all his medals on his chest. He'd been in the Pacific during World War II. I told him to sit down, and for an hour or more he poured out his story -- an incredible story -- and he left me with a pile of papers a foot high. He rambled. He was disorganized. Later I

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found out the details, through almost living with him, because he came to my home every weekend. He'd drive out with his wife and his kids, and my wife would look out the window and say, "Oh, my God, here come the Bucks!" In great pain and anguish he would pour out his story to me on the weekends, and he would come in to the office almost every morning to tell his story.

Initially, at least, I had a lot of doubts about it. It was uncoordinated, but later I found out that while he didn't have a philosophical mind, he had a phenomenal memory. He could remember dates, times, places, people, and what happened in detail. Of course, I checked the facts out, and he was almost always right. So I believed him when he told me about specific events.

He had spent twenty years in the Marine Corps, and he was stationed at San Diego, at the boot camp. He was a baker, and he was in charge of the bakers, and he was also the president of the NCO club, and he was captain of the football team. He was a hero. He was the leader of the non-commissioned officers. Furthermore he had taken the exam to become warrant officer and passed it. He was waiting for the official promotion. On March 5, a Wednesday, 1952, during the Korean War, sometime at the noon hour, a Marine drove into Camp Pendleton 40 miles north. He was dressed in a Marine uniform of one kind or another, wore dark glasses, and parked outside a warehouse, 22-S-4. He went into the warehouse to talk to the storekeeper, Sergeant Shurlin Hatley was his name --

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Shurlin E. Hatley. The marine tried to make an off-the-record deal that he would give Hatley fifty dollars and a case of whiskey, for three cartons of chevrons that are sewed on the uniforms, the stripes. He said he wanted to come up on Friday at one o'clock to get them. He made some small talk and asked for the whereabouts of two marines. He left, and Hatley was going to lunch, so they met outside again. The thief went over to Hatley's car and they talked, and they agreed that he would come back at noon on Friday. Chevrons were in short

supply. They were needed by marines for the dress uniforms they bought at the local tailor shops.

Hatley took down the license number of the car, and gave the license number and a report of the incident to his superiors. The only name the thief gave was "Chuck." On Friday morning, the 7th of March, the officers called in a Marine investigative detective by the name of Walter Franz, also a Master Sergeant, and they put him in charge of the case. They told him to set a trap for the thief, which was done. Hatley, back at the warehouse, got three boxes of different types of chevrons, and brought them up front to his office. He failed to mark the boxes. There was another sergeant there Layton who was looking out the window, and Master Sergeant Franz, the detective, stationed himself away from them, but where he could watch what happened. At twelve o'clock precisely, a car drove up. Hatley cried out, "It's him." The car

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was a yellow or cream colored Studebaker. A man got out of the car. He had on dark glasses. His head was covered with a jacket or shawl. Descriptions of his height, uniform, whether he was clean shaven or wore a mustache, etc., varied widely. He came in the warehouse, talked to Hatley, said "Have you got 'em?" Hatley said, "Yes, they've been brought up front." Hatley then took the boxes and put them outside of the warehouse on the cement ramp, and from there the thief put them in the back seat of his car. He came back and paid Hatley. Hatley tried to delay him, but the thief said, "No, I got to get the hell out of here." He was in a hurry. He gave Hatley fifty dollars: two twenties and two fives. He went out and drove away. The wind was blowing very hard. The rain was coming down in torrents.

In the meantime, as the thief went out, Master Sergeant Franz came back in. He had parked his jeep in the wrong direction. He had it heading into the base (the warehouse was seven miles inside the gate), and the thief's car was parked to head out of the base. So Master Sergeant Franz ran out furiously. He had the thief, he had him with the goods, he had the money, but he'd parked his jeep in the wrong direction. He blew it. He went out, got in his jeep and started up the road to turn around. Meantime, the thief ran out and drove away, going pell mell down the highway inside the base, seven miles from the front gate. At a mile and a half before the gate, or five point five five miles to

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be precise, Master Sergeant Franz lost the man. He went into a baker's house there and called the front gate. Just as he called the front gate, the thief was going

through. There were shouts to stop him, but he got through. Now, nobody knows where he went. Did he go north to LA? Did he go south to San Diego? Did he go into the town and along the beaches? Or did he turn around and come back and go up to the mountains? Whatever, he disappeared.

Just after that, Franz called the local town Marine patrol, to report: stop a Marine in a yellow Studebaker. Then the report was relayed to the California highway police. Now, on this day Buck had left San Diego. He had previously been stationed at Camp Pendleton. He had purchased a yellow Studebaker from the Studebaker dealer there, a man by the name of Freed, and he had come back because he had a bad cam shaft on his car and he hoped to get it fixed. Mind you, this day was very stormy. It was raining cats and dogs. Franz, when he was pursuing the thief, said he was slowed down by the wind and the rain. Also he had a governor on his car and he couldn't go more than fifty miles an hour. Still, he had the thief in view for almost five of the seven miles. Ultimately, one could precisely determine how long it took to get to the front gate if the thief averaged fifty miles an hour, forty-five miles per hour, forty, thirty and so on. So mathematically we could put the thief at the gate at a particular

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time, which was very important for the case. The thief left the warehouse between 12:07 and 12:10.

Buck had come up to Oceanside that day. Freed couldn't do anything about his car then. So Buck drove back to San Diego, where he had to be back at one o'clock. In a town, Solana Beach, which counting Oceanside was the sixth town south, and eighteen miles south of Oceanside, and according to the trial record twenty-two miles south of the warehouse, but in fact almost twenty-five miles south of the warehouse, Buck, driving his yellow Studebaker, pulled into the center of Solana Beach. As he stopped at the stop light, the driver next to him told him that his rear license plate was dangling loose. When the light turned green he pulled across the intersection and pulled onto a cement carpet on the right-hand side of the road, got out, covered his head, and fixed his license plate with a screwdriver.

At this moment there was screech of tires from a car that braked and parked next to him. It was a California Highway policeman. He said, "I've got a call to pick up a Marine in a yellow Studebaker." He took Buck's ID card and searched his car thoroughly. There were no chevrons in his car, there was no blanket in his car which had covered the chevrons, which the thief apparently had over his head. Buck was dressed in full Marine greens, with all his ribbons. He was not wearing dark glasses. And he was very calm. And he hadn't been speeding. He wasn't

tearing through the town. At Buck's court martial, the testimony by officer Doran was that this was 12:15 to 12:20. He denied it was as late as 12:30. So there was a time element that could be figured out. Buck was picked up 22 to 25 miles from the scene of the crime eight to ten minutes after the crime took place.

Well, Buck said he had been railroaded. There was some key testimony at his court martial, which was five months later, which convicted him. One was the identification. The military policeman, Franz, identified him, said the thief was Buck. And throughout his testimony he said, "Buck did this", "Buck did that", "Buck did the other." But no one had his name at the time, if it had been Buck or anybody else. The man was only known by the name of Chuck. But during the trial, Franz used the term "Buck this", "Buck that," at periods when there was no way he knew who it was, Buck or anybody else.

The storekeeper, Hatley, identified him in a quasi-way. Said, yes, he thought that was him, but he couldn't say what his dress was. He said he had a mustache, and Buck was part-Indian and couldn't grow a beard or a mustache. He put him in a variety of uniforms. He had him with dark glasses on and off. He had him in a fore and aft cap; he had him with a sweater over his head; with a shawl over his head. The identification was not very good. There were many discrepancies by all the witnesses. The third man, Johnston Layton, who was there, testified at the pretrial

that it definitely was not Buck. But at the trial he said he couldn't tell. He shifted his testimony. Incidentally, at this stage, Hatley had resigned from the Marine Corps. He got out for some reason. I think he was pressured. So number one was the identification.

The second thing at the trial was the alleged confession. Franz said that Buck had confessed to him after they had taken him from Solana Beach back in the paddywagon back to the police station in Oceanside. What happened there, according to Buck, was that Franz was surprised when he saw him, and looked him over, put dark glasses on his face, took them off, and finally pointed to him and said, "Yes, that's the man." Then Franz testified that when they were together on the way back to Camp Pendleton, Buck had confessed to him. That he said yes, he had taken the chevrons, and that he had given them to another Marine by the name of Blackman at the nursery road, which is about a mile before the gate. "He delivered them to a Blackman in a black Chevrolet," was what Franz said he said. But there was no record of the confession, no written confession. It was Franz'

word against Buck's that there was a confession. This was contradicted by Hatley's pretrial statement which was not used at the trial.

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Hatley said the thief asked him to go along with a story if he were stopped at the gate that taking the chevrons was a joke or a lark. But this important evidence was not used at the trial.

The third thing that was very important was that when Buck was put into the brig on that Friday, and kept there until the following Monday, he had some mad money, a fifty dollar bill, hidden in his wallet. He gave his clothes to the brig warden and got the clothes that he had to wear in the brig. He gave them all of his personal belongings, but at the last minute he retrieved his wallet and he said, "I've got to get the fifty dollar bill," which he gave them. When he came out of the brig on the following Monday, he got a check for his money rather than cash. As he was leaving, he said to the brig warden, "Where's my fifty dollar bill?" Whereupon he was jumped on by Franz who charged Buck for asking for the fifty dollars back. But remember it was two twenties and two fives that were paid for the chevrons, not a fifty dollar bill. That request became a very, very important item at the trial. The prosecutor referred to it as the icing on the cake, that Buck had asked for his fifty dollars back.

The fourth thing that happened, that helped convict him, involves Buck's stay in the brig from Friday to Monday. His wife had come up on Sunday and they wouldn't give her the time of day. She finally got to see him, after waiting and waiting and waiting for him, for just a few minutes. She retrieved the car, which was in Oceanside. They had a newly-born son who was ill, and she was desperate for the car. And she got a lawyer, by the name of Stevens. The lawyer came and got Buck out of the brig on Monday.

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Buck then had to go back to San Diego by bus. It was early evening. He got back to his house, which was south of San Diego, his wife picked him up at the bus station, and when he got home he couldn't get out of the car. He was in such pain from the rain and the dampness and his arthritis, that he could scarcely move. That evening she called for an ambulance and they took him to the San Diego naval hospital, where he stayed for most of a month. For a couple of weeks he was flat on his back.

Now, Stevens in Oceanside had a partner by the name of Daubney, whom Buck had never met. Daubney had been the prosecutor at the Marine Corps base -- he

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was a captain, I think -- and had left the Marines and gone into private practice in Oceanside, defending Marines. Within a week or so, Daubney was called by someone who said "What would you do if some government property was left with you?" He said, "I'd return it to the Marine Corps." Then a few days later he found, coming out of his office late at night, a blanket full of chevrons. He then called Sergeant Franz, whom he knew, and the chevrons were returned to the Marines by way of the local FBI man, who unfortunately never made a record of it, and later got into lots of trouble when the case became important. He took the chevrons back. And it was alleged, therefore, that the chevrons which were stolen were returned. As I said, Buck had never, ever met Daubney at this time. He knew Stevens, but had never met nor knew Daubney. Buck at this time was flat on his

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back in the San Diego hospital, which is something I found out in investigating the case. So the question was: why in the heck would anybody call Daubney? He wasn't Buck's lawyer at the time. It was almost three months later that Daubney became Buck's lawyer. When Buck was charged he went to see Stevens who was too busy to take the case and referred Buck to his partner Daubney.

But anyway a great deal was made about the returned chevrons, and what happened was that the prosecution called Daubney, who was Buck's defense lawyer at the courtmartial, to the stand as a prosecution witness -- something I've never, ever heard of before to testify about the return of the chevrons. Daubney testified about the call and he said that definitely the person on the phone was not Buck because Buck had a very, very deep voice. But nobody went into the question of whether the chevrons, which were loose in a blanket, were the chevrons that were stolen or not. A box of chevrons was put in evidence by the prosecution at the court martial, but neither the chevrons which were returned nor the chevrons offered as evidence were the chevrons which were stolen.

Buck's defenses by Daubney were two: number one, that no crime had taken place; and number two that Buck wasn't the person who did the no crime. The big argument on no crime was that the chevrons were removed from the warehouse by the storekeeper in whose custody they were, and therefore no larceny had taken place. It's as if my typewriter here were left outside the War College

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building and you came along and picked it up. That is not larceny. Secondly, Daubney brought in California highway policeman Doran who picked up Buck down at Solana Beach. The policeman testified to the time, he said 12:15 to 12:20,

definitely not later than 12:30. Secondly, he said Buck was calm. Thirdly, that he had searched the car and there were no chevrons of any kind. And fourth, that the Marines did not know who they were looking for. He heard calls to pick up a Blackman. They said, "Who have you got?" He said, "I've got Master Sergeant Buck here from San Diego." Buck had said to him, "I'm not Blackman from Pendleton, I'm Buck from San Diego." That information went back to Oceanside and then they sent the paddywagon down, and they were surprised when they got Buck instead of Blackman. But Franz finally sent back a call saying, "Your man is Sergeant Buck." This was after Buck's name was radioed back by officer Doran.

The testimony of Officer Doran was unknown to the Marine authorities. They hadn't looked him up. Now, there is one key point about court martials. They are held under the new Code of Military Justice, and the Code of Military Justice says there isn't supposed to be a prosecutor and defense in the normal American tradition. The Code had taken procedures from the French, who have an investigating officer, and the investigating officer's job is to find out everything about the case and to see that justice is done. Well, the investigating officer hadn't

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even talked to the chief witness on the time element, and the investigating officer refused to talk to Buck's friends who could prove that on Wednesday, at the time the offer was made, Buck was in San Diego. He wasn't at Camp Pendleton at all. Those witnesses were never seen by the investigating officer. Frankly, they railroaded him.

There was a board of review, and the board of review agreed that no crime had taken place. They dismissed the charges and freed Buck. But there is a curious thing about military justice: if the government loses, it can appeal the case automatically. If the defendant loses, in this case Buck, he can appeal only if the Judge Advocate General agrees. So there is a double standard. The defendant doesn't have the same rights as the government. The Navy JAG lost, and they appealed the case to the Court of Military Appeals, which is the Supreme Court of military justice. The Court of Military Appeals found that larceny had taken place. I've read the decision, over and over and over in great detail, and you know what? The only issue before them was did larceny take place? And they got the facts wrong. There's not a word of evidence that the thief carried the chevrons out of the warehouse. The evidence overwhelmingly, time and again, is that the chevrons were carried out by Hatley. So they got the evidence wrong, and they therefore said that larceny had taken place, and they referred the case back to a further board of review.

Unlike the first board of review, where the members said they had the gravest doubts about the identity, but they didn't have to reach that issue, the second board of review said they still had a lot of doubts, and they quoted some of Franz's testimony, and agreed he didn't have Buck's name, and there was one very outrageous bit of testimony where they said Franz's identification was impossible, but they said, nonetheless identity was for the jury to decide, rather than them. So they went with the jury and they upheld the conviction. Well, Buck had got eighteen months in prison, he was fined a lot of money, and he was reduced in rank to private. They stood him up at Camp Pendleton and literally ripped the Master Sergeant stripes off his sleeve.

In the period between the board of review and the court of military appeals and the final decision, Buck had been free and they'd paid him. They'd given him quarters' allowance and everything else, which he had spent, and they came back after the decision and impoverished him. He was allowed only his private's salary, and out of that salary some of it was to go to his wife, but they took that money to pay back the funds they had given him when he was free. He didn't serve eighteen months. He served only about eight or ten or twelve months, something like that. This was the state of affairs when he came into see me that day.

I said to him, "Look, Buck, you're in uniform. You've been discharged, but you're in uniform. They'll arrest you." He said, "I hope they do, because that will get me back into court." He worked as a baker at night, and his wife worked in a law office during the day. He would work all night and then he would come in to see me the first thing in the morning, then he'd sleep in the afternoon. One of the reasons I was reasonably convinced he was innocent, apart from the facts of the case, was the effort the two of them were going through to try to prove his innocence. I figured that his wife would have known whether he was innocent or not, and I think after having done all the things they had done for four years to exonerate him, that at some stage she would have said to him, "Look, you made your point. Now forget it." I was impressed by her loyalty. She was a very bright, intelligent woman as well.

One of the first things we did was to ask the Navy Judge Advocate General about the case. He sent a commander up to see me who was from Illinois. He was very smart about it, he didn't send some one from Texas. I had studied the case at this stage, and I wasn't absolutely convinced about Buck's innocence. I had read the record. But this commander came up and I said to him, "What about it? Suppose

somebody else confessed to the crime with the name of Blackman, and we agreed that he did it? Could you do anything about Buck's case?" He said, "Absolutely not. The case

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is closed. Nothing we can do. It doesn't matter. If twenty-five guys said they did it, we wouldn't change it. It's finished." I didn't think that was a very good answer.

The second thing that he said infuriated me. He said, "It doesn't matter. This guy's no good anyway. He's got a bad record. Forget him." And he produced a letter which said, and I won't forget it because of the names, that "Buck was out to make a fast buck." I said, "Who wrote that letter?" He said, "It's an anonymous letter from someone in New York." I thought that was pretty thin, and furthermore, I said, "Commander, you don't think I'm dumb, do you?" Before we took this case, I looked at Buck's record, and there were only two things in his record for twenty years of any importance at all. One was that one day when he was supposed to have rolls on the menu, the bakers hadn't made the rolls and gave the crew bread instead, and he'd been called in by his superior and it had been put in his record that he'd substituted bread for rolls. The second thing happened in Japan. He was stationed there after the war, and he was outside a geisha house at ten, eleven o'clock at night, after the curfew. The MPs stopped him and said, "What's your name?" He said, "My name is Buck." They said, "don't give us that, Marine." He said, "All right, my name is Smith." So he was called in for a captain's mast or whatever to explain this discrepancy, and they understood it. But those were the only two blemishes in his record in twenty

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years. So I said to the Commander, "Look, you don't think I'm dumb? We checked it out. If he'd had a record of thievery, believe you me we would never have touched the case."

I was infuriated with this, and as a result of that I decided to stick with the case. If that hadn't happened, I might have given it up, because of the time it took, and it wasn't my direct job. But anyway we worked on this case very hard. The Eisenhower administration, and the special counsel to Eisenhower, Gerald Morgan, agreed to review the case de nova, anew. Nobody believed that they would do that, and I had had faith that they would do it, based on the evidence. Everybody was amazed when it happened, and I was crowing about it. But in a few days he wrote back and said they'd made a mistake and they weren't going to review it. I'm sure that was done because of the intervention of the Navy JAG and

the pardon attorney. That was number one. Then we got it to the [Kennedy](#) administration and got it to the White House. It was being reviewed, and the White House was willing to look at it. We had an agreement that they would start anew, and when Kennedy was murdered the case was about ready to be reviewed by them. But the Justice Department tried to sabotage the agreement. I spent a morning down there with one of their attorneys who said, "I'm sorry, we're not going to do it." He was supposed to review it, but when I talked with him his review was perfunctory. I said, "You ought to talk to Buck." "Oh," he said, "the prosecution

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isn't supposed to talk to the defense." So his position was he was not a reviewer but the prosecutor. I said, "I've got all this stuff about his innocence, and look what he's done and how hard he's fought it." "Well," he said, "they all say they're innocent." In other words, he tried to take back from us what the White House had promised us. But the White House was still with us when Kennedy was murdered.

In the meantime, we went before the board of correction for military records. I appeared with Buck, and the board changed his discharge from a bad conduct discharge to a regular, routine, general discharge. Furthermore, at about this time, the pardon people said that they would be willing to give him a pardon based on his good conduct since the crime, but they would not give him a pardon based on innocence. Buck turned it down, which I thought was very significant. He absolutely said no, even though by this time he had a general discharge, he could vote again, and he could always have waved that pardon and said, "Look, you see, I was pardoned by the President, I really didn't do it." But he was determined to turn it down.

Then we got it back to the White House again under Johnson. Lee White was in charge of it. He was an assistant counsel and my friend. I had worked with him on the Hill. Lee noticed one thing, which I want to bring up, to show how some of these things can change procedures. Lee was infuriated that the pardon

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attorney had had the last word in turning Buck down. He read the Constitution and he said the power of the pardon is a presidential power, and he insisted that the pardon attorney from then on submit to the White House not only the pardons he recommended, but the pardons he had turned down, on the ground that it was a presidential function. The pardon attorney was turning down

pardons, but that wasn't his job. That change took place as a result of the Buck case.

We pestered, and pestered, and pestered them. We agreed that if they would actually set up a review, we would abide by the result. If they would look at all the evidence, whatever decision they arrived at, we'd stop pestering them. And we had pestered the life out of them over a period of years: speeches on the floor, organizing other senators, [Mansfield](#) and the Florida fellow.

Ritchie: [George Smathers](#).

Shuman: Smathers, who were ex-Marines. We got all the ex-Marines in the Senate to support Buck. We did everything that you could imagine to publicize it. We didn't use Blackman's name, we used "Whiteman" as a substitute for Blackman. We did all these things, and the White House finally agreed to review it, and put Charlie Horsky, who was a very prominent lawyer who was in charge of D.C. matters, in charge. So I gathered all the material. I

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submitted all the evidence we had, the evidence on the chevrons especially -- the chevrons that were brought back were not the chevrons that were stolen. We detailed the time element. I got Geological Survey maps of the coast of California from Camp Pendleton to Solana Beach. We found out that there were something like ninety intersections between Pendleton and Solana Beach. There were six towns. There were nine stoplights. The speed limit over eleven miles of the eighteen was thirty-five miles an hour or less. There were only a few places where the limit was fifty-five. We got the highway department reports as to the number of cars that traveled that route -- it was a three-lane highway -- at the noon hour on a Friday. For Buck to have been the person to have arrived even by 12:30 he would have had to pass a couple of hundred cars going one way, and overtaken a similar number of cars going the other. There was no evidence that during that noon hour there was any speeding along the highway. It would have been noticed because the police patrolled it. So we had all this evidence as to mileage and time and so on, which was overwhelming.

Charley Horsky came to the office after we had submitted all the evidence to him. Oh, I must tell you that the number of the license plate never was presented at the trial. One of the things I always thought was that as the prosecution and Franz had the license plate and if it had been Buck's they sure as heck would

have used it, but it wasn't presented at the trial. So I made an extensive search for the license plate number. I called this fellow Hatley who was then in Chico, California, working in a dairy about it, because he had turned it over to his superiors. But he didn't have the number in his notes. I tried to trace all the yellow Studebakers in California to see what the license plate numbers were, and if any of them were owned by a Blackman. Horsky came up to the office one day and said, "We've done everything, but I'm not satisfied on this case until somebody interviews Blackman." I had asked the Marine Corps if there were any people by the name of Blackman stationed at Camp Pendleton on the day of the crime, because this question was asked of Franz at the trial. Franz said "No, there were no Blackmans. We looked everywhere. We called the battalion locators, we couldn't find one. There was no Blackman." That was his testimony. So I asked the Marine Corps if there was a Blackman stationed at camp Pendleton on the day of the crime, and they said yes, there were several. One of them was a Master Sergeant. So I asked for his picture and I got it, and he looked enough like Buck that they could have been kissing cousins. And ultimately we found seven Blackmans who were there at the time.

Horsky said, "Somebody's got to go talk to Blackman." It had to be Horsky, or Buck, or me, because we were the only ones who knew enough about the case to do it. Horsky was too busy to do

it, and obviously we couldn't ask Buck do it, so I went. The White House flew me to California on a military plane, and then Mr. Douglas and I shared the expenses of going down to San Diego to find Blackman. I went several miles back of San Diego to Blackman's house, which was on an old dirt road. I went in at an angle, drove up the hillside, and found a rather rickety house. I thought, "My God, he's really fallen on bad days." It was a rural slum. I knocked on the door and a very, very tall teenage girl opened the door. I asked for Sergeant Blackman. I hadn't told him I was coming. I made a mistake. I should have gone there with someone else, but I was alone. Well, she said, "He's not here." I said, "Where is he?" She said, "He's dead." I said, "What do you mean, dead?" Well, it turned out that a few weeks before during a period when there was a lot of publicity about this and we called the person "Whiteman," Blackman who worked for an auto dealer had taken a car at noon, gone back into one of the canyons in the mountains behind San Diego, and put a shotgun to his body and blew himself out of this world.

Well, I thought, that's the end of it. He not only killed himself but there was no way I could now prove Buck's innocence. I had permission to give him immunity

if he would talk. I had to prove Buck innocent. It wasn't enough to say that if he were tried again he would be found innocent. I was discouraged about this. I thought this was the end of it. I then drove up the

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coast and I met with Officer Doran, who told me everything that had happened in the same way that he had said it before. He was certain of himself. He was a very intelligent fellow. He didn't have a big pot belly. He was lean, and lithe and active and very believable. Buck and I together got the transcripts for some of the radio calls, not all of them, but some of them, especially the call by Franz saying "Your man is Sergeant Buck," after the call went out asking for Blackman. I had that on the transcripts. The transcripts unfortunately had been logged in late. I talked to the woman who was at the police station where they were logged in, who had been married to Officer Doran, a coincidence. She told me there was a man there who let the calls pile up and then logged them in late, so this was logged in at a later time and I couldn't prove complete innocence by the logs. The earliest I could prove by the logs that Buck was in Solana Beach was 12:40, which ultimately was sufficient.

Then I went up to Camp Pendleton and went to see their then prosecutor, and he welcomed me politely, because the Commandant of the Marine Corps' and headquarters had told him I was coming. We chatted for a bit, didn't say very much. It was late, six o'clock in the evening. But he gave me a pile of papers, fifty-five in all. I took the papers, went down the road, looked at the warehouse, looked at the baker's house where Franz had called in, saw the nursery road, went to the main gate, calculated the mileage on

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my odometer to see that it was correct, and went into Oceanside to the motel. There I started to look at the documents. At least forty of them were documents I had seen before, but there were a dozen to fifteen that I had not seen. They had been locked in a depository for thirteen years. This was 1965. The crime took place in '52. I had taken it on in '56. I looked at those documents, and I was delighted, because in my hands were documents written on the day of the crime in Franz's handwriting, which proved beyond any doubt that Buck was innocent.

The next day I went back to Camp Pendleton, talked to the prosecutor again. He was very nasty to me. "What are you trying to do," he said, "impugn the good name of the Marine Corps?" I said, "No, I'm trying to get justice." He said, "You should talk to Franz. He's the man who knows the most about the case." So I did. I found out that Franz was in Orange County, working for the court. He was a

bailiff. I went up to Santa Ana where the courthouse was, and tried to meet him. I went to see him at noon, and as I was walking in, apparently he was walking out. I saw three officers walk out. I went in and asked about him, and I was told, "You just passed him on the way out as you came in." So I followed them down the street. The three of them went to a restaurant. I thought, I'm not going to talk to him while the other two officers are with him. I waited until after the lunch hour and went back. Again I saw him on the steps of the court

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house. I told him who I was, and that I'd like to talk to him. He said, "I've been told not to talk about this case." I said, "I've just come from Camp Pendleton and the Major told me I should talk to you." "Well, I got a senator on my back," he said. "Get off my back!"

He said, "The trial's over, they ain't got no evidence against me." I said, "What about these papers I have with me?" and I read to him what was on the papers and showed him the papers. At that stage he got very excited and he ran down the steps, he ran up the street, he ran across the street. I followed him, saying "What about these papers? He came back down the other side of the street to a police van and tried to get in it to get away from me. But the door was locked and he fumbled with it, so there I was again confronting him. It was a stupid thing for me to do. You know, here was a policeman, and here I was. But anyway he was frightened and he ran, he literally ran from me. He finally got the door open, jumped into the van, and sped off.

I came back, gave the papers to Horsky on a Saturday, delivered them to him at the EOB [Executive Office Building] and was confident that Buck would be vindicated. Shortly after that, President [Johnson](#) called and told Mr. Douglas he had given Buck a pardon. Not just a normal pardon, but a pardon based on innocence, which was the first time it had been done in something like eighty-five years. Ultimately, Buck got back pay

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for thirteen years. He was promoted not only to warrant officer but to chief warrant officer. He had made the warrant officer promotion before his court martial, but they didn't give it to him because the court martial was pending. Now he was promoted to chief warrant officer, but he was too crippled at this stage by arthritis, to go back to active duty.

Now, I'm sure you want to know: what was the evidence? Well, several things. One piece was about the fifty dollar bill. There was in those documents the order

that sent him to the brig, and at the top of that order in the brig warden's hand writing was a dollar sign and the words fifty dollar bill, followed by its serial number. So it was quite clear from that that Buck was correct. He had given them a fifty dollar bill. He didn't ask for two twenties and two fives, he asked for his fifty dollar bill back. Not only that, but on one of a series of notes made by Franz on the day of the crime thirteen years before, were the words fifty dollar bill and the same number. So Franz knew that it was a fifty dollar bill and not two twenties and two fives and had lied about Buck asking for the fifty dollars back. The second thing I had was a bunch of notes made by Franz on the day of the crime with the name Blackman on them, and with Headquarters Battalion Locator written on them and the address of the Blackman, and a couple of other Blackmans as well. He had found the same Blackman I found. His notes gave Blackman's name, address, serial

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number, age, and some personal details about him the FBI gave us earlier. So when Franz said at the trial there were "no Blackmans", he in fact perjured himself several times. Those were the two major pieces of evidence which proved that what Buck had told us was correct, that Franz lied, and this exonerated Buck.

I must say, though, that this was a very difficult period. The hostility of the Navy JAG and the hostility of the Justice Department were unbelievable. If it were not for the First Amendment, and for the politicians help against the bureaucrat, Buck would never have been pardoned on the basis of innocence. At one stage when Buck turned down a pardon based on good conduct he said that he was determined, because of his children, that he must be vindicated, that he must get his good name back. When he was told by Senator Douglas over the phone that President Johnson had given him the pardon based on his innocence, he was then living in Seattle, I asked his wife later what they did. Did they go out and celebrate? She said "No, we didn't celebrate. He went to bed and he slept for almost twenty-four hours. A great burden had been lifted from him." I've lost track of him now, but as I knew him later on I think that in a sense he lost his purpose in life. He had been so wound up in vindicating himself after thirteen years, that when he finally made it, he didn't have the same sense of purpose that he had before. But that is the story of Sergeant Buck.

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One point I forgot. One of the notes in Franz's handwriting noted that the "Sgt. runs tailor shop," which is exactly where chevrons were needed. Further, Franz's notes refer to a "stir it cup." Blackman ran a cafe in Oceanside called the "Coffee Cup." This was further proof Franz found a Blackman on the day of the crime.

I've always said that while I don't think what I did would get me into heaven, I thought it might keep me out of hell, although I don't hold traditional views about either of them. It was an example of all the things that I've mentioned about the Code, about bureaucracy, and the way in which the politicians in this country can go to bat for an aggrieved person in a way that would not be done elsewhere. My British parliamentary friends could not have accomplished this against the Home Office in a way that we did. It was the two politicians, Douglas and Johnson, who were responsible for his pardon.

Ritchie: Even after Johnson pardoned him, didn't the bureaucracy resist you?

Shuman: Yes, one other thing happened. The Navy refused to pay him. He had a lot of money coming for back pay, eighty or ninety thousand dollars. The Navy refused to pay him on grounds that when he got the general discharge he had signed a piece of paper that he had received all the back money coming to him.

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Well, he had received the back money that was due him on those grounds, but he certainly hadn't received the eighty-five thousand dollars. So they said it was illegal to give him the additional back pay and they refused to pay him, even after the President had pardoned him. Outrageous! What we did was to get the General Accounting Office, and the Comptroller General, Elmer Staats to review it. We also called in [Paul] Nitze, who was then Secretary of the Navy. Together, Nitze as Secretary and Elmer Staats as Comptroller General agreed that he would be paid, and the Navy did pay him. But even after the President pardoned him the Navy didn't want to pay him. They were vindictive.

Ritchie: Why do you think so?

Shuman: Well, because they'd been wrong and they refused to admit they were wrong. They had written reams of paper against Buck. The Navy Judge Advocate General, Chester Ward, an admiral who later was famous as a right wing ideologue, had written a twenty-three page paper, taking up most of the issues, which asserted that we were wrong about every one of them.

Ritchie: It's an interesting case here, because you pulled in just about every political figure: a senator, the President of the United States, the Secretary of the Navy, the Comptroller General, and yet the bureaucracy still reactive negatively.

Shuman: Yes, overwhelmingly.

Ritchie: Did that give you some pause about the whole sense of government, and what government does?

Shuman: Well, it certainly gave me a view of bureaucracy, which I had suspected but experienced only to a limited extent before. I thought some negative things about the bureaucracy, but not to that degree. I had never met the resistance before that I met from them in this case. I began to understand why the French revolted against Louis the XIV, Calvin opposed the Pope, and Cromwell revolted against Charles the I. The pity is that some of them were as arbitrary as those they displaced.

Ritchie: But most citizens don't get that much support against the bureaucracy.

Shuman: No, they don't. They get a lot of support, but they don't get that much support. I mean, we could have given up on it many, many, many times. Think of all the times when we could have quit. Buck was probably the big reason we didn't quit. He was so persistent, so determined, and as I said, when I checked him out, he was right. As I got into the case, Mr. Douglas kept saying to me: "Focus on the time element. That is the key to it." And it really was the key to it. But the Navy JAG and the Justice Department paid no attention to that.

Intellectually, I was certain that Buck was innocent. But there was one thing I did after I saw those papers at Oceanside.

I went back to Camp Pendleton on a Sunday, after I had been there on Thursday or Friday and had found the papers and challenged Franz. I went back, and on a Sunday at noon I drove the stretch of road from Camp Pendleton to the center of Solana Beach. I didn't drive, then, the seven miles from the warehouse to the main gate. I started out at the main gate and I drove as fast as I could into Oceanside, and I drove down to Solana Beach. Now, this was at a time when a new interstate highway had been built. I drove the old highway, 101, the three-lane highway. Because it was a Sunday and because of the new highway there was far less traffic than there would have been on that old highway on a Friday. It took me twenty-five or twenty-six minutes to drive it, going as fast as I could. So I knew we could prove Buck was there before 12:40, we knew that the thief was at the gate about 12:20, so there was no way the thief could have been Buck. But it was important to me to know that physically he couldn't have done it, as well as to know that intellectually he couldn't have done it, based on all of the evidence

we had. And of course Officer Doran testified he picked up Buck at 12:15 to 12:20 and before 12:30.

Ritchie: It also seems odd to me that Senator Douglas was such a great defender of the Marine Corps, and here he's encouraging one of his staff people to spend years on a case that doesn't make the Marines look very good.

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Shuman: I'll tell you why that happened, I think. Certainly he believed in the Marine Corps. He saved the Marine Corps. He stuck with the case because Buck was a Marine. This was the fault of a few Marines at Camp Pendleton and the Navy JAG. In fact General Greene who was then the Commandant welcomed Buck and his wife back to the Marines and was very, very nice to them. The Commandant called him Marine. But two things happened, one to Mr. Douglas and one to me. He had been on some court martials in World War II. He was a little suspicious of defendants, because many quite obviously guilty said they were innocent, but he had also been on court martials where there was command control. And I had had an experience with that. When I was in the Navy I was on a court martial board at the end of the war -- World War II -- out in the boondocks at the Naval Ammunition Depot at Waikale Gulch, Oahu.

We had a group of sailors who after the war was over were celebrating. They broke into the Marine Corps Non-Commissioned Officers Club and stole some beer. They took a Navy truck from the base; they cut the wire fence leading out of the base into the cane fields; and they went off to the beach. They were there most of the night. They got a little drunk, and coming back the next morning they tipped over the truck. The commandant wanted to make an example of the leading sailor. He was court martialed. He was charged with breaking and entering. He was charged with stealing

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beer. He was charged with illegal use of government property, of wrecking the truck, of cutting the fence. The charges were voluminous, and I was on the court martial board and my roommate, a Navy lieutenant, was the prosecutor, and the commandant of the base called on him almost every day and put great pressure on him to get the sailor convicted and to make an example of him. What we did was to find him guilty, because he was guilty. At least technically he was guilty. We couldn't say he was innocent, but at that time we set the punishment, which the commanding officer could reduce but could not increase. He had had a very good record. He was a professional Navy fellow who had been in for six or eight years, and had never done anything wrong. So we put him on probation for six

months and we fined him a relatively small amount of money, and that was that. And the skipper was livid. My friend, the prosecutor, was not promoted to lieutenant commander because of it. I had that experience. It was in the back of my mind. I knew what could happen. I think these were among the reasons we both stuck with Buck.

Buck was stateless. The only reason he came to us was a) he was a Marine, so he came to Mr. Douglas because once a Marine always a Marine, and b) for just a year or two at a very early age he'd lived in Granite City, Illinois so we had some reason to say he was our constituent.

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Ritchie: That's probably the longest constituent file that was ever created!

Shuman: I think so. I have before me a book that I have written about it, which I have been unable to publish. It's been in my attic. Maybe some day I'll redo it. The problem with the book is that I know too much about the case, the detail is overwhelming. If I could redo it and write it in less than a hundred pages and distill it, it might be published. I knew what happened every minute from 1200 to 1300 that day. I worked it out. On the day of the crime I knew where all the key people were, for every minute, 12:00 o'clock, 12:10, Franz was here, the thief was here, Buck was here. It was a puzzle.

Ritchie: I have a feeling that if another Marine came into your office you probably would have run out the back door.

Shuman: I don't think I could do it again. It was a most intense emotional experience, and I don't think I could get myself up to do it again. I think I've done my duty.

Ritchie: And that you were able to bring it through to a positive end is the most amazing part about the whole story. It obviously doesn't happen very often with the government. Well, by contrasting something that was very successful with something that was very frustrating, I wanted to ask you about the commission that you and Senator Douglas worked on from 1967 to 1968, that

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President Johnson appointed on housing. I wondered if you could tell me what the objectives of that commission were, why it was appointed, and what you had hoped to accomplish?

Shuman: Well, in 1965 or '66, President Johnson had made a major speech, I think at Syracuse, giving his plan for the cities, his urban speech. What happens when a president wants to propose a program is that he can think of four things to do but he can't think of a fifth thing, so he says he'll set up a commission to examine the problem. So we've had a proliferation of commissions. Occasionally they're very, very useful. The commission that [Ronald] Reagan and Congress set up on Social Security did a marvelous job. Occasionally they are very useful such as in the Warren Commission and very necessary. But most of the commissions are established, I think, as an afterthought to make a fifth point. I remember back in '69, which was the first time any group in the Senate took on the Pentagon on weapons systems as opposed to procurement. When that happened a group of about twenty senators and staff would go to the floor, and we were routinely defeated on trying to knock out this system or question that one. We ended up one day proposing an amendment to set up a commission, because we wanted something we could win on. I think we did set up a commission. It was a last resort.

Commissions are set up for a variety of reasons: to push things under the rug, as a fifth point in a presidential speech,

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to be able to say I'm doing something, often to postpone an issue, hoping that a hot issue will go away, and people can say as they did about our commission," Well, we'll wait until the commission reports before we take any action." For many of those reasons this presidential commission was proposed by Johnson. Almost immediately after Mr. Douglas was defeated we got back to Washington and Joe Califano from the White House came to Mr. Douglas and proposed that he head the commission. I wasn't there, but Mr. Douglas called me in and told me about it.

I looked up the law, and I found out that instead of a commission under the president as had been proposed, the legislation directed that it would be a committee under the direction of the Secretary of HUD. HUD had rewritten the language after the President's speech and message. It proposed a year-long study and \$1.5 million. I said to him, "I think it would be a mistake if you took this, because you wouldn't have any freedom of action as a committee under HUD. You've got to get it established from the President that you are head of a commission under the president, under his jurisdiction, and that you are free to go wherever the evidence leads you. He agreed with that, so he sent me down to negotiate with Larry Levinson and Bob Wood. Levinson was in the White House. Wood was Under Secretary. They were quite receptive: they said "That's right, we should do that." They were open-minded about it. Furthermore the law had stated some

relatively narrow things. It had talked about urban problems in general, but it didn't talk very much about housing. It talked specifically about building codes, housing codes, and zoning, and development standards, and local taxes. We insisted that housing and how to get an abundance of low-cost housing would be the central theme and that these other elements, which were vital to housing, were also part of our study, but the central theme was how to get an abundance of housing for poor people in the country.

The White House agreed, and we wrote a release saying this. I drafted it with the Presidential speech writers in the tank over at the Executive Office Building (EOB). We got everybody to sign off on it, and waited. This was in November. We waited and waited and waited, thinking they were going to announce it early on in December. Finally, Mr. Douglas left. He'd been through a very strenuous campaign, so over the Christmas period he went to the Caribbean, and I stayed in Washington. One day, Secretary [Robert] Weaver called me and asked me to come to his office. We talked about the commission, but then he told me, "Go home, go home, don't show your face around here. I don't want anything to do with the Commission until it is announced. No one must know anything about it." The appointment of it under Johnson was very secretive. If someone leaked who was going to be appointed a judge, Johnson would withdraw the nomination. So Weaver was afraid of that. I thought at the time that he was the most

insecure person I had ever dealt with, absolutely insecure. I found out later that what happened was he had taken a tongue lashing from the President over testimony that he had given on the Hill. He was afraid that knowledge of the commission would come before the announcement, and if I showed my face around and started talking to people it would get into the papers and the commission would fall through the cracks.

Well, we finally were established, but the announcement was made I think about the tenth of January. It was made on a Friday afternoon at five o'clock, along with a bunch of other announcements of minor appointments. Almost no word was written about us, there was almost nothing in the papers about it. If you know anything about press releases, five o'clock on Friday afternoon is the worst time for the release of anything. There was no Oval Office presentation or send off. So I had to decide what we were going to do, and I couldn't get in touch with Mr. Douglas. I called his son, John, who was close to him, and said here's what happened, what should we do? Should we go through with it, or should we say the heck with it? They had rewritten the release in such a way that they did give

us authority over housing, and they also said that we would work with but not under the Secretary of HUD. So after conferring with John I decided to go ahead.

Mr. Douglas insisted that we should have a woman member of the commission, as a condition of his acceptance because they

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were going to appoint all white males. He insisted on a woman, a black, and he wanted a couple of academics, which he got. He thought the academics would leven the results a bit. We had a lot of practical people, housing people, developers, architects, but he wanted someone who might leven their views. So we got that agreed to.

We started off and first of all HUD tried to control our money. We fought them and we won. We were determined they weren't going to control that. Then they insisted on having one of their people at every one of our meetings. I often referred to him as the spy. We said no, you do not have a right to do that, but we may invite him. So we invited someone each time we met. We made it quite certain that he was there by our grace and sufferance. But everything we did, every criticism we made about HUD, got reported back immediately.

It takes time to get a commission established, to get a staff and establish a program. Mr. Douglas said we had a superb staff: half of it was superbly good and half of it was superbly bad. And I can tell you that the superbly bad part of the staff, one half, were the staff that we got from the agencies. The agencies wouldn't let us have their good people. They sent us people they wanted to get rid of for a year or two. We got the commission extended to two years, because by the time we got started late in January we couldn't possibly have finished in a year. But we did

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not ask for any additional money, so the Congress agreed to two years. We got the law changed, Mr. Douglas went up to the Banking Committee where he had been a member, and promised them faithfully that he'd finish it on time and we wouldn't spend any more money, but that we got a late start and needed the extra time.

It takes time to get a staff together and it takes time to get organized, so he thought it was very important that we should hold hearings while this was going on. We did hold hearings, mostly in the summer of '67, but also through '68 in twenty-two cities of the country. At each hearing we had a different subject

matter. In New Haven it was urban renewal, because New Haven got more money for urban renewal per capita than any city in the country. In Boston it was redlining. In Pittsburgh we did a study on taxation, because they had a form of land tax which was different than anyone else's. The schools were financed not by the property tax but by a land tax, a single tax. It was shades of Henry George.

We would meet not in the court houses or in the city hall, but we'd meet in the local communities, in the ghettos. We went to schools, and churches, and community centers and places of that kind. It was an extraordinarily interesting experience, and it was done mainly during the summer of the riots. There were riots all over the country. We first were not going to go to Cleveland because Cleveland had a mayor we thought would use us to provoke

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a riot, so we went to Detroit, where there was a good mayor, and good unions, and the motor companies had been very good on race relations, housing, and so on, and we thought there wouldn't be a riot. Of course, what happened was that Detroit had a riot and Cleveland didn't. How do you explain that? I don't know.

As we traveled over the country we found a lot of things. We found that almost no housing for the poor was being built. Mr. Douglas had helped write the original housing act in '49 -- well, not helped write, he did write it. He led an expedition of senators down to the Southwest of Washington at the front gate of Fort McNair, which was then almost the biggest slum in the country. The new Southwest has been built in its place, and there was a lot of interest in urban renewal and public housing as a result. Congress in the 1949 Act combined urban renewal with the authorization of 600,000 units of public housing. One of the things we found in '67 was that in all the years since the '49 act the number of housing units that were to have been built in six years had not been built in almost twenty years. Incredible!

The poor people had been pushed out. They'd bulldozed the Southwest and other places, but they didn't provide any housing for the people pushed out to go to. This was universal. We got to New Haven, thinking this was the citadel of urban renewal. I remember saying we were bringing the mountain to Mohammed because the mayor was so well known for urban renewal. But at the noon

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hour that day we found that our hearing site had been surrounded by the local police, who feared a riot. At every hearing we welcomed public witnesses to come in who weren't on the official witness list. We ordered our witnesses. We had to

have the mayor, the city planners, and the housing people, and the housing organizations, and the builders, as witnesses. But we also always made room for any public citizen who wanted to testify. And we sought out citizen groups to do so. At the end of the mayor's testimony that day, some local people were outraged. They lived on the Hill. We thought we were going to have a riot there, that we might start it, and we softened the situation and may have prevented a riot by going with them over the noon hour to see what they wanted us to see. They showed where they had been pushed out and new Yale faculty housing had been built, upper middle class housing, and there they were in the slums on top of the Hill, and they were furious about it. This was repeated, time and again.

Obviously we got a lot of attention because of Mr. Douglas. When we went to New York, and New Haven, and Boston, he was on the evening television, and occasionally on the national television. And of course we were critical. We found in one instance, under one of the new housing programs, that HUD counted a building in which there were four subsidized units along with ninety-six nonsubsidized units, as a hundred units under the program, when in fact only four were for poor people. We exposed this. We had the

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most difficult time getting any specific figures from HUD. They dragged their feet. I'd ask them for figures about how many units had been built, and they'd delay and delay. We held meetings, argued about the definitions and got no results. Incredible.

What happened to us was that HUD undermined us at the White House. They claimed that our commission was racked with discontent, that members didn't agree with the chairman, and on, and on, and on. Meanwhile we held public hearings and, seventy meetings in all of the commission. The attendance of our sixteen members was excellent. Almost always twelve or thirteen came. Only one member didn't come. All the others were very, very faithful. They had a common experience, and they could see, feel, and touch what was going on. We were in the ghettos, we marched the streets and we preceded the riots, and we followed the riots in that stormy summer of 1967. What an experience!

I had the feeling after coming out of East St. Louis that God had abandoned East St. Louis. I mean, East St. Louis with the stockyards, and the chemical plants, and north of the city the steel mills, was forsaken by the deity. Those who owned the steel mills lived on the west side of St. Louis, because the prevailing winds are from west to east. So all the smog and effluent from St. Louis fell on East St. Louis. There was a chemical plant in the latter. It was a Monsanto Chemical Plant. There were houses next to it. The conditions surrounding those

houses, if they had been in a factory, would have caused the state to close down the factory because the chemical fumes were so bad. There was Granite City, Illinois, where the workers lived. It was a company town. The Granite City Steel Company paid no taxes to speak of. The company didn't pay any more taxes than a single working man did for his home. The company threatened to leave town if their taxes were raised. Well, we looked at these conditions because we were authorized to look at taxes and housing and so on. But I remember feeling after East St. Louis about as I felt after leaving Berlin, when I really got ill to my stomach every time I saw a wall. For several weeks, the experience of seeing East St. Louis at close hand made me almost ill to think about it. It was awful. They were forsaken.

The White House got very angry with us for saying things that were critical of HUD, even though they were true. When the commission finished we wrote a report. We got rave reviews from the writer of the "Easy Chair" in *Harper's*, who said it was the greatest report since the Constitution and the Federalist Papers, which was an exaggeration. But it was a very good report, and it was a unanimous report, and I wrote about two-thirds of it. Mr. Douglas tried to get the President to receive the report before we quit on December 31. For a month, we kept calling Joe Califano to arrange it. And Joe Califano wasn't in. When we'd call, they'd say, "He's home." When we'd call him at home they'd say, "He's in

the shower." He was either at home or in the shower for more than a month. Finally, in December, Mr. Douglas did go to see him, and Joe Califano kept Mr. Douglas sitting outside of his office for more than an hour after the time for the appointment. I later told [Hubert Humphrey](#) this, and he told me, "That happened to me." He said, "When I was Vice President, Califano did the same thing to me." Probably at the President's insistence. But he said, "As Vice President, I waited outside of his office for more than an hour on many occasions." I was outraged at that. I was outraged at what happened to Mr. Douglas, but even more outraged at what happened to Hubert, because he was the Vice President. Mr. Douglas was then an ex-Senator. Califano was an example of a power hungry young man too much in a hurry and too big for his britches. I am waiting for the day when he apologizes for his actions.

Mr. Douglas wanted to present the report to the President, and to have our people thanked, because they'd done a terrific job. Well, Califano first asked him if the report was unanimous. Mr. Douglas said yes, and Joe was utterly amazed, because he'd been getting stories from Weaver and Wood, who turned on us, that

we were split and couldn't get together. There was a lot of argument and differences of opinion, but Mr. Douglas promoted that. We promoted debate and tried to find some ground that we could agree on, and in most cases we did, and when we couldn't

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then the people could footnote their views. We had no minority view to the report, we just had footnotes occasionally where people differed. Califano was amazed at this, and then Mr. Douglas again asked to have the President receive us, and Califano said no. He said, "You should present this to [Nixon](#)," who had then been elected. Well, our report date was December 31. Nixon wasn't President until January 20, and Mr. Douglas said "No, I am not going to give this report to a non-President. He's not the government." So we told Califano we were going to release it on the 15th, I believe, of December." "No, you musn't do that," he said. Mr. Douglas said, "That is what I am going to do, and we are going to do it, period."

What I did, in fear the White House would try to suppress us or censor us, was to mimeograph several hundred copies, and got early copies into the hands of the *New York Times*, and the *Post*, and the wire services, with the December 15 release date on it, so there was no way we could be suppressed. Then we held the press conference I think on Friday for a Sunday release. It was a big, big press conference. People brought shopping bags to carry away the report. We not only filed the report, but we had organized forty study papers as well as five volumes of hearings. We ultimately published twenty of those papers after the commission went out of existence. The quality of about thirty of the forty papers was quite good, and publishable. The quality of ten of

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them were simply awful. We found that the less we paid for a report the better it was. If we got a slick outfit to do it, it was balderdash. But if we picked the expert, as we did on population -- a professor at the University of Chicago who was a world expert on it -- we got a great paper. That cost us two or three thousand dollars as opposed to think tanks asking fifty or a hundred thousand. So we didn't commission many expensive papers. I think we spent three hundred thousand all together for all forty studies.

The White House knew that our report was going to be released on Sunday. Their press people did their best to knock us off the front page by leaking a secret report on housing. It later turned out that report didn't exist. There was no such report. It never saw the light of day. And they had Johnson give a speech on

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Saturday in Texas on housing, which was quoted in the papers. But we nonetheless made the front pages of most of the papers in the country. Then HUD was supposed to send our report to Congress, and we found out that Bob Wood had only sent the narrow stuff on taxes, on building codes and housing codes, and development standards, to the Congress. So I took the total, the whole report to the [President of the Senate](#), and to the Speaker of the House, and got that report printed by the Congress as the report that our commission adopted. But even at this stage, HUD was trying to do us in. It was a remarkable experience.

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It was one of the most difficult experiences I've ever had. Those two years were not hell on earth, there are a lot of things worse, but they were very, very uncomfortable years, largely because our criticism of HUD on housing, the lack of housing when urban renewal was done, and on the slowness of urban renewal provoked their hostility. We found out that thirty-seven percent of urban renewal projects took more than nine years. Some of them were still not finished after fifteen years.

But it was a truthful report. It was an honest report. The only thing a commission can do, as it is not a legislative body, nor an administrative body and has no power, except the power of the word, is to report truthfully. The power of the word, the informing function, can be a very powerful thing, as HUD and Johnson knew, because they were so opposed to it.

Ritchie: Do you think that after the commission handed in its report it had any influence over the Nixon administration or over the Congress?

Shuman: It did. Of course, Nixon ended up with a housing moratorium, absolutely doing away with the housing programs. That action became part of the impeachment proceedings, and was even one of the clauses that the House Judiciary Committee proposed -- it wasn't passed -- as an article of impeachment.

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Yes, I checked it out over the years, about what happened to our recommendations, and it was amazing how over time so many of the recommendations were accepted. Furthermore, I worked with [Proxmire](#) right after that, and he was chairman of the [Banking, Housing, and Urban Affairs] Committee, or near the top much of the time, and I made certain that our key recommendations got into the housing bills when they were a federal matter. So there was a way to get the recommendations translated into law.

Ritchie: What's the difference between what a commission can do and what a Senate committee can do in terms of oversight? Is a commission somehow different than regular Congressional oversight?

Shuman: I think a commission can be freer. I'll give you an example. There is a permanent commission here in Washington, little known, it has to do with all levels of government, federal, state and local: the Commission on Intergovernmental Relations. It does superlative work. That commission has on it some governors, some mayors, and some senators. Its staff director told me one time -- I was asking this same question -- that some of his senators, who for political reasons in their state would vote one way on their Senate committees, maybe very conservative, took a much broader view when they were acting as members of the commission. They looked at it as if to say: what's the right thing to do? They were in a sense emancipated from the narrow political forces of their states when acting as a member of the commission.

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The same person reacted differently on the same subject at two different places. In that sense a commission can do a lot.

I think they can rise above narrow parochial views and try to say: here's what ought to be done. Now, if you politicians can get that done, fine. But here's what we think you ought to do. So yes, I think a commission can have importance. That was true of our commission. The members took the job very, very seriously.

Ritchie: Do you think perhaps they took it more seriously than Johnson expected them to?

Shuman: Yes.

Ritchie: In other words, do you think that Johnson wanted a real commission, or was he just appointing this to get a difficult issue off his back?

Shuman: I have several views about that. Number one, I think the proposal for the commission was put in the speech by the speech writers as a fifth point for their urban agenda. Number two, I don't think Johnson had any idea that the programs were going as poorly as they were. I think he had been misled by the HUD bureaucracy. Number three, he was of course very unhappy about any criticism of any kind. He was almost paranoid about criticism. So I think that he was unhappy with what we said. Number four, I think that on reflection, if he looked at it

subsequently, he would have agreed with virtually everything we said, because he really was very much in favor of housing, and housing for poor people. It was the one area where he and Mr. Douglas, when they clashed in the Senate, actually agreed, where Johnson actually did put through some good housing bills. Perhaps it was because John Sparkman was in charge of housing, but Johnson believed in it. We told him, at least by letter, Mr. Douglas did, that this was the kind of report that he really would like. Mr. Douglas told that to Califano. He said, "This is exactly what the President, given his background, would go for. You ought to tell him the truth about it."

Ritchie: It's sort of a commonplace in Washington to call HUD a dud.

Shuman: We called it dud. That was coined by us.

Ritchie: Well, now that's a very popular way of describing the department.

Shuman: I coined it and used it in Proxmire's releases in '69. And we also called them the Department of "No" Housing and Urban Development, which was true.

Ritchie: What is it about HUD? That Department was the creation of the Kennedy-Johnson administrations, to solve some

of the problems of housing and urban affairs, and everyone seems unanimous that it's one of the weakest of the cabinet departments.

Shuman: Well, for years and years they weren't a department, so they didn't have the clout. They had trouble keeping a good staff. They were an independent agency for a long time before they finally became a department. The one method of building housing that was the least expensive and the most efficient was public housing, but there was great opposition to public housing from neighborhoods, from the Chamber of Commerce, from the business community, to some considerable degree for racial reasons. But as a method of building housing it was the cheapest and best way to do it, because it was built with local bonds, which were tax free. I visited a variety of public housing in the country, and in some, like Milwaukee, it was extraordinarily good. We saw in '67 and '68 public housing that was built in the Depression that was still very substantial and doing very well. Where there was good management, it worked.

They got into trouble when they built the highrises. Do you know why there are highrises? It's silly, because you can go into a small town in Iowa, where there is public housing and it is a highrise building. First of all it is housing for the elderly. HUD couldn't build an abundance of public housing for families with kids because of the social consequences, but they could build public housing for the elderly, because the elderly don't stir up

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any problems. One of the things we found was that far more than half the new public housing was housing for the elderly. While that was useful, the problems were with the large poor families, not with the elderly, to the degree that housing was built for the latter. We'd find two high rise buildings in the small towns: one was the local grain elevator, and the second was the public housing. Now, the reason for building highrise public housing in New York, or Chicago, was land cost. Land was very expensive, so they built high. It was an awful place for kids to live. But there was no reason at all for highrise public housing in a small town in Iowa, because land costs there were cheap. The Agency could go to the edge of town and buy an acre of land for five or eight hundred dollars and build all the housing that was needed. It was very inexpensive. But highrises were built in small towns.

The reason it was done this way was because HUD was loaded with people who were out of the original New York bureaucracy, of whom Secretary Weaver was one. They had always built public housing high, and they had forms and plans. So the housers would build highrise public housing in East Whistlestop, Illinois, a town of two hundred and fifty people. It was ridiculous, but it was done because the architects and the planners had never thought about the basic purpose, and because most of the housing bureaucrats had come out of the New York Housing Authority, which was one of the earlier and better ones. But they couldn't overcome

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their provincialism on this issue. This provincialism on the part of the housing establishment and the tunnel vision of the architects and planners was the reason for highrise public housing in Middletown, Iowa and East Whistlestop, Illinois.

Ritchie: How would you assess Robert Weaver? You had such hard times with him. What was Weaver's problem, and why was he not as effective as he should have been?

Shuman: Well, Mr. Weaver was the first Black ever appointed to a Cabinet office. He had come up through the bureaucracy, both the New York housing bureaucracy, and the Washington bureaucracy. He was a very intelligent man, and I think he was a very good man. One of our real disappointments about him went back to his confirmation. He had a lot of trouble, because those who didn't want a Black man in at the time tried to find things in his backgrounds which might keep him out. There were a few minor peccadilloes, which had nothing to do with his honesty, or his integrity, or anything of the sort, but had to do with organizations he was in in the thirties. It was very minor, but his enemies tried to make a lot out of that. Mr. Douglas was very disappointed in what happened to us later, because he had gone to the mat to defend Weaver when he had come up for Secretary of HUD. He led the fight for Weaver.

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But I think that like so many things, who gets the credit and so on, the relatively noncontroversial establishment-type is the person who is selected to be the first of this or that. It isn't the radical or pioneer person who is selected. So with his background as a housing expert and as a bureaucrat and the first Black as well, and a very distinguished man, he was picked. But he had never been all that controversial on housing issues, and certainly when he was head of HUD he wasn't controversial in terms of policy. Perhaps that was the way he should have played it. He was out there as the first Black to head a Department, and I'm sure he thought that he ought to do as good a job as he could in the eyes of the organization and the establishment. He was an organization man.

One thing I was going to also say: why was it that urban renewal was so popular, considering what it did to the Blacks, and public housing was so unpopular? Well, mayors like to do development. They like to do it with the central city business community, and with the Chamber of Commerce. So senators got tremendous pressures from all over the country, and especially from the mayors and the governors, not to build public housing for poor people, but to use the subsidized funds, UDAG, urban renewal, massive amounts of public money, for the political forces that are dominant in the community. That meant building the new Southwest, and building UDAG projects and development projects. The power

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structure didn't want to build housing for poor people and lots of Black kids. That's a critical point, and HUD was really the agent of the power structure. Now, there were many people in HUD who had a broader view, but basically that was the case. The urban renewal side of the bureaucracy took over from the housing for the poor side of the bureaucracy.

Ritchie: Do you think that the Congress did an adequate job of pursuing this? They passed the legislation, they passed the housing acts, but did they really press HUD to carry them out?

Shuman: Well, a lot of senators came into the housing mark-ups with pet amendments for urban renewal projects here, there or elsewhere. I remember the University of Chicago one time had an urban renewal project which was for upper middle class faculty housing. They had done some things like providing parking lots as their contribution. That didn't count under the law as a local contribution, but they came in to pressure us to get an amendment that some of the things they had done which didn't count would count. This happened all over the country. Every senator had a bunch of amendments to say that some local contribution should count which was an exception to the law.

There was an instance in Milwaukee, it was about a UDAG project or an urban renewal project, where the local post office had been built with federal funds. It was in a federal building.

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There was a big effort for Milwaukee to be allowed to count that as a local contribution in terms of the ten or fifteen percent that the local community had to put up as local funds to match the government's eighty or ninety percent of the money. So these things were constantly being done by individual amendments to the act. I remember Pat Robertson's father, [Willis Robertson](#), had a whole bundle of them one time. He was utterly opposed to the program, but he had all these amendments to benefit Virginia. That was very common. The program was corrupted, I don't mean to say in a money way, but it was corrupted in its intent.

When the housing bill was passed in '49, Mr. Douglas and [Robert Taft](#) were the two big authors of the bill. Taft was for public housing. They saw urban renewal and public housing marching together like two animals onto Noah's ark. One was necessary for the other. If you were going to knock down the slums, then you had to provide a place for the dispossessed. The number of units for public housing were associated with the urban renewal program. But that never happened, because HUD didn't build the public housing.

Ritchie: Because there was more political support for other development than public housing?

Shuman: Yes, the political pressure was for urban renewal, and for the builders and the developers, not for the poor people.

That's one of the great problems that our society faces, both in this area and in other areas. When we were involved in the fight over the 160 acre limitation in the Western states, whose purpose it is to allow people to have enough land that they can have a homestead farm that would be privately owned, the same problem prevailed. Water would be put on their land, which was very cheap without water, but when water came on it, it would become very productive. The land was gobbled up by the large corporate farms. The problem in breaking them up was that the existing political pressures are much stronger than future political pressures. You can't do things for the next generation. People always say they're doing this for the next generation, but politically you do it for the forces which exist now. Existing forces are much more powerful than future non-existing forces, and the powerful existing forces win out.

Ritchie: So a good politician has got to take that into account.

Shuman: He should be aware of it, yes. I think even in the housing area it was the intention of Congress to do more than the bureaucracy did. In other words, with all its faults, I think the general intent of the legislation was to a very considerable degree watered down by the forces of the bureaucracy. That is not to say that Congress wasn't at fault. Generally people blame everything that goes wrong on Congress. I would say in this case

that seventy percent of the fault was the bureaucracy's -- local as well as federal -- and thirty percent was the fault of Congress. But it was Congress' intention, certainly both Taft and Douglas when that bill went through, that 600,000 housing units for the poor were to be built to accompany urban renewal.

Ritchie: That was the story of Lyndon Johnson: having come out of the Congress he seemed more aware of how you pass legislation, but I'm not sure he was aware of how you administer it, and carry it out. His administration was frustrated in a number of areas where passing the law wasn't enough.

Shuman: I used to say there were five political parties in this country, not two. There were the liberal Democrats and the Dixiecrats, and there were the bulk of the conservative Republicans and a few progressive Teddy Roosevelt Republicans. And there was the fifth political party which was the bureaucracy. It dominated the other four.

Ritchie: Certainly in both the cases we talked about today, the bureaucracy was a powerful instrument, and it took a lot of pressure to get it to respond.

Shuman: And you see it more and more now as the executive branch is insisting that it is supreme in the War Powers area. The executive is not omnipotent in the area of foreign policy. There's an outrageous statement today from the State Department

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that the executive branch is entirely responsible for interpreting treaties, and Congress doesn't have anything to do with it. This is a plebiscitary view, that once someone is elected he can do anything he wants, and the bureaucracy loves to go along with that view. It's in their interest to go along with it.

Ritchie: Why don't we conclude on that note, and then next time talk about the years when you worked for Senator Proxmire?

Shuman: Let's do that, but let me just say here that three times I was offered a job by Proxmire. In 1960, when Mr. Douglas was reelected, Proxmire asked me to become his AA. I turned him down because Mr. Douglas had told me that if he won the election and Kennedy was elected he was going to try to send Frank McCulloch to the National Labor Relations Board, and if that happened he wanted me to be his AA at the full salary. I wanted to stay with Mr. Douglas, so I turned down Proxmire right after the election in 1960.

Then in 1966, when Mr. Douglas was defeated, I was asked again. Almost immediately after the election Proxmire called me and asked me to be staff director of the Joint Economic Committee. He was going to be the new chairman. I thought about it, but before I turned him down, and I had determined to turn him down, Mr. Douglas offered me the staff directorship of the Douglas Commission. So I was not without a job. But I had made up my mind

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to turn it down for a reason. The fellow who was the staff director had agreed that if Mr. Douglas were defeated, and I had talked to him in detail about this, that some of our routine staff could go to the committee in clerical and other jobs, not professional jobs, but we had about eighteen people in the office and they would need jobs, and we saw the writing on the wall and I was trying to place them. He agreed to take a few. Well, I felt that having had this agreement with him that it really would be a bad show if I took his job. Now I don't think that was correct. I think now that every chairman has a right to have the staff director he wants and

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that it wouldn't have been improper. But I had a twinge of conscience about that and was prepared to turn it down. I've now been told by a couple of other people that they were asked to be staff director one of whom thinks that he was the only one asked. I never told him I was asked, and I was asked, I'm sure, before he was asked. He might not take that very kindly.

The third time was near the end of the Douglas commission, when I went up to the Hill. This must have been in December of '68. I was anxious to give the Douglas Commission report to Proxmire and other senators who were on the Banking, Housing and Urban Affairs Committee. I met him at a hearing and he asked me to walk back to the office with him, and he offered me a job a third time, and that time I took it. So it had a gestation period of almost a decade.

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Ritchie: Well, why don't we start then at that point.

Shuman: Fine. We won't have to start out with that explanation.

End of Interview #7

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