

Francis Peisch

Mark Greenberg  
Interviewer

FP Well I can speak about that, excuse me, time in my own life as follows: I remember the room where I was standing when the phone call came. The building is gone and I remember a voice said to me, "This is Alex Novicoff, I'd like to come down and see you." I knew that he was in some sort of difficulty at the University dealing with the Fifth Amendment. Of course all lawyers at that time were acutely aware of Joe McCarthy from Wisconsin. My father is from Wisconsin. I had the utmost contempt for McCarthy from the beginning. Not that I had the voice of perfect foresight. Well in those days in Burlington, the Daily News was being published and that was just down College Street, down where Bennington Potters North was located and I knew so little of the Novicoff situation that I went down and looked at the back issues just to find out what the situation was. I can't say too much about what it was like in Burlington. I can only say from my own perception was in 1951 I was 33 years old. I had been in Burlington for three years. I had three children. I think one, no none on the way. I wound up with eight children. I don't belong to the American Civil Liberties Union. I never have. I'm a republican. I consider myself a conservative. I had never had any touch of any kind with this sort of thing. I'm a veteran of World War II. I'm a Catholic. So it came to me purely as a job, except that isn't really the fact. Novicoff and some of his friends got together some money. I think it was \$700 or \$800 or \$900 dollars, something like that. It was not as much as one would ordinarily have charged for the amount of work that I put into it, but I say that only so nobody would think that it was a pro bono thing for me. I did think that at the conclusion of the work that I would have to give very serious consideration to changing my name and moving out of town. I might, as I look back over it now, I think maybe I could be accused of show boating or overreacting or something, but I must say that it was certainly on my mind. I would prefer that you not do too much with this in the writing of this but I will tell you what happened anyway. It took me a good number of years to divorce the woman to whom I was then married, but in the middle of this thing, she observed to me and it was a typical comment on her part that her sympathies went out to the families of the boys who were not coming home. We were in the middle of the Korean War then and the picture, if it was that picture to her, it must have been that picture to other people because we were in the Korean War and it was taken that people like Novicoff were passing secrets to the communists. I mean it was that bad. I will say to you that Mr. Lisman was no longer doing the work for the University of Vermont, my then law partner Leon Latham was doing the work. I was doing most of the

actual work. I got very well acquainted with Dr. Borgman who was President. Then I got even better acquainted with Dr. Fye who was later President and I thought that, that was quite a quantum leap for the man who represented Novicoff to be doing the work. Well, the world marched along and when the legislature of the State was reapportioned, I ran for the legislature from the North End of Burlington where I lived. I was elected to the Legislature. I ran for trustee of the University and was elected. So I feel that I came quite a long way from where I started. I'm not characterizing it as well as I should except that I was frightened over with what was happening. McCarthy got the Secretary of the Army to come to Fort Monmouth. They gave a blanket promotion to all dentists in the army, from Captain to Major. And among this was promoted a dentist who was at Monmouth. I've forgotten his name. And McCarthy had the power to haul Secretary of the Army, I think his name was Stephens and interrogated him for a day and a half on this matter and although I was never really support of Eisenhower, Eisenhower didn't do anything. That's right, when did um, Novicoff, Monroe go out, '51 or '53?

MG I think it was '53.

FP Then I stand corrected. I'm off by five years. I said three years. I think '53 is right.

MG Actually I think we are right in the middle. I had '52, '53.

FP '53, okay well in '53, then I had five children. Other than that we are altogether. I'm corrected on that. I thought and Eisenhower said he wasn't going to get down in the gutter with that guy. So Eisenhower just, and maybe he did the right thing, maybe he did the right thing. But I can say to you, when the senator of that stripe was able to terrorize the Department of the Army over something that couldn't conceivably have blamed on the Secretary. But that was the atmosphere. And the other thing that I should say as a matter of record is that I knew the case was lost from the minute it came into the office just about. Once in awhile it would get enthusiastic when we were preparing it or trying to prepare. It was hard to prepare. They didn't accuse him of anything.

MG They being the University?

FP The University.

MG Uh,...I interrupted.

FP If Lisman hadn't made a, if Lisman and Borgman hadn't, see I'll strike all of that. If Borgman hadn't made Novicoff sign the release, and don't forget the dirtiest thing they did, the University did, from the beginning was suspend him without pay. Now I don't know what you do for a living, I practice law, but if somebody walked into me or you and said okay no more income until this thing gets out of the way. It was a piece of absolutely medieval savagery. And I didn't have wit enough or strength enough or hear a word to do anything about it except I hated then and I hated it now. Nobody protested, but anyway. So he signed a release. It's my conviction that if we could have gotten into Federal Court and I think we could have and I don't think Ernest Gibson would have been overruled either by the second service, the circuit or the Supreme Court. I think Alex Novicoff would be monkeying around with laboratory animals right now. I don't think he would have retired. But and I think Lisman knew it.

MG Excuse me, what was the release exactly?

FP He released the University from any and all liability for any action they took in discharging him.

MG Now why would he do that?

FP He had to eat. He was broke. He had a little house. Had a sick child. He didn't have any money. He's not much older than I am. Then, - he was what, let's see I was 39 out of college. I think Alex was 37. He literally didn't have any money and the people who were supporting him didn't have any money either. And do you have a mental picture of Borgman saying well you're a nice man, we'll restore you to your pay so you can take an appeal.

MG So that's what the release was for. They would restore his pay if he signed the release?

FP That's right. Absolutely. You like?

MG So he had a lot of pressure on him?

FP Pressure, that's a lovely word. Go ahead. Yea. So we went at it.

MG At what point exactly did you come into the picture?

FP I can be pretty exact with that although I didn't know. You see, Novicoff was actually called before a committee run by another dreadful guy by the name of Jenner. And

Jenner and his chief counsel, Robert Morris, went over to the hotel where Novicoff was staying Sunday night. Novicoff and the United States Marshall Jack Breen looked around and Novicoff kind of laughed about it. He said to Jack Breen, the Marshall that came with him, "Where's the Professor, where's the Professor" and served him with a subpoena from Jenner's committee. So he went down to Washington and Jenner and Morris came to see him and they said look. They were obviously looking into a cell that he belonged to at Brooklyn College. They said we realize that you don't amount to much as far as anything, but he said give us two names and you can go back. And he told me that at the time. And he said that he thought he might have a chance up here although I don't think he really did. He said "I know some people who would be out on the street the next day if I gave their names". He declined to do it. So he had done that then he went to the Senate Committee before and that must have been in the newspaper because he made kind of a, he did more than I had remembered until this recent interest had come up. He made it fairly clear that he wasn't too nervous about talking about Novicoff but he wouldn't give them a name. So I guess they said well you are taking the Fifth Amendment or something like that and he said yes. So he came back here. And my memory is, he walked into my office after the University had handed him the three questions, the three charges I guess at a time.

MG Three charges by the University?

FP By the University.

MG What were the three charges?

FP I've forgotten but it's a matter of record. The first two were fairly swinging, and the third one was silly I thought.

MG Was this where the moral turpitude came in?

FP Yea, something like that, yea.

MG Okay. So you were, he came to you after the University had told him that there were at least three charges against him?

FP That is, that is my memory, yes sir.

MG This would have been before or after. There was a sixth, according to the research that we've done, there was a six

person committee of faculty and trustees that Bishop Joyce...

FP He was the Chairman.

MG Chair, right. And they voted 5 to 1 to retain Novicoff on the faculty?

FP You may not believe this. I read that in the course of the work I told you about that was done by a University student. I guess under your auspices or some auspices here at the University and had talked about that and I do not remember anything about that. I knew that Bishop Joyce was very active. I knew that Bishop Joyce voted to keep him when the Board review they called it and that. I don't remember that six man committee at all.

MG So you came in at some point, some time in the process at which Novicoff was clear, his job was clearly threatened?

FP Oh absolutely.

MG And your job was to retain his tenure at the University?

FP That's exactly right.

MG What was the forum, this got back to court. This was...

FP Well let me tell you a little something about Novicoff that he told me that I haven't read anywhere. When he was teaching at Brooklyn College, the head of his Department or the head of another Department close by him was an Irishman, a Roman Catholic. And, see Novicoff's older sister dropped out of high school to get a job in the garment industry to support Novicoff through Brooklyn College and his getting his doctorate at Columbia. He had a stipend at Columbia \$500 a year. Novicoff had zero. And people today you know, today doubt things would have been so tough for him and I don't go for the economic man or anything like that. But he was, he did get interested in a cell and he was at Brooklyn. So, um and there was a woman there whose name we used to hear about. She was also Irish and she was a big heavy hittie communist. Well anyway this man whose name I forgotten, got Novicoff aside according to Novicoff and he said to him, you know in those days being a communist was a good deal different from what it is today. Believe me, people thought they were going to go to jail and in some cases maybe did and said you ought to get away from Brooklyn College in New York. So he got him a job at the University of Wisconsin funnily enough. And he went out there in 1940 and was

there until he came here and Bill Brown picked him up. Bill Brown was Dean to the College of Medicine in '48 or '49, something in there. And Novicoff told me, he said, "You know it was the first time in my life where I had ever been any place where there was anybody around." I don't want to offend you, "but Jewish people..."

MG Uh huh.

FP He said, "All my life I've been surrounded..." And they said, "Of course there were lots of Jewish people at the University of Wisconsin but they weren't all Jews." He said, "I never had much to do with the communist party after I got out to Madison." I think his political principals remain the same, but in terms of I think he used to go to meetings. He might have been a cardholder I don't know. I think he probably was. But he said after that. He said, that's why when the Federal Marshall came he said, "I often wondered who turned me in."

MG Do you think there was anti-Semitism connected to this?

FP No, frankly, but I'm a dreamer in that regard to tell you the truth. No, they kicked Parenti in the balls just the same way. No, no, no, no, although, although I will say to you, you don't need to put this in the paper, I've often felt that one of the reasons that what little good I did do to Novicoff was that I'm not Jewish and nobody can say Eh! which wouldn't have made any difference you know. I mean I don't even know who was on the board. I would be, you're the third person I think that's asked me that and they should. It's a perfectly legitimate question. I don't mean that. Na, na, it, what was it, I ran into a guy years ago, oh, who got a job with the State Department and I saw him up at the Bank Street years later. I said, "Gosh I was astonished to read in the paper that you turned off a communist." I said you got a job with the State Department. He said yes, he said, "You know Francis," he said, "I thought from the first being a homosexual was going to be enough." (Laughing) Remember the State Department back in the '50's, we'll just get a plan, they said well let me tell you no more heavy duty than that. Go ahead.

MG So what was the, why was the University so bent out of shape about this? Here's a son, man of science who was not involved in any political or social activity on their campus, a rather minor figure. Why did they go to these extremes to make a cause out of him?

FP Well I made you a reference a little earlier about what blacks are doing and what pro-Israeli people are doing. I suppose, I want to speak accurately and well to you, um, it was around. It was just around. The University gets whatever percentage of its income from the people of the State, live dollars. I think that the State gets more for its money in terms of influence at the University but I sometimes think that may be a good thing and I think a stronger man than Carl Borgman might have said what you just said. Come on, this man is up here and doing an extremely obscure form of research on cancer, there's not a...and he might also have said, my point, Fifth Amendment, but it takes everybody in this country. You don't have to be an American citizen to have the benefit of the Fifth Amendment. Look it up. It says person and that's what I would have and I often thought that what happened later at Harvard. Now of course things were a little bit different and things were a little bit \_\_\_\_\_? \_\_\_\_\_, but Harvard, Harvard are tough about it and they caught a guy down there that apparently had some real red hands and a friend at Harvard said get lost he's teaching here. He's just teaching Romance Poetry or something and he said we've had the slightest notion that he was having anything to say to his students about anything we'd do something, but eh!, and it all, poor old Alex caught it just at the wrong time. Then of course the Governor, the man I knew quite well. My father knew him very well. And I told somebody this, you better be careful about putting this in the paper because Lee certainly has lots of friends around still. Lee Emerson somebody said was a 10 watt bulb but he's on all the time. Well, I didn't know this, but Lee was Governor and he was a hard working Governor and he paid attention. And apparently it was his considered opinion that this was a threat, that our republic was in danger and if you, I didn't and millions of Americans didn't, but many Americans did, really believe that there was an active conspiracy financed by Red Russia with Americans covertly spying on the country, actively stealing our secrets and doing all sorts of hellish things. And Lee apparently was just I thought in the...Have you read by the way the article that the college student wrote up at the University. Well, it's not that long and I'm sure you will. In there, she tells how the FBI did come to Lee Emerson's office and Louie Lisman was in the room and they read aloud in a loud tone of voice to Lee Emerson what they had turned up. The organizations to which he had belonged and Lee is still running things. Lee Emerson was not a devil on any basis and I had some work with him. He got out of office in '54, '56 and this must have been in the early '60's. We had a very pleasant time. He was not

a tall man. He was a good man, a good little fella. So, in answer to your question, that's, I really can't except that I think probably a strong man, not Borgman, would have found himself with getting real gunfire. And the Governor would say okay, if you're going to harbor that red, we're going to cut you off in the legislature. I don't think it would have happened, but that's the best answer I can give you.

MG What was your defense of Novicoff?

FP I didn't have any. You know, he uh, Lisman put him on the stand. If you can get hold of the transcript there, you'll find that they began to ask him a lot of questions. And I objected. There was a lawyer, a Boston lawyer by the name of E. Curtis Moore and I thought Moore was going to kill us. He asked Novicoff a bunch of very exacting questions all of which, they were proper questions, Novicoff answered them all and I thought to myself well, Curt Moore was going to..., he didn't, I didn't go up the pipe all the way you know. It was a 14 to 8 or a 16 to 10 or something. I mean it was a good smart licking. There's no question about that you know. But anyway Louie started asking all these questions and I objected. And I'd forgotten who was presiding, but Moore spoke up, but he said no, he said, Mr. Lisman if you've got any questions to ask, he said, you put in some evidence with which Louie threw on the table in front of me the transcript of the hearings and the Jenner Committee for that day. And I said, I'm not going to mess with that. I said we all know what happened. I said yes, my client took the Fifth Amendment for a Congressional Committee which he had a Constitutional right to do. So I put on Bishop VanDyke, Rabbi Wall, I think I didn't put Bishop, I think, oh, and uh, I saw his name again. Hell of a good guy. He was a scientist here. Gone now, he was really sort of the unofficial chairman. You'll find his name of Alex defense committee which, excuse me, didn't exist I don't mean that but he testified that, you can put this in. Novicoff really presented absolutely. He was a curious man. He was imbued. While we are talking about him.

MG Tell me about it?

FP Well I could tell you about him. He was a an interesting, he was a hell of a good guy. He was a very, and this will strike you as funny. He had a very Christ-like attitude toward what was happening to him. Never complained, never railed or 'why me' or 'my name' or oh horror this wouldn't happen or anything like that. He had an absolute regard

for the things that were happening to him. His wife, whom I have a very fragmentary memory of, was devoted to him. Two little boys as I've told you. And he, I said to him one time, I said you are work. I said are you going to discover the cure for cancer. Oh, of course not he said of course not. But he said I might possibly do a little something that some guy in South Africa might notice and that would set him to thinking about something else which might make a guy in Denmark, he said, that's all. He said, that's the most extensive discussion he and I ever had about cancer. He obviously knew that cancer is a thousand different outbreaks of cells and it's impossible to pick out any particular one. Smart, a real family guy. Single minded, I don't know anything about his teaching. He was not brought here as a teacher. The dean of the college of Medicine at that time was a man named Brown. His son is still around here. And Bill Brown, Dean Brown, was trying to build up the College of Medicine by having some people there doing really basic, basic, basic, whatever word you want, research. I think he lectured some, but I think his work was of such a narrow scope that most, but I knew some guys who knew him. As a matter of fact, I'll tell you something, somebody you can go and see around here now, Stan Burns. Older guy, I knew. Stan Burns was fairly close to him. Hell of a good guy. Stan has had some ill health. He is a, I've forgotten what his specialty is. Stanley Burns. You'd do well to speak with him. I'm pretty sure he'll talk with you, think so, okay.

MG So Novicoff was not externally very upset about this? He must have realized the seriousness, after all he came and got himself a lawyer...

FP Well, look, he's a man, he was a man, I'm a man. We were friends and he died friends. I, some of the things I've heard about him since, considering the difficulties he had in finding employment, make me think of course I wouldn't want you to have the impression that he was sluggish or flexed or anything like that. He knew what was happening to him. He knew it was bad. But to say to you that he showed anguish, he showed fire, he showed that sort of thing, no, I couldn't do that. He, this stuff is anecdotal but I suppose that's history. He was getting a lot of support from the American Cancer Society. I always thought pretty well of the Cancer Society for this and right. The University took action and it was announced. That was the day of the telegraphs. A telegram arrived in Burlington the next day, now whom was it addressed I don't know, but it was from the Cancer Society saying, suspend all operations at once. Boom! And until he got the

honorary degree and came up here and I saw him then, I never saw him after this occasion which I'm about to tell you about. So Novicoff destroyed his laboratory. Now what this he's supposed to do. I'll tell you a little something about that. And my god if he didn't rent a truck. (laughing) He was a pip and drove that truck up from Long Island up here because he was apparently able to move his project to a private lab of some kind and to save the Cancer Society the expense, he took his deep freeze and some microscopes and I don't know what else. While we are here, there was also a Professor here at the University at that time and now a lot of this is hearsay whose name was Bernie Pearson, I remember. And Bernie Pearson was suppose to have qualifications as a pathologist with only eight other people and he was such a terrible teacher the University students complained. So they said he better do research. So he was sent on a research project to the Cancer Society and they wrote back and said we find this a curious application. This work is now being done by your Dr. Novicoff. Have you ever heard this?

MG No.

FP Well anyway. So then when the blow fell and he destroyed his animals, Pearson went to the Free Press and said you are destroying University property. Well this, I know nothing of this, but this is a apparently the cortical. Dr. Peisch for some reason or another stops, he destroys everything as being done because it apparently unless it distresses what you are trying to do. And this so and so. Oh, that made me mad. And that got in the paper and it wasn't so and I thought Alex handled that very well. I say that to you just to the pool of friendship at the University was not infinitely deep. I don't think anybody was after him in a personal matter, but people all I can say was people were frightened.

MG What was his reaction after he was fired?

FP Well we used to get, I used to get kind of excited every so often, we'd be going over the list and I'd talk about, I thought maybe we are going to get you off and every time, every single time, he'd shake his head. He'd say, no Francis, no, no, no, we don't have the votes. And we didn't. It was one of my, as I told you before, one of resignation, one of, these are the things that happen. He really, I feel strange, come back over the years, he made a tremendous impression on me as a man in the way he took the really cruel and the completely unnecessary in my

opinion shot. His life, but as you know he wrote a letter to Einstein and said he was having a tough time and Einstein got him a job at, that's part of Yeshiva.

MG Yeshiva.

FP Yeshiva University where, it was a good job. He made out okay. He was divorced. I don't know where his boys are. One of them is in Pennsylvania some place. And where his wife is I don't know. But I did meet his second wife. A younger woman, very nice. I had some correspondence with her.

MG At the very start, you indicated that the whole witch-hunt, McCarthy period was very distasteful to you.

FP Uh huh.

MG Why? What was the danger of all of this in your...

FP To me?

MG Yea.

FP Well it seemed to me that it perverted the process. I mean what kind of a country do we have where a man cannot use a right guaranteed to him by our Constitution without perfect freedom. I mean we have a right peaceably to assemble, we have a right to do over to vote. The Fifth Amendment is not an admission of crime or anything of the kind. As a matter of fact, probably today, it's more important than it was then. And I think anybody who considers themselves a lawyer and I do, a servant of the court, a servant of the people, who doesn't really get up in arms over, (Cough) excuse me, a swine like McCarthy treating this as if it's something wrong.

MG Lisman's task was to show that it was something wrong, right?

FP I think if you ask Lisman, I'll assume you will, I think he would say I was attorney for the University and I do as I'm told and the usual stuff that truthfully always irritated me about lawyers and he said I was instructed by the President of the University who pursue these charges and I did so. And I think he would like to give you the impression that he's a german soldier who goes where he's sent to go and comes when he's sent to come. His own politics are unknown to me. His brother is a republican, active in the republican party as a matter of fact back the same time I was. I never knew Louis to do anything. And I don't think that with the exception of the release the way he prepared the case and the way I think he was after me about the FBI and that sort of thing, if that

hadn't happened, I wouldn't feel that Novicoff got quite such a hammering as he did. On the other hand he was the attorney for the University, he did have instructions, they were none of them called on any immoral or illegal behavior on his part and I really don't know. I see him. I've never discussed it with him. I, as I say, I would look forward to reading your article and you can characterize it the way you want to. You know, but that would be what I would have to say about my own judgment about the way he handled it.

MG Just to set the record straight, this is for a radio series.

FP I don't care.

MG Okay. You also referred earlier I think before we turned the tape on to Senator Flanders. If you could expand on that a little bit.

FP Well I have a certain personal, George Aiken was a great pal of my fathers and Ralph Flanders was a good friend of my fathers too, not as close. So in 1940, Aiken ran against, Flanders ran against Aiken for the United States Senate and Aiken gave him a terrific licking in the Republican Primary which was then the election. (Cough) Which I of course remember very vividly. Then Ralph Flanders ran again for the Senate and was elected in '46, '48, you could look this up. And he had been President of Johnson, Lamson which is one of our major industries down in Springfield. And I say to you when I read Johnson, Lamson was bankrupt in the recent past, it gave me, I'm not a yankee, but I've been around Vermont nearly all my life and it really was hard on me. They worked on the war effort and a lot of Vermonters worked down in Springfield down there and to think that it is gone, gone bankrupt, well anyway. Ralph Flanders was an industrialist. He was not a politician in that sense. I don't think he'd ever held any office before he went to the senate. But he was a sturdy, very well educated man, engineer, bright guy, married to the, he was married to one of the Hartness girls. And in one sense it came as a surprise to us, but not in another that suddenly he had never been a man who was upon the front on anything. And he got up and made a speech and I remember he made some references to the very curious relationship between Cohn, Shine and McCarthy. We now know that Cohn was an absolutely flaming homosexual and I don't know anything about Shine. McCarthy apparently there was some indication that he had some homosexual inclinations or so it is said, I've never followed, but Cohn they were clear about. And my mother,

who knew Flanders very well said that was the only thing that bothered. She detested McCarthy. What bothered her was that he, there was a paragraph in his speech, there's a very strange relationship between this senator and. But anyway he went right after it. Whether he moved for censure or what I don't know. Then there came terrific turbulence and finally they censured him. And you remember, oh, you're too young. Senator Mundt from South Dakota. My mother's from South Dakota. Remember him? Gee there was pile of puss if there ever was any you know. Do you remember that guy? Do you remember he was Chairman of the Committee and they didn't know what to do. I'll tell you by god. They should more guts in the face of that than their showing today I'd have to say. Because they did do something. And mother was in Washington not long after that. Of course McCarthy was, you'd think my family are a bunch of, they are all republicans, Irish Catholic, German Catholic, conservatives. She said I saw McCarthy. She said Francis, he's a man that just took it away from him. He's just walking around. He died. Literally laid down and died not too long after that. And nobody ever makes any mention of the fact that one of his greatest supporters of all was Joseph B. Kennedy, Sr., bought him a car, and that Bobby, that liberal of all liberals worked for him for a long time. Very happily and would have been with yet except he couldn't get along with Roy Cohen. Cohen arranged to have him fired.

- MG Yea, there's documentaries about the McCarthy era and you see Bobby Kennedy there in the footage.
- FP Isn't that remarkable? Today you'd think he'd be the greatest civil liberties guy going.
- MG So did you know Flanders personally?
- FP Oh hell yes. His daughter Elizabeth is married to Bill Ballard who teaches at Dartmouth College. I knew the girl sure. I mean, you know, I didn't.
- MG I got a little confused there. Were you saying that the basis of his introducing the censure measure was because of the homosexuality.
- FP No, no, no, no, oh, no, no, no, no, no, you misunderstand. Mother thought that was too much. She thought they should have kept his mouth off that. No all he said was this man's behavior was demeaning to the United States Senate and somebody should stop it. But I remember at the time thinking that you know, it's funny this, those were not the days my friend of gay rights. If you talked like

that, you lean right back in your chair you know. But his speech was very good and he said we've got to do something and the Senate did.

MG What was the Vermont response to that. Was there, you said at the beginning something that really interested me was about thinking about changing your name and a certain amount of fearfulness on your part when you became involved with Novicoff.

FP Yea, yea.

MG That suggests a hostile climate. I wondered when a Vermont Senator is damned if you want.

FP Well all I can see is that, did I have that feeling, you bet. And when Ralph spoke, I was proud. I think there was them speaking about me. I would have to say to you that I never and people don't walk up to you on the street and say you know I think you are a. I haven't set the lake on fire as far as the law practice is concerned, but I don't think that anybody that knew me generally thought anything but what the hell we know Francis and it was a job and they got that red SOB out of there after all. That was where I think I had the situation tabbed wrong. That I hadn't made my reputation or anything like that, but what anybody knew about me would be that. But once again I think it was General Novicoff's credit and I think when you are in the eye of the hurricane, it is not the precise moment to clearly and carefully consider all the things that you think are going to happen to because it didn't. I, I don't think my philosophy on Vermont is that I don't, I really don't know. The only two things that I've ever been able to say about Vermont that I think are differences are: 1) We have no corruption up here, significant and 2) the average Vermont student has a better than average chance to go to a way better than average university other than that, yup.

End Side 1

MG This is continuing the Francis Plesch tape. I'm going to switch topics here for a second because another program in this series hopefully will deal with Governor Aiken and you mentioned family connections. If you could tell me something about him. The kind of man he was.

FP Oh, I can rattle on at a great rate about that. He and my father were talking. This is within the last ten, fifteen years. They were both really old men and he said to my father, Arch, what year do you first make my tax return.

So my father's name was Archibald, looked it up and said 1922. George was a very interesting man. He was a dirt farmer down in Putney and he decided, I've often wondered how he got along. He decided he could raise wild flowers in a sense domesticate them. And he had something known as the Aiken Nurseries. I've been down there and that's what he was doing. And he would bring in, wild flowers are beautiful, I'm no expert on this and raise them in a garden and sell them. Well according to my father, in 1930, '31, '32, the local banks clamped right onto George and gave him what he considered pretty rough handling. That was during the time during the depression. So he decided he'd go to Montpelier. In those days, one town, one vote and he went up there and passed, you'll have to check on this, according to my father who had a pretty good memory, something called the worthy debtors act, which was apparently a precursor of the Bankruptcy Act, the Federal Bankruptcy Act. So George was there and he was a Governor and he was considered to be firmly on the side of darkness, Stalin, Socialism, every terrible thing you can say about a guy. The old line republicans and in those days there were no democrats in Vermont. There were democrats around but not to amount to anything. And the fight was between the two wings of the republican party. And George was in the liberal wing part. My father was a progressive from Wisconsin. He was a La Follette guy. And my mother was a democrat from South Dakota. She pretended that she was a republican for business reasons but I think actually her heart was with them. So I say I'm a conservative and I think I am but that was the side we swung from and the adversaries were a man by the name of Jim Dewey. Dewey's Mills was a little town down in Hartford. Those people, if you think that you've heard, guys used to go off the wall about Franklin D. Roosevelt. These old, my father's business clients, my father was a C.P.A. He had an accounting practice all over Vermont and I used to hear these guys talk as a young man. I was born in 1918. Got out of college in 1939, but I can remember during the '30's people, baying like timber wolves about George Aiken, his left wing, new dealer, all sorts of terrible stuff. Much of it I think unjustified. I think he was probably more conservative. Well anyway, so he ran as I told you and went to Washington. He was a real, he voted very often more with the democrats than the republicans. He never did as much as I wished he had. I never will say to you I don't know why. He was a man of good character. He wasn't much of a speaker. Interested in farming, but not to that extent. I think he worked hard. I think probably it was a function of his personality. I think George would have had a very hard time sitting down and saying no you do this and you do

that, but he told me this himself. He was invited to a meeting in the White House with Lyndon Johnson. And Johnson was telling about the new bombing program they had for Hanoi or whatever it was and telling about how he thought the tonnage of American bombs were going to make a difference. And George said well Mr. President, it didn't work over Berlin and it didn't work over London. And he said that's the last time I was invited to the White House. And I believe that. I think Lyndon Johnson did not choose to hear any conversation and of course George David Aiken was absolutely correct. And they were friends right up to the end. My father poor soul, finally wound up in a nursing home over in Hanover, New Hampshire. This is in 19, he died in '84. And George drove over to say Hello and by then my father was I mean not talking much. You know, he was 90. And he died and George died not too long after. George was a couple years older than my father. We used to see him a lot. My father did a lot of accounting work for the State. He was a very, very fine man. A good influence on everybody. Aiken and Flanders. A guy was talking to me the other day, he seemed to feel they were more of the kind of stuff we'd like to feel Vermont could send down there than maybe what we got now. I don't have any. I know both Stafford and Leahy quite well, but I don't have the feeling that they have the, Stafford certainly not and Leahy not much more, not in terms of being able to do something for the people.

MG Is that a matter of brains, personal charisma?

FP Personal charisma, I go back and forth on to tell you the truth. I think without at least the ability to study the issues and which is brains and charisma I don't think so much. I think it's more force of character. Two examples. Hubert Humphrey, talk your arm off and yet Hubert Humphrey came to the Senate and was immediately very influential with all those guys. I think the, even the old right wing czars from the south, the democrats, knew him, trusted him, thought he was nuts, but got along with him. Another example was Jack Javits, New York, smarter than hell, Jewish guy. Who would think that he would be freely admitted to the inner circles of the United States Senate, well he was. He was, it was the same thing there. They knew he was on the level. They knew if he said I think this is what it says, same thing, the Senate is run by the Southern Democrats who believe me stand well to the right of Kathryn the Horrible, Kathryn the Great or Ivan the Horrible, you know those people are cheating me. Talk about conservative. And Kennedy never got in there. Neither did George Aiken. Now why I don't know.

MG Do you remember the, by now the legendary Aiken withdrawal from Vietnam speech?

FP Yes, yes and it was something on the order of the Flander's speech. We expected that somebody, at least these guys both showed some independence. Excuse me again. Yea, but not as vividly as I do Flander's getting up and basting McCarthy. Yet that was something. He was right too. And that's what we did. We got out and we declared we lost.

MG Okay, try to swing back to Novicoff. I think we, why did he choose you as a lawyer?

FP Oh, I can answer that very directly. He had a neighbor by the name of Hoger G. Peterson. And a man who immigrated to this country from Denmark. Peterson-Rones(?), that building is gone too. They were neighbors. And Hoger Peterson and Leon Latham, my partner were great friends. And Alex Novicoff walked next door to Hoger and said, I mean Hoger thought that he was being screwed. What am I to do. And Hoger said, well, he said I know a young lawyer in town, he said I think may be able to help you. So it wasn't, it was just as direct as that. As a matter of fact Novicoff said to me, Hoger Peterson said I ought to be in touch with you. Maybe if he'd gone to a better lawyer, he would have gotten off. (NOT FOR PUBLICATION) [One more, I'll tell you this because, it doesn't really amount to a hell of a lot but, Joe MacNammara, whose office was right up the street there was appointed United States Attorney by Franklin D. Roosevelt and disappointed by David, Dwight David Eisenhower who served all the, yea '30, '33, served '33 til '53. And after the Novicoff thing got over, Joe called for me and asked me to come over. So I went over there and 10:00 in the morning in such a manner, we were sitting there, the windows in his office went to the floor and he said, I understand that, I know you won't use this, that you were threatened with the FBI Louis Lisman, is that true? I said, yes. He said, where did it happen. I said, in the mens room up on fourth floor of the Waterman Building. And Joe said, what did he say. Well he said that the FBI was going to take part in getting Novicoff. Did that affect your handling of the case. No. Why didn't it affect it? Because I said I knew he was a lying son-of-a-bitch and never \_\_\_\_\_? \_\_\_\_\_ come out. I shouldn't say that kind of stuff.

MG Lisman was just threatening you...

- FP That's right, that's right. Well I was wrong. He did have the FBI with him. Well anyway, the point of the story is I began to cry. I was tired, I was hot, we'd been licked and I had a lot of other stuff on my mind. Well MacNammara was terrible embarrassed of course and he lit a cigarette and puffed away and puffed away and finally he said come on, he said you know, he said, Francis, all the lawyers in Vermont couldn't have gotten that guy off. That's what made me think of it.]
- MG I mean I understand that the very idea of the FBI being involved stressed terror, but actually what was the, what could have the FBI have done? I mean what does that mean?
- FP Yea, it was never made clear to me. I now know from reading what the girl wrote up there that what they had called they had really was about, well you'll see about five or seven not just red front organizations absolute arms of the communist party and apparently absolutely cold clear dipped in blood evidence that he had been a member and attended meetings and what do you got. You know I agree, although the spectre of having, I'm a special agent of the FBI, you know, J. Edgar Hoover started not yet even started to set it was going strong.
- MG Was Novicoff at all frightened of jail or anything like that?
- FP I don't think so. He didn't like my advice not to talk.
- MG Uh huh.
- FP And we did offer to testify just before the Board which they refused. I wanted to get away as far as I could from a record being made. I, the case on which I depended as I, what I looked at then, I'm no constitutional lawyer, but anytime that a lawyer is advising a client on something that deals with the possibility of his clients landing in jail, it's no news to you certainly, boy, he wanted to think long and hard about any of that stuff you know and it wasn't clear and we knew the charge was contempt of congress, I guess some guys did get put in jail for Contempt of Congress didn't they?
- MG Certainly, yea a whole lot, yea.
- FP So okay, but I don't, I mean, I didn't, there wasn't, I mentioned I think the guy at Harvard that went before one of these big committees and he said I'll tell you anything you want to know about me, but I will never disclose another name and they sent him back and that's when the

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guy at Harvard said do anything you want to with him, his job is safe here, safe with us. That had to be Comett.

MG Yea. And Novicoff never considered caving in at all?

FP No sir. (Laughing) No sir, no he wasn't going to give anybody. He was really a good little guy.

[Chit Chat]

[Ambience]