

Dean Rusk Oral History Collection
Rusk SSSS: Part 1 of 2
Dean Rusk interviewed by Richard Rusk and Milner S. Ball
1985 September

The complete interview also includes Rusk TTTT: Part 2.

[Note: Richard Rusk identifies this recording as the "second tape," but we have only two cassette tapes of the Rusks with Milner Ball, and this appears to be the earlier of those 2 tapes in the collection]

RICHARD RUSK: Second tape. Professor Milner [S.] Ball [University of Georgia School of Law] and Rich Rusk are doing the interviewing. This is September 1985. Go ahead, Pop.

DEAN RUSK: Well, in my teaching international law here at the University of Georgia, I tried to do several things with my classes. First I tried to give them some understanding of the major principles of international law which have a great bearing on relations among nations. These days there's a great deal of international law which now is to be found in treaty form. United Nations Charter enjoined the General Assembly to promote the codification and further development of international law. So in a good many fields, the rules of law which had been looked upon as customary international law have in fact become encoded through general treaties or conventions. For example, the treaty on treaties, the convention on diplomatic relations, the convention on consular relations, the conventions on outer space, a great deal of work has been done in the field of human rights through such general conventions. And those can be worldwide or some of them can also be supplemented by regional conventions within the structure of the OAS [Organization of American States]. But, I also tried to call to their attention the several uses of international law: law as rules of conduct, for example; those relating to the protection of embassies and diplomatic personnel; law as a tool in resolving disputes because many disputes wind up through some legal instrument which has been negotiated among the parties. The Russians attach considerable importance to this role of international law as a tool of dispute settlement. Then international law as an organizer of cooperation among nations: The United States is a member of well over a hundred international organizations who are getting on with the work of the world in productive and positive ways and Professor Wolfgang [Gaston] Friedman has emphasized the role of international law in that respect. And then international law serves as a persuader. There seems to be, in general--there are a lot of exceptions--a prejudice toward law, and policy people have to consider the legal case that they have to work from if they are to expect the positive reactions of other governments or other peoples to what it is that one is trying to do. I think, for example, as Abe [Abram] Chayes has pointed out, in a little book on the role of international law in the Cuban Missile Crisis, that the legal case that was presented at that time was a very strong one and helped to produce a lot of support for the American side of the problem in the United Nations, in the Western Hemisphere, and among the nonaligned countries. I've commented on the failure of Britain, France, and Israel at the time of the Suez affair in mid-1950s to provide a case which anyone can support. And so international law is very important in terms of simple persuasion.

RICHARD RUSK: And you think that the trend of that is definitely towards more respect and attention being paid to international law? For example now, you know, we have the [Ronald Wilson] Reagan administration's more or less disregard of international law: not taking the International Court of Justice seriously. I guess this was very--

DEAN RUSK: Well, I think the Reagan administration itself can be criticized for its handling of some international law problems. For example, its decision to withdraw from the processes involving the Law of the Sea. That was handled very badly. I think the snubbing our nose at the International Court of Justice in the Nicaraguan affair rather than going in there with a strong factual case and presenting the case on its merits--I have the impression that the legal adviser of the State Department today is in the position of the lawyer who has a client who tells him, "Now this is what I'm going to do. You do the best you can with the law of the matter," rather than letting the law aspects come into heavy play in connection with the decision itself. As I said in another tape, I gave the legal adviser during the sixties a roving commission to intrude himself into any problem that was before the Department of State, whether he was invited in or not, to be sure that the international law aspects of it could be taken fully into account. I've also commented that the brushing aside of international law considerations was one of the contributing factors to the disaster of the Bay of Pigs, whereas the strong use of international law at the time of the Cuban Missile Crisis was very much a plus in my judgment.

BALL: I've heard Abe Chayes say in response to that that he ran the legal adviser's office like a law firm, that he sent his people out soliciting business, that he would try to persuade the various offices--

DEAN RUSK: Well, he was a very good legal adviser, as was his successor Leonard [Carpenter] Meeker. I was very fortunate in that respect. But, then in my teaching here I've tried also to--

RICHARD RUSK: Just a minute, pop. I want to follow-up on this earlier point, and that is that you made allusion to the problems of the Reagan administration with the International Court of Justice and disregarded international law. Do you still say the trend of things is towards increased stress upon and respect for international law?

DEAN RUSK: I have no doubt about it, partly because we're not going to be able to solve many of our major national problems without a great deal of international effort. And that international effort will necessarily include considerations of international law and the creation of institutions to carry out necessary functions with respect to the environment, with respect to arms control, with respect to the population explosion, the problem of world hunger, all the rest of it. Well, I'm one of those who thinks that more international law has come into being since 1945 than in the entire history of the human race prior to that date. And I think that explosion of international law will and must continue for some time to come if the human race is to deal adequately with the great issues that it will face in the next three or four decades.

BALL: Now, in that case, would it not be possible to describe Ronald Reagan's response to the International Court of Justice and the Law of the Sea, [as] the negative examples of the points

you've made about the persuasiveness on international law, in a sense that he lost support and credibility literally because of his treatment of the International Court and because of his treatment of the Law of the Sea?

DEAN RUSK: I think there's no doubt that the Reagan Administration has lost support abroad through its attitude toward international--

BALL: Also at home.

DEAN RUSK: And at home as well, But abroad as well because a lot of people abroad, traditional friends of the United States, are very worried about some of these things. For example, the Strategic Defense Initiative cannot go forward without our unilateral withdrawal from or denunciation of the Antiballistic Missile Treaty. And that worries a lot of people. So, I hope that the next President will have both a Secretary of State and a legal adviser who recognize the great importance on these international law principles. Because, in one sense, there is a race between the processes of law on the world scene and the forces of destruction. And so the stakes in this contest between the two are unlimited.

BALL: It's interesting to see Abe Chayes representing Nicaragua against us--your old legal adviser now arguing the case for the Nicaragua in the International Court.

DEAN RUSK: Yeah.

RICHARD RUSK: Pop, do you care to comment on to what extent you have tried to influence or to what extent you have been called upon to advise the Reagan administration on these questions of international law: Nicaragua, how to respond to the International Court of Justice, Law of the Sea?

DEAN RUSK: Well, I haven't been called on specifically by the Reagan administration on these matters. I was on the advisory committee on the Law of the Sea for a number of years, but I dropped off when it became perfectly apparent that the advisory committee's views were not going to be listened to and I was just wasting my time. But, you see, we could have handled that, I think, much more productively. We could have--

RICHARD RUSK: You're talking about the Law of the Sea now?

DEAN RUSK: The Law of the Sea. We could have gone in there with three reservations: One, a reservation to the clause which proscribes that there can be no reservations. We would reserve on that simply as being incompatible with our constitutional processes. And second, there are processes in the Law of the Sea Treaty which would permit the treaty to be changed after a period of years without our consent, and we would reserve on that as being incompatible with our constitutional processes. Then I myself would enter a reservation on the deep-ocean seabed mining, because they've developed a Rube Goldberg contraction of institutions: an authority, a council, an enterprise, several institutions of dispute settlement, and various commissions. The costs of the machinery on that seabed mining business will far overreach any possible yield from deep-sea mining indefinitely into the future.

RICHARD RUSK: Who's the "they" in this case? Who developed these things?

DEAN RUSK: Well, the general conference on the Law of the Sea.

RICHARD RUSK: I see. This is a U.N. sponsored conference?

DEAN RUSK: That met over a period of seven years. Now, I would deposit a U.S. ratification with those three reservations. Then it would be up to the other signators of the Law of the Sea Treaty to decide whether they thought we had in fact adhered to the Law of the Sea Treaty. Now some of them would simply remain silent. Maybe a few who would come into the depository power and say, "We don't think the United States has adhered." But there would be many friends who would simply accept that action as adherence. That would leave us in a very strong position to claim the parts of the Law of the Sea Treaty that we do want, such things as straits passage, and 200-mile economic zone, 12-mile territorial sea, and things of that sort. Now, we're in the position of having to argue that those parts of the treaty that we do want are a part of customary law. That's going to be a hard case to make in some instances where the Law of the Sea Treaty was the initiator of some of these principles that we were interested in. So, I think we've just seriously mishandled it. But, similar consideration would apply to the great human rights conventions. One of the other things that I tried to do in my classes in international law was to try to help these young lawyers anticipate a good many of the problems that they would run into as practicing lawyers: problems that reach out across our national frontiers. Now, even lawyers in small towns in Georgia could find an international problem suddenly pop up which they had not anticipated. And so I try to expose them to what amounts to national law in such things as immigration and nationality, and to talk to them a good deal about how to offer suitable protection to Americans who find themselves in foreign countries, and the role of the Bureau of Consular Affairs in being of assistance to Americans who are in difficulty in foreign countries. Because almost every week I get a call from somebody here in Georgia with a problem of that sort. And usually their problem is that they do not know how to take the first step. They don't even know about the Bureau of Consular Affairs. I had a lawyer from California telephone me once, wake me up at three o'clock in the morning our time, to say, "My principal client is in Europe. He's in Brussels and he's just lost his passport, and he's got to catch a plane in three hours time for an important business meeting in Germany." Well, his solution was to call me. And I said, "Don't you know there's a passport officer on duty in the State Department twenty-four hours a day to take care of things like that?" And he said, "No." And so I gave him his name and telephone number and said, "Call him."

RICHARD RUSK: Well, it worked. He called you, and it worked.

DEAN RUSK: Then he called me back an hour later and said, "Hey, you know it worked, thank you very much."

BALL: Did you send him a bill?

DEAN RUSK: He woke me up at four o'clock in the morning! (laughter) Had I been practicing law, I would have sent him a bill for \$5,000 for the second telephone call. But some lawyer in a

small town here in Georgia would call and say, 'My client and his wife have been in Europe on business and he just died. What do I do now?' Well, the wife wanted to bring the body back immediately to the United States, but he died on a Thursday and the bureaucracies in Europe, including American embassies, pretty much close down on Fridays for long weekends. So she couldn't get anywhere. So a telephone call to the Bureau of Consular Affairs in Washington resulted in a telephone call to the duty officer in our embassy in Europe, and they in turn scared up the duty officer of the appropriate bureau and she was on a plane within hours with her husband's body. To try to give these lawyers some notion of how you take the first step on these things is important. One of the larger law firms in Atlanta called me a few years ago and said, "We decided to begin to build up our library in international law. We'd like to get some suggestions from you as to how we should begin." I said, "Well, do you have a State Department telephone book?" And they said, "No." I said, "Well, start with that. That will cost you a dollar and a half." Because a lot of practicing lawyers just never think of what might be available, and, for example, they never think that maybe there's a treaty that has a bearing on the problem that their client has abroad. Now, in that side of the teaching, I tried to stay away from trade and investment problems, leaving those to other courses. But in terms of personal protection of American citizens abroad, I use a lot of illustrations and gave them some helpful household hints on how they might go about that.

BALL: May I press that? You were talking about teaching international law at first as a question of teaching the rules and principles of international law. But now you're talking--And this seems to be the main way I would read your teaching--is that you're now talking about international law in a somewhat different way.

DEAN RUSK: That's right.

BALL: Not wholly different, but now you're talking about international law as more of a language or as more of a connecting device, as more of one of those things that you refer to often as "the infinity of threads that hold the large piece together." So now you're talking about law, international law, in a qualitatively different way. Now, my question is this: How do you teach that? I think that you've had consummate skill in practicing law as that kind of language or connecting device. And you're now talking about teaching people how to make it work that way for them. Simple calls to the Bureau of Consular Affairs, for example. How do you teach, how do you communicate to young people that notion of law as that connecting device, as a language, as a possibility for conversation as a way of keeping this together? The rules and principles I can see. How do you teach the other?

DEAN RUSK: Well, a good many international legal problems are not resolved by general principles of international law, but by the interface between different national laws. If a big bank in Atlanta puts up a loan for a sales transaction from a Georgia producer to a Dutch customer, it's the interface of Georgia and U.S. law on the one side and Dutch law on the other that points to the way to do that and how to resolve problems. And we have indeed incorporated a great deal of international law into our own national law in a great variety of ways. For example, it protects the foreign embassies and things of that sort: a matter of national law, as well as international law. But, what I tried to do was to look at the kinds of problems these lawyers will have when they enter the bar and how they deal with the legal aspects of it, whether it's national or what the

lawyers call conflicts of laws or rules of international law. And there I didn't try to categorize too distinctly. I'm not sure I'm getting at your question.

BALL: Yes you are. Because what you're talking about now is an elaborate art form. The model for me is the kind of relationship in conversations you must have had with [Andrei Andreevich] Gromyko that must surely have been a very elaborate, highly developed form of communication. Now, how do you convey--Or is it, can you teach--How do you teach people to engage in that kind of sophisticated, complex, terribly important art form? This kind of conversation (unintelligible). How do you teach students to do that?

DEAN RUSK: Well, you know, Llewellyn [E.] Thompson [Jr.], who I think was perhaps our best Russian expert among our professional Foreign Service officers, former ambassador to Moscow, was convinced that the Russians do pay attention to legal rules, that legal points make an impression on them. And I found that to be the case. For example, during the Berlin Crisis of 1961-62, Chairman [Nikita Sergeevich] Khrushchev was proposing to turn all Russian responsibilities in East Germany over to the East Germans, including control over our access to West Berlin. And he said that we would then have to deal with the East Germans if we wanted access to Berlin. And that did in fact raise a very serious crisis. And he said if the West tried to interfere with these arrangements, there would be war. Well, in the follow-up conversations, I pointed out to Mr. Gromyko that the Russians could not give to the East Germans what they themselves did not possess, namely control over our rights, our presence in and rights to West Berlin: that we were in West Berlin on the same basis on which the Russians were in East Berlin and East Germany, namely that we were victors in World War II. And I had the impression that that point at least made some dent in Mr. Gromyko.

BALL: So, international law does provide a way of making arguments that count. And this is something that if I make this point in international law to Gromyko, it registers with him--

DEAN RUSK: Very much so.

BALL: --so that international law does provide that way in which this conversation can proceed.

DEAN RUSK: Yes, although sometimes it does not. For example during the Truman administration we picked up a Russian employee of the United Nations for espionage. We had him in jail, and the Soviet ambassador in Washington came in to see Dean [Gooderham] Acheson and demanded that he be released. And Dean Acheson explained our view of the law of the matter; the ambassador repeated his demand; Acheson repeated his statement; happened the third time, then the Russian ambassador shrugged his shoulders and said, "But Mr. Secretary, the law is like the tongue of a wagon, it goes in the direction in which it is pointed." (laughter)

BALL: Now, how do you teach students the way in which you do that, the way it works, the way in which you make those kind of--How do explain to them the difference between a conversation with Gromyko in East Germany that works, and the conversation that took place with Acheson, where it didn't work? Now how do you teach students how to do that in a way that they can participate in?

DEAN RUSK: Well, I think, Milner, that although in law school we do a pretty fair job in clinical work such as legal aid, and prosecutorial clinic, and moot courts, and lawyer-client interviews, and things of that sort, but we have not found a way yet to expose students in a realistic way to negotiation. And yet, as lawyers, they're going to spend more time in negotiation than they are in litigation. I think it's still one of those pieces of unfinished business for law schools. And various law schools have attempted to do something about this over time. But it's very difficult to create a realistic kind of situation that will give them some direct experience in the negotiating process. I think at Michigan once they had a class in negotiation. They would divide them up into teams and they would give each team at the table the same set of facts. Then they would give each team a different set of facts, and then put them to negotiating. And those who came out successfully were given an A and the other side was given a C. They tried that to instill some motivation into it. But that doesn't quite work. But I don't know. It may be that negotiation is something that has to be learned when you have real people with real issues and real problems, and you just learn through some experience. And if you're fortunate, you can get a good deal of that experience very quickly. It's very hard to teach.

RICHARD RUSK: You're saying there are certain things that are not teachable?

DEAN RUSK: Well, I think there are some things that can be said about negotiations that are valuable. For example, you must know what it is you want to achieve. It has been pointed out by Mr. [Herman] Finer, many years ago in a book, that when governments come to a negotiating table where each side knows what it wants to achieve, you have the basis for a successful negotiation. But when delegations come to a negotiating table without knowing what it is they want to achieve, you have nothing but confusion. That happened, to some extent, in the first year or two of the [Richard Milhous] Nixon administration when they started the arms discussions in Geneva. We told our representative in those discussions just to go over and feel the situation out. Well, that must have caused great confusion to the Russians because they didn't know what in the hell we wanted, nor did we. And then a second general rule is that you must know your own case in great detail, up and down, all aspects, from every point of view. Third, you must try to understand and know your opponent's case just as well as you know your own, so that you know what is causing him to take and where he comes from. Fourth, that one must be precise in the language which is used to resolve a particular dispute, and precision in negotiation is of the highest importance. Secretary [George Catlett] Marshall used to tell us never to agree in principle, because all that means is you haven't agreed yet. Wait until you get the fine print spelled out before you know whether you have a meeting of the minds. Well, there's great wisdom in that. President [Gerald Rudolph] Ford [Jr.] went to Vladivostok and agreed in principle with Mr. [Leonid Ilich] Brezhnev on some limitations on nuclear weapons. But it took three years of very detailed and difficult negotiations to translate that so-called agreement in principle to a SALT [Strategic Arms Limitations Talks] II Treaty. So there are things that can be said about negotiations, but to give the student some deep involvement in the process is not easy, and I think we still have to think about how we can best do that.

BALL: To what degree was the case that you were giving them, an example of the way in which you negotiate, by the way in which it seemed to me it could be said you were negotiating with the people of Georgia to take these things--negotiating with attorneys? I can remember when you first came. There was speculation that you were running for the Senate because you were always

on the road talking to people, or educating, teaching them, negotiating with them, trying to take international law seriously. Georgia had a bad reputation for its regard for foreign affairs prior to your coming. To what degree was it the case that you were teaching, were negotiating, were giving an example by carrying on that elaborate negotiation with the people of Georgia to take these things seriously?

DEAN RUSK: Well, when I came here to the University of Georgia in 1970, I took the view that a full professor in a state university ought to be reasonably accessible to the people of the state. After all, they were the taxpayers; we were their university. And so instead of spending my time writing an article that fifty people might read, at most, I spent a good deal of time out around the state of Georgia, small communities and large. Because I thought that they were entitled to have me come, if I could find the time and energy for it, but also because I think that I had a chance to demonstrate several things to them. One: that these people in Washington, whose names they hear about and who deal in esoteric matters, are human beings like everybody else. And here I was a boy from Cherokee County, Georgia, and they could see a Secretary of State in the flesh, learn to agree with me that there are no supermen or demigods. They are all just plain ordinary people. And also to try to link what happens to them here in Georgia, even in small communities, with the great issues in world affairs which affect us all, whether they are aware of it or not, in terms of security and trade and our involvement in disputes abroad and the responsibilities that flow from the position of the United States with its wealth and power and influence. And I hope I've made some contribution. You'll find a good deal of mail on that subject in those boxes over there.

RICHARD RUSK: Yeah. Pop, let me read you your concluding paragraph here. And this relates to your question, Milner. Incidentally, I like what you're doing here with two teachers talking about law and teaching.

END OF SIDE 1

BEGINNING OF SIDE 2

RICHARD RUSK: In one of your articles on international law, in talking about American people at the grass roots, you say, "My final remark is to say that I am delighted that the American Bar Association has decided that the time has come to take the law to the people, not to be so possessive about the law within the profession and in law schools. We who are working in the field of international law have a similar obligation because international law generally is not understood among the people who really count, those who are at the grass roots. I think there's a strong story to be told. I think the American people will respond to it. Then we can move perceptibly ahead on the road to a durable peace." So, I guess to some extent what you were trying to do here as a law professor is to sort of popularize international law.

DEAN RUSK: Well, I do myself believe that, in general, lawyers have become too possessive of the law as distinct from taking the law to the people and explaining our legal system. Matter

of fact, back during the fifties when I was president of the [John Davison] Rockefeller Foundation, I was asked to talk to the alumni of the Harvard Law School in New York City at the Harvard Club. They had a huge turnout there for it. And I spoke to this theme of taking the law to the people, but no one heard it because sitting at my right hand at the speakers table was old Judge Learned Hand. And he was getting quite old and quite deaf. And as I spoke, he, thinking he was whispering, would whisper to me such things, in a loud voice, as, "That's the stuff! Pour it on. Give it to 'em." And these Harvard Law alumni were so fascinated in what he was going to say next, they didn't hear me.

RICHARD RUSK: Oh, that's funny. Oh yeah.

DEAN RUSK: But during the fifties--I don't know how it is now; maybe it's changed some now--I made a study of the curriculum of our liberal arts colleges in this country and found that very, very few of them had a course on the legal system. Now law is one of the most pervasive aspects of life. From the time we wake up in the morning until we go to sleep at night we pass through literally hundreds of actual or potential legal relationships throughout the day. Most of those are not activated because we don't hit somebody on the nose we pass on the sidewalk, that sort of thing, but nevertheless, it's there. It's the legal system that gives us a chance to predict with a high degree of reliability how the other fellow is going to act. It's the legal system that permits each one of us to pursue our eccentric orbits with a minimum risk of collision with somebody else. It's the legal system that provides the framework in which our own individual rights are rooted. And those who have the greatest stake in our legal system are those who wish to dissent the most loudly, because it's the legal system which prevents the majority from beating them down in the streets and preventing their exercise of these rights. And so I would hope that in our liberal arts colleges, which are supposed to be dealing with life in the broadest sense across the board, would include some attention to the very nature of the legal system and the majesty of the law. It's a very exciting story to see how, over a period of centuries, first in England and then in the very late stage here on our own shores, we erected constitutional restraints on the exercise of raw power by those who govern. And the heads of some kings rolled in that process. If Milner will permit a rather outrageous change of metaphor, we've taken the old common law notion that the king can do no wrong, and transferred it into the notion that if it is wrong, the king must not be permitted to do it. And despite a lot of unfinished business, there are lots of things which all the kings horses and all the king's men simply cannot do to us as private citizens within a constitutional system. And that's a great achievement. And one remembers some of those old common law judges who, at the risk of their own lives, would put their arms around a prisoner at the bar and say to the king or the Parliament, "You can't do this to this man." There's a great story there, and I would hope that somehow we'd find a way to get some of that across to young people.

RICHARD RUSK: Now, you've been doing it for fifteen years. Do you think you were successful in getting this story across? I realize teaching is a long term process.

DEAN RUSK: In a kind of temporary basis for public audiences when I go around to different parts of the state, I think you can make an impression. How lasting it is, who knows? But I've tried to get some of that across in classes here at the University, both at the Law School and in

other parts of the University: political science, or wherever they come around with something on which they want a bull session with me.

BALL: I gathered last time you talked about the school of realists, or this school and that school, you haven't created a school of Ruskians.

DEAN RUSK: No.

BALL: And yet, you have people who have been with you and now have gone to Senate committees and gone into practice in prominent places, who've gone into public life. What's the difference between having created a school and having created that kind of diversity of people? And why didn't you create a school of Ruskian?

DEAN RUSK: Well, I'm a little skeptical about categorizing things into schools of thought. And in our profession it seems to me that to create a school you need to do a great deal of writing and work with a great many graduate students who then themselves go out and become law professors like Myres [Smith] McDougal at Yale, or someone like that, or a Hans [Joachim] Morgenthau in the political science field. And I just had no particular taste for that. I have some resistance to, or rather some skepticism about, the amount of energy which goes into the research treadmill in this country. And I was glad that when I came here I was not in the publish or perish position.

BALL: And yet when you came you acted like you were a junior associate, the way you were out and around and working with people, working with students. You were the, you may still be the adviser to the Black Students Union.

DEAN RUSK: Yes.

BALL: Mrs. [Virginia Foisie] Rusk was the adviser to the student wives--

DEAN RUSK: That's right.

BALL: --law spouses. Both of you came here as though you were untenured people who were having to make your way.

DEAN RUSK: Yeah, but Milner, I think we've had some on our faculty here who are suspicious of professors who show too much concern for students. You see, in this postwar period we've had a good many professors in this country who dream of All Souls College, Oxford: all faculty and no students. And they seem to love to reach a position where they don't have very many students and they can spend their time in scholarship, so-called. Well, part of that is a treadmill. And you know, the principle behind a Ph.D. thesis is that it should be an original contribution to knowledge, whereas many Ph.D. theses consist of going around accumulating what everybody else had to say about something, which by definition cannot be very original. So I'm glad that I was relieved of that part of it. I've written a good many things, but I have not done so within the techniques of German research, with all the footnotes and all that stuff. I've written some single pages, every sentence of which could be turned into a Ph.D. thesis if they wanted to. So I attach

more importance to the meaning than I do to the technique. And in our research techniques in this country we've let technique overwhelm ideas, and that bothers me a good deal. I used to go through the annual list of the Ph.D. theses in this country every year, and it's a fairly depressing experience to see how much time is spent in flogging so many obvious things: Ph.D. thesis on why young children fall off of bicycles, and they spent two years on it and decided that they lose their balance. You know, I get quite impatient with that sort of thing, partly because these things are so trivial compared to the really important things that people ought to be thinking about and working on.

BALL: Okay, let me ask two related questions to that. One: you say technique interferes with knowledge, without really getting to original contributions. To me, that is also one of the problems of legal education. We can teach the rules and principles, which is fine, and one does have to have the techniques; never get to this thing we were talking about earlier, this way in which the conversation proceeds and the way in which you listen to what somebody else says or try to understand their position. So there's a legal educational system that stands in the way of teaching law in the way in which you are talking about international law. Now one other thing-- That's one thing. Now the second thing is, as I was listening to you talk about law and conversation, the stories, the common law, the history of it, that requires that you know something about those things, that you have read some of the history, that you have--you've read all the Greeks. You did that in high school. You've read these volumes of international law.

DEAN RUSK: I sent them back to Davidson. I had given them to Davidson and I borrowed them back for a while, but I sent them back.

BALL: But you'd read those, the great treatises.

DEAN RUSK: Yes. Well, I read the many-volume [Sir William] Holdsworth *History of English Law* one summer.

BALL: Sure: Now, how do you teach students that they've got to know some thing first, before it makes sense to talk about the technique of law, to preserve them from getting lost in the technique and never getting to the larger issues, the connective tissue of law?

DEAN RUSK: Well, one of the things that I do to try to deal with that in part, only in part, is to give them think pieces on the exam and to alert them in advance that such kinds of things may be thrown at them. Another important part of the law that I tried to call to their attention is the law that is coming into being: the law as it must come into being. And so I spend a good deal of time on international law in regard to the environment, international Law of the Sea, international Law of Outer Space, arms control considerations, things of that sort, because that opens them up to some of these considerations that you might have had in mind, Milner. It's not just the law as it is, as you can find in the statutes, the textbooks, the conventions, but the processes of law and achieving those great purposes that the human race has got to deal with. And some of these things have not yet been resolved into detailed general rules of law, but are moving in that direction, and have to move in that direction if we are going to deal successfully with some of these great problems.

BALL: But you were exposed to those great problems yourself, (unintelligible) early. I mean that wasn't the only place you were exposed to them. But I remember you talking about your teachers in high school: some very superannuated teacher, ninety years old last time I heard.

DEAN RUSK: Yeah, Professor [Preston H.] Epps, my Greek teacher in high school.

BALL: That stayed in touch with you and you stayed in touch with him.

DEAN RUSK: Yeah, we corresponded and I visited with him from time to time up in Chapel Hill. He became a Keenan Professor of Classics at the University of North Carolina. The finest single teacher I ever had I think.

BALL: And your mother [Francis Elizabeth Clotfelter Rusk]. You had been confronted with what you're now talking about, these great problems that make sense of studying law and trying to use law to resolve.

DEAN RUSK: I think so. As I have said in another tape, in our family, despite our modest resources we were voracious readers. We really read a lot. And I think that helped along the way to widen my horizons and relate where the human race is today with what has happened before and what must happen in the future.

BALL: Let me ask a question about--you raised the question about the issue of Georgia and your family. And this is another line of questioning now, not so much about substance, and this is not really personal, but it has to do more with the way you decide about these things. There is a passing reference to you in one of Saul Bellow's late novels entitled *The Beans of December*, in which he says, "Unlike [David] Dean Rusk, he was not able to pick the place where he would teach." Now, there is the, quite apart from the underlying truth, falsity of that and all that went into that, and it was a controversial issue at the time, still has been--Is there not a certain symmetry. You started out in the business of teaching, except to the degree that military interfered with it, diverted from law school. Your marriage arose out of your teaching. That by coming, by choosing to teach at Georgia, by coming back here, there is a certain symmetry that connects the family in your own adult life, in a sense coming home. I understand Thomas Wolfe says, "You can't come home again," but isn't there at least a certain symmetry about the fact that you picked teaching and picked to teach here?

DEAN RUSK: Well, when I was studying law at Berkeley before World War II, my secret hope at that time was to be a college or university professor of international law. As it worked out, after a thirty year detour, I finally made it. But when the time came for Virginia and me to leave Washington, we decided that we would no longer live on the northeastern seaboard, that we would either go south, which was my home, or go west, which was her home. And in that situation, when the University of Georgia Law School invited me down to be a professor of law here teaching international law, that combined a lifelong interest of mine with coming home to a place where I had hundreds of cousins and a large number of friends from high school and college days. And the combination seemed just right. Now, there were other offers made at that time in business and other situations that might have been more remunerative from a financial point of view, but simply were not attractive in terms of what life was all about. And so we

accepted this invitation, and Virginia and I have had fifteen marvelous years here at the University of Georgia. And we're grateful to those who made it possible. I think people--I will never name institutions or things like that--but a good many people would be astonished at the university presidencies that have been discussed with me, and I just did not want to go down that trail. A university presidency is one of the toughest jobs in the country and I just had no real taste for it. I'd much rather be a teacher. So, I'd been aiming at teaching international law for a very long time. Indeed, I have on another tape, in fact, that when I was a special assistant to Secretary of War Robert [Porter] Patterson, he invited me to join the regular army at the end of the war, and go up and spend whatever number of years I wanted to in completing my studies of international law, and then come back and be the international lawyer for the army. Well, this combination of the army and international law had been something of interest of mine for a very long time, and I accepted his offer. And my name went to the Senate and was confirmed along with a lot of other names. And I was within three days of taking the oath of office as a regular army officer when George Marshall sent for me to come over to the State Department and take charge of the Office of United Nations Affairs. So--

RICHARD RUSK: That's interesting.

BALL: Let me ask a question that in my mind is related. It may not be related at all. But, one of the striking things to me about accompanying you on a trip or two to Washington after you'd been away from the city for some years, back in the early seventies, when you would be on the streets in Washington, I was particularly struck by the response of common people in the street to you. There seemed to be a real constituency. And I was particularly struck by the fact that among the black community there seemed to be a genuine and very deep feeling of regard and affection. Then when you came here among the duties you assumed was to be the adviser to the Black Student's Union. Was there any connection between that kind of commitment and your electing to return to Georgia?

DEAN RUSK: I'm not sure how precise that was. I had been heavily involved in the Civil Rights movement in one way or another. For example, I believe I led off the cabinet testimony in support of the Civil Rights Act of 1964 and perhaps also on the Voting Rights Act. But I did feel very strongly that the time had come to give to all of our people the great promises of the Declaration of Independence and the Constitution. And I think there are many in the black community who recognized that. One of my closest friends over the years was old Doctor Benjamin [Elijah] Mays, for example. And we talked about these issues on several occasions. Ralph [Johnson] Bunche was a very close friend of mine, and he and I talked about these issues considerably. And, well--

BALL: Because you see, the opposition to your returning to Georgia came from people like Rufus Harris for whom that kind of commitment was a deep offense to them.

DEAN RUSK: Well, I gather that when my appointment here first came before the Regents they made a telephone poll of the Regents. And in that telephone poll the Regents were unanimous. But then, Roy [Vincent] Harris down in Augusta, who had reached his early eighties I believe, and who had been a flaming supporter of Franklin [Delano] Roosevelt and the New Deal in his younger years, but who was in 1970 the Georgia chairman for George [Corley] Wallace in

politics, decided that he had an issue. I hesitate to put it in these terms, but apparently because of my daughter Peggy's marriage. And so he called for a special meeting of the Board of Regents. And the vote there was, I think, eleven to four in support of my appointment. Shortly thereafter, one of Roy Harris' people introduced a bill in the state legislature to reduce the appropriation to the University of Georgia by the amount of my salary. And that was defeated by 113 to 12 or something like that, and that's the last I ever heard of it. Since coming back to Georgia I haven't had a letter, a phone call, a personal expression by anybody I'm meeting face to face, in that direction. The whole thing just--

BALL: See, there you were, an eastern liberal, associated with the Rockefeller Foundation and foreign affairs, coming into Georgia--looked like [William Tecumseh] Sherman coming back!

DEAN RUSK: Yeah, but, you know Dick Russell was a friend and strong supporter of mine, even though we disagreed on certain things like civil rights. And that made a considerable difference too, I'm sure, some circles in Georgia. But after all, I was a Georgian. I grew up here. And that makes a difference to people in Georgia.

RICHARD RUSK: I bet it does.

DEAN RUSK: I was not a part of the Reconstruction period or anything of that sort. No, I've been very fortunate in the kind of personal reception I've had back here at home in Georgia.

BALL: What was the hardest thing for you to come back to? Coming back to teaching, coming back to Georgia, what was the hardest thing?

DEAN RUSK: I think perhaps the most difficult thing was there had been no momentum behind the study of international law here at this law school. When I came, international law was being taught to about thirty students a year by a young professor from Taiwan whose English was barely intelligible in the classroom. And so, it was necessary to let this interest in international law develop some momentum. And I think that has been done over the years as we've added more faculty and more courses, and I enjoyed having unmanageable classes in terms of numbers, running 150 to 180.

BALL: That was the most difficult thing. It also seems to me to be one of the major lasting perceptible contributions that you made, not only here. Wouldn't you say that the regard for international law in the state of Georgia, which, if you remember the--Senator [Walter Franklin] George's lecture, is itself remarkable. But then to look at the kind of program that has grown here since you've been here. If that was the most difficult thing, that's also been the occasion for one of your great contributions.

DEAN RUSK: Well, I think that in Georgia there has been a kind of traditional interest in public service. Part of that was the feeling that Southerners had taken the leading role, among our founding fathers, that Robert E. Lee was a kind of a hero. His approach to public affairs and public service have made a deep impression. And you don't have that same tradition in the same depth in some other parts of the country. There has been something about Georgia and the South in favor of public service. And I think that has made some difference.

BALL: Even if it had to do with international affairs.

DEAN RUSK: You see, the South has had a considerable involvement with international affairs and foreign trade historically, with its exports of cotton and other raw materials and our active trading relationships with Europe and with the Caribbean and so forth, so that there were economic reasons why Georgia was involved internationally. You see, the South almost won the recognition of Great Britain in the Civil War, which would have been a tragedy.

RICHARD RUSK: Pop, I know more than anyone how delighted you were to leave Washington and leave decision-making in 1968. But nevertheless, was it at all difficult for you to be moving from a world in which you were a participant in decision-making and really an active participant in these world events to a role where you were strictly an observer, where you really were out in left field, and where you were occasionally called upon for influence? Was that part of it difficult at all?

DEAN RUSK: No, if you grow up in Georgia, decompression is no problem. That's something we know how to do. And I had not applied for the job of Secretary of State or even for Assistant Secretary of State. I was caught completely by surprise by John F. Kennedy when he asked me to take that job. But the only thing that Virginia and I miss about Washington is not seeing many of our friends as often as we should like to. The rest of it we don't miss at all. It's very hard to comment on without appearing to be self-serving, on the exactions of public office upon individuals and families. You kids had, for years, you had to grow up on your own like weeds. Fortunately you did a very good job of it, all three of you. But it costs something to serve in those public capacities. My own view was that four years is about the right period of time in which to serve as Secretary of State. Eight years was too many.

RICHARD RUSK: Granted you didn't have the huge ambition that propelled you to that office as some men have had. Nevertheless, you believed deeply about certain things, to the point that I think you told you brother Parks [Rusk] one time, after you had called him when Kennedy had initially approached you about taking that position, and you said, "Well, if I don't take this thing, all that training, all that preparation would have gone to waste." You know, believing as deeply as you do in many of these things, I would think it would be hard to move from having played an active role and come down here and really take on a much more inactive role. Teaching has certain rewards. A lot of those rewards are intangible and they're long-term and you never see them. But nevertheless, was that aspect of it difficult for you?

DEAN RUSK: Not really. Not really. I don't know whether I've put this on another tape, but you, mom and I were invited to the Nixon Inauguration. But we had been through that drill more than once, and so we decided to stay home and watch it on television. And I remember sitting there watching the moment that Richard Nixon finished his oath of office. And I remember the exhilaration I felt, almost floated like a balloon, because it wasn't my baby anymore. And later I mentioned this to Lady Bird Johnson, and she smiled and said, "That's very interesting because I was sitting next to Lyndon [Baines Johnson] there on the platform that day, and at that same moment, Lyndon groaned with relief." You know, I don't want to sound stuffy here, but when I was a small boy in the Presbyterian Church, I memorized the Westminster Shorter Catechism.

The first question in that catechism is: "What is the chief end of man?" In the catechism it had a theological answer, which I still remember. But during the Cuban Missile Crisis as I drove through the streets of Washington and saw people on the sidewalks and in their cars, it was sobering to realize that this first of all questions, "What is life all about?" had become an operational question before the governments of the world. It's hard for me to--

END OF SIDE 2

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