INTERVIEW XX

DATE: January 28, 1988

INTERVIEWEE: JOSEPH A. CALIFANO, JR.

INTERVIEWER: Michael L. Gillette

PLACE: Mr. Califano's office, Washington, D.C.

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C: There's a final version of this memo, which I'd love to have.

G: Okay, I'll get it.

C: Okay?

G: Yes. Anything else on that exchange that you--?

C: Well, I think . . . All--from the moment President Johnson was re-elected in November of 1964, we thought that we--when I say we, I was sitting working as [Robert] McNamara's assistant in the Pentagon. The sense that I had was, and I believe it was the sense of the Pentagon, that right after the election the President would step up our military activity in Vietnam. We were--I think it's fair to say, although you'd really have to talk to McNamara, that there was genuine surprise when he displayed tremendous reluctance after the election and repeatedly sent--I guess he sent McNamara and [McGeorge] Bundy--I mean people were sent out to Vietnam to look and report, memoranda were written, option papers galore were written on the subject.

G: Why didn't he want to do it before the election? I mean [Barry] Goldwater was attacking him for not doing enough.

C: I wasn't in the White House then.

G: Right, but from the Pentagon--

C: Hearsay, what we were being told was that the President did not want to make a decision in the context of an election campaign, that this was a momentous decision; he wasn't going to make it in the context of an election campaign. In lieu of that we did things like--I remember once when he was out in California, I got desperate calls. He wanted to announce some new weapons systems of one kind of another and we announced the over-the-horizon radar and one other weapon systems from the steps of the Capitol in Sacramento as I recall. Pat Brown and I got a lot of hell because it was a political meeting and he was announcing a military thing but it--that's how he took care of Goldwater. We were so burned by Minute Man II, Goldwater claiming that Minute Man II was not a new weapons system, that when we were--the navy was all set to name--and this I guess also came during the campaign. The navy was set to--and Minute Man II was quite different from Minute Man I. It was a new weapons system. The navy was set to name something Polaris II, which was a new weapons system for the subs and I remember being called in by McNamara and saying, "We're not going to do what we did on Minute Man II again. You go down, change, get a new name for this thing for the President to announce." And I went down. I think there was an admiral named [Horacio] Rivero who was the vice chief of staff of the navy [Rivero was vice chief of naval operations] and sat with him with a book. We went through a book of naval expressions or nautical things. The navy was really pissed. They were very pissed off about the change in the name. And he and I came up with Poseidon right out of the book that day. I came back to McNamara and said, "How about Poseidon?" I called [Bill] Moyers or [Jack] Valenti and said, "Here's a new weapons system for the President to announce, Poseidon." So that

was the way the Goldwater--and a litany in increases in military capability. Anti-guerrilla forces have increased by X per cent, this by Y per cent. That was part of a--McNamara's speech became part of a Lyndon Johnson campaign speech, about eight things.

G: So in the Pentagon you didn't feel that a decision had already been made before the election to step up the commitment right after the election but that one would be made, is that correct? Is there a distinction?

C: I guess we thought that maybe there was a little cynicism, maybe he just doesn't want to do it in the context of an election. [Franklin] Roosevelt didn't want to send--"No boys will ever fight on foreign soil," or whatever it was. But once we got by the election then we'll go. What happened was once we got by the election we were hit with this genuine and very substantial concern. Now I don't know who he was talking to in the White House or who he was talking to in the Senate. Certainly in those days as always--I mean he talked to a lot of people in the Senate, constantly. And I'm sure he talked to them about this. Because I can remember--there's a point--as the war then became unpopular there's a point one day, and this has got to be 1967 probably--I don't know, we can find it--Clifford Case came out against the war in Vietnam and it was on the ticker. And the President called me and he said, "You call Clifford Case and tell him I don't need his goddamn advice on the war now that it's becoming popular to oppose. If I want to get advice from Vietnam in the Senate I can talk to Wayne Morse or"--was it Greville?

G: Gruening.

C: Gruening, Ernest Gruening. And he kept a very good relationship with Morse as you know despite Morse's even calling for his impeachment I guess at one point.

G: Did you call Case and transmit that message?

C: I doubt it. We'll find out when I look in my phone logs but I doubt it. And there were lots of messages like that. Find out when he came out against the war. And we were sending over to the White House--an array of option papers were going over to Bundy. Now that I look at this I see that also even in June [Mike] Mansfield, even in June Mansfield obviously sensed that the President didn't know what he wanted to do and was resisting pressure to go. My recollection was--and you'd have to ask [George] Ball--and I didn't even have any sense that Ball had doubts at this point. I may be wrong about that. But once the decision was made and even though I came from McNamara to Johnson at that moment--I came on a Monday and we announced the decision later that week, came to the White House on a Monday--I don't think I realized that the decision had been made until he started the meetings with the [congressional] leadership which was probably the night before--had really been made. Maybe I did. I just can't--but once he made it--and we can get this when we get farther down the line. Once he made it, the next thing that was so puzzling was that for an extended period of time, until the winter of 1968, albeit they micromanaged the war, he gave the military everything they wanted.

G: Was he skeptical of their requests? Did he question their ability to--?

C: Well, you know, there were things--and you'll find somewhere, and I have it in my files. After the bombing pause in Christmas of 1965, the issue was whether to resume bombing, somewhere I've got a memo which I sent to the President after a meeting with the joint chiefs and it says something like the chiefs' case for resuming the bombing really wasn't convincing today. And then it didn't say, "So we shouldn't bomb," which I hoped the next sentence would be, but what the next sentence was was, "So I think you should get a good lawyer like [Cyrus] Vance to build the case before we do it." So the mindset was still

whatever I was reflecting and since I wasn't deeply involved as an advisor into the pros and cons in every nuance, I was obviously reflecting what I thought was happening. And we were resuming the bombing.

G: Okay. There seems to have been at least a sentiment at the White House that Hanoi was also stepping up its commitment; it was described in the memoranda we have as hardening its stance on the war.

C: Well, you have to remember the issues preceding the buildup in July of 1965 were related to whether we could get to the negotiating table, whether we could get a ceasefire. The arguments were you have to do something strong before you can get a ceasefire, if they're going to do something strong. There's no way, they just don't want to sit down. Johnson used to say, "It takes two to dance." You just can't go sit at an empty table. And we had no--the sense was that there was no choice.

G: Was there any avenue that in retrospect might have been pursued with regard to getting Hanoi to negotiate that was not [explored] or do you feel that every avenue was explored?

C: You know I was just not involved in enough detail but I would have to say that my gut feeling, my sense of the ambiance of the situation was that we were--the President was groping for anyway he could not to have to make that decision. After all, look at what that decision meant. Nobody wants to send fifty thousand American troops halfway around the world to a war where lots of them are going to be killed. We were riding high on the Great Society. We were very much aware of the economic consequences of what we were doing.

G: Even as early as late summer or fall--

C: Well, I think you'll find stuff--I'll have to go through but I'm sure, I remember discussions--not that we were going to have the rampant inflation we had. (Long pause) I was pretty good arguing, wasn't I?

We were sensitive to the fact that this would start to intrude on domestic programs but what's in that memo of December 21 of mine on the conversation with Ray Shearer was fundamentally our view, that we can only buildup these programs so fast under any circumstances.

G: War or no war.

C: War or no war. Now you know there are--part of that was economic; part of it was political. I mean you could pass--this is not the day, but we really ought to spend some time on Model Cities. I'm sure that's one of your topics. You could pass the model cities program if the appropriation in the first year was just a few million dollars to get the applications in. You could never pass a program like that to rebuild the cities of American if you laid out the amount of money that you were talking about five years out. So under any circumstances we always had a philosophy of get the foot in the door, then let the constituency build, then let the constituency become an advocate. And once you start spending a little money in somebody's congressional district they don't want it to stop. They want it to increase. That was very much part of our strategy. So we had that going for us, but we were--all I'm saying is the President was a most reluctant dragon on this. I honestly don't believe the extent to which he was reluctant has ever come across and it's understandable why he was reluctant because it really created a hell of a lot of problems for us.

G: Let's look at those two--

(Interruption)

C: I also think that when the President made a call like that kind of call to Clifford Case he knew in his own mind whether--he knew that if he called Marvin Watson and told him to do it, Watson would do it. And he knew that if he called me I wouldn't do it unless he really beat on me to do it a couple of times. And I think he was smart enough and knew himself well enough that that was one of his ways of letting it all explode but counting to ten at the same time.

G: Did he ever come back at you later and follow up?

C: No, not on that. There were things on which he followed up on which I eventually acted.

G: Can you recall the example?

C: No. We will I'm sure as we go along.

G: The first one, the meeting on September 13, do you recall the circumstances of your being at the meeting?

C: Well, when I first got over to the White House while my duties were predominantly to put the domestic program together and worry about economic policy and kind of get the domestic side of the house organized, the President knew I had come out of the Pentagon and he kept me intermittently but involved in all the stuff relating to the Pentagon. We put a cost reduction and we had some stuff about personnel a couple of weeks after I was there. I was giving McNamara some directive on that. And I guess--I don't remember whether the supersonic transport issues had been disposed of but--

G: Did he feel that your presence in the White House gave him some leverage in terms of knowing what was going on inside the Pentagon?

C: I'm sure he--everybody was a source of knowledge for him. He was the world's greatest sponge in that sense and he would take anything he could get. I think he knew I was close to McNamara. But I just think he--I guess in his mind he just had an asset over there, and originally when I was first offered a job over there six months before the one that I took, it was to spend half my time working on the National Security Council staff with Bundy on Latin America. So he knew that and he also knew that I had--in 1964, the Panamanian riots were in Janaury of 1964. I was sent to Panama off of a decision by the President that we would defend ourselves before something called the International Commission of Jurists' charges that we violated the Declaration of Human Rights of the United Nations. Tom Mann was the assistant secretary of state for Latin American affairs. You probably ought to get that stuff because it was quite a siege and we won the case incidentally. And he knew that. I don't know whether Mann told him that or--I was then general counsel of the army. I think that was--and so in the beginning I went to a lot of these meetings, not just a couple of these Tuesday lunches. I went to meetings with the chiefs. I was also deeply involved in the budget and you couldn't be involved in the budget. We'd go down to the end of the year with [Charles] Schultze and the budget hearings with the legislative program. I assume that's why. On something like these luncheons he wanted somebody to take notes or--well, wanted somebody to take notes. Is this the first Tuesday lunch? Yes.

G: Where you were present. Now I don't--

C: You ought to check. It may have been one of the first Tuesday lunches.

G: Okay.

C: I think what happened was I did this memo or these memos and that ultimately led--eventually Tom Johnson became the scribe, didn't he?

G: Yes.

C: And he decided he wanted detailed memos because I asked him I noticed when I sent this one. And this is a hell of a job. I mean you [have] all the notes, then you've got to dictate it, then you've got to edit your dictation so it's the rest of the day. And it was just not possible--there's no way I could do this with everything else I was doing.

G: Did you go to any later on or were these two the only two that you recall going to?

C: I can't remember.

G: Really.

C: I don't know whether--I don't know when it got formalized--

G: In retrospect, did you regard the Tuesday lunches as basically the policy formulation?

C: Well, the Tuesday lunch became--I notice for example on this Tuesday lunch there were topics relating to the French, relating to the British in Singapore, India, Kashmir, Algiers, what have you. I think over time they became more and more dominated by Vietnam. If you take this one in September, this was a problem that McNamara chronically had and the President chronically had--it will take a lot of historians to figure out who was right or wrong--with the chiefs, particularly on the bombing issue always wanting to do more, and McNamara and [Dean] Rusk not wanting to do as much as they wanted to do. And very conscious--we were constantly thinking that we could turn the screw a half a turn and the North Vietnamese would understand it or the Chinese would understand it. And the President I think perpetually buying their option. He was constantly--he used to talk all the time about the fact that some Texas boy from Austin or from Fredericksburg or from

the Hill Country would drop some bomb down the smokestack of a hospital on one of these raids and the whole thing would blow up.

G: Was he concerned about world opinion or was he concerned about Chinese intervention?

C: No, no. I think the concerns were Chinese interventions. The concerns were--and there's another memo somewhere I know I wrote him which was about not overestimating--after one of these meetings I remember with [General Curtis] LeMay talking about precision bombing and that stuff. I don't think he needed the memo but I got so concerned that everybody sitting around the table was thinking, you know, we really could drop it on the corner or 17th and Pennsylvania. Then I sent a memo saying, you know, "In addition to everything else to be worried about, things just don't work this way." And that--all my experience with the military--from Oxford, Mississippi, and how long it took to get there to Watts, to Memphis, everything. But he was--no, there was concern about the Chinese, concern that they understood what we were doing, concern that we not do something that would bring them in. In this September 13 memo you're looking [at], one of the things the chiefs wanted to bomb were bridges near China. Well, Rusk and McNamara didn't want any part of it nor did the President. And also concern about what the value of it was. That concern didn't come on--it was always subjected to value tests but my sense was that the standards got higher as the criticism of bombing intensified, that everybody wanted to be sure that they were indeed justified in bombing what they were bombing or embarking upon this program or that program--Rolling Thunder and all that stuff--and justified because there was going to be such intense scrutiny of what they did in such an attack on them.

G: Were there occasions when the military bombed things that they weren't supposed to, for example, bridges or--?

C: I just don't know. Did they make mistakes? I'm sure they did. There's no way you can run a program like this--did they deliberately go and bomb something they were not authorize to bomb? I don't know the answer to that.

G: You want to get into the Christmas bombing pause and the rationale for that?

C: I think you got to get the papers on that.

G: Yes.

C: These really are highly . . .

G: Anything in particular on bombing the surface-to-air missile sites, which I gather--Hanoi did move into urban areas, is that right? They did move them into (inaudible).

C: Yes, but I just--I don't have any recollection of that. (Long pause)

G: LeMay did criticize the targeting policy in Vietnam in October. Any recollections of that? He went public doing that--

C: LeMay was an unguided cannon, I think widely regarded as such by McNamara and the President. And I think we were all waiting for his term to run out whenever it was; there was no chance he'd be reappointed. He was always considered an ally of Goldwater. He was such a sort of hard-liner bomber that he didn't have the kind of credibility somebody that was more sophisticated would have had. But I notice one thing here for whatever it's worth. I know that moving from--with some additional troops, support troops not combat troops and all that stuff and the memorandum from McNamara, the President always wanted those recommendations on paper and signed by Bob. And Bob always wanted to

make sure he had [General William] Westmoreland and the chiefs and then himself aboard.

G: Why do think that was?

C: Well, because I think everybody--when you're dealing with human life and you're sending boys to war, you want everybody to know that they're going on the line for what you're doing so when they recommend it they think hard about what they recommend. I mean it wasn't just bureaucratic, save-your-ass stuff. It was really deeper than that. But I think this stuff--I mean the President's approval of all that stuff, the President's approval of the Rolling Thunder Program--at this point he was really very much in a mode of giving McNamara and the chiefs, within reason, all their head. I don't know. I think virtually without exception if you find McNamara disagreeing with the chiefs, certainly if you find McNamara and Rusk disagreeing with the chiefs, the President will be with McNamara and Rusk. And you also see here something else which was a constant problem and that was the extent to which the national intelligence estimates were correct when they started to assess what the moods or viewpoints were. You look here in my memo here for the record you see the intelligence estimates saying the Hanoi's stance was hardening in terms of a ceasefire or negotiations or talks and that we needed to be tougher and rougher in bombing to bring them to the table. And you see McNamara saying, "I want to second guess that. I want to look at that again," along with Ball. And it may be that the bombing is making them take a harder line. Yet Rolling Thunder is approved that day. But it all, you know--

G: So was the purpose of the bombing to tighten the screw to force them to the table rather than to either interdict supply lines--

C: At every point we wanted to end the war, okay? I mean that was--I don't think there's any question about that. I don't think this was--I think the worse kind of reporting and analysis is that this was some kind of an ego trip for the President, or anybody else. Interdicting supplies and what have you, those were the limited military purposes of the bombing but the bombing and the buildup of troops and everything else was to bring this damn thing to an end and not--I can remember--and not--bring it to an end without having South Vietnam go communist or fall into the hands of North Vietnam. You know that was the purpose at every point.

G: In that second meeting there is also a discussion of the use of tear gas in Vietnam.

C: For some reason that became a--you'd have to get me the news clips. But I do remember now. Using tear gas became a big issue and somehow or other it got characterized in the American press as cruel. And in terms of--and we were using tear gas to put down demonstrations which the Communists were inspiring in South Vietnam. The point that Moyers made in the meeting I notice, you know, let's talk about the throat slitting and the baby killing and the killing--now remember we're, the North Vietnamese systematically would go out and kill the village chief and they'd kill the mayor and it was very difficult for us to understand why people would bitch about tear gas. But it was a sense of the tenor of the times. All these were signals that in hindsight should have been much better read about how this whole thing was playing out in this country.

G: There's also raised in the meeting the question of announcing the troop supplement after their arrival to Vietnam for security purposes.

C: Well, it really served two purposes. I mean it did--it was important for security so that whether we moved them into ports or what have you there weren't attempts from

gunboats or something to blow them up and it was also important--it gave--it's not the kind of thing you announce from the White House unless you've got to announce it from the White House. It sure as hell isn't good news. And even announcing it from the Pentagon would get it more coverage. I think when you're sitting there and you've got the military saying, "Don't announce that we're sending another ten thousand men until they get there, please," you're not going to. That's the classic First Amendment prior restraint case, troop movements.

G: Yes, okay. Here's one other thing I wanted you to look at. (Long pause) Any recollections of that correspondence?

C: There was some point, and I gather it was pretty early on, the President wanted a mail count every week, a weekly mail count on the mail on Vietnam, the mail out of the Pentagon. I guess this was--yes, this was of the Pentagon mail. I think we also may have done head counts of the White House mail, I can't remember. Periodically, he would--we'd get letters we thought might help us if we put them out, to help morale, what have you. This was one of them. I can't remember what I did with it. My hunch is--I read Bill Moyers' note to me--I probably did exactly what he said. I probably got somebody in his office to get it to our hometown paper and got her to put it out in some way. We leaked several of these over the years but I don't have any--you know I don't even remember how the head counts went. And personally I always . . . When the mail starts running a thousand to one maybe it means something but you know when it was running like this I just never knew how much it meant but he wanted it. I guess we counted other things. You must know better than I do. I mean we had people down there counting on a lot of issues. My own sense was that the mail on the war, even in

opposition to it, never approached the kind of mail we got on civil rights, I mean on the racial issues.

Tape 1 of 1, Side 2

G: The only threats on--

C: The only threats that I ever remember on my life were some letters when I was briefing on the fair housing bill in 1966. And I was probably mentioned in the twentieth paragraph of a wire service story. I was way down in the story because the message was the President's message. And I got a couple of letters. I always thought the racial stuff was the worst stuff, the toughest tough, the most deeply seated stuff. We had--and I guess in time I began to--I thought that there was something to the President's view that if the people were European and white and not brown and black, the attitude would have been somewhat different. I'm not sure I shared his view that that was the overriding consideration but I don't think--he certainly deeply believed that guys like [Senator William] Fulbright and in a different way [Richard] Russell were affected by the color of the people we were fighting for.

G: Okay.

(Interruption)

C: --to that. And maybe you can find the stuff. Well, we'll get into 1966.

G: Yes, but were you thinking of something specific that--

C: Yes.

G: Well, go ahead. Let's--

C: At some point when we were fighting over the highway safety bill and the traffic safety bill, Drew Pearson wrote a zinging column about me saying in effect I'd worked for

McNamara, McNamara was the auto industry, and I was soft on traffic safety. And then he wrote another one and the President called me and he said, "You don't want to"--he said, "What's this?" I said, "It's just all--it's not true." I said, "Christ, the papers, the files will--I am the hard-liner on this thing." He said, "Well, you don't want to get on the wrong side of Drew Pearson. You've got too much to do in this town to have to deal with that. You better call him in and take him through that stuff." So I called Pearson in and I took him through my files. I said, "Look, you can look at--here are all the papers. Here's my position and I--" and he said he was sorry; he'd make it up to me. And about a few weeks later there's a column on one of our steel strikes or something, maybe the railroad, maybe the airline strike, in which he gives me credit for devising this grand strategy which Wayne Morse had really devised. But he lays out what a hero I am in this meeting in the Cabinet Room or something. And that night he called me. I didn't call him. That night he called me, he said, "Did you read my column today?" I said, "Yes, I read the column." And he said, "Well, I told you I'd make it up to you." I said, "Well, I appreciate it. It's not really what happened. Wayne Morse was responsible for most of that." He said, "Well, it's the thrust of it." But I'd like to get that. There are some Pearson columns that--I don't know we just have to--did the contract go to Lockheed?

G: I'll have to check.

C: Let's check, okay? Let's check that. I'll make some general comments. You find that out and then we'll--I'll talk to you specifically.

During the Kennedy Administration we had had a system--Kennedy had started a system in which all major procurement announcements were sent to the White House to Larry O'Brien's office (inaudible) and they gave the congressman if they were Democrats

in their districts, or senators, a chance to announce it the day before. I don't know when McNamara found out about it in a sense that he really focused on it, but when I came up to work as his special assistant--and we're now talking about April 1964--directly form a liaison with the White House one of things he said to me was that he wanted to make sure that was knocked off. He did not want advance notice coming from the White House. He thought it raised questions about the integrity of the procurement process. But there were major--where there would be major, major events whether it was a contract or [Nicholas] Katzenbach about to bring a major lawsuit, a major antitrust suit or anything of real significance occurring, the White House wanted to know first. So if this were a twelve billion dollar--I mean twelve billion dollars in 1965 is a 30-billion-dollar contract today. So I mean a one billion dollar contract is a major event. If Lockheed had won some major thing like that there's no question in my mind but that McNamara would have at least *mano a mano* called the President and say, "Look, this is going to Lockheed." And at that moment in time--and he'd do it with as short notice as he thought he could. He wouldn't call the President and say, "It's Lockheed or X." He said, "We have decided to give this to Lockheed and I want you to know it," because he knew what would happen if the President first heard about it in the newspapers. Now at that point there's no way if it's really a significant piece of information that Lyndon Johnson is not going to use it.

G: How would he use it though in a case like that?

C: I don't think he'd use it to say, "You support me on the war and I'll do this." I think he'd just call up and say, "Dick Russell, Dick, I want you to know McNamara is going to give you--you're getting a big contract down there." Or he'd have him over for a drink or

something. And Bob's going to--"It's twelve billion dollars to Lockheed. And it's going to put a lot of Georgians to work and I'm happy."

G: It wouldn't be a *quid pro quo* at all then?

C: Not directly. Not directly. There were some direct *quid pro quos* but I don't think something like that would be a *quid pro quo*. You don't have to make it a direct *quid pro quo*. That's not what it's about.

G: What if on the other hand the senator involved was a Republican senator, like Margaret Chase Smith, Armed Services Committee, seniority, long-term friend of Lyndon Johnson. Would she get the announcement?

C: I don't think he did it in a partisan way. I think he did it with respect to people he could help. I mean she was important. I think what she got--I'd have to go back and it's probably worth checking. She had an aide on her staff--

G: General [William C.] Lewis.

C: General Lewis. Didn't we make General Lewis a general? Yes, I think that may not have been one of my proudest moments. (Laughter) But you might check that and see when we made him a general. I can't remember whether I was on the giving end or the receiving end. I mean I can't remember whether I was telling somebody to make him a general or whether I was told when I was working for McNamara to make sure he became a general. Because I later--is Juanita Roberts alive?

G: No.

C: Near the end of Johnson's term we wanted to raise Juanita Roberts. Did we make her a general, too?

G: I think a colonel maybe.

C: Lieutenant colonel to colonel or colonel to general, something. I remember calling up Stan Resor who was secretary of the army and saying, "We want to make Juanita Roberts whatever, a colonel or a general." And he said, "Oh my God, we can't--we just can't do something like this. We'd never do this. There's no precedent for this." I said, "Yes, there is a precedent for this. We made Lewis, Margaret Chase Smith's aide, a general," or whatever we did. But you know Johnson had an uncanny knack of knowing what was really important to somebody, what really turned them on and of then using that.

G: Yes, okay.

(Interruption)

G: President Johnson sent the name of, or announced his intention to nominate, Francis [X.] Morrissey [Sr.] to the federal bench in Massachusetts in September 1965.

C: Let me just do one thing.

G: Okay.

C: Kennedy very much wanted Morrissey. Teddy Kennedy wanted him. I noticed here that Bobby Kennedy wrote him a letter before he left the Justice Department, urged him to nominate Morrissey. And I think going in the President did it because both Kennedys wanted it, but he knew in his gut that the likelihood of ultimate confirmation was not high.

G: Really?

C: And I say that because my most vivid recollection of this is as the thing got to be more and more controversial--you look at Katzenbach's memo to him saying you know, "We wouldn't normally nominate a guy like this but if you do I'll send over the usual recommendation," then the tremendous pressure from Teddy. One, as Teddy

recommended him and he knew he was marginal--he wanted to get Teddy out there big. And so even when Teddy has lunch with Katzenbach, it's leaked to the press. It's out there that they had lunch and he's urging Katzenbach to nominate him. When we got to the crunch in late October, or mid-October, I remember the President saying--lining us up, splitting up the Senate so we were calling everybody that was in doubt and calling even guys that weren't in doubt. I got my share of senators and everybody got theirs. And the President saying, "Teddy is going to get his ass whipped bad on this one. And I want to make sure that there is no way he can ever say we didn't do our share and we didn't go to bat for him." And Teddy got his ass whipped badly.

G: Did LBJ take a delight in the fact that the Kennedys rather than LBJ were getting the bad press on this?

C: Yes. I think he was amused by it. I mean I really do. I think he in a very--for whatever reasons the Kennedys had committed to this guy Morrissey to go for the judgeship. I mean you notice one of his kids is, John Kennedy is the godfather, and he was a real family retainer. Johnson was willing to do it--a lot of presidents might not have been willing to do it--but he was going to stick the Kennedys all the way out there and all the way out front. And that was calculated at every stage.

G: Was Robert Kennedy less committed to advancing the nomination?

C: Well, no. I think Robert Kennedy was publicly in support of the nomination but he had the advantage of saying he didn't live in Massachusetts anymore. No, they were both out there but Teddy was really hanging out there, and it was--Johnson was very much focused when we got to the crunch in counting votes before Teddy asked that the nomination be recommitted to the committee and before Morrissey withdrew his nomination. You know

he used to say, "This boy is going to get his ass whipped and we just want to make sure--I want to make goddamn sure that he doesn't accuse anybody here of not supporting him, not fighting for him when it happens."

G: Any effort made to get the ABA [American Bar Association] to come out with a more positive ranking?

C: Not that I remember. I don't think--and you really should talk to Katzenbach about this--I really don't think that the President had particularly high regard for the ABA ranking system. You know people talk about litmus tests for judges. And we'll ultimately I guess in 1968 get to that judge, Russell and Ramsey Clark and--

G: Alex Lawrence.

C: You ought to get all the papers on that.

G: We have them.

C: But if we had a litmus test and if President Johnson had a litmus test, it was civil rights. How did the judge feel about civil rights? And I think he always regarded the ABA as kind of a stuffy organization. I am dimly beginning to remember actually a meeting with the ABA Judicial Selection Committee or the ABA president, somebody which may have come during the [Abe] Fortas--

G: He did meet with him then.

C: I was there. I'd like to get the stuff on that because that I remember. But he always thought they were just a little bit too white shoe--that's not a word he'd use but it's a word I use. Republican.

G: Okay. Was [Senator Leverett] Saltonstall's withdrawal of neutrality or no objection a turning point in the nomination, do you think?

C: I think in the--the Senate was much clubby, much clubbier in those days than it is now and I think that it was a significant event when his fellow senator from Massachusetts jerked his support back. I think it was also Dirksen who started out neutral and then became neutral with a heavy tilt and started saying all the Republicans would vote against him, and there are several Democrats who'll vote against him. And I also think you have to remember Teddy--at that stage in Teddy's Senate career he was regarded as sort of a wise ass by a lot of senators because he was young, because he'd won on the Kennedy name. I think there were lots of senators up there that didn't mind Kennedy getting a little bruised.

G: Do you think the ABA felt that Johnson had been slighting their recommendations for appointments, that one of the reason that they were so adamant against Morrissey was because--?

C: I think they were adamant against Morrissey because he wasn't qualified. He was really--I mean he was a Boston municipal judge that, as Katzenbach said in his memo, just didn't meet the standards. And in those days the standards you know weren't--well, they were high, but they weren't what they are today I don't think.

G: Should LBJ have withdrawn the nomination sooner?

C: Well, it was up to Morrissey to ask that the nomination be withdrawn. I think Kennedy withdrew it when he realized there was no chance and he didn't want to subject--I think two things happened. I think he realized he couldn't win; he didn't want to force his fellow senators to vote, the ones who would vote for him just out of friendship. But when Joe Tydings began to indicate when they weren't going to vote for Morrissey--I mean Tydings was Kennedy's twin--and I think he was able to go to Morrissey and say, "I have

done everything humanly possible. I just can't. You're a victim of politics. I just can't get it through."

G: Okay.

End of Tape 1 of 1 and Interview XX

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Addendum to the Legal Agreement Pertaining to the Oral History Interviews of

Joseph A. Califano

Interviewed by: Paige Mulhollan, Joe B. Frantz and Michael L. Gillette

I, Joseph A. Califano, hereby remove the restrictions on the use of the transcripts and recordings that states, "During my lifetime I retain all copyright in the material given to the United States by the terms of this instrument. Thereafter the copyright in both the transcripts and tape recordings shall pass to the United States Government. During my lifetime researchers may publish 'fair use' quotations from the transcripts and tape recordings without my express consent in each case." of the sixty-three personal interviews conducted with me by Paige Mulhollan, Joe B. Frantz, and Michael L. Gillette, currently at the Lyndon Baines Johnson Presidential Library. (see attachment for interview details)

Joseph A. Califano Jr. — Donor

5-28-19 — Dated

Susan K. Donius

Director for Presidential Libraries

July 17, 2019 — Dated