

INTERVIEW XXXIII

DATE: July 13, 1988

INTERVIEWEE: JOSEPH A. CALIFANO, JR.

INTERVIEWER: Michael L. Gillette

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

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G: Okay . . .

C: --take over beautification.

G: That's a good place to start. Do you remember that conversation?

C: I mean it was just one of . . .

G: This was in August. August 9 [1965]. Not long after you arrived.

C: I think the President very much wanted the beautification bill and I think he told about five people to take it over. I mean, I was one, Larry O'Brien, [Bill] Moyers as we got to a later stage. But, it was just this frustration on our difficulty in getting that bill out. The highway billboard lobby was phenomenally powerful.

G: Describe that lobby and how it worked.

C: Well, I can't. I mean, all I remember was that they really had a lock on the committees. They did not want the billboards taken down because they didn't want to lose the revenue. It wasn't the advertisers on the billboards; it was the people that owned the billboards who made money off of the people advertising on them.

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G: The Outdoor Advertisers Association? Phil Tocker and . . .

C: Well, I don't remember the people anymore, but they were very effective. But he wanted that bill, and he wanted that for Lady Bird and for himself.

G: Did the lobby have more influence in the Senate than they did in the House?

C: I think they had a lot of influence in both bodies. I mean, they held the House up. The night of the Great Society 89th Congress celebration in the State Department--

G: Salute to Congress.

C: Salute to Congress. [The bill] was tied up in the House, and it took everything the President had, including a dramatic walk out to go to the hospital directly from the Salute in the State Department, to get that bill out. But he made a big thing about not telling them they weren't really--he wanted to have them there but they weren't invited until they passed the Highway Beautification Bill, and we kept the party going in the White House until they got out.

G: Is that right?

C: Yeah. Did they actually . . .

G: They came over to the White House around one a.m. or one-thirty after passing the bill. It was remarkable. I think O'Brien--I mean I was involved in this, but I don't have recollections of being immersed in it the way I was in Model Cities and some of the other legislation. And I think I was involved in the sense that he literally pulled out all the stops; he had everybody working on this piece of legislation.

G: The Outdoor Advertisers hired Don Thomas to represent them and Thomas did write letters. Did you have sense of Thomas being involved?

C: No.

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G: Really?

C: I just may not remember it. When I was going through these notes, I notice here on October 1, "No decisions made and asked that we get our beauty bill next week. VA [Veterans Administration] hold all." We were looking at closing VA hospitals at that time, and he basically put a hold on doing anything adverse to any congressman where that would set off any storm up there until we got the beautification bill out. That was not unusual for Johnson. I've always--I have no proof of this in any way, shape, or form. I have always thought, speculated, that, for example, one of the things that must have transpired between him and [Abe] Fortas and ultimately to the Chief [Justice], was the timing of desegregation decisions coming out of the Supreme Court. Because he always used to be concerned as we'd get close to one of our bills, the Voting Rights Act or Fair Housing or anything like that, that it would be just his luck to have the Court come down with some blockbuster civil rights decision the day before the vote and we'd get blown out of the water. And he was very conscious of all that stuff, and I guess he'd seen so much on the Hill of how something that someone else does could just blow what we were doing, so to have me put out the word that he didn't want anything done on the VA [Veterans Administration] hospitals or anything done on something else until we got through our beautification vote was something that happened frequently.

G: You've got the notes on the VA, but how would you verify the coordination with the Court? Fortas and . . .

C: No, I say that's pure speculation.

G: Yes, but how would you go about trying to verify or . . . ?

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C: He never asked me to do that. He never asked me to do that. I just have always thought because he'd always say, "It would be just my luck," to have some incredible Court decision. Not to effect the substance of the decision, just the timing, that, "it would be just my luck to have some decision," he'd say, "to come down and blow our vote out of the water, and I don't want that to happen."

G: But my question is if you were exploring this as a hypothesis, how would you pursue it?

C: Well, the only people you could pursue it with are dead probably. Fortas and [Earl] Warren. I mean, I don't know how we'd do it. [William] Douglas was over there, too, I guess.

G: Was there anyone in the White House who was sort of a link to the Court?

C: No.

G: Would [Nicholas] Katzenbach have any knowledge of . . .

C: I don't think so. It'd be worth asking, but I think I probably had as much contact with Fortas as anybody on the staff. I noticed, incidentally, [Bruce] Murphy's book [*Fortas: The Rise and Ruin of a Supreme Court Justice*] got very badly reviewed in the [*New York Times*]. Have you looked at it?

G: (indicates no)

C: [I was] surprised. Maybe someone will send me a copy of that book.

G: Okay. Was there a key guy in Fortas' office that would be helpful? A clerk or an assistant or something while he was on the Court?

C: I don't think he would have talked to them. I just. . . . God, I forgot. I do remember some of the . . .

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G: Okay. Why don't you start by talking about the Commerce Department and its attitude toward the legislation and then . . .

C: Can we just look at one more thing here? The detailed origins of the Highway Beautification Bill, I really don't know about, because it was already up there when I got to the White House. President and Mrs. Johnson very much wanted the legislation, and they wanted a strong bill. The Commerce Department had little enthusiasm for the bill, I think in part because it probably never originated there. It probably came right out of the White House and OMB [Office of Management and Budget] and in part because it was not high on their priorities. And Secretary Connor was not a political animal. I mean, this was a real street fight, and I think he didn't view this, the--Commerce, when he became secretary of commerce and probably--you can ask him when you interview him--but he didn't realize what a big part of the Commerce Department transportation was, and the highway funds were so political. So they were at best lukewarm.

That is undoubtedly what led me to urge the President, I see in this memo of Sunday afternoon, September 12, to have as his objectives, "Make sure Commerce gets with this legislation; their disposition against it has caused some of our problems. Get Commerce to work out in some detail the standards that we will use in exercising the discretion given to the secretary of commerce under the bill." That was one problem. Another problem which is reflected more in O'Brien's memorandum of September 18, but I certainly was--I [was] obviously sensitive to it. This is my memo to the President, September 12, 1965: "Place the burden clearly on one person to get this straightened out on the Hill. I recommend Larry O'Brien since he is so involved in it already." That obviously, even I was seeing the President striking out and telling all kinds of people to

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do things--something he often did, but usually we'd pick up the pieces ourselves. Thirdly, I guess it suffered, when I see all these memos from Bill Moyers, from the fact that it was a carryover piece; it wasn't, and Moyers had worked on it before. I was now in charge of the legislative program; he was in the Press Office, but it takes a while for those things to shake down and so he was operating under call, under directions, from the President. I'm operating under directions from the President. The President's calling [Alan] Boyd, giving him hell for not working hard on this and O'Brien is getting called. And it suffered I'm sure from the fact that Bill and I weren't, we didn't really have things in sync at that point and only--I hadn't been there a month.

G: Was Jennings Randolph a problem?

C: Well, I'm really operating on dim recollection and what these papers remind me of, but I think there was no enthusiasm for the bill aside from ours--ours being the President's and what he generated on the White House staff--so in that sense, every congressman was a problem.

And I also notice in these papers [that] the bill's going through committees that are already exhausted from our pollution bills and our environmental bills, which we're rolling through them. But, to me, the impact of all this, just looking at these papers now, what it really is, [is] the President reaching out for everything. I mean, Sheldon Cohen was the commissioner of internal revenue, so we get in touch with Sheldon to see what we can do in terms of depreciation of billboards with the highway billboard people. Either to cut down their depreciation or to increase it, depending on how they react towards the bill. We reach out to--he has me reporting here on . . . Well, he has a cabinet meeting on October 5, in which the beauty bill gets a prominent role. We have Esther

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Peterson getting out to all the consumer groups, getting them to chime in. He has me get in touch with [Cyrus] Vance. The attachment isn't here, incidentally. "Attached is Cy Vance's response to our request that he emphasize the importance"--this is September 13, 1965--"of beautification programs as it affects military installations. I'll make arrangements for the quarterly reports to be sent to the White House so that if they contain meat, we can use them for release here." And then he issues an order that he doesn't want any VA [Veterans Administration] hospitals closed at this point. And he wants basically, I mean those notes in my steno pad [indicate], obviously [that] he has issued an order that he doesn't want anything that would set off anybody on the Hill until we get our legislation out. And that was classic Johnson.

My hunch is that the chaos over the legislation was more a function of our not knowing what we wanted than it was of anything else. I'm laying out administrative--if I sent a memo out like that which said, "Here are administration objectives off of our meeting with the President today," I'm sure I was reflecting the fact that I thought nobody really knew what we wanted, and O'Brien's memo reflects that as well. And if you tell me we're in a situation which Moyers is making a deal, I'm sure the deal he was making he thought was a good deal. I see him sending Boyd's memo to the President saying, "This is the best we can get," and then the President coming in saying, "I want a much stronger bill."

G: You think it was LBJ's decision to go for a stronger bill or . . . ?

C: Well, if I look at the players there, it was either LBJ or me, and if I had gotten into it, somebody must have told me that this bill, as it originally had come out of the Senate Committee, just was not strong enough to do anything about billboards.

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Now, I do remember--I have it checked in my phonebooks--this is one of the few occasions when Mrs. Johnson ever called me and asked me to do something, and she did call me about this bill.

G: What did she ask you?

C: I can't remember, but, I mean, I know she called me. It was not a façade; she was personally interested in this piece of legislation.

G: There's a note here that the President asked Horace Busby to contact the oil companies.

C: Well, that's another example of just reaching out for everybody.

G: What did he expect to get from the oil companies here?

C: I assume he expected to get them as advertisers on highway billboards and also to go after people to whom they contributed.

G: Of course, one of the biggest questions was how the legislation would be funded, whether it would come out of the highway trust fund or the general revenue. Any recollections of that dilemma?

C: No, except that I think we preferred some automatic formula, whether it was the 1 per cent excise tax mentioned in here or something that would automatically rack up the money, that we would not have to be subject to appropriations every year. And I'm sure the Outdoor Advertising people wanted legislation that required appropriations every year so they'd have another committee in which to fight, and we just didn't want to have to fight about it.

G: There was also the question of what compensation for billboard owners.

C: I mean I have recollections of that, people making a Fifth Amendment argument of taking without paying, but I think that became more a question of sort of buying them off. I just

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have a sense that even when all was said and done and we got it passed and while we had the exhilaration of having a highway beautification bill passed that was stronger than we thought we could get originally, it still was not a good piece of legislation. It was complicated and it was a crazy quilt.

G: Should you have worked more with the anti-billboard groups?

C: The problem I have in answering that question is I don't have any sense of their being powerful or having any clout on the Hill at that point in time. I don't think they had much to bring to bear.

G: Possibly expertise, if not influence.

C: I guess I can't answer that. I don't remember. Maybe the very fact that I don't remember is a reflection of the fact that I wasn't in--I certainly was not sure-footed on this. I wasn't the way I'd be in another few months on legislation that I'd sort of developed, whether it's Model Cities or crime legislation or the pollution bills in 1967 or 1968 where I had a great sense of where we were headed and what we were doing. I have a feeling even at this point in time that it was something I was dumped into that was very fragmented at the White House . . . constantly picking up pieces.

G: Do you recall that weekend meeting where he brought the White House staff in, didn't he?

C: Well, I do. I remember one [meeting] sitting around in his office on this. I mean it was a lot of other stuff beside beautification I think and I also remember. . . . I do remember Boyd calling me after being called by the President at one o'clock in the morning, and being stunned--the President asking Boyd--this is one o'clock Sunday morning--why he isn't continuing to make his calls to congressmen, which was Johnson's way, I think, of

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just driving home to Boyd how important this bill was. There is no question in my mind that the calling of Boyd and the bringing in of people and all that stuff drove home to everybody what an overriding objective it was to get this bill.

G: How did Boyd respond? What did he say to you?

C: I don't remember exactly. I have some notes of what I wrote there. I think he was flabbergasted at that kind of a call and the President raising hell with him for not being on the job and. . . . I don't remember Jane Engelhard and Peter Rodino, but it wouldn't surprise me. I do remember Rockefeller. I maybe even met Rockefeller in connection with this, Laurance Rockefeller. But reaching out like that was something we did. I mean, we did often. It was an all-stops-out effort. I did notice in the notes here, [Richard] Goodwin charged with calling Laurance Rockefeller. My hunch would be if you could resurrect it, that Lady Bird probably talked to him too.

G: How much lobbying did Mrs. Johnson do? Do you know?

C: On this bill, I think she probably did some real lobbying. The President did an enormous amount. As you can see from the memos here, we divided up the whole Congress again eventually, and we all started calling. But this was the full court press that he would put on. Also, the oil guys and a Laurance Rockefeller, aside from their general interest in the area, calls from them were also important because the President realized they were contributors, and this was the day when campaign contributions were made in cash, and so there weren't any serious restrictions on how much you could give somebody.

G: Was there a way to influence Jennings Randolph?

C: I just don't remember.

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G: Any recollections of [Hubert] Humphrey in this because 3M was interested in the billboards.

C: I don't have any. (Inaudible) with Alan Boyd must have been on this bill and. . . . But I think, I was really an enlisted man and not an officer on this legislation. I was new to the White House. I was sort of pulling it together trying to. . . . I'm sure Boyd didn't regard me in that way, but I think Larry O'Brien really had the gun. And as I said, I do remember him getting very annoyed with Moyers near the end or some point, although I notice, as I said in the memo, he indicated that Moyers had done a good job with Edmundson [?].

G: LBJ's reaction to the bill's passage?

C: Well, he was happy. I think once we got as much as anybody thought we could possibly get, he was happy and he would lay praise on these guys. One of the things this illustrates when you look a couple of years later and you see some of those memos in there about continuing fighting over the bill and what have you, it's a problem that's become even much worse today in Washington, which is that battles never end. Passing the bill is no longer the end of the battle. Then there is a fight over the regulations. Then the regulations are no longer the end of the battle. You go back to Congress and try and get the bill amended. It's just a continuous process and there are, if you will, no final decisions. But I think he was pleased.

G: He had already left for the hospital.

C: Well, I think if you go, I don't have the tape--I have the record, but I think he talked about it in his talk saying, "Goodbye, I'm going to the hospital." But he was getting, as he was sitting there watching that broadcast, minute by minute reports, every ten or fifteen minutes guys were going up to him with notes as to where we stood on the floor of the

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House and where we stood on the headcount. And he was right. The bill was, the support for it was so fragile that if we hadn't driven it out of the House that night we might not have a highway beautification plan.

G: Do you think his enthusiasm for the bill was largely due to Mrs. Johnson's influence?

C: I can remember driving around, being with the Johnsons, either driving into a city or . . . and having Mrs. Johnson point out how awful the billboards looked or the junkyards--the automobile junkyards--how terrible they looked and what a scar they were. So, yes, I think that was a significant part of why he did this. But I also think he liked the land. Even though I think he'd become more of Washingtonian than a Texan after thirty-five years here, he did like the land and he cared about it, and there's no question that he talked privately with as much passion about land and resources and the environment and water and, as he did publicly. It was not something he put on, so I think he wanted it too.

G: You mentioned that he told some great stories during one of these meetings.

C: Yes, I can't. I was trying to reach him and that afternoon meeting at the White House with the staff, I uh . . .

G: Let me--

End of Interview XXXIII

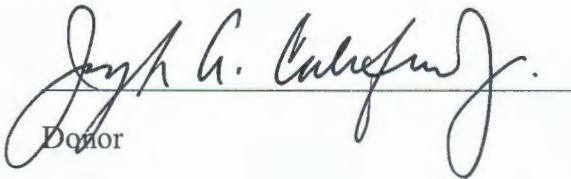
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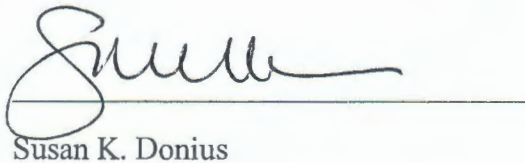
Joseph A. Califano

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

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