

INTERVIEW LVI

DATE: November 21, 1989

INTERVIEWEE: JOSEPH A. CALIFANO, JR., with comments by Marcel Bryar

INTERVIEWER: Michael L. Gillette

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

Tape 1 of 1, Side 1

C: On May 21, I and Larry Levinson met with Jerry Grinstein who was the chief counsel of the--

(Interruption)

We met in my office. I had lunch with them first and then we met. And we went over a list of issues in the Auto Safety Bill one by one, basically reaching the decisions reflected in the paper attached to my memo to the President of June 24, 1966, the memorandum of a telephone conversation with Drew Pearson of June 29, 1966. And as you can see, we by and large took a very tough line, including the inclusion of criminal penalties for the auto industry. I went over that--and those agreements, with the exception of criminal penalties, which we lost in the Senate Commerce Committee, is the bill that passed both houses of Congress. It's the kind of thing--

(Interruption)

And after that meeting I went over the agreements we'd reached with the President and got his okay. By and large we rejected all the requests of the auto industry which had

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been either submitted to us or to submitted to them by Lloyd Cutler who was their lawyer.

The most offensive of those requests was one that would have put in--there was an organization of the states called VESC [Vehicle Equipment Safety Commission], I think it was, or something like that, which would have put control in that organization to set standards for safety. That organization was really owned and controlled by the auto industry, and it would have been clearly putting the fox in the chicken coop.

G: What about the antitrust exemption?

C: Well, the auto industry came in and they said if we were going to do this, it's going to cost so much money and what have you, and therefore, we need an antitrust exemption so that we can all do it together; we can make safer cars that way. We were very much opposed to that. And I got Ramsey Clark and talked to him, and we got up a letter saying that the Justice Department opposed the antitrust exemption. I think there was a little bit of fuzziness about our position in the early stages, as there was on all of this stuff. And a lot of that was caused by Jack Connor, the Secretary of Commerce, who really, at bottom, did not share our view of the way to do this bill. He was very much opposed to criminal penalties. He very much did not want to have mandatory standards put on the automobile industry, but wanted them to be discretionary, and he wanted a much longer lead time than we wanted. While he was a good soldier, his views were known when the legislation went up and the auto industry knew his views and they knew that in him they had an ally. That caused some confusion. We by and large took him out of the play. It was one of those situations in which, as a result of that, we did everything from the White House on the bill.

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G: Was there a fear that implementation of the act might be retarded because of Connor's opposition?

C: No, I don't think anyone doubted that he would enforce the law once the law was passed. But I think he was not comfortable being a spokesman for provisions with which he didn't really agree. He was an outspoken person; he told it as he saw it. But he was loyal; he wasn't disloyal, as [Stewart] Udall on occasion was.

G: But the act did give him some discretion to postpone--?

C: Well, only if the automobile industry was able to prove that they could not--literally could not--put some change into effect. It placed a heavy burden on the industry. As it turned out, of course, all this became moot because when the Transportation Department was created, [Alan] Boyd became the key player, and he was for this legislation.

G: Did Boyd have a role in any of this process?

C: I think Boyd's head was really turned on to the Department of Transportation, and I don't think he was a significant player in the auto safety legislation. It really became very much a White House operation.

G: The documents indicate that the meeting was held after the Senate committee was working on the bill and a lot of amendments were being submitted to it in the committee. Do you recall how this meeting came about? Was it common for you to meet with the committee staffs on something like this?

C: It was not [as] common as it would be today to meet with committee staffs. But [Warren] Magnuson was by no means a detail man, and he was also one of the great legends of the Senate even at that point in time, number one. Number two, he had a very good staff. And this was in this case the most effective way to do it. And as I said, I don't think what

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we did on that Saturday, May 21, 1966, could be done in 1989 or 1990. I don't think you could come to an agreement like that and have it go right through, which was what happened.

G: This was a reflection of the strength of the committee chair?

C: The strength of the committee chair and the power of the President at that point in time.

G: Did you propose the meeting, or did Magnuson's staff?

C: I can't remember. We probably did.

G: Now you had outlined, or someone had outlined, the manufacturers' position, [Abraham] Ribicoff's position, the administration position, [Walter] Mondale's position, and essentially the [Ralph] Nader/[Vance] Hartke position, as well as Magnuson's.

C: Yes. And we, by and large, took the hardest line in almost every case, or the most sensible line. We did not take the automobile industry line. But the key players really were Magnuson and his staff. Nader was also important, but he wasn't nearly as important as he is today.

G: How adamant was the administration with regard to criminal penalties?

C: Well, we wanted them. We had fought that battle when we sent the legislation up, Charlie Schultze and I with Connor in early 1966. Connor was opposed to it then, and my recollection is that the bill we sent up had criminal penalties in it. Connor was opposed to them; I was very much for them. The President got so revved up on this thing, "blood" and all that stuff, that we hung with him. We could not hold it in the Senate committee though. If you're saying did we lie down, the answer is no. We tried to get a majority vote. It was the only thing we couldn't hold from that agreement, and what passed the Senate passed the House almost verbatim.

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- G: Drew Pearson suggested that [Robert] McNamara played a role in opposing criminal penalties.
- C: Yes. Pearson wrote--let me just take a quick look at these. (Long pause) Pearson wrote two columns, one on July 24, 1966, and one on July 29, 1966, in which he, among other things, said that McNamara [was] somehow influencing me to be soft on the Auto Safety Bill. That's simply not the case. I have no recollection of ever talking to McNamara about auto safety. It doesn't mean I didn't; I may have. But he certainly wasn't soft on the industry in any way, shape, or form.
- G: McNamara was not?
- C: No. And as I said, I was very strong for criminal penalties, for example, from the very beginning. After the second column, the President called me and said, "Drew Pearson is on your back. He's not a good guy to have on your back." I said, "It's all wrong. What he's writing is wrong," and the President knew that. He said, "You better get straightened out with him. You don't want to have an enemy like that." So I called up Pearson and that phone call of June 29 is reflected in the memo you've got, which is better than my recollection, and it's almost verbatim. And [I] took Pearson through--the President said, "Take him through what you've done." So I took him through the memo I had sent out setting up the task force and all that stuff, and what we wanted from Commerce, and what we'd done. Then Pearson said, well, he's make it up to me. And he did. He later--and I don't have the column here; you'll have to find it--he later wrote a column praising me in some other connection for something he said I did which was not really accurate. At the end of that day he called me because I hadn't called him. He said, "Did you see my column this morning?" I said, "Yes, I saw your column. I appreciate it, but it really didn't

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quite happen that way." I think he gave me credit for something Wayne Morse may have done. I can't remember. And Pearson said, "Well, the point is I told you I'd make up to you what I said before."

Pearson was very much used in those days. He was used by the President [who] would leak stuff to him on Vietnam. A lot of people used him, and he was very well connected on the Hill. I think these stories undoubtedly came either from Magnuson or from other people on the Hill. You'll have to find out from others whether this is an apocryphal story or a true one. It was widely thought in the staff I think that the President--the President suspected George Ball of leaking at one point, and he told Ball something that he didn't tell anybody else and it appeared in the paper. I think it appeared in a Pearson column, but I'm not sure. That just convinced him that Ball was the leaker. As I said, lots of guys thought that; I'm not sure that actually happened.

In any case, I made peace with Pearson, and we were on good terms for the rest of the administration. Hartke was also--the one thing about Pearson's columns is there is no--here's yet another one. This is his column of August 24, 1966, when we tried to recoup in the House the criminal penalties, and we were unable to . . .

G: He seems to blame the administration for not issuing a strong public statement.

C: Well, you couldn't issue many statements stronger than the one the President did to the auto industry and, as I think I noted earlier, I think he also wiped out the governors. That bill was an incredibly tough bill, remarkable for its time, considering no industry had ever been subjected to anything like that before. When we got everything we wanted except for one item in the bill, that was pretty good shape. And we had very tough civil penalties in the bill, and they stayed, remained in the bill. The issue became if you drive and kill a

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pedestrian, you can be charged with vehicular homicide or second-degree murder, or manslaughter, or what have you. And yet the auto industry, which is killing fifty thousand people with unsafe cars every year, shouldn't be allowed to get away with just civil penalties. It was an emotional issue. But I think it's very difficult to make things a crime, more difficult then than now. And I really think in the course, with the distance of twenty-five years, I think it's fair to say I'm not sure that decision was wrong, although at the time I thought it was terrible. We ought to count to ten before we make acts committed by people crimes.

G: Well, the fact I guess that it had the potential to cause death, but on the other hand, it was not necessarily regardless of how the car was made.

C: It would have had to have been willful and what have you.

G: What about the whole question of civil penalties being sufficient to constitute a deterrent? Was this something you discussed?

C: Yes, we did. But the real deterrent was the recall of the cars. What we always viewed as the deterrent was the fact that we could recall those cars if those guys made a mistake. In those years, now you pick up the paper and there's a recall of this, or that, or you get the notice in the mail from your auto dealer. In those days, those recalls were devastating. They were big; they were front-page news often. That was what we regarded as the real deterrent.

We also had a greater sense than exists today in this country that people would follow a law once it was passed. Once we passed a law and said you had to do certain things, that you had to put a cushion in the dashboard and what have you-- the dashboard makes me think of something else--this was 1966--the auto industry started immediately--

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(Interruption)

You've probably heard this. It probably would have had to have been 1968, so it would have either been the 1969 models or the--whatever.

G: The 1968 models, I think they were.

C: I mean it's wonderful, [the story] of Johnson driving around the Ranch, and getting his new Lincoln, which Henry Ford sent him every year, stuff being recessed and the dashboard being padded and all this stuff starting to come into place, and he couldn't find stuff and just going bullshit in the car about that. Then being told it was the Auto Safety Bill.

G: How did he react once told that?

C: He laughed. He did.

G: The question of coverage, whether trucks would be included and which trucks, trucks that were covered by the ICC [Interstate Commerce Commission] would be regulated by the ICC.

C: I guess trucks got excluded, didn't they? Or did they get subjected? I can't remember. I know that as we sit here today the standards for trucks are less--they are covered by that now, but the standards are lower for trucks on braking and stuff like that than they are for automobiles.

G: Were the Teamsters a factor in this at all?

C: No. The American Trucking Association may have been. We really weren't focused on trucks. It wasn't a big issue to us as I recall. I don't even remember it. I see it in the papers and a dimly remember it. We were really focused on passenger cars.

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G: How about the whole question of inspecting the plants to make sure that industry was complying? This was a feature in--

C: I honestly can't remember anything about that.

G: And then the federal research component of this.

C: I do remember that. I just remember it dimly, but we wanted the capacity to second guess these guys, and we wanted the capacity, the technological engineering capacity, to make judgments about what they were doing. The auto industry basically fought it at every point it could fight it: no funds, no people. Not this, not that. It was very much trench warfare. And Cutler represented them; he was an effective representative for them. I think he also had--since he had been rolled by Johnson, and Johnson wouldn't let Connor make him his undersecretary, he had a little extra zest with which he may have fought this.

G: Why didn't Johnson want him as undersecretary?

C: Because he basically--the papers wrote that because of the fact that he might be nominated leaked, Johnson jerked back. I think the reality was that he didn't trust him fully, particularly in the sense that Cutler would be Connor's man, not Johnson man. And, two, Cutler didn't bring anything to Commerce that Connor hadn't already brought. Connor was out of the pharmaceutical industry; at that point Cutler was a pharmaceutical lawyer. They sort of had the--Johnson, the way he viewed things--[they had] the same friends, the same economic background; therefore, he doesn't add anything. I think that's really why he didn't go with him.

G: The other aspect of this was the interim standards that would be required by January 1 and then the revised standards within a year. This [was] sort of two-stage process.

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C: We wanted standards right away. We wanted to get this thing going right away.

G: Was there any disagreement among the White House and the congressional people in this meeting or were you all fairly in one accord?

C: We were of one. [Lawrence] Levinson and myself and [Michael] Pertschuk and Grinstein, it was not a long meeting. We had lunch and we may have met with a couple of hours, but it was not a difficult meeting.

G: Then you went over and met with the President?

C: I notice here he said I was walking with him on the South Lawn. I know I saw him right away and I see on my calendar it's listed that I saw him at 4:15. I take this to be we walked around the lawn, but I'm sure that I saw him with a piece of a paper and took him through it. He was very interested in it. He was very interested in this and he was interested in his posture on it. Having proposed the bill, he was beginning to get labeled as being soft on auto safety, and it just bothered him. So that he wanted this thing wrapped up.

Do you remember how the truck issue came out? I see here that [Harley] Staggers is aboard. Yes, 1968 model cars. You're right. So it would have been late 1967--that's right--when Johnson started to see some of this stuff.

G: Then I guess we have his remarks to the governors.

C: Well, that was before this, wasn't it?

G: No, that was June 3. This is May 21.

C: It was after the meeting, but it was before. . . . That talk to the governors, the basic impact of that was that every governor except [George] Romney, who was the governor of Michigan, came aboard. It does remind me of something else which I want to mention

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here and I want to make sure we put in the book, which is we should certainly cover Detroit, the Detroit riots, and get the stuff on that. Because it's got a lot of both Romney and [Abe] Fortas and the difficult presidential thing. I'd also like to get when Romney returned from Vietnam and changed his mind about Vietnam and said he was brainwashed. I think it was John Roche--there should be a memo. Somebody sent the President a memo and said, "We were concerned about Romney as a presidential candidate then, because he was effective and popular and handsome." I think it was Roche who zipped a memo into the President that said, "This is the perfect way to get this guy. He's just saying he may have been brainwashed and anybody who is so stupid as to be brainwashed certainly can't be president. He's brainwashed by the briefings." At which point Johnson immediately jumped on it--either he himself or he had George Christian really take a shot at Romney on the brainwashed issue, and turned it into a national issue that devastated Romney in the campaign. But it's worth--and I remember talking to the President about that and I remember him chortling over that gaffe by Romney. Maybe if you can find [the memo]--I don't know why I think it was Roche but . . .

G: Your memo of the phone conversation with Pearson indicates that it was during this governors' meeting, the governors' conference, that you realized for the first time that Cutler had also been lobbying hard with the governors.

C: Yes, on the VESC, to get on this thing. But I think the President turned the governors around on that. What happened was the industry went, and they went with all this crazy stuff. If the federal government does this, then the next step will be to license drivers and license cars, and they'll take the revenues that you get from people registering their cars

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and getting their drivers' licenses and it will become federal revenues. But I think the President dispelled all of that.

G: He said in the meeting, "We don't want to issue drivers' licenses."

C: Did he?

G: Yes. "The federal government does not wish to issue the driver's license. You, not the federal government, should inspect the vehicle, or see that they're inspected, enforce traffic laws."

C: It was scaring the states that what was a substantial source of revenue for them would be swallowed up by us and that we'd use it for the Great Society programs. (Long pause)
We had to go to conference but . . .

G: Well, the Senate passed the bill very quickly--

C: Yes.

G: --in June, and there was a jurisdictional problem in the House between Commerce [Committee] and Public Works [Committee], Staggers and [George] Fallon.

C: Well, one on the highway safety and one on auto safety. That was the. . . . And I think out of the conference we got the. . . . (Long pause) We got a tough bill out of the conference.

G: There's also the question of whether to include used cars in some of the provisions of the bill.

C: And we did include--

G: Seatbelts.

C: --mandatory direction to the secretary to have standards for used cars in two years--again, which [the] Commerce [Department] didn't want at the time, but . . .

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G: Anything on your meeting with Ralph Nader on July 30?

C: Did I meet with Nader on July 30?

G: Your week at-a-glance--

C: Yes, I see it. See what was going on then.

G: I don't have anything.

C: It was probably--we were still in the House, so it's. . . . One thing I notice here, this would be Thursday, August 25, I guess, "LBJ aides quietly visit slum areas," the *Washington Post*. We ought to do something about that.

B: You've got a file on that.

G: Do we?

B: Some memos, [inaudible].

C: Well, get the clipping from the *Post*. It's a William Chapman story, I notice. No, it must have been related to the House action. I thought it might have been related to the conference.

"Perhaps in the garment district, a minimum wage increase."

Then we had the signing ceremony, okay? Is that what we're up to?

G: Right.

C: [Robert] Kintner, what an asshole. I know if we're on that. Here he is, September 1 he's saying, "Attached is a detailed outline of what the traffic is to me, what the Traffic Safety Act does. A companion piece of legislation, the Highway Safety Act, was just passed. I will have a rundown of that measure for you as soon as we get an idea of what the final version encompasses." He was in another world. In any case, I don't know if he had any idea what I was doing.

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G: Do you recall why this memo was produced?

C: Kintner's memo? No, I can't. I'm sure it's just bureaucratic. God, Mary Wells

[Lawrence].

G: Mary Wells drafted the statement, the signing statement?

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C: Then it got revised and he loved it.

G: She was from a PR firm, an advertising firm?

C: She was from a PR firm, and he [was] enamored of her writing. It was a brief--I don't know how long she was around, but she wrote very zippy, inflammatory stuff, and he loved it. And he loved the statement. Do we have the actual statement he issued on auto safety in the stack, as it came out? Get the 1966? September--

G: Here it is.

C: You've got it? Yes. "Over Labor Day weekend, twenty-nine American servicemen died in Vietnam. During the same Labor Day weekend, 614 Americans died on the highways in automobile accidents; twenty-nine on the battlefield, 614 on our highways." Then the stuff he loved: "Every eleven minutes a citizen is killed on the road. Every day nine thousand are killed or injured. Last year fifty thousand were killed." I sent him a memo on September 9 as we came up to the signing ceremony, the day of the signing ceremony in which we had the tire people, the automobile people, and I did note that we had Ralph Nader and Drew Pearson at the ceremony.

The next morning or on television or whatever--I guess it must have been on television-- Well, one, he didn't recognize Nader, and that made him mad as hell at me when that became, as I recall, the front-page picture in the *Times*.

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G: Him shaking hands with Nader?

C: Yes.

G: Did he present him with a pen?

C: Well, then the other point was that Jim Jones handed Nader a pen instead of the President handing him a pen. There was a point at which we just sort of ran out of pens, and about sixty--I have to go back and explain these pens to you. He got so enamored of pens--and this I ought to mention it. I don't know. He would sign his name with many, many pens, I think, even on occasion, sign his name twice. But we still didn't have enough pens, so we would take these pens and dip them before we got to the felt pens--we just dipped them in ink and put them in boxes with a little strip that said it was a pen used by Lyndon Johnson in signing this bill. Although he never used the pen, they would have been dipped in ink so there would be an ink stain on them, and give them out. In any case, we'd have boxes of pens. I have pens in my files. Something happened that day that really--reporters started saying we were treating Nader like a second-class citizen. One, Nader sat in the back row. That he chose to do. He's a very unassuming guy in those days.

G: And the fact that he got a pen from Jim Jones rather than--

C: Well, he [LBJ] did two hundred handshakes I indicated in this memo, in which he'd shake hands and hand the guy the pen. There were still about a hundred people to go and then he shook hands and had Jim Jones hand them the pen. And Nader got his pen that way because he was near the end of the line. Here CBS--as I say, "CBS just acted in incredibly bad taste when it tried to make something like this--it looks like Bob Pierpont was just trying to stick the needle into you."

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Then went back to his voice. "You said ten years ago in the Senate that we had to do something about this problem . . . developed the idea in your State of the Union Message . . . Traffic Safety Bill." In any case, Levinson put all that together and laid it out for him, but he was not happy about that.

G: He didn't recognize Nader when he shook hands with him, is that right?

C: I don't think so. I have a recollection of that, that he was very annoyed that I hadn't alerted him.

"The President shook Mr. Nader's hand briefly without any sign of recognition. A White House aide then gave Mr. Nader a pen. Ralph Nader gave reporters a prepared statement claiming the legislation is historic." He [LBJ] was very unhappy about that. I don't think he did recognize him, and probably in terms of staff work we should have told him. I doubt if Jones knew who Nader was. I did; Levinson did.

G: Would you normally brief him on who would be going--?

C: You can see the memo. I sent him a memo that morning which said, "Here are some of the heavy hitters that are going to be there." I included Nader in it, but it's one of those things. There's no reason for me to--I guess [I] just assume[d] that he'd know who Nader was because I knew who Nader was.

G: Was there normally a device for the President--?

C: This is right, as I have it here. I want this, too, when I do this. "If I had know who it was, I would have had a better picture of me."

G: Was there normally a device to enable him to physically recognize people he would meet during the course of a ceremony like this, like photographs or anything. . . ?

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C: Not that I remember, but that doesn't mean there wasn't. There'd normally be some kind of a signal, yes. But I don't know whether there was a photograph or anything. It's the kind of thing where in terms of staff work, yes, probably Levinson or I should have said to Jones, "Tell him that's Nader," because the cameras all clicked, and Nader had become a folk hero, but we just thought he would know him.

I don't know whether it comes up against and again, but I think it's a fair comment that most people with the GM [General Motors] investigation of Nader and all that was public, they're having to hire [Theodore] Sorenson to protect them, a lot of coverage of Nader in the press, that he hadn't yet registered on the President's radar screen, whereas if he'd been a member of Congress he'd have been called five times and all that stuff. I think that's fair.

G: But did he generally have a lack of awareness of prominent people outside the world of politics and government?

C: I can't answer that. Let me put it another way. I think he spent all his time on politics and government. He knew people outside that world to the extent that they played on these guys. When we had to get a critical Senate vote from, I think it was, [E. L.] Bartlett of Alaska on a Fair Housing Bill in 1968, he knew. He had me call the head of the maritime unions to get them to turn the screws on Bartlett. He knew that kind of thing. He had me call the editor of the *St. Louis Post-Dispatch* once, or the head of the editorial page, to get them to write an editorial about Stuart Symington, which almost cost me my friendship--it did cost me my friendship--with Symington for a couple of years.

G: What was the editorial about, do you remember?

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C: Symington was opposing us on something--maybe we'll come across it--and we just were unable to move him. And he said he knew the guy that wrote the editorials for the *St. Louis Post-Dispatch*, edited the editorial page. He said, "You call that guy up. This guy I think will agree with us. You get him to write a stinging editorial about Stuart Symington." I called him up and he wrote an editorial, and Symington called him, and the guy said, "Well, I got a call from Joe Califano at the White House." So Symington called me and he was really pissed. I couldn't indicate that the President told me to do it, and I'm sure, if my recollection is right, I think the President even denied that he knew anything about it. (Laughter) Rogue elephant aides. Because Symington at another point later on--I was never present when he talked to him I don't think--but at another point later on, he said to me he knew that Lyndon would never do anything like this.

G: What did it have to do with, do you remember?

C: I can't remember. We'll come across it somewhere. We'll come across it. I can't remember.

But in any case, those kinds of people he knew, but celebrities, movie stars, stuff like that, I don't [know]. He watched the news on television. Just think of what the world--thank God we didn't have CNN. The damn thing would have been on all day long in all offices. It was bad enough with the wire services.

In September 25, Cutler writes, "The auto industry has won an important concession from the White House: an oral agreement that the specialist to be hired by the new safety agency will be screened by Detroit. Lloyd Cutler obtained this interesting concession from Joe Califano, able young White House aide." Now I'm an able, young

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aide. That's just simply not true, totally false. (Long pause) Okay. (Long pause) Okay.

(Long pause)

G: I can't think of anything else on it. Can you?

C: These should go in.

G: These are my copies.

C: Do I have these?

G: You should. They came from your chron[ological] file.

C: What's the date on them?

G: June 29.

C: Let me just make sure.

End of Tape 1 of 1 and Interview LVI

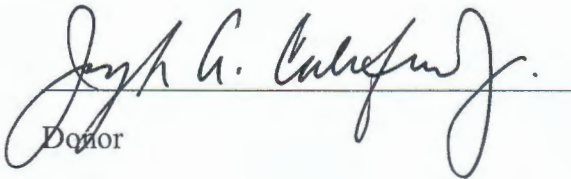
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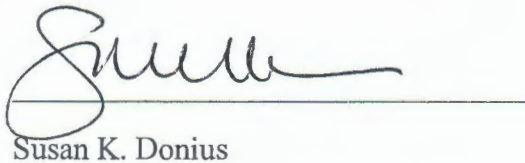
Joseph A. Califano

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

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