INTERVIEW II

DATE: December 6, 1977

INTERVIEWEE: EARLE CLEMENTS

INTERVIEWER: MICHAEL L. GILLETTE

PLACE: Senator Clements' office, Washington, D.C.

Tape 1 of 1

G: Let me ask you to discuss the social security amendment in 1957, involving disability insurance and the fifty-year cut-off.

C: Well, it was one that labor had been so strong for. To me it was--being a party man, and I don't think there's many times in my life that I hadn't been considered a party man or felt that I was a party man. I was raised in a Democratic cradle. My father was a very strong Democrat. He had held public office as a Democrat. Then I really thought that this piece of legislation was correct, but it wasn't a good vote for me under the circumstances that existed in Kentucky at that time. For that reason, when my name was called, I didn't vote, as often happens to members of the Senate. I kept the check very closely. When everybody else had voted except me, why, if I had voted the other way, if I had voted the way which was better for me politically--and you know it was right in front of an election--it would have been a tie vote and Nixon would have untied the vote in opposition to the bill.

I made several efforts to get somebody to change their vote. I made a very much stronger effort with the Senator from Delaware, because when I was chairman of the senatorial campaign committee. I made a strong effort to help Allen Frear. I spent a night and one day with Bert [Elbert N.] Carvel, who was governor of Delaware, stayed all night with him. Allen Frear's opponent was a judge who had been appointed by Bert Carvel. We looked over the hunting grounds that he had over there in Delaware, where he had a few shucks of corn around where the ducks and the geese would show. Finally I got Bert Carvel to agree to support Allen even though his appointee was from his home county and it was determined in their convention. The candidate and the Governor split the vote right practically in the middle. It was the difference between Allen being renominated and the judge being the nominee, because the vote was very, very close. I thought if there was anybody that would do something for me, it would be him that would pass the bill, and I wouldn't arouse all of the medical people that had been so strong and so well organized in Kentucky on this particular bill.

But when it got down to the point where it was going to be a tie vote and Nixon was going to untie it, I cast the last vote in favor of the bill.

G: People have speculated that that was instrumental in your defeat.

C: I don't know what other people thought about it, but the candidate himself can recognize it. (Laughter) Yes, and I would say that it [was important]. Oh, there was a lot of things. [There's] rarely ever one thing that's a cause of a person's defeat. But had I cast the other vote, I would have won the contest.

G: Did Lyndon Johnson know how you were going to vote before you voted?

C: Lyndon knew what kind of a position I was in. He knew what I was trying to do with Allen Frear. Lyndon wanted the bill to carry; he wanted the bill to pass. But he never pressured me at all about it, because he knew down in my heart I wasn't going to let that bill be defeated on my account solely.

G: He tried to persuade Frear, too, I gather.

C: Well, I really didn't call on him to pressure Frear, because Lyndon didn't know as much about the Delaware thing as I did. I guess I just didn't call on enough friends, you know, to do it.

Labor, oh, they were very pleased with my vote, but they weren't very active in my campaign. Some of them were divided between Eisenhower and Stevenson.

G: Had the AMA in Kentucky told you before the vote that if you didn't vote their way on it, that they would oppose you?

C: Oh, no. No. They're smarter than that. They're smarter than that. There were a lot of friends voted against me on account of that, that if they had known that was going to be that [close] . . . . Well, a lot of them voted for Eisenhower, let's just say that. They voted for Eisenhower. But it would have made a difference.

G: Can I ask you about the Lewis Strauss nomination, when he was [nominated for] secretary of commerce? This was in 1959.

C: Yes, sir. Now, I was not in the Senate as a member, but Lyndon and a lot of other members wanted me to stay around Washington, Lyndon especially. He and a number of others insisted that I become the director of the Senate Campaign Committee. It was not my intention originally to do it, but you have friends and they think you can make some contribution. In the caucus Johnson said, "I not only want Earle to take this job as director of the Campaign Committee, but he's been on the Policy Committee now for nearly five years and I want him to be in position. I want us to agree in the caucus that he attend every Policy Committee meeting. He can be that much more help if he attends the Policy Committee meeting and then knows what goes on." I guess [it was] a little flattery, you know, that ultimately prevailed and I became the director of the Campaign Committee and attended all the Policy Committee meetings.

If you'll take the record of Johnson and you'll take the record of another great Texan, Sam Rayburn, they generally felt like supporting the president to the extent that

they could, whether he be a Democrat or a Republican. But of course, not that they defeated a lot of his legislation, but most of Eisenhower's legislation that he presented was rewritten by Democratic committees, except in 1953 and 1954 when it was a very slim Republican majority. It was a 49-47 majority at that time.

When the Strauss nomination came up, it was Johnson's intention to support it. There was no question in his mind but what it would [be approved]. I'm telling you, when I say there's no intention in his mind to oppose it, nobody can look at anybody else's mind, but I can just tell you that he was for the Strauss nomination originally. There were very few people opposed to the Strauss nomination. But there was one very strong opponent to that nomination, and that was Clint Anderson from New Mexico. Clint I think at that time was chairman of the Joint Committee on Atomic Energy. He had served on it ever since he had been in the Senate. Of course, they changed from time to time from the House to the Senate as to the chairman.

The first time I knew there was any real opposition to it was when Clint took the floor. He took the floor, and among the statements that he made about Strauss was that he [had] lied to the committee. He made that as a very, very strong statement. He made that without any equivocation of any kind or character. He spoke at great length. As you know, if a person in the Senate wants to keep the floor, why, there are ways he can keep the floor [especially back] in 1959. You can do pretty well that same thing today, but it's a little easier for it not to happen now than it was at that time. But it can still happen, unless the leadership takes a strong position and has somebody sitting in the Vice President's chair as the presiding officer make some decisions, like one was made this year, as you recall.

Clint kept that floor for a long while. How many days or how many weeks I am not in a position to say from my memory; records would show how long he kept that floor. But he would always yield to anybody, in particular to the leadership, for the bringing up of some other legislation, always with the understanding that at the completion of that legislation that he still retained the floor. That went on day after day. Of course Strauss issued statements. One was that he hadn't lied to the committee; they had misunderstood him. Every time he would make one of those statements, why, Clint would get more volatile. That went on day after day. Of course, the longer he spoke, the longer that went on, why, the more support he had.

Well, I was the whip. And I want to say this for Bobby Baker; he and I were always the vote counters. It was kind of a joint effort, you know. He loved to help do it and I liked the idea of him picking up all the information he could. We would share it in the evening. I don't think Johnson ever thought there was any chance of Strauss' nomination not being approved until right toward the last. I went to him and I told him. I said, "You know, you are going to decide whether Strauss' nomination is confirmed or not." "Oh," he said, "you're mistaken. It's not going to be a close vote." I said, "There are four votes here going to vote just like you vote. If they vote like you vote, Strauss will be nominated. The nomination will be confirmed. So you're going to decide it." "Why," he said, "there's not that many votes against Strauss." I said, "There are. There's

four votes." I wouldn't want to say who those four votes were. You wouldn't say that about some people, one of whom is living, maybe two. One, I know. He said, "Who are they?" And I told him. He said, "My! You're wrong. You must be wrong." "Well," I said, "go talk to them." He talked to all four of them and they said, "Well, we've just made up our minds that we're going to vote like you vote."

But when he saw that he was going to make that decision, now what went through his mind nobody knows. But I can only give you my opinion that he wasn't going to be opposed, as the leader, to that many members of his party that he believed that what Clint Anderson was saying was correct. But he went to these four people and he talked to them, and they told him, "We're going to vote just exactly like you vote." He told me, "I didn't believe it till you told me. They are going to vote that way."

The leadership then agreed with Clint Anderson. Of course, Clint was keeping count on the votes, too. Clint knew what the vote was. I may be dead wrong, but in my judgment he knew these other people were going to vote like Johnson voted. I don't think that he wasn't having a calculation, because he was on good terms with most everybody in there. He had made a brave fight and more and more people believed that Clint was right, that he [Strauss] had lied. Anyway, they broke the vote.

A great shock came to the Republican side of that body, because he was not confirmed. In the three years I was with the committee and the six years and a piece that I was in the Senate, I never saw a nomination that had that kind of a fight over it, where the president's appointment was defeated, or his nomination had been defeated.

G: [It was a] close vote.

C: But I'll tell you this: when Johnson called for the vote, he knew it was going to be defeated because he knew he was going to vote against Strauss. Not that he said that to me, but I don't think he would have called for it without it.

G: When you talked to him initially about those four senators, did you urge him to vote against Strauss?

C: No, no.

G: I take it you were opposed to Strauss yourself?

C: No. I was counting the vote. That's all I was doing; I was counting the vote. I thought Clint was right. I never urged anybody. I never urged anybody to vote for anything during those three years, and when I was his deputy, I never urged anybody to vote against the leadership. If I had have intended to do it, I would have gone to Johnson and told him so.

Well, our thinking was kind of alike and it was only under those circumstances . . . . Our philosophy of government was very much alike. You know,

Johnson was never as conservative as his state was. The best proof of that was his position after he became president. He never was as conservative as his state. I expect you have found that out from all of your records.

G: He didn't sign the Southern Manifesto.

C: No, sir. He didn't sign it. Of course a person couldn't be elected in Texas and be against oil. But down in his heart, he never was in favor of the 27 ½ per cent depletion allowance. I don't mean he wasn't for some depletion allowance, but he really thought 27½ per cent was too high after the seismograph had been developed and they knew a lot more. That is, they didn't have as many dry holes after that. He thought 27 ½ per cent was too high.

G: I gather that he also felt that if they didn't lower it, they might lose the whole thing entirely.

C: Yes. I don't think there was any chance to lose it entirely, but he and Bob Kerr both [favored lowering it]. Bob wasn't so hot on the full 27 ½; he was awful strong on the drilling rights. Because Kerr-McGee--I don't know whether it's for me to say how they started; I don't know--but they did all the drilling, or the major part of the drilling, back at that time for Phillips Petroleum. As a matter of fact, when Bob Kerr and Roy Turner ran for governor, most all the oil companies were for Turner. Does that surprise you?

G: It sure does.

C: Well, all you have to do is to go back and go over that election of Bob's and Roy Turner's. The majority of the big oil companies were for Roy Turner, who was governor. I think they thought he was more on their side than Bob was. And you're not asking me anything about Bob Kerr, but since his name was mentioned as having similar views on that matter to the later-President Johnson--Bob knew the oil people were against him. He knew it quite well. It wouldn't have been much of a contest if they hadn't have been.

(Interruption)

I was majority leader in the state senate in Kentucky in 1944 and we had a Republican governor. I never liked to bring up anything that the Governor had brought up [or] presented. That is, his people presented the legislation. In the state legislature, why, it's a little different than [in the Congress]. In our state, the Governor doesn't always announce; he doesn't send up bills himself. He sends them up through the majority leader of the house or the senate. Or if they have some objections to their offering the bill, why, he sends it up through somebody else that's going to give it conscientious support, that has a background of understanding of that particular piece of legislation. Although you had a whip in your state senate, he probably wasn't quite as aggressive as you expect the whip to be in the Senate. Because the bigger a thing is, the more help a person, well, I would say, needs or should have. You never want a whip that isn't on good terms with the chief officer of the senate.

But on much of the Eisenhower legislation, I don't recall but one bill that Eisenhower had where it was changed practically little. That was on the Interstate Highway Bill. There were two views among the Democrats. Bob Kerr, of course, was on that committee; Albert Gore was on that committee. They had views and the committee would have had those views, too. Their views would have been sustained in that committee. They had something like a discussion of maybe there ought to be some tolls on these roads, and that the less money that the federal government put up--of course, they were going to put up a major part of it--the more roads could be built. They finally got around to [a ratio of] 75 and 25; 25 per cent [from the] state. Part of that could be on tolls. That is, some thought part of it could be on tolls and those tolls would pay the state out. But when Eisenhower finally came up with his statement of 90 and 10, why, there wasn't any way that they could go home to their home state and [have them] say, "Why, you made us put up a higher per cent than the President wants put up." Otherwise the interstate road system would have been completed a lot sooner, because there was just a limit to how much the tax funds would raise on the oil tax.

I don't recall any other one real piece of legislation that was real important legislation that wasn't rewritten. I say rewritten, particularly after they reversed from forty-nine Republicans to forty-nine Democrats, and especially when there were one or two Republicans that on most things we could get. [William] Langer was always a prospect. Molly [George W.] Malone was always a prospect.

G: How did he get Malone to vote with him?

C: Well, he would say that it was me. When I came to the Senate there was two committees I wanted to be on: I wanted to be on Appropriations and I wanted to be on Agriculture. So consequently, whatever committee I was on, if somebody else wanted it I'd go to another one until I finally got on those two committees. At one time I was on the Interior Committee. That's where the minerals were handled. Molly Malone--and this was during the time that they had the majority--I was on his subcommittee. Of course I was on his side, not just to please Molly Malone, but I was on his side because I thought regardless of the fact that he was always up talking about funny money--you know, that's what he called money that you didn't have that you were spending, and at the time you were increasing the debt. He and I had a right warm relationship because I helped him with his legislation. If he wasn't committed previously to the administration on something, we always had a chance to get him. Take his record, one time Johnson said something very kind about Malone on the floor after he had been with us on a close vote. Of course, he used that in an advertisement when he ran against Howard Cannon. That's what caused Johnson to stop there on Sunday after he had made the trips in 1958 and have an interview with the newspapers in Howard Cannon's home county on Sunday, expressing his strong support for Howard Cannon. Because here just a day or two before that, this advertisement came out like it was an endorsement from Johnson.

G: You were tying this into the Interstate Highway Bill on Malone.

C: Well, nobody voted against the highway bill much. I don't know, if you take the highway bill, if you've got the vote, why, there wasn't anybody much voted against the 90-10 [ratio]. That was the Interstate Highway Bill.

But I started talking to you about the things that you learn in a state legislature. You find out that so many of them are very similar [or] at least they have a relationship to the national Congress. I know when we had the Republican governor, we had twenty-two members--we had twenty-three members, but one of them was out in the South Pacific and never served. But we had twenty-two members of the senate, and the Republicans had fifteen. It might have had something to do with their picking me as the majority leader, and then picked the former majority leader, who had been majority leader for sixteen years, as the president pro tempore of the senate. I urged them to do that because he was a lawyer, and he had too many years experience as majority leader not to have him in a [prominent] position. And then he was for me.

We never had a bill of ours that we wanted to pass [that wasn't]. We passed a lot of legislation that the Governor was for, but when it hit the floor, it didn't look like it was when it came out of the Governor's office. I don't mean that we even voted on all of the bills that came out of the Governor's office. We never voted on any bill until we had the votes. During that session of that legislature, we never lost a Democratic vote. Now there are not times that we got twenty-two votes, but it was always possible. I never wanted to see anybody, I never urged anybody, to cast a vote that was going to hurt him at home. But every now and then we'd get twenty-one votes. One person might have a death in the family, or he might be at home sick, or he might have some other very, very legitimate cause for him not to be in the senate that day that the vote came up. We got twenty sometimes; we got twenty-one. But there wasn't a Democrat that ever voted with the Republicans during that session of the legislature.

G: That's remarkable.

C: And we never lost a bill. Well, we lost one. We lost the budget bill. It took fifty-one votes. We only got fifty in the house. But then we had to have a special session and, of course, in the special session we passed the same budget. This is not talking about Johnson, but we passed the budget because we let the Republicans know that they were going to operate on the budget that they had the last year and we had already presented a budget that gave them more money to spend. It kept the schools open for the full terms in all counties in the state. The superintendent of public instruction was a Republican. He had twelve votes that he could take away from the Governor, and he did.

G: Senator, there are a couple of other things that next time I want to ask you about, too. Remember when the minimum wage was raised to a dollar? That was in 1955.

C: I remember; I don't remember much detail about it.

G: I gather that that was a question of timing, bringing up the vote when certain senators were there and certain senators weren't there.

C: Oh, certainly, certainly. I learned that. Of course Johnson knew that quite well. I'm not sure that one of the reasons that Johnson picked me as the whip . . . . And he did. The Majority Leader can get his own whip if he really wants to. Now, [Mike] Mansfield never would. He just didn't take any sides. But I don't think it's any--at least it hasn't been in the past--that there has been a difference between the leadership, the joint leadership I might say, with the Majority Leader. I think he could have [picked any one], unless it was embarrassing to him not to take somebody. Now, [Leverett] Saltonstall served as whip on the Republican side under numerous leaders, but he was not as active within his party, with the leadership. He wasn't as active, I guess ever, at least as I was with Johnson, because we had lots of meetings on many things. Before he got to be majority leader, we were good friends. It was more unusual when I went on the Policy Committee than it was when he selected me as the whip.

G: You were on the Policy Committee as a junior member.

C: I was on the Policy Committee. I hadn't even hardly got dry behind the ears. But Virgil Chapman, a member of the Senate from our state, came to the Senate with Johnson; he was on the Policy Committee. So all these things took place after the 1948 election when they named [Ernest W.] McFarland as the majority leader and Johnson as the whip. They did a right good job with the same people. They filled the vacancies on the Policy Committee. They named Virgil Chapman. Virgil was killed in an automobile-truck accident. I believe it could have been as late as May, but it could have been in April. I'd only been there since November. [Johnson was] the first person who came by the office and he came in and asked me three or four questions. I knew who wanted to get on that Policy Committee--have I ever said this to you before?

G: Yes, sir. But I don't remember who they were.

C: One of them was Paul Douglas and the other one was Governor [Herbert] Lehman.

G: He wanted to keep them off.

C: Now, you said that. (Laughter) But he came by and he said, "If you were named to the Policy Committee, would you accept it?" If I told you before, I'm sure I said to you, "Why, I just got here. Nobody would vote for me for Policy Committee, the short time I've been here." Of course, the next day Ernest McFarland came by and he asked me the same question. The next thing I knew, why, they had named me to the Policy Committee. That's the reason I was on Policy Committee. I don't think it was as much that they needed Earle Clements on the Policy Committee, I think it was a question of the fact that they could say that he just took the place of another Kentuckian.

G: Well, Senator, I [thank you very much].

[End of Tape 1 of 1 and Interview II]

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