INTERVIEW I

DATE: February 23, 1989

INTERVIEWEE: ROBERT FINCH

INTERVIEWER: Michael L. Gillette

PLACE: Mr. Finch's office, Pasadena, California

Tape 1 of 1, Side 1

F: Well, I was giving you a [inaudible].

G: You were talking about the relationship between Lyndon Johnson and President [Richard] Nixon during LBJ's retirement.

F: Well, obviously this ignores the striking earlier history between the two going back to the Eisenhower years, but Johnson made it a point with the [1968] election barely over--we were in New York, and Johnson called Nixon in New York and he knew we were flying down to Key Biscayne, the key advisers and Nixon, for a quick vacation, and he urged him to come by the White House. And we did, and at that time they more or less agreed on Johnson's behest that he would like to talk to each of the cabinet members in the Nixon cabinet when they came on line before or after confirmation, depending on the situation. Johnson had prepped himself very well, and each of us cabinet members afterwards were comparing notes. But I'd already met with Wilbur Cohen, and he had mentioned some of the intensity with which Johnson pushed to get his agenda finished on the Great Society, and he had indicated that research--particularly cancer research--was

very high on his list. So, after getting the full Johnson treatment--the two of us sat down with coffee, and it was to be just a brief and obligatory session, but it went on for the better part of an hour or more.

G: Describe the full Johnson treatment.

F: It was a physical embrace and a physical handling, and all that's been written about it was true and appropriate. Almost from the top he started out by saying, "Now I got an awful lot accomplished in my time, in my term as president, and you're going to have some difficulty with some of these programs, going to take them a while to get into place." He had already been advised as to how the testimony that had gone forward on Medicare, for example, was way off the mark in terms of the actual demographics. We knew we were going to have problems there. But he said, "The one thing that I really felt and I kept pushing Wilbur to work on--I wanted to see a cure to cancer in my presidency. You can achieve that. That should happen in the next eight years, or four years. We're very close." And he really just pummeled me on that point.

As a matter of fact we did, in the second year of the Nixon Administration, propose--it wasn't finally passed in its full magnitude until 1972, FY [fiscal year] 1972--the largest single appropriation for cancer research, by many dimensions. But that was in great part due to his particular interest in that item in his agenda that he didn't feel had been adequately addressed.

G: Did he try to commit you to a continuation of some of these programs?

F: Yes. As was his wont, he simply assumed that was going to be and he was just undergirding what he wanted by way of a commitment. And I explained to him, and

Nixon had too, that we were very much concerned about it. Both of my parents died very young of cancer, and so I had a sympathy and an initial understanding about the complexity of it, and that there are over a hundred varieties and that they were probably not going to be subject to a single, you know, clear-cut "cure." But that was the top of his priority list in that session.

G: Did he talk about civil rights, implementation and enforcement of civil rights legislation?

F: We talked about it, because obviously that was very high on the agenda at that point. He urged me to utilize the apparatus that John Gardner had put into place, which was, in effect, to insulate the secretary from having to move into individual district problems, because always the senior senator from that state would come in and raise all kinds of hell about you moving too fast and so on. But my problem was not the same as Wilbur's because of two elements. One was that, obviously, with the Democrats controlling both houses, we had to give more attention to the ranking members on the other side of the aisle, being in the minority, than did Lyndon or his secretaries, in terms of political heat.

The second was that the really clear-cut discriminatory cases--the South was relatively straightforward. You closed one school, tried to merge the prospective populations into the better school, and so on, and the finding of the segregation and so on was much clearer. But we were now beginning to move into the North and the West, and those are infinitely more difficult kinds of problems, not nearly as clear-cut. And the whole phenomenon of white flight--which was not easy to trace, or in the same sense it wasn't peculiar to the southern situation, but it was in the larger cities, and of course where you had some close-in metropolitan tough districts and the whites could escape

and get better education by going out, they'd go out. So the problem you always faced was that a court order that may have been true in terms of the demographics of a district six months or a year prior--by the time the order was to be implemented, the [inaudible] suggested and all the busing decisions made, you'd lost a huge percentage and those figures were totally inappropriate. But they were still in a court order. So if everything wasn't done that was in the court order, no matter how unrealistic or inappropriate it was, you would have the lawsuits being filed to try to change it or the complaints about forcing this desegregation on these people, and the reality was a totally separate one at that point.

So that was a constant problem, and even though we tried to keep it at the regional level and we tried to send in more and more of the civil rights workers on the civil rights side, the educational experts to help tackle these problems so that it wasn't just a matter of Department of Justice people; it was a continuing very difficult problem. And inevitably the senior House members and senators would come at me and want an overnight solution and then go to the White House and complain when they didn't get it. So that was a constant source of irritation.

G: But the way to insulate the secretary from this--

F: Well, you'd have hearing officers, and you had a very elaborate process where they would come up and you set up separate hearing offices for appeals. It was [so as] to avoid the situation where the elected officials would come directly to the secretary and try to get him to intervene, because you had all this very elaborate process which John Gardner had put into place, which allowed you to move up through the state courts and

the federal courts and then through various other hearing officers to try to accommodate the situation where your numbers are changing so dramatically, where there was white flight and all these other questions, and budgetary problems.

G: Did this process remain intact during the Nixon Administration?

F: Yes. It was buffeted around considerably, but we worked out a lot of the kinks so that my successor was able to work with [Attorney General John] Mitchell's successor. But it was difficult for a while, both for budgetary and other reasons.

G: In retrospect, given the process that you described about the changing demographics, the white flight in the wake of these court orders, was there an alternative for effecting desegregation that would have been more effective?

F: Well, we did a lot of private alternatives, that is, we set up these regional and state advisory councils, and we'd go from state to state--Mitchell [and] myself; George Shultz was very helpful in it--and we would appeal to the leadership, the press, the media, the publishers, the large banks, and the private sector, to help us to gird up the resources and to try to help and to get involved in it. And it paid off. But again, those problems were relatively more straightforward and easier to address in the Deep South than they were in Boston or Denver or Los Angeles or Pasadena. We had a terrible problem here in Pasadena because people just didn't want to acknowledge it. It was self-evident in the southern states, [but] it was not as obvious even to the people in those metropolitan areas where the white flight was taking place; they would disavow it. It was not viewed as that critical a problem in its early stages.

G: Was there a difference of philosophy between the Johnson Administration and the Nixon Administration on this issue?

F: Not philosophy, because by that time the law had been pretty well implemented and put into place, and what we were confronted with was the implementation of the laws, and nobody was going to rewrite the laws that then stood. And you had a whole line of court decisions and nobody was going to start overturning those on any kind of systematic basis, and those all take a long period of time to get into place in any event. We thought we had that pretty much behind us, [but] in point of fact it continued to be a difficult problem.

At the same time we had all the other problems which were reposited in HEW [Department of Health, Education, and Welfare], because at that time it was the vacuum-cleaner agency. Everything that didn't fit anyplace else was dumped into HEW, from atomic energy all the way through to all the environmental items, air pollution, water pollution and so on. Which is why I took a lead role in suggesting to the Ash Commission when we were trying to--our first proposal, as you may recall, had to do with simplifying government by function. Which is to say, you would have Human Resources, which would be HEW and Labor and some Agriculture, and Natural Resources, which would be Agriculture and Interior and so on. Then you get a smaller cabinet and you force more tradeoffs. This instead of cabinet by constituency--labor, education, teacher's union, whatever.

G: Commerce.

F: Commerce. Then you'd force more decisions on the secretarial level on tradeoffs, and you'd cut down the influence of OMB [Office of Management and Budget], because any time there's a fight between two departments now, if the president doesn't get involved in it--which he shouldn't, if he can help it--then OMB makes the decision. But I took the lead as a member of the Ash Commission in testifying, so that we at least got a separate agency for the environmental protection, EPA [Environmental Protection Agency], and, more importantly, or just as importantly, to get the standard-setting in another agency, CEQ [Council on Environmental Quality], so that you weren't having the enforcement people trying to deal with the setting of standards. And I think that was a major contribution.

Obviously, with the "iron triangle" structure and the rest of that, we didn't come close to cutting the number of domestic cabinet spots and weren't about to, with the way--some future administration, I suspect, when you have both the House and Senate and the presidency in one party, can, I think, move towards that. I think it's a desirable goal, a useful goal, getting cabinet members back into being major influence instead of just being--cabinet meetings tend to get too large. They're mostly show-and-tell sessions, and obviously they're whatever the president wants them to be, but there is not the colloquial civil discussion of major issues that must have been true with earlier presidents with smaller cabinets.

G: You mentioned, before we turned on the tape recorder, that the tone for the relationship between President Nixon and former President Johnson was set during the transitional period.

F: It was an ambivalent relationship, because obviously they'd been protagonists during the Eisenhower years--friendly protagonists--and then when Nixon, after his defeat as governor, was working Johnson over pretty hard, Johnson finally lashed back, which turned out to be a benefit for Nixon because it plummeted him into the top leadership as the 1968 election began to emerge and before Johnson took himself out. I'm talking about 1966, when Nixon had gone around heavily campaigning for a lot of Republican candidates and he was taking on Johnson. Johnson finally fired back and just escalated Nixon's status. Well, they had this sort of ambivalent [relationship], but they both knew and respected each other. But, more importantly, in the course of the presidential election, Humphrey-Nixon, they had a kind of *ad hoc* arrangement where Johnson was concerned about whether Humphrey was going to keep his feet to the fire on Vietnam, and Nixon was obviously saying we have to persevere and had his own plan and so on. But Johnson's first chief concern was the successful conclusion and the pursuit of the Vietnam War, and so he appreciated Nixon's position and he was uneasy about Humphrey's position. So they had built a kind of tenuous accord in those months of the election after Johnson had taken himself out, because Nixon was hanging in there and Humphrey was under a lot of heat to move away.

G: There was one element of that that was potentially a problem, and that was the sense that Johnson got that there was some suggestion in Nixon's campaign, through Anna Chennault, that the Vietnamese should hold out for a better deal, that they should not be stampeded into a negotiation in Paris. Tell me what you know about that.

F: I don't know very much because I was--I traveled with Nixon after the convention. I was still lieutenant governor in California, so I would join him intermittently and I wasn't a constant participant. But I know that Nixon got briefed daily, and I sat [in] on those when I was with him. And I know Anna Chennault had a strange and wondrous role of some kind, but my concerns running from the time when I ran Nixon's campaign against Kennedy in 1960 were always domestic. And the reason I wanted HEW was because I wanted to address problems that I was convinced could be addressed after we concluded the Vietnam War, the so-called peace dividend that everybody was talking about to help settle all these problems we had back home. We ran into those full-scale anyway. We had all the campus unrest. We had Kent State, Jackson State. We had all this going on, plus we had new initiatives which were left over, which had been one of the few things Lyndon hadn't tried to attack, in terms of welfare reform. So the plate became very overloaded even while Vietnam was ongoing.

G: But you didn't have a sense about this.

F: No, it was obviously a topical thing that popped up every day in terms of what might be happening, whether Johnson could conclude something in the late stages. You know, all of that was--

G: Did President Nixon have a sense that President Johnson was trying to aid Humphrey through the bombing halt in October?

F: Some on the plane felt that way. But they would talk intermittently during the campaign, and at one point I was asked to make a statement about a certain aspect of it. It offended

Johnson and he called Nixon and wanted to know who this guy Fink was that was putting out [inaudible] how he, Nixon, felt. So that was sort of the--

G: This was with regard to--

F: It had something to do with the late stages on some aspect of it. I've forgotten what precisely it was. But they were very much in touch in a kind of guarded way, both concerned about the integrity of the process that was ongoing.

G: Was there a problem during this transition period, after the election, of Johnson trying to do things that the Nixon Administration would have to live with, or, on the other hand, the administration holding off, not doing things, in order to reserve the option for you guys?

F: You mean, in foreign policy or domestic policy or either? I can't really speak to foreign policy because, as I say, my chores all lay on the domestic side. We had our hands full trying to implement all of the programs that had come into play with the Great Society. And obviously the Democrats who were the ranking members in the House and Senate kept our feet to the fire in terms of the programs. So our effort was to try to rationalize them in some pragmatic way. The difficulty of course always was [that] you could set those programs in place but they were awfully hard to fund, and an awful lot of them had been set up with matching programs which required the state or locality to come up with a certain amount of money and they were fast running out of money on their own sides. So a lot of them would not get fully funded, and then we'd hear from the Congress and they'd say, "You're dragging your feet." And we'd say, "Well, yes, but they have not

stepped up, the state"--whether it's milk money or whatever. So there was a great deal of sorting out that was going on.

G: What was President Nixon's attitude about former President Johnson in terms of furnishing him with the things that he needed, keeping briefed on foreign and domestic policy?

F: He went the limit on that, and I think it's probably true of any president toward a living ex-president. It becomes an incredibly intimate relationship. It's a private, most exclusive club in the world, and they will go to great lengths--not necessarily as far as Nixon went with Johnson. But he made it clear that anything within reason and the law that Johnson wanted, briefings and what not, he was to get. And we were all told that. Johnson had been very good to Eisenhower, and that meant a lot to Nixon, and I think that set a standard that's persevered. I think that most presidents tend to be [inaudible], particularly with their immediate predecessor.

G: Was there likewise sort of a tacit understanding that Johnson would not weigh into Nixon, that he would not criticize him publicly?

F: No, never explicit. I suppose they were both practicing pols to the extent that they realized if they tear off the scab that things would probably--there would be reverberations. But I don't know that he was even referred to in an unspoken way. Certainly Nixon would expect Johnson to sound off on his own domestic program he might have problems with, but I think the hallowed ground was the ground that was established during the campaign, which was "Don't mess around with the Vietnam efforts for

settlement." And Johnson certainly honored that, to my knowledge. But again, I was not in that loop, because I was over doing my things.

End of Side 1, Tape 1 and Interview I

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