INTERVIEWEE: E. ERNEST GOLDSTEIN (Tape #1)

INTERVIEWER: T. H. BAKER

December 9, 1968

B: This is the interview with E. Ernest Goldstein, and please put at the top of this transcript that all of this material is to be held in confidence until it is otherwise designated.

Mr. Goldstein, may I start by summarizing what I know of your career here subject to your corrections and additions. You were born in Pittsburgh in 1918; educated at Amherst; University of Chicago Law School; Georgetown Law School; World War II service with the U.S. Army Security Agency. In the 1950's [you held] a number of government positions, including assistant counsel of the U.S. Senate Committee to Investigate Organized Crime; general counsel of the Anti-Trust Subcommittee of the House Judiciary Committee; trade practice specialist with the Office of the Mutual Security Agency. Then from 1955 to '66, a professor of law at The University of Texas; and from '66 to '67 with the Paris office of the Coudert Brothers firm. Have I left out anything important?

G: Yes. I think we ought to add in here the University of Wisconsin for my doctorate in '56.

B: Is that a doctorate in law?

G: S.J.D.--Doctor of Juridical Science. Then I think that we ought to add that although I was born in Pittsburgh, I was educated in the public schools in Springfield, Massachusetts, and at Wilbraham Academy, if that's any help. And since there's a hiatus between getting out of law school at the end of the war and the '50's, I should fill in the '40's with law practice in the law firm of Pike and Fisher--Bishop Pike's law firm.

B: I might add for the record, that was before Bishop Pike became Bishop Pike.

G: That was before he became Bishop, right. And then Office of Alien Property in the Department of Justice; then setting up the War Claims Commission and handling their legislative liaison; then the Senate committee; and then finally I would add that the Mutual Security Agency duty was all in Paris--as restrictive trade practice specialist, and the U.S. representative to the Productivity and Applied Research Committee of the Organization for European Economic Cooperation.

B: A varied background. Do you want to add for the record here your authorship? You've written a legal textbook, haven't you?

G: I've written two books. One is Foundation Press' textbook "Cases on, Patent Trademark and Copyright Law." And then the University of Texas Press publication called American Enterprise and Scandinavian Antitrust Law; articles, lectureships at various places like the University of Puerto Rico, Luxembourg, Brussels, Nice--

B: Salzburg too.

G: Salzburg. And consultant to the European Coal and Steel Community; Ford Foundation year-long fellowship--living high off the hog.

B: That's the way to do it.

Where in that varied background did you first run into Lyndon Johnson?

G: It was shortly after I came to Texas in '55. I first ran across him through conversation before actually seeing him in the flesh; and I think for the record I should tell the story of the first real confrontation with the reality of Lyndon Johnson, because I think it's one you may want to add for the history some place else.

It was either Christmas of '55 or Christmas of '56--I'm sorry I can't remember the date, but you may be able to establish it otherwise. Miss Grace

Tully who had been the secretary to Franklin Delano Roosevelt came to Texas with Senator Johnson on whose staff she was then working, and so maybe from that point of view you can establish the date. And I had known her slightly from my Washington days that go back to the Roosevelt period, and invited her for dinner to our house. And at the same time invited a man who is now dead named Aaron Schaffer, who was head of the French Department, or maybe the Romance Language Department, at the University of Texas. He and his wife Dorothy were at dinner; and Aaron Schaffer was a man that I would normally consider a very kindly and gentle person, but an unreconstructed liberal out of the New Republic school. And after dinner, we got around to coffee. He turned to Miss Grace and he said, "After working for a saint like Franklin Delano Roosevelt, how can you work for a son-of-a-bitch like Lyndon Baines Johnson?" To which Miss Grace began a rather long reply, with the introductory statement that she questioned both premises that Dr. Schaffer had--namely, that the sainthood of Franklin Delano Roosevelt had not been established, nor had the son-of-a-bitch-hood of Lyndon Baines Johnson been established.

And she then went on to tell this story which is the whole point of taking up this amount of tape. She said that assuming that Franklin Delano Roosevelt was a saint and that some of this rubs off, that Dr. Schaffer should know that Roosevelt grew to love Lyndon Johnson as his own son. And she went on to tell the story which she claimed was the genesis of this relationship. She said that shortly after Congressman Johnson had come to Washington as a freshman Congressman, coming up on the yacht with President Roosevelt possibly within six weeks of the time that he moved to Washington, he called the White House and asked for an appointment with President Roosevelt and indicated that this was a matter of urgency. Do you know this story incidentally?

B: No.

G: Okay. According to Miss Grace, the people on President Roosevelt's staff were somewhat amused at the thought that a freshman Congressman six weeks in Washington had something so urgent that it required the ear of the President of the United States. Nevertheless they did tell President Roosevelt about the request and with his good humor, he suggested that he might as well have the young Congressman in and see what was bothering him.

So Congressman Johnson came to see President Roosevelt and after the preliminaries were over, the President asked him what his problem was; and he said that his problem was with Milo Perkins who was then head of the AAA. And to those of us old enough to rememberthe New Deal, Milo Perkins was high among the angels if not the saints or the minor deities, obviously a good liberal according to then current standards. And this was rather a shocking thing, that there would be a complaint against Milo Perkins. Well, it seemed that back in the 10th Congressional District of Texas Negro farmers were not receiving any of the benefits of the operations of the AAA. And Miss Grace said that President Roosevelt's first automatic instinct was, "Now this is a smart politician." And then he pulled himself up short and realized that this was the day of the lily-white primary in Texas; and that contrary to the idea of adding votes or adding to the political career of Congressman Johnson, this might even backfire on him. But he was so impressed at that point with the principle being the controlling factor in what seemed to be the right thing to do as far as Congressman Johnson went that Miss Grace said that this was really the moment that she would date this relationship which had begun to develop. But really, according to her, from that point on there was a very real relationship and a very fatherly attitude on the part of President Roosevelt to then-Congressman Johnson. I must say that this was the first introduction I had to that side of the President.

B: I was going to ask if that did any mind-changing for you.

G: Well, I had come down to Texas--I had done my stint at Wisconsin, my graduate degree after leaving the government, and I was relatively neutral. However, once we landed in Austin, through letters of recommendation and references from friends and one thing and another, we acquired Austin friends who were in that camp that exists in Texas, as elsewhere, of fairly strong anti-Johnson people. My bent has always been to try and judge each issue on the merits instead of following a party line. And one of the issues that has bugged me and with which I've been concerned since 1937 has really been what is loosely called civil rights. So this story had a tremendous influence on me--first, because of my respect for Miss Grace and her judgment; and secondly, because of the merit of the story itself. And I can honestly say I think from that point on, I was never willing to accept any judgment that was a pat judgment about the then-Senator Johnson.

B: When you were in Congress in the '50's, or working with Congress, did you have any sort of direct or indirect contact with Mr. Johnson?

G: I can't honestly remember. If I did, it's not the sort of thing that has stuck with me.

B: The Anti-Crime Committee in '51 was the [Estes] Kefauver [D. Tenn.] Committee, wasn't it?

G: That's right.

B: Did you ever hear Mr. Kefauver say anything about Mr. Johnson?

G: This I'm also trying to remember. Any recollection I have of that is terribly vague; I have no really firm recollection. I have some recollection of Mr. [Emanuel] Celler [D. N.Y.], whom I had not known until the day he hired me, which is almost the story of most jobs I got--it's probably because once you

meet me, you don't want to hire me--but I have very definite recollections of the nice things that Mr. Celler would say about Mr. Johnson; but I honestly can't remember any of the Kefauver attitudes toward Senator Johnson--I draw a blank on that.

B: During the '50's were you active in partisan politics in the sense of campaigning and supporting candidates?

G: During the '50's? Well, I always went to the Jefferson-Jackson Day Dinners and paid my hundred dollars; actively did everything I could legally in the '48 campaign to help Mr. Truman, but being based here [Washington] I did most of it back through Massachusetts. In '55, I guess, Kefauver began his drive for the primary, and I was at the University of Wisconsin. He asked me--actually when I got back to this country in '54 from Paris--if I would be willing to sort of sign on and help him with his ambitions, and I refused--not because I had any reservations about him in terms of his ability or integrity, but rather I didn't like a lot of the people who were advising him; and I felt there were too many yes-men. He had lost the habit of people saying no to him and finding it acceptable. And so I did not sign on. But when he did come to Wisconsin to campaign in the primary and I was still there doing my doctorate, I did go out in the hustings with him on a couple of trips to help out. But beyond that my activity in the '50's was fairly limited. I really can't say that I've been a very active politician.

B: Incidentally in the '56 campaign, was this characteristic of Kefauver's you've described instrumental in the difficulties of his campaign that year?

G: I would guess so--I can't come up with a pat answer and a pat analysis. But the thing was that he had a lot of people around him, some of whom had started to come up on the crime committee, or below the counsel level on the crime

committee, who were great yea-sayers. And the Senator, when he was left alone, could turn out a hell of a good speech that really said something and really meant something. Well, these fellows turned out something that was always sheer pap. And I draw the contrast between the little volume of essays that the Yale University Press published when he was a freshman Congressman on the reform of Congress which was his own work and which is still a fairly provocative work on the Congress even at this late date, and the sort of speeches that I saw him make and some which I helped to write and in utter disgust--you know, never saw the things I felt that were honest and hard-hitting. Sometimes you can get bad advice and listen to it too often, and I felt I'd be outnumbered so it wasn't my cup of tea.

B: Then did you have anything to do with the convention or campaign of 1960?

G: No, I wasn't even in the country then. I had a Ford Foundation fellowship for the academic year '59-'60; and as a matter of fact, I kept listening to the convention on a shortwave from St. Jean de Luz (France), so I never--well, I have very little political involvement. I should say however before we move on from 1960 that among the things I did while I was in Austin in addition to teaching law, was to get involved in various community matters. And while the President was Senator, I was chairman of the Southwest Regional Advisory Board of the Anti-Defamation League of B'nai B'rith, which is a mouthful; and we gave our first award dinner in Austin, and the awardee was Archbishop [Robert E.] Lucey from San Antonio. And the speaker that evening was Senator Johnson--I believe he was Senator then, I don't think he had gotten at that point to the--You can check the chronology, [I] may be wrong, he may have been Vice President. But I had run into him at two or three parties--

B: That would have been in '57 or '58, and he was still Senator.

G: I would think so. Yes. I'm terrible on dates--I went to one of these schools that never taught you to consider dates beyond 1492, and I'm having a little trouble.

B: If you had that post in 1957 and '58, then Mr. Johnson was still Senator.

G: So that fits it. So we met, but we met in the way that's always very casual when you're at a dinner or a cocktail party or that sort of thing. And my first real meeting with him wasn't until '61 actually.

B: This may be an unfair question, but in those years before '60 when you were--I guess it's fair enough to say--with the liberal community in Austin and Mr. Johnson was Senator, what was the general opinion of him among that liberal community?

G: Well, I was a minority, which I've always been all my life, in that liberal community. I would say you could split it three ways. You had what I considered the unreconstructed hate-Johnson group. I happened to have a friend who was in that camp, and this becomes relevant when we get to '61, who had an unreasoning and unyielding dislike for Senator Johnson. Then there were those who were more or less neutral--they really couldn't care less, which formed apathy. And then there were some of us who were aware of what had been going on in, for example, the civil rights operation. A now-professor at Minnesota who was my next-door neighbor at the end of the war and was at Wisconsin as a professor when I was there--hence this goes back a long way--was one of the people that worked closely on the '56 Civil Rights Bill.

B: '57.

G: '57 Civil Rights Bill. A fellow named Carl Auerbach. And Carl, one of the founders of ADA which is an organization I have always refused to join although I was asked to at the time of the founding--Carl came out of this experience with the civil rights bill as a great supporter of the Senator, and since we were close friends and kept in close touch, some of this rubbed

off. So I would say that there were a group of us who probably knew what was going on--flattering ourselves of course, but really liked what he was doing. And then there were those who were apathetic and then there were the haters.

B: Was the group that liked what he was doing unanimous in their approval of him? For example, did they approve of his attitude toward oil depreciation allowances and such?

G: You mean oil depletion allowance. No. But I would say that those who were not doctrinaire would say, you know, "But on balance he's good." And I suppose--I don't know if we ever got down to analyzing it this way, but if you really came down to it--you'd say, "First of all, can you imagine a better record from any other Senator, let alone not in Texas?" You start looking for perfection--I grew up in Massachusetts which boasted Senators such as David Walsh [D. Mass.]; Leverett Saltonstall [R. Mass.]; and a variety of others whose names escape me. And I really felt that Texas, considering what I had run into, was pretty well served. So what you're really facing up to is the problem of the absolutism of anybody who follows one cause or another. And if a guy isn't a hundred percent your way, he's a hell of a lot worse than a guy who may be your opposition who is only sixty percent bad by your standards. So it really doesn't wash, but you have this in every so-called liberal community.

B: You've raised a question that has to be asked. Why would you not join the ADA?

G: Because when I was here in those days, Bob Nathan, who was one of the founders, and I were working on an organization called the American Veterans' Committee--"citizens first and veterans second." Bob was chairman of the Washington chapter Number One, I was membership chairman. I think we had 1500 members at the peak; we were <u>the</u> liberal postwar organization fighting to save OPA [Office of Price Administration] because that was the best thing for returning veterans

and that kind of jazz. And the ADA approach struck me as being a very doctrinaire one. They called for conformity, and I suppose I'm not a conformist. The only brass collar I'll wear will be a Democratic party brass collar, because that's the least conformist party I know.

B: Then presumably you had some closer relationship with Mr. Johnson from 1961 on?

G: Yes.

B: Can you describe that?

G: Yes. It was a very happy and a very strange evening. But it starts back, again, with my doctrinaire liberal friends in Austin. The genesis is that--Well, let me start with this evening because this is important, but remind me to take a step backward to his first trip to Paris as Vice President because that plays a role in what eventually happened.

In 1961 Walter Lippmann, with a good deal of fanfare, announced he was making his first trip to Texas since the Mexican Border Wars. And this was going to be a happening or an event for Texas. My guess was it was some time in February or March, which is a very rough guess--again, I'm a bad historian so somebody has to reconstruct it from external evidence. And the first I knew of it was that there were invitations out from KTBC to a luncheon in the KTBC building for Mr. Lippmann. The next thing I knew, there was a second luncheon invitation out, and I received it as well, which shows something about my lack of morals--the fact that I have friends in both camps--inviting me to a luncheon at the home of one Creekmore Fath, whose name I am sure may have figured in these annals before. Creekmore is a professional Johnson hater. He has a very charming wife, and he, himself, when he isn't being nasty about the President, can be a person of charm and culture and certain attractiveness. Anyhow, his wife and my wife were friendly from the time we got to

Austin, and he and I have always operated on the premise that he would go to his church and I would go to mine; and we figure if we can do it in religion, we can do it in politics, and as long as we had some other ground for relationship, fine. Well, anyhow, for one reason or another the Lippmann luncheon was actually held at Creekmore Fath's and a Lippmann dinner was to be held at the ranch.

B: KTBC got left out somewhere.

G: KTBC--there was no luncheon or dinner at KTBC. I went to the luncheon at Creekmore Fath's, and Mary Margaret Wiley, who later became Mrs. Jack Valenti, called for Mr. Lippmann at the door. She and I greeted each other, we had met one or two times before that, and off Mr. Lippmann went to the ranch; and later that afternoon I went out in a car with Paul Bolton and Bill Hagerty who was then head of the College of Engineering and who is now head of Rensselaer. Let's see--who else was in the car? I think Charlie Green from the Austin Statesman was in the car, the late editor; and I can't remember who all else was in the car, but this was the major group.

We got out there to the ranch, and the party eventually comprised Bill Steven, who at that time was editor of the Houston Chronicle--he's now I think with the Chicago Daily News--Jack Valenti, Mary Margaret, of course Mrs. Johnson, the Vice President, and I'm sure I've left somebody else out, but somebody will have a file on who else was out there. I don't know whether Marie [Fehmer] was there or not. Anyhow, it was a lovely afternoon. I remember we got there early enough to sit out around the pool. There was a plastic pool cover up, and there was a new waiter who apparently had been imported to help out with the dinner, which was going to be a small dinner. And I remember he was coming out of the ranch house with a tray full of drinks, and finding himself walking

on this plastic pool cover but finally getting across without either dropping the drinks or going into the drink himself. And I think it was Mrs. Johnson, and I don't want to be unfair, but I think it was she who said something about his having been trained by General Douglas MacArthur. But this was a very relaxed, as you can see, and very pleasant sort of beginning. Mr. Lippmann was quite old--much older than the last time I saw him which I think was 1953 on a wet day in Venice; and he frankly was showing tremendous adulation for the President, which is the mildest word I can think of.

B: You mean for Mr. Johnson?

G: Yes. For the Vice President. And looking today at his very strenuous approach to Mr. Johnson, I find a certain wry humor in the excessive emotion that he seemed to be displyaing then.

B: Do you think maybe Mr. Lippmann was being the recipient of the Johnson treatment at that time?

G: Or vice versa. There's also the Lippmann treatment. And Mr. Lippmann has always tried to manage to be very close to the seat of power in this country for as long as he could. It seemed to me that he was doing what comes naturally as far as he was concerned; I can't judge how sincere or how insincere he was, but he was being very warm in his approach.

After a very pleasant dinner around the table, much good talk--none of which frankly I remember with any great clarity--the rest of the evening took on a much clearer picture for me. Prior to dinner, I should just say for the record, we went out in the Lincoln convertible and saw the cattle and that was pleasant fun; and then we went back in and had dinner.

After dinner, the Vice President asked me if I had seen the ranch, and I said I hadn't--this was my first visit. And so he suggested we take a walk

around. I remember at the beginning of the walk we were talking about the liberal community's reaction, and he started to recount his reaction of the garment trades--Potofsky and [David] Dubinsky to his being named Vice President. And I think only a few weeks before that dinner at the ranch, he had been the guest of honor at a dinner by the labor leaders; and with a remarkable Texas Yiddish accent, the Vice President recounted the very humorous and also very gentle way in which Potofsky admitted the error of not having judged the Vice President as he should have; that was a rather pleasant, amusing, and also I thought damned good job of mimicry.

Then he went around and turned out a few lights; and then the real kicker came. As part of the context, you should know that I was the titular, if not the actual, head of so-called revolution of the University of Texas faculty, which was designed to eradicate the unwritten segregation rules that the University had in operation. And it was pretty hot and heavy business with the chairman of the Board of Regents trying to pass all sorts of rules which would get me fired and end my tenure, contrary to all the traditions of academic freedom. So I was sort of taken aback when walking through the house with the Vice President, he first began to talk about the situation at the University; and my amazement grew because, first of all, he obviously knew more than Harry Ransom did about what was going on in the administration of the University; and he also, to my even greater amazement, knew more about what was going on than the ranks of the faculty in terms of their attitudes and what they were looking for and what their goals were in this whole fight to make the University honest. And it was particularly striking because the Board of Regents at the University of Texas at that time was dominated by appointees of Governor Shivers; actually Governor Price Daniel was the governor of Texas

then, but the regents were controlled by the Shivers people. And the real kicker came when it became obvious that his attitude was clearcut on what was right and what was wrong at the University. I date the end of the real problems at the University from that dinner that night. Certainly the harassment that I had suffered terminated. The harassment that I was suffering from the regents began to slow down, back off; and movement began toward cleaning up the mess, and it was finally resolved--not immediately, but the pressure was off as of that--I can't say that immediate moment, but I can date from within a month of that time a very noticeable change.

I can't prove to you that there was any single thing he did, nor can I even figure out how it was done completely because of the Board of Regents. My best guess is that Governor Daniel was the conduit to the Board of Regents; he showed up--he and Mrs. Daniel were there after dinner that night at the ranch. And I know the Vice President talked with him for awhile, and I was invited into a conversation for awhile when we did go through the whole legal aspect of the suit that had been brought and the deal that was supposed to have been made. The regents had passed the word down that if they were sued, then they would reverse all the things they had been doing; but if they weren't sued, they couldn't very well do it because their constituency would howl and scream--all this sort of stuff. And so the suit was brought by the students, and then of course I was accused of having incited the suit; then the regents said, "Well, since we've been sued, we're in a position where we can't do anything--we have to wait until the courts move." And it was this impasse that finally was broken. And I'm sure Governor Daniel, although he was knocked out in the next election, between then and the time that Governor Connally came on board things had softened and moved their way well out.

B: You're satisfied it was Mr. Johnson's influence operating somehow?

G: I'm sure it must be. We had whatever public opinion there was going for us; we had I think better than 94 or 96-percent of the faculty signing our petitions and voting with us. We had faculty reaction and a retraction from the Board of Regents when they tried to summon me without my dean to sort of a star chamber proceeding in the Board of Regents room. We had all of these incidents, but none of them alone seemed to be enough to turn these people aside. And I'm convinced that he was the person involved.

B: Do you think maybe he was sizing you up that night to see what this man who got involved was like?

G: I can't remember the President when he's not sizing people up. He has antennae; he has a radar that goes twenty-four hours a day on sizing people up.

Anyway, I came out of that evening bemused, totally sold on the man's tremendous ability. Leaving out any question of the emotion and the passion that I happened to feel for this particular fight and the very nice warm feeling you get when somebody is on your side, particularly somebody who might be useful to the battle, I was completely amazed frankly at the depth of the intelligence, using it in the sense of information gathered and digested as well as his overall intelligence; but the information he had about the University, there were things that I was sure nobody else knew. But he knew them.

B: Did you have any clue then or later as to how he does that?

G: Well, I get some sort of a clue out of working here. You get the feeling very quickly that he likes to know everything that's going on; and certainly sitting where he is now, you have a feeling that he should know everything that goes on, particularly because he's probably as isolated as a human being could be in a very real sense. I think if I'm not mistaken one of the functions be mentioned to me Labor Day evening before I was announced was that he liked

to know what was going on--we were his eyes and his ears in a sense. And I suppose those then working around him had provided the same eyes and ears.

An incident that followed right after--I'll go backwards, but this ties in very neatly here. The New Year after the assassination we still had one battle among others we were fighting in Austin, and that was the battle of the 40 Acres Club. I don't know how much you've got on that, but the 40 Acres Club was a private enterprise "faculty" club, established off campus because we couldn't--although nobody could find any laws to that effect, the regents would not allow a liquor-selling, liquor-drinking club on the campus. And you can't have a faculty club that will pay its bills without liquor. So a group of us got together and put up a good hunk of dough in advance for almost a year, year-and-a-half, to build what became the 40 Acres Club. We bear no responsibiilty for the architecture or the decoration. But at that time the University of Texas had no Negroes on the faculty, but there were many of us who were hoping that there would be Negroes and that we would have a club available for entertaining our Negro friends. So along with a fellow named Charlie Wright, who was a member of the University of Texas Law School faculty--Charles Alan Wright, who's presently teaching up at Yale, along with Charlie Wright, we convinced those who were running the 40 Acres Club--or ready to build it, or collecting our money--that there be an overall agreement which stated that members of the club were free to bring guests of their choice to the club.

The first test of that came when, after the club was built, the Peace Corps sent a group down to interview at Texas including a Ph.D. from Johns Hopkins, who incidentally happened to be black. And he was taken to the club, had reservations there, by members and was refused both dining room and bedroom privileges. So at that point we all went out and stopped paying our dues and

cancelled our memberships, and this became another one of the University fights.

And shortly before New Year's Eve, Jack Maguire, who is head of the Ex-Students' Association at the University of Texas, called and asked me if I would come to a New Year's Eve party at the 40 Acres Club. And I said, "Jack, you're asking me to cut off my right arm." He said, "Well, it's a private party," and I said, "Well, that's fine, but that still doesn't make it." And he said, "Well, the guest of honor is your friend and mine, a man named Horace Busby. Really, Buz and Mary V. would love to have you, and they'd love to see Peg." So I said, "Well, okay, let me think about it."

And a couple of days later I called back and I said, "All right, I feel very strongly about this, but I'll come, but only because of Horace Busby." So we got there. All of a sudden, the Secret Service appeared. And in walked the President of the United States along with a very handsome black named Miss Whittington, who I think is Cliff Alexander's administrative assistant or secretary now, and was then one of his secretaries. Bess Abel was there; and I remember Bill Moyers walking in. And the sight of Miss Whittington was one to gladden my Yankee heart. And I went up to Bill Moyers and I said, "Does the President know what he's doing?" And he looked at me with a great twinkle, I should never have asked it in that stupid fashion, and he said, "He always knows what he's doing."

I was on the board of the Austin Commission for Human Relations, or whatever we called it in those days, which was trying to get things going. And so after that magnificent evening on the morning of January 2, I called the Club and said we were having a meeting in the University Methodist Church, and I would like to reinstate my membership and bring in some of my Negro guest from the meeting

next door. "Oh," they said, "no problem at all." And I said, "Are we really integrated?" And he said, "Yes, sir. The President of the United States integrated us on New Year's Eve." And so that day we not only had a private cocktail party before the meeting in a private room, but after the meeting we all came back to the regular bar around eleven o'clock and everyone was served; and from that point on, that battle was over.

B: Did that battle stay won? Is the 40 Acres Club now really integrated?

G: As far as I know, it's still won. And when we left Austin, the last dinner party we had was given by two Negro couples; it was at a downtown restaurant--the Iron Gate--and they have their own private club to which most of the members of the Texas legislature belong. And when we were all done with dinner--it was the new president of Huston-Tillotson and M. J. Anderson and his wife--I think Andy Anderson said, "Would you all like an after dinner drink?" And of course we couldn't be served at the table, and I assumed we were all going back to Andy's house for a drink, and said, "Sure." He said, "Well, let's go on upstairs." And we walked upstairs, he was a member of the club--and this in a private restaurant club which is the one right close to the legislature. So, yes, that battle has been won. And the town I think has really moved magnificently.

B: You mentioned something in this connection about Mr. Johnson's first trip to Paris as Vice President.

G: Yes. That takes me back to Horace Busby. One of the people I got to know in Austin at various on-and-off times was Horace Busby. And one of the first things I ever did for the then-Vice President, although he probably never knew it, was that before the trip to Paris, Buz asked me to prepare a long briefing on the French political situation, which apparently was of some use--

I don't know--but this goes into the hopper, and a copy of it may be somewhere. Anyhow, it was done for Busby with the idea that it would go to the Vice President. I should mention, because I think this is relevant regarding friends, that Harry McPherson was a student in law school when I was a professor;--Larry Temple was a student of mine; Bill Blackburn was a student of mine; so I've got my own Mafia in that sense.

B: Were you fairly close to these men at that time?

G: Harry and Clay--his wife--yes. Harry McPherson's wife was my son's second-grade teacher; and so we had a nice relationship and we kept it up over a period of time. But Busby--he has been one of the few people I would trust my life to implicitly. Ever since I've known him I've had nothing but complete faith in him, and a very strong rapport that I hope is reciprocated. He's a most exceptional human being. But I've kept up with him, and I've kept up of course with my good friend Harry McPherson. And Larry Temple--I kept up with him after he came back to Austin after clerking for Justice Clark. I didn't have much to do with him when he was working for the governor, although I used to do things like write civil rights speeches for the governor, but that was another--

B: This was for Governor Connally.

G: Yes.

B: I think maybe we're oozing into how you got the job in the White House. First of all, was there any other direct or indirect contact with Mr. Johnson?

G: No, I think the only relationship along the way at any one point were occasional fan letters.

B: From you to him?

G: Yes. You know, I believe in saying nice things as well as nasty things about people. There was an episode shortly before I left the country, and had no

relationship--I got the twenty-four leading professors of international law to sign a general statement supporting, from a legal point of view, the Administration's actions in Viet Nam; and I understand that got to him, but that's all sort of this peripheral stuff.

B: I have one question in this area. You may not be in any position to answer this, but given your Massachusetts background and your Texas connections, did you see anything during the Vice Presidential years or the time immediately after the assassination of the speculative or alleged rivalry between Johnson and Kennedy groups?

G: I've heard an awful lot about it; I've never seen anything to give substance to it. First of all, I know very few people in the Kennedy camp except one newspaper columnist with whom I was in the war and who latched on to Bobby Kennedy, and that's Joe Kraft; Joe Kraft and I spent a good part of the war years together. And from Joe Kraft's point of view, I hear all sorts of things; but I have nothing that I can go on personally. I've heard things that the President has said which would be a counter-indication in terms of his own feelings. I can remember the Cabinet meeting just after he briefed Senator Kennedy and the Vice President, when they both were in the race.

B: This was in the spring of '68?

G: Yes. Certainly, if you take his remarks at face value or even with a certain amount of discount, you find that on his side at least that he didn't consider himself an enemy of the Kennedys; on the contrary, he considered himself a trustee for what he calls the Kennedy-Johnson Administrations.

B: Do you recall what he said--the words you're referring to, or the tone?

G: Well, the tone was very clear. He said that he had spoken to both the Vice President and to Senator Kennedy; and he enjoined us to a neutral position--

B: Us--meaning the White House staff?

G: The White House staff, and it was, I think, addressed to the Cabinet as well. We were all there, and so it was to anybody in the room. And it was strictly in line with his March 31st remarks. I'm almost sure it was at that time and not another one when he said in effect that he always had felt that he had a responsibility to the Kennedy family, just as the execution of an estate or trustee does after a death in the family; and that he didn't want anyone to be guilty of creating difficulties. This is the general purport--I can't remember the exact quotation.

B: To get back tothe chronology before I digress again, I was asking you about how you got the job here at the White House.

G: I'm not sure I know all the answers about how I got the job; I can tell you a good deal of the chronology of getting the job and what went into it. I had left Texas at the end of '65--allergy, strangely enough--for Paris which was the one place that the doctors said I was totally allergy-free, which is correct. And started to practice law. And on August 22, I came in the office--I had been out on a patent case--and the switchboard operator said that there was a call coming in from Washington at 12:30.

B: This would be August of--?

G: August 22, 1967. Now this call at 12:30 was what triggered everything--at least the final deal. I should say that in the months preceding the phone call I began to get itchy about sitting over in Paris and seeing opposition throughout the United States to what I felt was a right policy, not in political right sense, but in the correct sense. In fact I'd been going around--I'd taught at the University of Brussels and gave the speech, and actually entered into a debate with an adviser to the French Foreign Office in support of the Administration's Viet Nam policy, which was not terribly popular--there were

about 1,500 students at the University of Brussels, but I got out alive. And I'd done this in several other places around France. And I began to feel very strongly that somehow or other I was living too high off the hog, and my Puritan conscience began to bother me, and somehow I felt that I ought to be back doing battle. I think in a couple of cases I had written Horace Busby and indicated my general feeling about life, and wanting to be of some service. And at one point I think there was consideration given to a job somewhere else in the government--I think it was the Administrative Conference of the United States, which Jerre Williams now heads--and I really didn't feel that I could make any contribution; this wasn't really where I felt very happy, and so I said that if I was really being considered, I wasn't really considering it. But it was nothing more than just a desire to somehow be useful, and I never thought anything would come of it. Buzz was out of the White House by then, and these were fairly personal communications, in which I just had to have somebody with whom to share my feelings. And I think this obviously may have been a factor.

Anyhow, at 12:30 Paris time which is 7:30 Washington time, a voice said, "The President of the United States wants to see you." I since have discovered it was Buzz that did it; Buzz gave me a birthday party and recounted some of the history of my coming. And I learned then some of the aspects of my hiring for the first time. I mean, I learned then things for the first time that I should have known back in '67 when I came. In any event, there wasn't any specific statement as to what I was wanted for; and the only other question was, when would I get to Washington. And I said I could get the ten o'clock TWA plane Wednesday, the 23rd, and be in town that night, and what should I do next! I was told that when I got in to call Mr. [Marvin] Watson's office.

I got to the Madison Hotel around ten or eleven o'clock that night, I guess--and I called in, and I was told to come to the White House at ten o'clock. Shortly before I was ready to leave the hotel at ten, I still hadn't a clearcut idea of what I was coming to see the President about. As a matter of fact, coming on the plane, Peg and I engaged in a certain amount of speculation--Peg is my wife, her legal name is Peggy and not Margaret--we engaged in a certain amount of speculation as to what I would be coming over for. And there were three things that I thought I might be asked to do that seemed within the realm of probability. One, Assistant Attorney General, Anti-Trust Division--at least this was based on my critical appraisal sitting on the outside of what was going on there. Secondly, they might need someone who could speak French for one of the small black African nations--

B: You mean an Ambassadorial post?

G: Yes. I figured I wouldn't give up Paris for anything less, and even that didn't seem very attractive. And thirdly, possibly maybe an Assistant Secretary of State in some odd spot like Cultural Affairs or International Organizations, some place where I might have some expertise. But I don't think I, in looking back, really considered this as a possibility--it didn't seem to me at that time to be a--I should say that Peg and I had decided that we had just moved to Paris the beginning of '66, and here we were not eighteen months away in August of '67, and we weren't particularly happy to be uprooted and come back again. So I made more or less a commitment to my wife as lawyer-like as I could be that if it were any of the three things that I had already catalogued, that I would be awfully hard to get. And unless I was under tremendous pressure I was not going to accept it, because it just didn't seem right at this time. Unless I really felt that there was something I could do that would be useful--

this is all ego satisfaction, but you know, just feel that you could really do something that might help a good cause.

So anyhow, just before I was ready to come to the White House, the phone rang and I was asked to go by Horace Busby's office. I went by Buzz's office, and he apparently knew what I was going to be asked to do, and so he sort of gave me a briefing which had me totally stunned and full of great butterflies in the tummy.

B: You mean the briefing consisted of hinting or telling you that it was a White House staff--

G: Telling me pretty much that if the President decided to offer me anything, because he was obviously in no position to commit the President, he thought that the President would be offering me a job probably as a Special Assistant; and he tried to give me some inkling of how much the President really knew about me and so forth and so on. So very much with my heart in my mouth, I got here. I remember going into that little office that's now Larry Temple's, waiting behind two sets of sliding doors--I think they're both sliding. In any event I felt completely trapped, and I kept waiting and I kept waiting and I kept waiting. My palms got sweatier, and there was only one thing to read in the room, and I didn't bring anything to read with me. I hadn't smoked for a long time, so I was pretty much like a caged animal. And all of a sudden, Marvin Watson--who at that time I really hadn't known--took me on in. The President was behind the desk, and he got up as I came in. I remember his saying, "Thank you, Ernie, for coming so far so quickly." He said, "You sit down on the couch," and he got in the rocker. I was on the couch, and we talked a little bit about Paris and the length of my sideburns and the French situation; had some Fresca; showed me the push-buttons and phone. We finally

got down to cases. He started telling me the various things he wanted me to do. And about twenty or thirty minutes later, he said, "When can you come?"

B: Incidentally, is this a monologue on his part, or a dialogue?

G: I can't say that everyone had an equal number of lines; if you were doing this from the point of view of a play, he had more sides than I did. But it was not a lecture, so in that sense I would say it was a dialogue because there was a certain amount of the Socratic approach throughout all of this.

He got all done with an overall description, which was not terribly specific as to the substantive areas in which I was to work, but rather in terms of a very larger point of view--what sort of performance he wanted out of me, the type of unvarnished honesty and straightforward approach, not pulling any punches, give him a different perspective which comes in part from the academic community, part from the business community abroad, etc.

B: This is when he told you about being the eyes and ears?

G: Yes. Either then or this Labor Day night which I will get to because it's all part of the same saga. So this discussion on the 24th I think went until maybe three-quarters of an hour after I had gotten into the room. And he said, "Well, when can you come?" And looking back, I can realize what a total idiot I was, although I can excuse myself a little bit-this is not the sort of situation that you find yourself in every day, and you don't have this nice cool blood--at least I don't. And so I blurted out something to the effect, "Well, Mr. President, I am just putting together a picture in Italy with Marlon Brando and Richard Burton called Candy, and we're having some difficulties. And I think I need about four weeks, because I've got other clients." And he looked at me with something between a beatific and a cherubic look and absolutely amazing type of smile, and he said to me with as gentle way as anyone could,

really, "I have larger problems than Richard Burton and Marlon Brando," which obviously I should have known at that point, but didn't have enough wit to know. And so I stumbled and I hemmed and I hawed--I said, "Two weeks, Mr. President?" And he said, "Ten days." So I said, "Very good, sir." I can't remember who came in at that point, but we were getting very close to lunch by then, and so he said, "Let's go out to lunch." I guess he called Harry who was on his way to the Sans Souci for lunch, and got him over; and I think he got George Christian--and George I had known slightly from Austin; he once worked for the governor.

B: I was going to ask if your former student Mr. McPherson who had been at the White House for some time had anything to do with--

G: Well, he obviously was in the dark on this. Incidentally, Mrs. Christian is a former student of mine too. We got out toward the rose garden, walked out of the President's office, walking back toward the Mansion, and Harry caught up with us after having been summoned to join us for lunch. And the President had stopped to talk to somebody else, and Harry pulled me aside and he said, "What are you doing here?" I said, "Well, I really don't know." He said, "Are you taking Francis Bator's job?" And I said, "No, I don't think that's the one I'm taking." So Harry at that moment was totally in the dark, the way he asked the questions.

So we went on and went up, had lunch--I think [Joe] Califano came to lunch too. I can't claim total recall on that day because I was very self-centered about what was happening around me in relation to the President rather than to myself. And we had a very good lunch, various people came marching in and out, and I was in a total state of confusion. And finally we moved to the bedroom, and it was at that point Harry, the President, and myself--the President got

himself ready for his nap and as he turned off the light and we started to go out, he said, "I'll see you in ten days and no fudging!" I said, "Yes, Mr. President."

So then McPherson and I found ourselves in this darkened hallway; we were standing in front of what I subsequently learned was the elevator, and without realizing the full impact of what I was saying, I said in rather hushed or sepulchral tones because the President was getting off for his nap, I said, "Harry, how do you get out of here?" And Harry in equally sepulchral tones replied, "You never do!"

We went down the elevator, and I went champing back to the Madison to tell my wife what had happened to us. I think it's relevant to point out that that was the 24th. On the 25th we rented a house, furnished, because we couldn't conceivably move our furniture and everything back here in time. The 26th, 27th--that long night we were out on the Atlantic getting into Paris on Sunday, the 27th; called my partners and resigned. And one of the big problems of course was the question of a leak, because the FBI was starting and I was very gunshy; I had heard this whole Washington mythos about the leak. This plays a part in subsequent events. Then the 27th was a Sunday. We spent Monday, the 28th, Tuesday, the 29th, Wednesday, the 30th, and Thursday, the 31st, getting all cranked up--

B: May I insert something here for the record? I gather your law firm was involved in the production of the picture Candy.

G: Yes, unhappily yes. So we left Paris on the 2nd of September, which was a Saturday if my recollection serves me, and got in here late Saturday night. And one of the instructions I received from someone along the line was as soon as I got in, a reasonable hour, to call the White House and tell the

switchboard I was here. What happened after that in my book is one of the truly exciting things that happens around this place. We got in late Saturday night, bedraggled, tired, pooped. Sunday morning, good soldier--I had my training in World War II--as soon as we were up and knew where we were, I went out and found the nearest pay station and called the White House switchboard and said, "I'm here." One of the magnificent operators said, "Please call back in about an hour and see if there is anything to give you." Because we had no phone installed; we'd just rented this furnished place and had had no time to make any of the finer arrangements. I think we had gas and electricity at least, but we had no phone--and that was only an accident, the gas and electricity.

Anyhow, I called back in about an hour and it was by then I would say a quarter of twelve and we were still groggy from the time change three flights across the Atlantic. (I'd like to get back to the flight across the Atlantic later.) And this White House switchboard operator said that "the President and Mrs. Johnson would like you to come to lunch, and would you please be ready for a White House car"--be over in thirty minutes, something like that. My poor wife--her hair hadn't been done; everything was rumpled, we couldn't find the iron; it was panicsville. But we managed, and we came, and we had lunch on the balcony. The President and Mrs. Johnson, the [Arthur] Krims, and the [Jack] Valentis. And I was completely in what I call "the sweaty palms syndrome." The waiter would ask, "Would you like a drink before lunch?" Well, I wanted a drink so badly I could taste it, but I didn't know--is it proper to say yes or to say no! So I hemmed and hawed, and then somebody ordered something, then I ordered--I think I ordered a sherry. Anyhow I learned very quickly that there was a wider choice.

And in the middle of lunch, trying to put the right fork in the right place, one of the waiters said there was a phone call for me. And I got up, and there was a Signal Corps colonel saying that he was actually outside my apartment--could he have the authority to go in and install the White House phone. So we then had an umbilical cord to the real world, established on Sunday of Labor Day weekend, which was damned good.

This was the beginning of two days in which without anybody having said it, I am convinced that the President's motive was to end the sweaty palms sy drome, so that when I went to work on Tuesday--the day after Labor Day--I was in a position to function, not with any less respect for him as President, but with the understanding of him as a man and Mrs. Johnson and of the relationship which they worked very hard to put together for us so that we felt at home.

B: You mean he was deliberately trying to remove the awe?

G: I can only read it this way, and my wife reads it this way because everything that was done from that luncheon to--well, ever since then, but particularly in that compressed period of forty-eight hours, as far as I can read it, was only designed in the most kindly way to make it possible to fit right in. After all, this was an ongoing organization; there were all sorts of people involved who had known the President longer and better than I. Somehow I had to fit in and reach a niche and be able to function.

B: Were there other social functions over that two-day period?

G: This was the preface. Immediately after lunch, the President did something that I don't think he had ever done before that day in that particular sense. Well, the Valentis and their daughter left, and the Krims were there, and the President and Mrs. Johnson. And the President said, "How about taking a ride out in the country?" So we all piled in a car, and the destination was the

Busbys; very obviously, I think, this was the first time the President had come by car out to the Busby's farm in Maryland; he may have gone there once before for another event--helicopter, but anyhow, it was the first type of Sunday afternoon outing. And it was like any American family going out to visit kinfolk or relatives or friends on a Sunday afternoon, except that we had Secret Service in the car and we were a little bunched. And we had cars fore and aft. But we went zipping out in the Sunday traffic, went out to Busbys and sat out on the porch and had a drink or so, and walked around the place and looked it over; spent a typical Sunday afternoon. I think we had a bite to eat. Then we came back and we were ready for bed, just ready to curl up, and feeling very relaxed, and the President talked very frankly. It was a very easy sort of interchange.

And the next thing we knew we were invited out on the boat for Labor Day. This is where the leak business becomes a problem, because I kept worrying and worrying about any leaks from Paris coming out--I had to tell people there, I just couldn't pick up and say, "goodbye, I'm going off as Secret Agent 006"; and so I had to tell some people, and I didn't know how much I could trust anyone.

Anyhow, we went out on the boat and we met jillions of people. And people would say, "What are you doing here?" Well, at that point I hadn't been cleared as far as I knew at that time; and certainly the President hadn't indicated to me that everything was set. All I knew was that I was here, and nothing had been said as to when there would be an announcement, when I would go to work. But this was it. I remember my wife was absolutely great at this--she learned this during my Army Security Agency days--she's the great stone-waller; she's the original know-nothing. And Marianne Means had been

after her to tell her what I was doing here. And Peg was saying, oh, we were just over from Paris, this, that, and the other thing; she just wasn't taking it. I have since found out that Marianne Means knew exactly what was going on, and she was playing a game with my wife; my wife didn't know it, and I didn't know it, most everybody on the boat probably knew what we were there for, and I was the only person who didn't know that they knew. But that's more or less irrelevant, because by the time the evening came to a close and after the movie, it got a little hot in there, and I went aft and was sitting out there; and all of a sudden, the President came back and sat down--said he had finished reading my FBI report and it was fine; and I would get sworn in the following day, which was Tuesday; and go to the press briefing and George would introduce me and announce me; and that was it. So we had two very concentrated days, and we met a lot of the people that we were going to see and work with. And from that point on, it was a breeze.

This reminds me of two things--I don't want to run you out of tape or time, but two things I should tell you. One, we should add to the list of things to discuss in terms of substance in the job the Ambassadorial luncheons, which are a very interesting chapter of how the President operates.

The other thing was that when I flew back to Paris on that night of the 26th-27th--this is purely me--I don't know if this makes any difference to you; if this gets to be stupid for you, just cut me off.

B: Go ahead.

G: But I had had a lot of time in this town, and I had seen a good part of the way the White House had worked. I had even come up here during President Truman's day and seen Charlie Murphy--I had a veto message in my hot hand that President Truman never signed that Charlie Murphy was somewhat responsible

for, but that's another tale for President Truman's library. But I started, because I couldn't sleep on the plane, trying to figure out how I should play the kind of job that this is and what sort of principles or points I ought to follow. And so as a mnemonic thing I picked four things with the letter "P" as a way of remembering those points and principles, philosophy--all beginning with "P." The four I picked were power, publicity, privilege, and price; and to an extent they are relevant in the way in which I have tried to approach the job.

B: Go ahead and explain them because the operation of the White House staff, which involves each man's attitude like this, is one of the things we want to get.

G: Well, I got my clue for the first one on power, although it wasn't a new thought, when the President, after he said that he was going to announce me the following day--No, I'm sorry, take that back--It tied in with what the President said when he was going to announce me. He said at that time, "Tomorrow morning when I announce that you're my new Special Assistant, you're going to have a lot of friends you never thought you had." And he said, "The day I'm no longer President or you're no longer my Special Assistant, you're going to lose a lot of friends you thought you had."

Well, when I worked around this town before, whether it was on the Hill or in the Executive Branch, I developed my own concept of the way power operates out of the White House. And in terms of Special Assistants or whatever they were called, my feeling was that the big danger was self-inflation, that it's wrong to consider or believe that a Special Assistant has any power per se; none of us are elected, and none of us have a power base from which to work--our power base is the President, and that's the beginning and the end of it. So if you put it in common terms, we're no more than a garden hose--

the power comes in at the President's end and whatever we squirt around town is really the President's power, and all we've got is a handle on the hose--nothing more than that, or a handle on the nozzle. And I'd seen people come and go in the White House as a much more junior guy in town, and I'd been impressed with the fact that the people that I really had respect for were the ones who never took themselves seriously. So, to the extent you do these things, whether it's New Year's resolutions or what, I made up my mind I wasn't going to let this power business go to my head.

And I got a good lesson the first day. I called a friend of mine who was a commissioner at the Federal Trade Commission almost as soon as I was announced. And it was actually a lark because he had just written me a letter imploring me to come say hello to him in Washington; and I thought before it got on the ticker it would be great fun to say, "Okay, Phil, here I am. I got your letter and so responded." But chance had it that he was putting his son up in Amherst, and so I told his office not to bother. At four o'clock that afternoon I was down in Doug Cater's office, and the phone rings, and this fellow was calling me from a phone booth down on the New Jersey Turnpike. At that point I realized that when I make a phone call, I must distinguish at least between those that are urgent and those that aren't. This snapping to attention thing really scared the hell out of me. And so this was one thing.

I feel to the extent that I have any smug self-satisfaction about it that the so-called period of decompression that everybody talks about is really not a serious problem, because I never thought that I had any power in the first place. And I had a good life before, so I'm not going to really worry about not having power or a White House car when it's over. I may have to learn how to drive again, but that's another thing.

Second--it relates to publicity. President Roosevelt kept talking about the passion for anonymity among his people. And I firmly believe in it for two reasons, except for guys like George Christian obviously, who have to do this as their business. You can meet with the press when a policy has been determined by the President and you're doing a backgrounder or such as you do on the first of January--the balance of payments message, or with the human rights, protocol on refugees, or whatever else I get involved in. There it's not expression of my opinion, but it's merely a backgrounding of a position taken by the President of the United States--whether I'm for it or against it, that's irrelevant, this is no expression of opinion. But that's pretty thin gruel for most of the reporters around town. They thrive on two types of stories; One, of dissension and fighting in the White House; or two, trying to beat the competition, including the President, to the announcement of something that's impending.

I think both things are wrong, not that I consider the reporters wrong to try and get it, but I think assisting them in trying to get it is wrong. And the one that is the more dangerous, in my opinion, is the trying to indicate as policy that which you were for or you were against and you were pushing or you weren't--and you do this by leaks, as you know. I did it once--I'll 'fess up to it, I did it stupidly. But I think it's wrong, because once you're identified with a policy, and they eventually identify you because the coin that they pay off in in the press is getting your name in the paper, so although I wasn't averse to publicity with Celler, with Kefauver, or with the University of Texas raising hell on various things, I thought this was a good time to stay away from the press. Because, first of all, if you get yourself identified with a policy, you're never going to be free really, not matter how much you

think you're honest with yourself, to take a position other than the one you're publicly identified with. If someday you decide you were wrong in the first place, and that you should have changed your mind, then you should tell the President you think you were wrong--I felt if I were going to operate honestly with him, I could never let myself be identified with anything because the risk would be too great, and I might not be able to play it straight with him. And if that happened, I'm out! At least I would want out.

Second, on the speculation--one of the things I've always resented is the allegation of credibility gap, against the President. And I'm convinced that most of it stems from people of varying degrees of relationship to him who for a lunch and a martini at Sans Souci will indicate that they know the President's innermost thoughts, and therefore they know that the President is going to do thus and so, and that gets paid off with a favorable comment somewhere else. That to me is devastating because it's the sort of thing that cannot do the President any good, and doesn't really serve the public interest. The public has a right to know, but not until the proper time. So I decided this was not my game, and I think I've been very lucky.

I'll tell you about the time I stubbed my toe, which was fairly early but inexcusable. But I've kept out of the papers almost wholly since I've been here. I don't walk through the press lobby; I don't eat over at Sans Souci--I go up to Chez Camille where the food is better and cheaper, and the only reporters are Frenchmen, and they don't bother picking your brains at lunch. And the result is I felt very free--I don't owe a reporter in town a blessed thing; in fact, I haven't met half the guys that are well known around town. Joe Kraft is a guy I've known, but I haven't seen Joe more than twice since I've been here.

B: Forgetting that attitude, what was the one occasion in which you broke the self-imposed rule?

G: Okay. We were in the process of trying to figure out after the President's balance of payments message the size, if any, of the so-called tourist tax--this tax on expenditures overseas. And I felt that the proposal by Secretary [of the Treasury Henry H. "Joe"] Fowler that the President propose $7.00 a day as the minimum exemption was bad for a variety of reasons. One, I think it would make the President look ridiculous, and would subject him to unnecessarily adverse publicity without any real payoff; and secondly, on the basic figures that Secretary Fowler had, he couldn't justify an exemption of less than $10.00 a day unless you were going to penalize a lot of students and a lot of other people that the President said he was not going to penalize in his State of the Union Message. So while we went through a long period of haggling, one night a reporter from--I think it was the Post, I can't remember whether it was the Post or Star now--called me and asked me which way were they going to fall. And so I just said, "Oh, I'm sure it's going to be $10.00." And so there was a big story--$10.00. And Secretary Fowler was very upset when he read it and said something in a meeting that I was at about this silly story, and I said, "Well, I'm responsible for it and I admit it. I just think it would be wrong, and so I went ahead and did this." Well, afterwards I realized that that didn't accomplish very much either, so I made my peace with Joe Fowler long since, and there's no harm done, I hope. But this is the one time I was tempted, and I thought at that point I was doing the President a favor--I really don't think I was.

B: Any repercussions from the President?

G: No, I don't think he ever knew it--I didn't bother to tell him that I did it. I told Joe Fowler that I did. In fact, I confessed my sin, I think, in a

room full of ten or fifteen people, so that he may very well know about it--I don't know.

But that was my feeling about publicity. Tied into it is what I call privilege, which is lawyer-client privilege. I consider myself as a lawyer for the President even though I'm not his counsel. And as such I feel that I have no right for a variety of reasons to start doing books, magazine articles, or anything else which deals with any substantive incident that has taken place since I came here, actually on the 24th of August. And my reasons are as follows: one, I don't think that people who have confided in me and, through me, given their confidence to the President are well served and would be tempted to confide in another President or his Special Assistant if I end up blabbering these things out on public press. It's even worse in the area of foreign affairs where--when we get around in the next session to ambassadors' lunches, I've developed a fairly good relationship with a large number of ambassadors in this town who occasionally tell me things they want the President to hear.

And my feeling is that in foreign affairs, it's terrible if anything prematurely gets out. I frankly am appalled at Bobby Kennedy's little book on the Cuban missile crisis. We've got to be able to deal on a diplomatic basis, on a basis of confidence, that things don't get blabbed in the press. And although I'm a great believer of the freedom of the press, I don't think any freedom is served this way if you can't operate a government effectively. And businessmen have been in here, and they've said things, and I've reported these things to the President; and I can't see myself selling the business community short. So all and all, I had no desire to do anything but just finish this job and go back to Paris where I may tell an anecdote that I think is harmless at a cocktail party, and I may try and explain some philosophy that I have about the job, but anything

beyond that I consider privileged and it goes to the grave with me. And anything the President wants to say, that's his privilege.

Finally--this is a very smug thing--this is the price business. I was appalled before coming here at the stories--Moyers, $150,000 a year and so forth; and it struck me that the White House should not be a stepping stone for self-aggrandizement. You're here to do a job for the President, and through the President for common good, and I just have a built-in feeling that if there are advantages to this job, at least you don't trade on them while you're in the White House--you can't stop the rest of the world because of your own feeling, but at least you can control it to a certain extent. And for that reason among others including conflict of interest, when I knew this period was coming to an end and people started tossing offers my way, I made it a point of saying that I would talk business on January 20. I told people in New York and Washington that I won't take jobs here anyhow, so that is simple. But the Paris offers--there are currently three, there were four, but one of them got sore because he wouldn't wait--I decided that the simplest thing to do was just say, "Wait, if you really want me; if you don't really love me, I'm not going to wait for you either." But I just have a horror for this type of bargaining. While you're in the White House, it seems to me somewhat inappropriate, but that's again a very personal thing.

But these are the four things I tried to work out in my mind before I came here; and so far with the exception of that bad slip on the Treasury thing which wasn't as bad as I felt the night that I did it, it has worked out fairly well.

B: I can think of one more "P"--how about personalities, fitting yourself in with the personalities of the other individuals on the White House staff that you work with? Is that difficult?

G: It is with some, and it's difficult with others. I have had a very personal theory of competition in any organizational context--the law school faculty is a good one--and that is, I don't like the situation where you feel that you have to get ahead by crawling on somebody else's back. So I guess I'm not probably the toughest competitor in the world. And there are times, I think in this job, where I may have been outflanked, but that doesn't bother me as long as the President is well-served in the process. If he's not well-served in my judgment, then I will fight back to that extent. But I can't say that I have found a uniform warmth of feeling, at least on my side, toward all of my colleagues--I don't think that would be true. On the other hand, there are some that I hold very dear. At this point--this is a very deep personal matter, and I don't think I'd want to get into the name-game. But by and large I think, compared to most other jobs, I would say this was one in which you have more good people operating and more effective people, and most people I think are genuinely interested in doing a job.

(End of tape)

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Gift of Personal Statement

By E. Ernest Goldstein

to the

Lyndon Baines Johnson Library

In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, E. ERNEST GOLDSTEIN, hereinafter referred to as the donor, hereby give, donate, and convey to the United States of America for eventual deposit in the proposed Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

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Signed E. Ernest Goldstein

Date May 8, 1972

Accepted Harry J. Middleton for
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