

INTERVIEWEE: E. ERNEST GOLDSTEIN (Tape #2)

INTERVIEWER: T. H. BAKER

December 10, 1968

B: This is the second interview with Mr. Goldstein. And again note at the top of the transcript to keep all of this restricted until otherwise notified.

G: Or even confidential.

B: Yes.

G: One of the problems when you start off here, particularly after other people have been around for awhile--what do you do, what sort of substantive work do you get, and how do you break in? First of all, there's no manual that tells you how to be a Special Assistant.

B: Let me ask you something here. You signed on in what eventually turned out to be very late in Mr. Johnson's Administration.

G: Right.

B: Did you have any indication when you signed on as to how long you would be on the White House staff?

G: I had no indication from Mr. Johnson other than I served at the pleasure of the President. I had my own personal timetable. I assumed first of all that he would run for reelection, and that being the case, I would certainly want to stay around through the election. And I felt as of August when we were going through this--in fact, my private understanding with my wife was that after two years, which would carry us into August of '69, I would want to turn back to my original way of living. One of the things I approached with a certain amount of dread was figuring out how I could go to the President and say, "I want out," at the end of two years. So March 31st happened to solve a problem

of mine. But he never said how long; he made it very much open ended--in fact he never even wanted to talk about it, for some reason I got that impression at least, and so we never did.

B: But your looking for a portfolio was on the assumption that you would be here for at least a couple of years?

G: I just couldn't sit around and do nothing. You've got the problem first, when you come, you have no secretary. So the question is what do you do about that. So I borrowed a young lady from the correspondence pool to take care of the congratulatory telegrams and the letters and all the junk that came in. And then I began to organize an office in the sense of trying to get a stand-up desk instead of a sit-down desk. I now have a stand-up because I purchased and shipped my stand-up desk to Paris as one of the artifacts for future archaeologists. So I had to go out and hire myself a secretary--I actually hired two, but they didn't come onboard for a month.

B: You do that yourself--the White House housekeeping unit doesn't take care of that?

G: They say, "Well, we'll try and find people for you, but it's up to you to scout around." So I asked everybody else's secretary if they had friends. And what actually happened was I got Mrs. [Mary Kay] Topkins because Ruth McCauley, who's Harry McPherson's secretary, worked at Defense and apparently Defense has produced some of the best girls; and she called her friends and found out that Mrs. Topkins who was secretary to the second in command in the Air Force was just about ready to resign--her boss was, that is--and so she would be looking for another slot. So I interviewed her and she was great; I interviewed two or three people who were sent over from correspondence and personnel who were not. And since it was more or less understood that I would

work without a staff of assistants, but just do my own dirty work, I felt I'd need two girls for the workload; and at the beginning this was true. And I found the second girl through Warren Woodward--he's with American Airlines, used to work for the President, and someone else here to whom he had mentioned Cleo Stokan--and she came over and was interviewed. She had been working at American Airlines, and she came onboard. And she left me at the time of the Humphrey campaign because one of the reasons why she came to work here was hoping to work on the President's campaign. So then I came back to one girl.

But [I] came in, you know, [with] no secretarial help. Originally I had the office across from mine, the one that's now occupied by Bob Hardesty and was originally Larry O'Brien's. And then this office that I presently have was the conference room, and they converted it and decorated it. But the question was, what do I do? The only thing the President said I would definitely do would be to take care of the regulatory agencies, which sounds very grandiose and people are very impressed. There was a feeling I was taking Kintner's spot, and that was only because Bob Kintner had left and there was really no ceiling on the number of special assistants; and so I was the Special Assistant who came in after Bob Kintner left, and so automatically there was the assumption I was taking over his job. Actually Charlie Maguire had been doing it for some time as an assistant to Kintner, and so he just carried on and took over as secretary to the Cabinet and everything that it involved. So I didn't have what Bob had before. When I came in on August 24, I was told I was going to have Bob Kintner's office, and then that was changed by the time I came back from Paris. So many things changed. Actually Doug Cater took that office. So all I knew was I had the regulatory agencies--

B: Incidentally, were you given any indication of what that involved? Were you just told you would be taking care of the regulatory agencies, or--?

G: That was about it plus general instructions to walk very softly, which is fairly obvious because of the generally--you know the regulatory agencies have no constitutional basis or anything else; they're a bastard organization with no father or mother really, or maybe too many fathers and mothers--it depends on your outlook. But they all consider themselves independent and they really are in a sense, although technically since the President appoints the members of the commissions, the independence can be nominal in some cases. But most of the agencies are jealous about their independence.

B: From whom did the walk softly instructions come?

G: The President wanted me to walk softly, and at the same time be useful to the agencies (and I'll explain that in a minute); and also I got a very distinct impression that he did not want to be involved whenever a matter came up, for example, that dealt with the Federal Communications Commission; that he would rather I make a judgment if a judgment was necessary, and he would be completely insulated and divorced from it.

What it involved was first of all, as I said before, being of service to the agencies. It's amazing how many things the agencies depend upon the White House for. For example, their fights with the Budget Bureau, or they just need more money, or they want a change in personnel, or they have an opening on the commission and the chairman of the commission has some idea of what he wants in the way of a replacement for the vacancy. And that means coordinating with John Macy and his bunch and seeing that the recommendation that goes into the President might also reflect the recommendation of the commission.

B: May I clarify that? You mean that occasionally the chairman of the commission, if there is a vacancy, will have a preference and will pass the name on to you to pass to the President?

G: Right. That's exactly the way it works. Then you have problems of legislation. For example the SEC has no legislative liaison operation; so when they want to push on their legislative program, they'll call me and then depending on what we come up with, I'll talk to Barefoot Sanders, Mike Manatos; and working with them and through them, try and push their legislative program.

There are times when another program will need some help or some relationship with an agency. Betty Furness may have some reason for wanting to deal with the Federal Trade Commission, and so the meeting takes place here--sort of neutral territory to establish the relationship to deal with problems such as packaging, or to deal with the Interstate Commerce Commission and finally get them to move against the household goods moving industry which had not been treating consumers well.

B: Then your involvement is routine; that is, the fact that a meeting like that would be held in your office would not indicate to the agency that the President was interested in that particular case.

G: As far as I know, I've never dealt with a particular case; I've dealt in terms of a broad policy. As far as I know--I'll tell you--the exception with the type of involvement you get in cases, for example, on the moving business with the ICC, there had been an article or maybe a series of articles in Consumers' Union Reports concerning their investigation of the problems the moving public has with the moving industry. Then I think at lunch one day with Betty Furness we were talking about it. And she said, well, she really ought to talk to the ICC people, but she didn't know where to start; or she wanted to get it done, but she would like some help. And so I called Paul Tierney and I got him over here and we sat down and we went through the whole bit, and I told him in advance what the meeting was for and that sort of thing. Now, that wasn't against any

particular moving company; it wasn't even to say that necessarily companies were wrong, but rather to involve the ICC in determining what should be done, if anything, and whether their legislation was sufficient to cover it--whether their regulations were sufficient.

On the other hand, in a particular case we get lots of calls here, either directly or through the Congressional office, from Congressmen or a variety of people, or the lobbyists will come in and say they're worried about this, that, and the other thing with such-and-such an agency or a department. And the way you handle that is you tell them that the decisions aren't made here; that the agency or department has its mechanism for dealing with problems; that all we can interest ourselves in is the fact that they're getting a fair shake and a fair and expeditious hearing. This may even come from a letter which is bucked in here--somebody will write a letter to the President complaining that his application for an FM station somewhere in the United States has been held up unconscionably for X period of months. And so what you do in a case like that is you find out what is actually happening; and if you feel that maybe the agency is dragging its heels, you suggest, well, you know, just be good to the public and get cracking with it. And if you find that they're doing what seems reasonable, then you write back to the guy and say, "We assure you that everything is being handled properly," or you call them, whatever the case may be. But this is the only involvement you dare get into.

B: You don't get into the making of judgments on the merits of specific cases?

G: No.

B: Does the President himself then ever--?

G: Not to my knowledge. The only time he has to sound off in anything of that sort is on the CAB international decisions.

B: I was going to ask because I know that as things stand right now, it is still up in the air--at least it has still not been announced--about this apparently very knotty problem about awarding the overseas air routes.

G: You mean the trans-Pacific ones, the one that is pending now. That has been pending for eight years. Well, in that the role is split. When I came onboard, apparently nobody was doing anything generally with the agencies, but since the law requires that the President sign off on any CAB international route decision, it went, as many things like that go, through Harry McPherson's office as counsel to the President. So then the question arose as to where my function began and Harry's left off, or his began and mine left off--whatever our relationship was. So we worked out a general relationship in which the final memorandum to the President is signed off in most cases by Harry, although whenever he's busy I do it, with a recommendation as to the President's signature. But if it goes over Harry's signature prior to the time when it gets down to the President, I'm given a chance for an input and to express any ideas which I would either express in an accompanying memo if I disagreed with Harry's view, or Harry and I would discuss it, and then off it goes. Most cases are not controversial enough to require this sort of thing.

B: Do you get a tremendous amount of pressure in some of these major cases like the Pacific air route?

G: Sure. I think practically every major airline has had somebody in to talk about it.

B: In to you?

G: In to me. And the posture is very simple. They leave their papers or material that they're interested in, and they talk. And they don't expect me to respond, and I don't intend to respond. And I listen and I make whatever judgments I

want to make, and then eventually when the thing comes by, I expect to put in my input if there's anything in there that strikes me as being shocking.

B: From these memos from you and Mr. McPherson, and presumably in a case like that, from the CAB itself will also come--a decision.

G: What happens is--the process is first the examiner at the CAB makes his decision; then it goes to the board itself. It makes its decision which is not necessarily that of the examiner. Then it comes over and it's given to the Bureau of the Budget, and the opinions of the agencies such as Transportation, Treasury--because there may be a balance of payments problems involved -- State, certainly because of foreign policy aspects and so forth, all get fed in; and recommendations are made that way.

B: The Bureau of the Budget solicits those?

G: That's correct. And then they all come here, and then that whole package goes on to the President either to sign off on the CAB report, or to modify the CAB report; and then whatever he signs off on is the final word.

B: There's another factor of politics--surely you're involved in that. Again, I realize we're dealing with something that is still up in the air, but there has been speculation on why a final announcement on that particular decision hasn't been made, whether or not it should be left for the incoming Administration and so on.

G: Again, I rather abhor most types of speculation, and this is one that is as bad as most. This matter has been hanging fire for eight years. President Eisenhower was unwilling to sign off on it after years of very costly hearings during his Administration. And the whole process began again at the beginning of President Kennedy's Administration. And the mills have ground exceedingly long and maybe too fine--I don't know. But the whole thing has been a tremendous

expense to the airlines; obviously there's a potential payoff, but I think a long-range payoff. There's not going to be an immediate payoff in my judgment, because the traffic is too thin in most parts of it. The traffic is much less in some areas in the East Coast, say, from New York and Boston down to Florida then for some of the major trans-Pacific routes.

So that sure there has been delay, which is delay because this is the sort of thing that you can either do it right, or you don't do it at all. And you're dealing here with literally millions of dollars in terms of potential; and you're dealing with basic foreign policy problems. And you just don't do it on a cavalier basis and then say, okay, it's easy enough to change tomorrow morning--it just isn't that easy! And so these things take time. And I would be more shocked if people rushed on these things than if they take their time. So political speculation--I don't know.

Another type of pressure as long as we're on airlines here--there are two other things that come in. One is an individual foreign line occasionally will come in and say, you know, we've really got a good case for better treatment than we're getting. And my procedure then is to take whatever papers they give me, and say, "First of all, you ought to talk to Frank Loy at State, and you ought to talk to [John H.] Crooker [chairman, Civil Aeronautics Board], or his people at CAB--you know, this is not where the decisions are made; I'm sure you can get in. All I can do is see that you're treated expeditiously but don't expect me to take any position which would adversely affect an American flag carrier, because they have to have first priority." And I had a recent visit with the people from El Al [Israeli airline]--came in here I suppose primarily because the Ambassador happens to be a friend of mine, so he thought he would send his people along, which is fine. I talked to them. And the papers are now over in John Crooker's office, and that's where it is.

Another way of getting into this is--getting back to the CAB again, because of the portfolio I had picked up on the whole tourist business, one aspect of the tourist business was to get the airlines to have a reduced fare within the United States for foreign visitors--a 50 percent reduction. Well, antitrust laws preclude having a meeting on that outside of the CAB; and the only way they can meet and agree on this type of fare is under the auspices of the CAB. So wearing my tourist hat I called the CAB and arranged to have them set up the meeting in which we then had the airlines make their presentation, and we ended up with this new rate structure. This I don't consider an interference--I think it's a very logical way to proceed; and I don't think the CAB felt that it was being infringed upon in that case.

Then sometimes there are problems as between the CAB and State and Transportation as to who represents whom at some international conference involving civil aviation; and for some reason or other they all come here and complain that somebody else has taken them off of their status or priority, and then you try and get everybody sorted out. But obviously on none of these things do you go and bother the President.

B: I was just going to ask you if ever that kind of thing had to go all the way up to the top.

G: My theory operating in this sense, and I've been fairly lucky, is that if I can get the agencies and departments to come to an agreement on something, then I don't bother the President and ask him to sit up there like Solomon and make a tough decision. I conceive of my job in many cases as not telling the agencies what to do, but try and get them to do something that they're all willing to do--in that case the President has no problem. And as long as it's not something shocking, I just assume he'll accept it. And what I often do in a

case like that is merely send him a memo telling him that this has happened; and if somehow or other he finds it untoward, why he'll just tell me that this is not the way to do it, and so reverse it. But I don't remember that happening really.

B: Do you ever get bypassed? Does someone who feels himself a loser in some sort of process like that ever take his case to the President?

G: I get bypassed in a lot of ways, and most of the time I probably don't know it. I am sure it happens. And at the beginning I was a little sensitive about it. But I figure you play these things on the basis of percentage, and so you win some, you lose some. I know I've lost some where I've been bypassed completely.

B: You mentioned that the President's relationship with the FCC is in some ways special, presumably because of his family ownership of the television station. You were told that he did not want to be involved in anything dealing with the FCC--was that my understanding?

G: It's not quite as direct as that--that's what the ultimate result comes down to. Obviously he has to make appointments to the commission, and that can't be done in a sterile vacuum. But I had the impression that if a tough case somehow got over here and there was much backing and hauling and the FCC wanted help or there was pressure from outside when it came over here from the FCC that I pretty much had to fly on my own and not bother him.

B: Has anything come into your jurisdiction regarding television in Austin?

G: No, nothing about Austin, as a matter of fact.

B: Doesn't Mr. Johnson also have interest in Waco and other places?

G: He doesn't have it. I think the trust fund has it, or KTBC Inc. has it--just how it's set up I don't know. But none of the interests that are in any way related to him have ever arisen as a problem. The kind of problems you get

in here are the complaints from civic organizations that the license, for example, of the station down in Mississippi--a TV station--should not have been renewed because of its racist programming, or cutting out--that sort of thing.

B: Rather than condemn all of them, that was the case involving the Jackson, Mississippi, station.

G: That's right, the Jackson station. And as a matter of fact, a good friend of mine who's Chief Justice of the Mississippi Supreme Court was up here, and we were discussing it not too long ago. But there was Jackson; and then there's the problem of--

B: Did that one incidentally come to the attention of the President?

G: As far as I know it didn't; I don't think it got beyond some people talking to me, and my talking with people at the commission and getting information. But fundamentally that was their decision, and that was it. I have my own private views on it, but that's another problem.

There was the hassle when two of the commissioners raised some questions about Oklahoma stations and their programming and at least asked some questions about it. And the fundamental issue there was whether this was a proper method of procedure, or whether it was outside of the proper administrative procedures. And that again was handled on a very informal basis. One of the commissioners happens to be a former student of mine, and he was involved in it--Nick Johnson. So Nick and I had lunch, and we just talked around the issue pretty generally without any orders coming from Sinai or Olympus, in this case.

B: When you have private views in a case like that, can you keep them concealed?

G: I try my best. This is one reason why I don't bother talking to newspapermen, then I'm not tempted to give my private views on anything.

B: Generally, how do you find these semi-independent agencies to deal with? Does their rather anomalous state make them difficult to treat with?

G: I think it all depends on the personality of the chairman. I worked very closely, and really it's hard to say exactly what we do, but I spent a lot of time with Manny [Manuel F.] Cohen [Chairman, Securities and Exchange Commission], who is the chairman of the SEC; and despite all the stories that the White House had ordered Manny to crack down on all of the whole damned investment industry or securities industry, as far as I know nobody has ever given them such an order. I've helped Manny with his legislation; I've tried to work on some of his budget problems; I think I was at least partly instrumental in getting Lee White, who is the chairman of the Federal Power Commission, who is another friend, together with Manny to set up a joint meeting of the two commissions to consider shifting of jurisdiction over utilities holding companies from the SEC to the Federal Power Commission, which makes a lot of sense, and for years had been refused by the Federal Power Commission. And the SEC strangely enough was willing to give up jurisdiction. And of course this takes a legislative change, but the legislative change would not take place unless the two agencies had agreed to it. And so they had their joint meeting, and they did agree to it, and hopefully in the next Congress there'll be legislation transferring this. And this is the sort of thing that happens quietly and there's no fuss, fume, or bother. I never asked the President before I encouraged them to do it whether he wanted it done--I just went ahead and did it because it made good sense to me, and told him what they were going to do after the two had met, and he didn't scream, so I assume it was all right; so we've just gone ahead.

B: In a case like that would you participate in the drafting of the legislation?

G: No. I've only got two hands. For example, when you get to a legislative program, I've got--I had one in Immigration, for example, last year which was partly tourism and partly immigration which aborted. But as soon as we got the agencies to agree, or at least we thought we had, as to the type of program in terms of the overall objectives, then that went off to Califano's shop, and he has got all these people running around worrying about legislative programming, and it just became his baby after we reached that point. The same way with the fishing industry--what I would call the bill of rights for the fishing industry, which we cranked up over a period of six months with the various marine sciences people. When we got to the point where everybody had signed on to a new program to rejuvenate the fishing industry, we outlined its basic elements, and that went off out of here. But I haven't got the facilities or the manpower to do it.

B: Actually your work with the regulatory agencies must concentrate on four or five of the major agencies.

G: Yes. It comes down a lot to the CAB; a lot to the Securities and Exchange Commission; quite a bit to the Federal Trade Commission. And fooling around with them led to the development of the Anti-Trust task force whose report is carefully hidden away some place now. It involved the Federal Communications Commission; a little with the ICC; very little with the Federal Maritime Commission; at the outset quite a bit with the NLRB until things sort of began to settle down. It involved helping to set up the Administrative Conference of the United States which Jerre Williams heads, and which is the sort of overall operation for this, and I helped Jerre get started--personnel, budget, the whole bit--putting them together. Let's see what else we have in that mix. I'm sure I've left somebody out--let me just check my list here.

We have the CAB as the first; then the Federal Power Commission--very little of substance with the Federal Power Commission. The sort of thing that I talked about plus--I should mention that each of the agencies sends me a monthly report of varying degrees of information. And if there is anything in the monthly report that is worth taking the President's time to advise him about it, I excerpt that little bit--

B: This normally would include pending cases and that kind of thing?

G: No, usually it's what has happened--they're very careful not to talk to you about pending cases, it's what has been done, really.

B: For reasons of ethics, or to keep you from interfering?

G: I think it's good sense. We're not supposed to interfere in the first place, so I don't even--but after all, the agencies are quasi judicial; and as a lawyer, it sort of pains me to think of interfering in a judicial process, except maybe to expedite, Interstate Commerce Commission--we've had a couple of times go-arounds on a variety of things, primarily this moving and two or three other things, but again not a very strong relationship. NLRB--as I said at the beginning, I had quite a lot to do with Frank McCulloch [Chairman, National Labor Relations Board] and Sam Zagoria who is a Republican member and who is an old friend from wartime days. The NLRB was pretty much under attack from Senator [Sam J.] Ervin [Jr., D. N.C.], and at that point I got involved in doing everything I could to relieve their burden and keep them all happy.

B: What exactly would that consist of?

G: Well, that consists of every time a new problem loomed on the horizon, or a new rumor came along as to what was happening to them, I'd work with Mike Manatos or somebody else to see what we could do to get a backfire created from some other source that would help protect them or brief people so that they were ready to--

B: Some other Congressman?

G: Yes. And then when they had a vacancy, Frank was very interested in seeing that it was filled in a particular way, which happily it was.

SEC, as I say, is a pretty much every day sort of relationship--I think that's pretty much Manny Cohen's personality as anything else. That's it for the--should be one, two, three, four, five, six, seven, eight--I think there are just eight of them.

B: That's most of the major ones.

G: Yes. Oh, the Federal Maritime Commission--that's the ninth. So that one--very little, I'd see Admiral [John] Harllee regularly; I'd make it a point of seeing all the chairmen of the commissions at least once every couple of months if not more; and at the beginning lunched fairly regularly with each of them so that we'd have the chance to get to know each other. But beyond that, it hasn't gone very much more than that.

B: Is it difficult to learn the ins and outs of that kind of thing? Obviously you knew some of these people from your previous Washington experience.

G: And I knew many of the agencies from prior experience, so that it wasn't really coming into new territory that was completely unknown; I never really felt terribly lost in that sense.

B: Incidentally, while we're on the regulatory agencies, have you gotten involved in either this very complicated area of the status of these community television systems, or the airport congestion affair that has been of some controversy in the last year?

G: Airport congestions, really FFA and the Department of Transportation--the CAB gets into it. The CAB has secondary responsibility. Oh, John Crooker and I've talked about the problems, but I don't think we've gone much further

than that on the congestion thing. On the first one--the CATV [Community Antenna Television] thing, I don't think I've done anything with it-- I've read all the reports that have come out of the FCC: nobody has been in to see me about it. As a copyright lawyer, I was shocked at the Supreme Court's decision in the Fortnightly case, for which Justice Fortas wrote the dissent, and Justice Stewart wrote the majority opinion.

B: That was the case that in effect authorized those systems, to take up and re-broadcast?

G: Without it being an infringement of copyright--without it being a performance. And that offends my legal soul to the roots. But beyond that I've done nothing more than cry a little at night for the profession.

B: Then this was the area that was more or less blocked out for you when you arrived?

G: Because nobody else was doing it--it was that simple. Since the time that Jim Landis wrote his report for President Kennedy, I don't think anybody in the White House really did more except on an ad hoc basis whenever something had to be done, I suppose somebody was found, but there wasn't any regular channel.

B: You know, it's strange that it wasn't being done because for all practical purposes, that is the fourth branch of government.

G: It is, but it's also probably the hardest to deal with in practical terms. You can't pick up the phone and talk to people at the SEC or the CAB about a matter the way you can in the executive department--you just can't. I can't in the sense that it offends me to have to do it, so I haven't done it.

B: You mean you can't talk to them because of the nature of the things they handle, or because of the structure of the--?

G: Structure. Now, it isn't the nature that bothers me. For example, FTC has the responsibility along with the Food and Drug Administration on the truth in packaging area. Now, there's no specific case before them--this is an overall regulatory policy. And some people came in to see me with what I thought were very good ways of tightening up the FTC regulations and making them better in the sense of protecting the consumer more. And it struck me on an intellectual basis that this was the way to proceed. So I did proceed with both the Food and Drug and the FTC to suggest that when you draft your regulations, you do it better and you do it harder and you do it this way. But it wasn't dealing on a case basis. And they haven't been bashful in the other direction. There was a problem within the FTC, for example, as to the way their regulations were going to be drafted concerning who had the responsibility to pay for the testing of imported fabrics under the Fabric Flammability legislation. There were some very strange goings-on within the commission. And as a matter of fact, one of the commissioners was a particular friend of a Senator who had been one of those who had pushed hard for the legislation. And now he was crippling the legislation by requiring the FTC to pay the costs of lab testing. And if the FTC had to do it, its budget would be totally inadequate and the enforcement of the new legislation would be impossible. So Rand Dixon called me and said, "Pretty please, you've got to bail me out with my own commission." And so I talked to a few people on the Hill after clearance with Mike Manatos, because after all the Senate is his side and I'm a great believer in channels although it doesn't always work around here that way, and we got a backfire created there. And so we solved Chairman Dixon's problem that way. This is a day-by-day sort of a Miss Fixit--sort of an Eloise operation with a few bandaids, that's what this is.

B: That was just a matter of getting another Senator to take the other side?

G: No, to ask the Senator who had sponsored this commissioner who was causing the problem to get around and talk to his own guy, say, "Look, I sponsored you in effect, and you've gone ahead and messed up the thing that I've been for. Now, please don't make everybody's life a little harder." So in a sense I suppose that's interfering with the commission, but I didn't think I was coming down on the side of the devil instead of the angel's.

B: Who was the Senator involved?

G: I think this was Senator [John O.] Pastore [D. R.I.] in this case.

B: How did you acquire other functions?

G: Well, it was a question after awhile of what people wanted to get rid of, which was one way. The President thought I ought to get some feel for the way the place worked in general, and I started sitting in on Walt Rostow's National Security Council staff meetings three times a week, just a listener and an observer. And I began to get a feel for what he was doing. Obviously, he has a large staff and there wasn't much to glean there. But the law of the sea was relatively untouched--he has a staff person for it, but he himself didn't have much time for it.

B: He, meaning Rostow?

G: Rostow. So Chuck Johnson, who handles marine science matters for Walt, and I developed a relationship in which Walt got copies of all memos etc., and so he was taped into the thing, but I had the responsibility of going to the President on it.

Somewhere along the line I picked up the human rights business which comes out of State--I've forgotten how that started, but I got involved in two or three cases with setting up the commissions. You know, these things

hang around and they just don't get done; and this is [the] case with the Obscenity and Pornography Commission, and the President's Advisory Task Force or Commission on Travel, which were hanging fire when I came in. And then the human rights thing came along shortly thereafter and since I had become a "whiz" for putting commissions together for Presidential approval, I got that one--I use the word "whiz" advisedly.

B: Does this putting together the commissions mean that you get involved in selecting the people to be on them?

G: Yes, sir. And it's an education in itself.

B: Is it difficult to get people to serve on those?

G: No. The problem is the other way around, and depending on the commission--there's one thing I wanted to mention. At some point remind me, if we ever get around to it--this is a secret which has not been disclosed because I don't think there were any memoranda on it, although there may have been a couple of cables down to the ranch. When we set up the whole balance of payments program the first of the year in '68, we set up a command post in the Situation Room with Manny Cohen and some of his staff with a line directly into the New York Stock Exchange so in the event the market went absolutely flooey, we would be in contact with the Board of Governors of the Exchange and they would have the right without any federal intervention to close down the Exchange.

B: I've got down here to ask you about the whole project involving the--

G: Well, that would take years. But that's one facet of it that I don't think is documented anywhere. Anyhow, let's get back to your last question which was commissions. Before I get to the commissions, let me just tell you what else I did, because we can go around this barn for a long time.

From Walt I picked up the law of the sea; somehow the human rights operation; something called bases studies, which has now surfaced--it was a very secret

operation run jointly by Defense and State to review our bases all over the world and come up with a comprehensive program on that which will be partially completed before the new Administration comes in, at least the studies; and a general portfolio which dealt with the problems of European-U.S. cooperation on mutual urban problems such as pollution and so forth. And this has been developing and loosely handled in my relationships, which have been fairly personal, with the people handling the Common Market over at State and the Ambassador to the Common Market, Bob Schaetzel; and then loosely I get involved in French things merely because of my background. I suppose it's really an officious or an inter-meddling type of relationship, but it sort of ties in with things like the export program, and the Paris air show and France all get mixed up together, and that had to be salvaged after McNamara killed it. So you get into that sort of situation.

Immigration I picked up because Califano had it and wasn't doing much with it, and it sort of tied in with tourism which I picked up because I set up the Travel Commission; and once the Travel Commission was set up then when we hit the balance of payments "flump", then tourism expanded and this led to the development of the accelerated inspection system at JFK [John F. Kennedy airport, New York], which is now what we hope for four or five airports so you can get through customs in a hurry. And these things sort of grow. Califano had the stockpile which was very active, the President had a committee on that, and I took that over as the chairman of the committee; and that finally came up with a successful ending in the National Security Council meeting just a few weeks ago. But that was to put together a government-wide agreement on what our criteria for the stockpile would be. For four years there was no agreement in the government, and we were very lucky we got an agreement. That one I picked up from Joe.

The Travel Commission had been down there; the President in the economic report in January '67 had said that we would very shortly name a commission to study our whole balance of payments problem in the travel area. And when I came in September, that commission hadn't been appointed, and there was much to-do about it. So I inherited that one because nobody else wanted to fool with it. Then the President had been directed by the Congress to set up a Commission on Obscenity and Pornography, and that was floating around, so I picked up that apple.

The way you set these things up--in both cases there were many people who had been suggested or named. And you send the President a mix--a chairman, and a vice chairman, and then all of the members; and you suggest to him why these people are qualified, and you try and have a broad representation of whatever it is you're doing.

B: Along with alternatives?

G: Sometimes, yes. Because it's sort of hair-raising to keep going back to the President with the same thing time after time. If there are people on it that don't quite make it for one reason or another, then you have to go back to him for further ideas; and it's better if you can get him to sign off once and for all--yes or no on the whole batch or a portion of it, and then have enough alternatives so he can pick them up. It doesn't always work out that easily. The travel thing I guess had been up to him and back maybe eight times, or half-a-dozen times. When you set these things up, you're working with John Macy, and particularly with Matt Coffey over in John Macy's shop.

B: This is under Mr. Macy's function as sort of the talent recruiter?

G: That's right. That's his head hunter operation. What you try and do--well, you pick up the file, and you find that everybody and his kid brother has

recommended, once there's word out, that you're going to have some sort of a commission and the President had announced it in the economic report. So out of the travel industry everybody that had an interest had a Senator or a Congressman or somebody write in to various people in government or elsewhere and say, "We would think that so-and-so would be the best man for the job." And the Vice President had a role in Discover America so he was sort of involved in this. As I said, when I came I think six or eight possible commissions had gone up and come down; and our public posture was that we just hadn't gotten around to appointing a commission. Well, we hadn't been able to find the magic mix that would get it.

B: You have to be very careful not to offend anybody, or at least offend everyone equally?

G: You offend the least number of people you can. And the other problem you have with a commission such as the travel one is, who's going to pay the freight! You know, the White House has no funds. One of the big drawbacks that I found here is a tremendous paucity, or at least if it's not a paucity then the rather tight-fisted control of funds; so that when we set up this group and the antitrust task force, you just went around with your hat in your hand to the Department of Justice, and the Federal Trade Commission, and the Department of Commerce--anybody you could con into giving you ten or twenty thousand bucks for doing this sort of thing. And you know, here is an essential operation, and it's rather to my sense degrading to have to do this, but we do it.

B: Can't you go to the Bureau of the Budget and ask them where the loose money is?

G: They're not about to tell you in the first place; and they're not about to admit that there is any anyhow. And it's a rather silly way to do business.

but we did it. But in this case on the travel one, since travel had a balance of payments impact, there were two logical places to go--either the United States Travel Service in the Department of Commerce or the Treasury because of balance of payments. The problem of taking it to the U.S. Travel Service in the Department of Commerce was that it might be a captive; and obviously things weren't working perfectly, because if they were working perfectly, we wouldn't have a problem for which we needed a commission.

B: It might be a captive of the existing situation and interests?

G: That's right, in the Department of Commerce. If they're paying the bill and providing the staff and housing this, then even if you had the most honest report in the world, it's going to be suspect as being a house report. So that sort of limited it. And then Treasury was the logical place. Well, if you're going to Treasury, then the chairman of the commission must be someone that Treasury is willing to work with. So really the magic in this was finding-- Secretary Fowler headed a balance of payments commission or task force in Treasury that dealt with, I think, interest equalization tax--one of these items. His executive director of that commission was Robert McKinney, our former Ambassador to Switzerland. And McKinney was also, and is, a very good friend of the President's--a very dynamic guy; he does have a travel interest, because he's on the board of TWA, which meant that we had to make sure if he was going to be on the commission that Pan-Am was represented. So in a sense, Joe Fowler and I came to an understanding that if Bob McKinney were made the chairman, certainly there'd be very little impediment to Treasury housing and staffing and taking care of the housekeeping costs of the travel task force.

B: Why doesn't the House report image apply in that case too?

G: It does in the sense that Treasury's interest is improving our balance of payments; but since the whole name of the game was to improve our balance of payments and Treasury has no other function in travel, it seemed to me that really the taint--using that word in a very loose sense--was minimal. There was no special interest in Treasury except to reduce our balance of payments deficit, and that's not bad, so that didn't cause any problem. So that was the first hurdle, and this was how we moved to Bob McKinney as chairman. The next problem was if he was going to be chairman, would he serve. It's one thing to pick them. Now this is a case where normally a man is reluctant to be chairman--in fact, everybody is reluctant to be chairman of any type of commission usually because it's a killing job and there's very little reward for it; and certainly, you know, there's no financial reward.

And as it happened, the day the President agreed that Bob would be it if he was--I should say you go through a quick FBI check, and you go through a quick check to make sure that you're not picking up somebody who's politically totally unreliable. This doesn't mean that he has to be a Democrat, but it means somebody who's just going to be in the show to cause all sorts of problems. And you don't want people who are going to agree with you, but you don't want people who are going to just be in there for the kind of trouble--

B: And you don't want someone who is going to make personal and partisan political capital out of it.

G: That's about as well said as anybody could. You get this list of names with background material on each of these persons; you get their FBI check; you get sort of a political check--

B: From where do you get a political check?

G: Call Matt Coffey and his people to check around. When Doug Nobles was over there, he would check around; but usually Matt Coffey; and this was Matt's

function in this. I'd come up with the names, or he would get names and we would exchange them back and forth. And I'd go around at lunch and I'd say, "Gee, does anybody know a good professor with a good background who's really be great to give the right tone to the travel thing," and John Roche would say, "How about Dan Boorstin at Chicago? He's great." It turned out Boorstin was the one non-businessman on that commission, was probably the second most valuable man on the operation; he spent more time writing the report and being creative and coming up with ideas than guys who had spent their whole life in the travel industry. And as an ex-academic I was very happy to see what Dan did--just a superb performance!

Anyhow, what you do is you get all these names and then if the President agrees to them and you finally get that established, then you've got to go back to these people and get them to agree to participate. And the first one you have to get is the chairman. So the day that the President signed off, it happened I think that Mr. and Mrs. McKinney were over having tea with Mrs. Johnson is where I located him--it was a great coincidence; he wasn't in New Mexico or in New York. So they came over here. And I must say Mrs. McKinney took a very dim view of the whole thing. She's a charming, magnificent woman and understandably, she didn't want her husband tied down to something else. But I did as much arm-twisting as I was capable of, and it succeeded, and he finally allowed as how he would do it. And at great expense-- I don't think he took a nickel out of this thing, he'd come down here for months at a time, pay all of his expenses in town; he'd travel all over, and he did a hell of a job.

B: Do you ever have to call in the services of the chief arm-twister?

G: I never have. Of course when you pick up the phone and you call people, and after he has signed off on the group, you can say that the President of the

United States very much would like to have you serve and be very interested-- you know, you go through that sort of thing. And that's exactly what I did. Once we got McKinney signed on, I went over with him the group of people that we were going to have so he knew what kind of a mix he was getting and he was happy with that; and he wanted to be sure that he would get the best possible executive director--he did in a fellow named Robert Pelican.

B: This was the next question I had--where the staff came from, the paid staff?

G: This is where Treasury stepped in. And Joe Fowler kept his word--he provided a good set of offices, secretarial help, picked out a guy named Bob Pelican as executive director; they borrowed some personnel from Commerce, the U.S. Travel Service; they went around government--scurried around and got people all together; and set this group up. And from the beginning, Bob McKinney was beautifully organized. And it was fairly late--I'll have to check the files, but it was well into November, I think, that we finally put this thing together. And they weren't scheduled to meet until some time in January. We had a very leisurely timetable which looked--it seemed leisurely then--

B: These dates were November '67 and the meeting in January '68?

G: That's correct. And with some idea of a report to the President by May or June of '68. One of the things the President announced on January 1st--and New Year's Eve I spent trying to call all around the country--I was up here, spent my New Year's Eve before flying down to the ranch--it was New Year's Eve the end of '67, beginning of '68--was to call all the members of the task force and alert them to the fact that the President was going to announce the next day he wanted them to hurry up and get their report in, and they hadn't even met, if I recollect. If they had, they'd met just very pro forma. So most of it had to be done by telegram. McKinney was up in the mountains in New Mexico. God awful mess! That's how we got that one.

B: A general question arises here. Are these commissions an effective governmental tool?

G: Yes. I think this one, at least, has changed the whole approach to tourism. And if it has only done one thing, it has paid for itself. And it's a silly little thing in a sense, because it shows how silly we are in government sometimes, sweeping things under the rug. They came across a 1940 statute which empowered the Department of Interior to run a travel promotion program with a fairly good-sized authorization--a travel promotion program based on the National Parks. And we dragged that out--we got the Interior Department so cranked up and so excited they had their own task force; they've got their own budget now; they've got their own staff which does not conflict with the U.S.T.S., but they're in the travel business, but big. The whole travel industry is excited, not that this is going to be the be all and end all; but just finding that 1940 statute, which every Secretary of the Interior seems to have forgotten since it was enacted, almost paid for the thing.

But this was really the genesis of the accelerated customs operation at JFK for inspection which has now spread; it was the genesis for getting me to run around JFK and get the Port of New York Authority to come up with better signs now for the people coming in; expanded and different function and approach from the Travel Service; the discount operation; the reduced directional fares across the Atlantic to the United States; reduced fares within the United States--a whole number of things. And all of them worked because there have been strikes here and riots here, and there were strikes in Europe and riots there, which have all affected travel and tourism.

But in any event, we came out ahead this year of where we were last year, not so that it has been the end of our balance of payments deficit, and that's

unlikely to come up in the next five or six years, but we have now I think a better approach than we've ever had before. This one has paid off completely.

The only bone of contention that remains is the fact that after the commission had completed its work--and it did it in jig time--there then had to be an on-going activity to make sure that all the gains and ideas of the commission were carried out and certain ones explored further. We started off with a misnomer--we called it task force, and it should be the President's Commission on Travel, but it was called task force and then officially it's referred to as task force. Nobody ever explained to me at that point the difference between task force and commission--Presidential commission. It seems that task force is the name that is reserved for the direct reports to the President which are not made public, and which will show up in the Library; but the papers I inherited referred to this as task force, and nobody caught it until after the thing was in being. So we then set up Ambassador McKinney as task force to report to the President on the future approach, and he stayed on for another six months doing that. And the President publicly asked him to do this chore. But the inference was drawn that this was also going to be a public report; the report was not made public as a report of this sort should be. It's very candid--in some cases I don't agree with the results or the conclusions drawn--but it's an unshirted sort of report which lays everything out for the President and lets him pick and choose. So there has been a bad taste in some parts of this town, particularly in the travel industry that this report has not been made public--that's the only negative factor.

B: Where do you find the machinery to keep this kind of thing going? In this case, doesn't it involve somehow getting Commerce's agencies in this regard to work?

G: That's what we did. We finally then--all the on-going responsibility except that which went to Interior was put over in Commerce. And then in addition, Agriculture was so fired up by the sight of Interior going off--and Agriculture has the forest and the grasslands, so they claimed to be a bigger potential travel operation than the Interior Department. So now Agriculture is all geared up, and they're in the picture, and they want in the travel business. So it's getting to be the thing to do.

B: Where's the money coming from?

G: Each one of them is getting their own appropriation. Agriculture is getting its, or asking for it; Interior already has money budgeted; and U.S.T.S. has asked for a larger authorization for the Travel Service. We operate on the world's most miniscule travel budget anyhow, so every little bit helps.

B: Is this going to end up with a whole raft of competing agency travel bureaus overseas?

G: Well, we have all sorts of competition in the government now. Overseas, no. U.S.T.S. will be it and will be the agent before the other departments over there. We have competition in the Inspection System; we have four different agencies inspecting an American traveler or a foreign traveler when he comes into the country. Ideally, we should have one agency. And the best we've been able to do is get a rotating deal in which you have one head for three months at a time. This is follow-up on the accelerated system we set up.

B: Does your "tourist hat" here, as you call it--does this involve you in any sort of relationship with equivalent officers in foreign governments?

G: I've met some. Bob McKinney met them all in the process at some time or another. They were all over here. I've met a half-a-dozen of them that are at the British Embassy or something like that, but not an awful lot.

- B: I was going to say, I could see potential conflict--their interest would be in keeping their money at home.
- G: Well, their primary interest is in attracting Americans because Americans are bigger spenders, and we have the largest potential travel market. And they know, and we've argued that the freedom to travel is an essential element. The thing--if they don't help us, everybody's down the drain. They have the surplus, we have the deficit. In fact our deficit is the mirror image of their surplus obviously. And all we're asking for is some sort of adjustment process in which we get our fair share. So they're not really disagreeable about it; after all, if you look at the fact that most of the foreign air carriers are owned by governments and they had to vote in the IATA [International Air Transport Association] for the differential fare which benefitted passengers departing Europe for the United States--in that sense, they make more money too. So their government comes out the net gainer if they have more people traveling on their own planes, and they do, in the sense that Europeans will travel on their flag carriers, but Americans do not travel on the same percentage on their own flag carriers, so it's not a bad deal for them.
- B: Did the proposed tourist tax get involved in all of this too?
- G: Oh, yes, that's part of that whole can of worms of the balance of payments period. Do you want to go into it now? This is a fascinating chapter.
- B: Why don't we save that whole balance of payments thing for when we start off fresh and begin with it and go on--?
- G: Do you want the obscenity commission? That was a cutie. The other thing I inherited was this Congressional legislation, this was not Presidential initiative, to set up a commission on obscenity and pornography. And the legislation in this case had gone through several metamorphoses. It at first

looked like an attack on the First Amendment, and an attempt by Congress to legislate in an area where it had no right. But Congress more wisely got to the point where it suggested a commission be set up to study--first of all, really, to define what's obscene and what's pornographic--and then having defined it, assuming that's possible, to determine whether there are any adverse effects on youth, primarily--however you define youth--from the traffic in this stuff; and also to try and define the traffic. Obviously this is a very touchy subject.

B: Again, here's a commission where one of the first questions that comes up is its usefulness.

G: This is not a case in which the President had any choice. Congress had voted it; Congress had decided that it had to be funded; and the President's only function was to name the members of the commission.

B: What was the President's reaction to this?

G: The President had no choice; it was an overwhelming thing--it's like everybody is against sin; and the legislation was signed before I got here so I have no idea what his feelings were about it. As the legislation emerged in its final form, you couldn't quarrel with the fact that this was a problem that people were concerned with--you had Supreme Court decisions which pointed--one of Justice Fortas' decisions, for example, pointed in the direction of suggesting that there might be ways of establishing standards which would affect young people or limit accessibility of certain material to young people without necessarily involving freedom of the press, because you were not saying it was banned for everybody, but you were banning it from a certain group, and then if they survived long enough, they could get it to the group that could acquire it if that was their want. The question was to determine whether this had any effect on youth in general. So it was basically a scientific

approach. The problem there though was that people had chosen up sides long before I got into the picture. And there was one man named Mr. Charles Keating who was the executive director of something called "Citizens for Decent Literature," which was probably in Cincinnati--my recollection; it has a long letterhead with many big powerful political names. And Mr. Keating had umpteen sponsors-- I think I counted at one time 125 or 150 letters which assured the President in no uncertain terms that the only way the United States would be saved from evil and sin was to have Mr. Keating in it; Mr. Keating wrote a number of these himself. He represented a very strong view. Then there were people who obviously pushed who were against even looking into the subject. And frankly my hope was to find someone who could run this operation that would be fair-minded, and would take a scientific approach and not come in with his decisions already made, and then you have to count up the white hats and the black hats, and then you've got your work done.

But the problem was compounded by the fact that the legislation did not call for the appointment of a chairman by the President, but left it to the commission to choose its chairman. So I did something which I guess some people might call dishonest; I would hide behind the rationalization of saying it was expedient. Because there was no appropriation for the commission--the commission had to be appointed, it had to be in being before the appropriation got around to coming into being. There were some very basic problems in organization, and this required someone to do it before the commission as a whole actually was operating. This at least was the rationalization or the argument I used. And when we finally got the group approved, I had latched onto the Dean of the University of Minnesota Law School, Bill [William B.] Lockhart, who has written extensively in this area, and a man with a scientific approach

to things, as the chairman. Bill Lockhart, incidentally, hasn't talked to me since the day they got their appropriation, and probably it's because I caused him more grief than any man has a right to do; and I'm sort of ashamed to call him up because I picked him for this, and he probably has hated me ever since the day he got tapped. But anyway, I felt Bill Lockhart was the most honest man I knew in this area; and so when I called the commission members--and I'm jumping ahead of it now--and asked them if they would serve, I said, "Incidentally, in order to expedite things I trust you will agree to Dean Lockhart serving as chairman of the commission." And they all did, and that's how Dean Lockhart became the selected chairman. Now, I admit that's a rather sneaky way of doing it--

B: You railroaded yourself a little election there.

G: I railroaded an election there, but there seemed to me no other way in which you could get a viable organization started, because you needed one person who could deal with the Bureau of the Budget and with the GSA, and all the other agencies of government to get the housing, the money, the budget drafted, the staffing, the liaison deal. As a matter of fact, it probably cost Bill Lockhart \$2,000 and I've never been able to get him reimbursed, because nobody was willing to pay for his coming down here for hearings on budget or anything else. I have not been able to find the White House or anyone who would give him the dough, and so he paid out of pocket all the organizational expenses of this damned thing. And one of the sad parts of our government is that we can hit a guy who is a law school dean for 2,000 bucks, and not have the ingenuity to give him money, and not have the good will to get it out for him. This again is a sad way in which to run the government. So I guess I owe Bill Lockhart a little more than \$2,000.

We set up that group--we did not put on Mr. Keating who was red hot in his area; we tried to bring onto the group a cross-section of clergy, of social scientists, of psychologists, psychiatrists, sociologists, penologists, criminologists, attorneys, prosecutors--a whole spectrum. We had a limited number. And we also wanted to please the Speaker of the House who had an interest in the legislation; another Congressman, Dominick Daniel [D. N.J.], who had an interest; Senator [Karl] Mundt [R. S.D.], who had an interest. And we tried to find among all the people that they had recommended people who were not too far in one direction. There was a Jesuit priest down there who was very active in suppressing all sorts of things around Yorkville, who was recommended by a number of people including the Congressional people, and he was on it, and at one point he tried to take over the commission. And that created a number of problems because he didn't like the fact that Lockhart wasn't moving fast enough. As a matter of fact, his organization was responsible for Mrs. Johnson being put through a rather nasty mill. One of the people named--

B: His--the priest's?

G: The priest's organization. He has a newsletter in the New York area which is designed to root out indecency wherever it may rear its head; and he prevailed on his people through an article--his paper--to write Mrs. Johnson and complain because one of the people named to the commission (and I ought to check the record to get his name), one of the people named was director of research for CBS. And we wanted the media involved here too because actually the line between pornography and violence is sometimes a very hard one to draw, or obscenity and violence, and we wanted media representation among others. And so Dr.--oh gosh, I can get it out of the files--anyhow this fellow was

named, and it seems that CBS also owns in its conglomerate sort of operation something called "Creative Playthings" in Princeton, New Jersey. And this toy operation is the importer into the United States of the "little brother doll." And the little brother doll looks like a baby of about two months who is male, and has very rudimentary genitals; and this is considered an obscene doll. And so Mrs. Johnson received a large amount of mail asking her to condemn the importation of this doll; and also raising the question of the fitness of this man to serve on the President's commission etc., because he worked for CBS. So I was asked to help draft the letter that would take care of replying.

B: Were you asked by Mrs. Johnson?

G: Actually not by Mrs. Johnson, but by her staff. First of all, I tried to point out that the definition of what was obscene Congress had left to this commission, and the commission had not yet concluded its work, and therefore it was premature to judge. And secondly, as to the man from CBS, they also owned the New York Yankees, and it would be very difficult to suggest that if Mickey Mantle was doing poorly--he was then with the Yankees--that this was also CBS's fault; that these were compartmentalized parts of a corporation and it really didn't have guilt by association. But this is the kind of pressure and the kind of newspaper campaign on this whole obscenity thing--it was a pretty rough business. And because of it, I'm even more happy that it was a guy like Bill Lockhart.

B: Did you get involved when the priest tried to take over the commission?

G: Yes. I received several phone calls, not from Lockhart but from other members of the commission who were very disturbed. And I talked to some of the people in New York who were acquainted with him, and they in turn spoke to him. And I talked to him and suggested that we try to keep this at a calm level and not

tear the whole thing apart; and I think he turned to be very reasonable and sort of calmed down. He sort of suspected Bill Lockhart, I guess, of trying to sell out to the enemy or something; and all Bill was doing was at that point trying to get the thing organized, and this was the period when he was spending that 2,000 bucks.

We got a good group; only in this case very few of the good people turned us down. Eric Erickson of Harvard turned us down, because he claimed he had too much to do, but I think he was the only one. We got a first-rate commission out of it, and I assume they're working away happily. I used to collect all the mail that came in for them, and it has all been turned over to them now that they're in business; as I say, I'm sort of reluctant to call on them, but that's operating.

B: What's the priest's name, do you remember?

G: I can find it easy enough; it's in the list of the--Here, I've got the whole thing. Joseph T. Clapper is the fellow from CBS--he's the director of social research at CBS; Reverend Morton A. Hill, S.J., is the executive secretary of Operation Yorkville, Inc., New York, New York. We had a pretty good group; we had a newspaper agent--well, you can look it up in the files.

B: I was just afraid that some future scholar looking in the files might run across two Jesuit priests.

G: There's a draft press release which the President approved on December 29.

B: There's no sense in this project duplicating the file. Do these commissions, and this one would be a perfect case--do they serve sort of a lightning rod function?

G: I don't know. I think in this case the commission may have created a lot of lightning, and now has had to move on and sort of tame it down. Part of the

problem this commission had after this formed, and I think should be mentioned here because it won't appear in the file, is that after they were formed, then they started working out the budget with the Bureau of the Budget. This is a commission with a limited life and its basic operation in the first couple of years, or the first year or so, is to enter into contracts for research with various laboratories and agencies--universities. And the Bureau of the Budget wanted to have a nice simple--you know, you've got X years of life, and you're going to have about a total expenditure of Y dollars; and therefore you divide X into Y, and you get so much a year. And you know, this just won't work and would hobble them. This meant, I imagine, six or eight phone calls to the Bureau of the Budget people until I finally began to push them in the direction of being reasonable--

B: Phone calls from you?

G: From me to the Bureau of the Budget to get them protected; so once they were protected, the Bureau of the Budget took care of them, fine. They were supposed to get supplementary help on supplementary appropriations two or three times--they never made it. This is why all that money was spent by Dean Lockhart; and finally they got into the regular fiscal year of '69 appropriations. But in the meantime he had traveled down here for two or three different hearings and around the country organizing his group and getting to know the people in the field, and this was what happened--no reimbursement.

So in a sense they've become a lightning rod, but until they were appointed and even during the first months of being appointed, the whole thing was creating a storm; you know--this was the big thing to talk about. I was getting badges from people saying, "It's not fun if it's not obscene," all this kind of junky stuff. But that has quieted down now.

- B: In a case like that, say the President is getting a lot of mail from ordinary citizens on the issue of obscenity. Are they automatically passed on to you for your passing on?
- G: This is true of mail involving regulatory agencies or anything that's in your bailiwick. If it's a big batch of mail, it's fairly routine because these things come in sometimes in a mass mailing. I might get a sample and draft a sample reply and pass it back to Mr. [William J.] Hopkins and never see it again--it's taken care of some place in correspondence. But then the key letters, which are picked out by the people in Mr. Hopkins' office or in the correspondence operation under him regarding this commission or anything else in my area, come in here and I get an answer off that day saying at least that we are looking into it, so the guy knows his letter has been received. And then your big fight is with the agency or commission to get them to get back to you with the facts, because you've only got one side of it when the guy comes in to complain--to get you enough of the facts so that you can go back to him with a reasoned response which you hope will help him out. And the thing that always happens invariably is that agencies will fret and fuss and fume and will take weeks if you let them, and you have to keep calling and finally you get back a piece of gobbledy-gook as a draft letter, that if you send it to anybody, it would be the worst insult to his intelligence. People write in with very human problems--to them they're very important--so then you have to take that damned letter from the agency and rewrite it into understandable English that conveys a feeling that the President's concerned--sometimes it's for the President's signature; more often though it's my signature at the direction of the President, or the President has asked me to acknowledge a letter, and you go on from there.

B: It must be a chore deciding which ones to answer because there are an awful lot of people with problems that to them are very important.

G: Well, anything that Mr. Hopkins sends me I would ordinarily prepare--in other words, he has that first cut at it.

B: The problem is his then.

G: The problem is really his. The problem I have is that sometimes either he or Whitney Shoemaker, who occasionally gets into this stuff, will come over with a letter where the guy is so insulting and is just so full of hate that any reply is useless. In that case I do one of two things. If it's someone who is known to me or is generally known to the President and somehow or other ought to be talked to, in the sense at least know that he has gotten--I'll pick up the phone and call him and say, "Really, you don't expect a reply to that letter, do you? But here's what the story is." Or if it's somebody who's just absolutely out of line, I'll just send it to Central Files marked "no answer required."

B: Do you usually find them calmer on the telephone?

G: Yes. They've already gotten it out of their system by the letter. I've got one guy I don't even take phone calls from any more, I think John Roche gave him to me--a man named Curtz(?); and he and his wife--I think his wife claims to be an ordained minister--they have some idea for solving all of the world's problems. And I get mail from him, but it's reams of mail, special delivery-air mail once a week; and then a phone call every week to discuss why the President isn't doing what he wants him to do. That guy I've stopped taking phone calls from. Most of what you get are the guys who are really sore about one thing and they're not riding a continuing policy program of their own as sort of a separate government.

B: It's one of the advantages of your staff aid anonymity, I would think.

G: It's amazing how it gets out. I've been getting correspondence from a guy who's in prison and in the mental ward, and where he got my name--from what source--I don't know. Most of my publicity has been in the Thunderbolt and the National States' Right Party publications which claims that Lyndon Johnson hires only Jews, Negroes, and apes; and I think Walter Washington and I made the same issue or something. So I get a lot of mail out of that area. But it's amazing how many people catch on to you once--when I was first appointed, I'd get all the requests for autographs and autographing first day covers, and God knows what comes in! Autograph photographs. And there's a whole raft of people who go through this, and then they calm down and break off.

B: Do you get a lot of anti-Semitism complaints?

G: Very, very few. The only time I've ever been involved in anything dealing with anti-Semitism was on the Fortas issue where I met fairly regularly with the three major lobbyists for the Jewish organizations around town. And the main operation was to keep the heat down, and not treat anti-Semitism as a separate issue on the Fortas thing. And we did all right until Senator [Robert P.] Griffin [R. Mich.] decided he was going to--just at the bare end, when he was fairly desperate, but he had the thing won--he came up with his great statement that the White House was trying to foment anti-Semitism as an issue, which was diametrically opposed to what was going on as a matter of fact.

B: May I clarify that? In connection with the Fortas nomination, you were dealing with the representatives of the Jewish groups to ask them not to respond to any hint of anti-Semitism being an issue?

G: Actually, to do more than that--to make sure that in the Jewish community itself you didn't begin through the Jewish press, because there is an ethnic press, and through various organizations around the country, through their

local lodges, chapters, clubs, whatever form the organization might be, the sort of kickback saying, "Look, fellows--"

B: Bragging about--?

G: Well, saying, you know, "Let's not--" No, "You know the reason why Fortas is having a hard time is because all these guys are a bunch of anti-Semites," which would be a hell of a hard thing to prove. You know, anti-Semitism has become--there's a very sophisticated form of it; what little there is left of it is much more sophisticated than it was, say, back in [Louis] Braudel's time, and so you have a lot less of the overt approach, and so there's less that you can tag; and unless you can make your case, you don't raise this, which becomes a red herring. And the organizations are also very useful in taking the temperature around town, because they're all well known on the Hill; and then they were also very useful in knowing what went on back in the major power areas of their organizations with the political people back there. So they were a very good source of information as to what was going on.

B: Were you involved in the decision to nominate Mr. Fortas?

G: No. I only knew about it when it was done; and as soon as it was done, I was then asked to participate generally in the overall strategy and particularly in the liaison function with the Jewish organizations.

B: So far as you could tell, was the President hurt by the rejection of Mr. Fortas' nomination?

G: I'm sure he was hurt by both of them including the Thornberry turndown. Abe Fortas has been a friend of mine since 1946-47, and a very close and dear friend; so I don't know how much I read into the President and how much I read into myself, but we've known each other for a long time--our wives are good friends; and he happens to be a man that I cherish. And so I know how badly I felt. And

he has been a pillar of strength for the President, and I can't imagine the President having any other feeling except that of dismay.

B: Were you involved in discussing with the President or Mr. Fortas any of the questions as to whether or not he would testify before the committee?

G: I didn't talk to Abe about his nomination from the time it was made until he withdrew it--I never talked to him directly during that time about the nomination or anything related to it.

B: Was that deliberate--you felt that you should involve--?

G: Yes. I felt that this was not my function. And my function was very limited and I didn't see that it would add to the gaiety of an evening when we were listening to him play his violin or sitting around having a drink or just talking. As long as he didn't choose to raise the subject, I wasn't going to raise it myself. Also during a good part of it, he was up at his place in Connecticut, and I was down here, and I didn't go chasing after him. So, no is the answer.

B: Did you talk to him about it afterwards?

G: Oh, sure, we kidded about it. We talked about--well, sometimes it has been more of a monologue than a dialogue; he's now in a position I think where he takes it with great good humor. I think some of his brethren on the Court may be a little more bitter than he is at the result.

B: Has Mr. Fortas ever indicated to you any regrets that the whole affair exposed the Court generally to some attack?

G: I don't think it has been a direct statement, but I've gotten that feeling out of what he said. And I think one of his closest friends on the Court is Justice Douglas who's another old friend, and he certainly has expressed a certain amount of anger with the way in which the Court was badly treated by certain senators.

B: Anger directed toward Congress?

G: Not toward Congress in general, but I think toward specific Congressmen who behaved badly. I would take Senator Thurmond as a prime example of a man who behaved very badly.

B: Does he look back now with a kind of humor?

G: I think he looks at it with a great deal of humor and also with a great deal of tolerance. He said at Yale University, quoting my brother who teaches up there, and he was up to have his portrait unveiled at the law school, he said that he'd rather come to a hanging than a lynching. And I think this is typical of the way he's treating it now.

End of tape

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By E. Ernest Goldstein

to the

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