INTERVIEW I

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INTERVIEWEE: ROBERT P. GRIFFIN

INTERVIEWER: MICHAEL L. GILLETTE

PLACE: Senator Griffin's office, Washington, D.C.

Tape 1 of 1

MG: Senator, let's start with a survey of your association with Lyndon Johnson. Did you know him before you came to the Senate?

RG: I wouldn't say that I knew him well. However, while I served on the House side, I would get over to the Senate side from time to time to see the Senate in action. Of course, Lyndon Johnson was very prominent in those days as the Senate's majority leader. I can recall in 1959 I was active in connection with the labor legislation that ultimately became known as the Landrum-Griffin Act. We had a long conference between the House and the Senate. John Kennedy was the chairman of the Senate conferees, and Lyndon Johnson, as the leader, was very interested in trying to get the legislation out of conference and through the Senate. So, from time to time he would be visible in connection with the twelve days of conference that took place on that bill. I well recall that Pat McNamara, whom I later succeeded in the Senate, was one of the conferees at the time.

Then, I also remember flying out to Ann Arbor as a congressman on the president's plane after Mr. Johnson became president. He delivered the commencement address at the University of Michigan.

I don't think we quite appreciated the significance of his speech that day; later it became obvious that this occasion served as the launching pad for his Great Society program.

I'm sure I had other contacts with him while I served in the House; however, for the most part, they were rather brief and minimal. Of course, he came up to the Hill and addressed the Congress periodically, the State of the Union Address and other special messages. I recall the first time I ever saw those transparent visual aids that he used. He was wearing contact lenses at the time. His speech text was visible to him as he stood at the podium, but through the use of mirrors it was not visible to the audience on TV or in the House chambers. I thought at the time that was kind of an interesting innovation.

In 1966 I was appointed to the Senate after Pat McNamara died in May of 1966. I can recall that President Johnson came out to Michigan to attend the funeral of Senator McNamara, which I also attended. Then, after I came to the Senate our associations and contacts became more frequent. I got to the White House a little more often than I did while I was in the House.

MG: Before we take up your period in the Senate, let me ask you if you ever got a chance to observe LBJ's association with Sam Rayburn?

RG: Well, it was obvious that they worked closely together and were good friends. But being on the Republican side I don't think I really gained much insight concerning their personal relationship. I wasn't in the leadership at that time.

MG: Did you see any evidence of LBJ's role in the Landrum-Griffin Act?

RG: When it came time for the action to be taken on the floor, obviously he was very much involved. There were two times when the legislation was before the Senate. First, the bill came before the Senate for passage. I remember one of the biggest controversies was about the [labor] bill of rights amendment that John McClellan sponsored. I remember that the bill of rights amendment was adopted in the Senate by the tie-breaking vote of Vice President Nixon. Of course, being a principal House sponsor of the legislation, I was over there and observed a lot of the debate in the Senate.

Later, the bill went to conference, and finally the conference report came before the Senate. Adoption of the conference report was much less controversial. Most everybody, as I recall, in the Senate voted for it, including such staunch labor advocates as Pat McNamara. Other than recalling that Lyndon Johnson was there on the Senate floor in his leadership role, [I don't remember] a great deal about his participation. Of course, Kennedy was the floor manager of the bill in the Senate. He was the chairman of the full committee, or perhaps he was chairman of the subcommittee in the Senate that dealt with that legislation.

MG: When LBJ took the vice presidential nomination in 1960 there was a good deal of opposition in the Michigan delegation.

RG: Being a Republican, I was merely an observer on television of the Democratic convention that year. But yes, there certainly was opposition.

I well recall that Soapy [G. Mennen] Williams--now a justice on our Michigan Supreme Court--was more or less a cheerleader for the opponents. I'm sure that he reflected the views of the UAW leadership at the time, too.

MG: Do you think this was more because they regarded him as anti-labor or simply not liberal enough on the range of issues?

RG: I rather suspect it was the latter. At that time Lyndon Johnson was perceived by the liberals in Michigan as being a southerner who was not very strong on civil rights, and who was not as pro-labor as they would like for the ticket.

MG: Anything on his vice presidency? Did you have much contact with him then?

RG: Frankly, I had almost forgotten that he did serve for a period as vice president. Of course it's not hard to forget, because almost without exception the vice presidents spend very little time presiding over the Senate, which is their only constitutional responsibility. Johnson wasn't an exception. I don't know what the statistics might be--whether he sat in the chair more or less than other vice presidents. It must have been a rather strange experience for him after being so prominent and being so powerful as the majority leader, to go up and take the gavel as the president of the Senate--and have almost no powers at all, not even the power to speak. However, I have no doubt that, say, aside from Nixon, but probably even more than Nixon--LBJ would fit in very easily and very quickly as presiding officer because he understood the Senate so well. Certainly, as presiding officer of

the Senate he was quite a contrast from Agnew and Rockefeller, neither of whom seemed to have had much experience with parliamentary procedures and rules, especially of the Senate. I don't have strong recollections about LBJ's role as vice president except that I gained the impression that he was rather frustrated in that position.

(Interruption)

MG: Shall we shift to the presidential period then?

RG: Yes.

MG: You've mentioned flying out to Ann Arbor. Of course, that was before you came to the Senate.

RG: Yes. I was in the House. That would have been back in 1964, as I recall. I don't know that I can remember much details. I was a member of the Michigan House delegation that was invited to accompany the President. As I recall, most all of us went out, the Republicans and the Democrats from Michigan. It was a big event. I believe that would have been the first time that I ever flew on the presidential plane.

MG: Was he pretty successful in dealing with senators and congressmen?

RG: No question about it. His success in that regard is legendary. I've served now with six presidents, beginning with Eisenhower. They all had their various qualities, but I don't think any exceeded or excelled LBJ in the ability to deal with Congress.

MG: What sorts of things did he do to make for good relations with Congress? What were his techniques?

RG: Well, as I recall, he had us down to the White House quite often, in groups, for briefings. While I was in the House I was not in the leadership; I was in the rank and file, so to speak. Nevertheless, I recall being invited to the White House quite a few times during that period. Before LBJ, such briefing sessions for rank and file members were not too common.

He was on the phone a lot to key people in Congress; I wasn't one of them in those days. I rather suspect that he was probably on the phone with the Hill more than anybody else who ever served in the White House.

MG: Did he talk to you much on legislation? Would he call you, for example, personally to the White House?

RG: Once in a while. I don't recall that he called me often; but I do remember that he called a few times.

MG: Can you recall a particular instance in which he wanted your support on something?

RG: Not just off the top of my head I can't. All I have is the general recollection.

MG: Could you feel his influence through the Republican leadership?

RG: Well, that's a good question, and of course it brings up the relationship between Dirksen and Lyndon Johnson, which was very close. Yes, without question, LBJ's influence was reflected through Everett Dirksen.

MG: You can't recall, for example, Dirksen leaning on you to get you to support the President on a measure?

RG: Not particularly. Dirksen was not a heavy-handed sort of a leader. His influence, at least as far as I was concerned, was not so direct. So I think that the relationship that Dirksen and Johnson had in the Senate continued--that was obvious to all--as Johnson went into the White House. I think they worked together very well. Of course, they did not always agree. But, still, they had a good relationship.

MG: In the interests of time, let's look at the [Abe] Fortas nomination in 1968. First of all, I wanted to ask you, at the outset when you opposed this nomination, did you have any indication that any of the facts that later came to light about Justice Fortas were, in fact, part of the picture?

RG: At the very outset, I would have to say that I was aware only of rumors and stories that circulated in the cloakroom and elsewhere about Mr. Fortas and his continuing relationship with President Johnson while Fortas served on the Supreme Court and Johnson served in the White House. The details and specifics were not known to me at the outset.

My initial concern and opposition to the nomination sprang from the fact that it had all the earmarks of a political maneuver; it looked as though the then-Chief Justice Earl Warren was cooperating with President Johnson to try to be sure that their mutual good friend, Mr. Fortas, became chief justice before the 1968 election. That would avoid the possibility that Richard Nixon, of the same party as Earl Warren, would have a chance to make the appointment.

MG: Do you think that President Johnson considered anyone else besides Fortas as a successor to Warren?

RG: I wouldn't have any way of knowing whether he did or not.

MG: Do you think the fact that he had already announced his retirement hurt LBJ's ability to get that nomination through?

RG: Conceivably, because this gave rise to the argument--although it was not one of the major arguments--that it was a lame duck appointment. However, it would be very hard to really point to particular senators who voted on that basis. When the nomination was first submitted, there was every reason to believe--and I'm sure they did believe down at the White House--that there were lots of votes in the Senate to confirm it. The fact that President Johnson had announced he wasn't going to run had little impact at first. It would be more difficult, however, to evaluate the impact farther down the road, in the crunch.

MG: How important were the southern Democrats in defeating the Fortas nomination?

RG: Well, I think they were rather important.

MG: Let's talk about three in particular: [Sam] Ervin, [James] Eastland and [Richard] Russell.

RG: All three of them, of course, voted against cloture, which was the key vote. Most of the southerners, the key southerners, did not support President Johnson on that cloture vote.

MG: Did you have any idea where Senator Russell broke from the President on this issue, at what point?

RG: I don't know at what point he actually broke in his own mind. I know as far as I was concerned, the point when I first learned that we were on the same side. I received a telephone call from him in early July. I remember that I was driving back to Michigan at the time for the Fourth of July recess. When I got to my mother's place, near Pontiac, she said that a call had come in for me from Winder, Georgia. When I returned the call, it was from Senator Russell. He wanted to know whether I was serious in my opposition to the Fortas nomination. He asked whether I would stick to my guns, and be willing to carry the fight. Finally, after being satisfied with my answers, he said he wanted me to know he would be with me. That was a turning point in the whole case, as far as I was concerned. At that point, I felt there was a pretty good chance we could prevail.

MG: Why was this?

RG: Because Dick Russell was the de facto leader of the southern bloc in the Senate.

MG: In other words, he could carry votes with him either way on that.

RG: Oh, I think everybody knew that, yes.

MG: During that phone conversation, did he give his reasons for [opposing it]?

RG: I don't recall that he did, no.

MG: Why do you think he wanted to call you and tell you that?

RG: Well, I took it that he felt strongly about the matter, and he was interested in achieving the same outcome that I wanted. I don't know, other than that.

MG: Can you date that conversation?

RG: As I said, I was driving home for the Fourth of July recess. Now other than that I can't give you a precise date, but it was right around the first of July.

MG: Right. There are evidently two versions, and maybe you can shed some light on this from what you learned later about Russell: one, that he opposed the Fortas nomination from the start and just did not do so openly; two, that he was embittered by the failure of the President to name a federal judge in Georgia, Alex Lawrence, until much later.

RG: When was the appointment of that judge?

MG: Well, it's something that had begun in, I guess, February but had been stalled until late July.

RG: All I can say is he never mentioned that to me. Now, our conversations were never at great length. As I recall, after talking with him on the telephone, I visited him a couple of times later on in his office. Our relationship was not so close that he would have confided to me about a federal judge appointment in Georgia. I don't know whether it was based on something Senator Russell said or whether I was merely trying to read between the lines--but I had the impression that Senator Russell may have been miffed because President Johnson did not clear the Fortas nomination with Dick Russell.

MG: Well, of course, Johnson thought that he did.

RG: I see.

MG: He had Russell to the White House and he thought he had a commitment from Russell. But did Russell give you any indication of other southern senators who were wavering on this?

RG: Well, we did have a couple of meetings. As we got closer to the vote, he did share with me his own count and the people who we could expect to get. I don't recall now the discussions about particular senators. I have a lot of notes but they are packed away in boxes. Some day I will go back and rummage through everything I've got, and that would refresh my memory perhaps.

MG: How about Senator Dirksen here? He seems to have been drifting away from a position of supporting the nomination at least tacitly originally. Is this the case?

RG: Yes. Where is his name on there?

MG: He was announced for. Yes, over here.

RG: Without question, this was a very difficult episode for Everett Dirksen. He had been to the White House, and he had given his clearance to the President. As the story unfolded, and as more and more information about Fortas came to light, I know that Dirksen became more and more uncomfortable. But on the key cloture vote itself, Senator Dirksen stuck with the President, as I recall.

MG: Was he, though, in fact with your forces in terms of generating opposition even if he himself was committed to casting that [vote]?

RG: I don't recall that as the case.

MG: How about Senator McClellan?

RG: Without doing some review work, I can't recall a great deal about the role of John McClellan. Of course, he was a key opposition vote at that time.

MG: Anything on Senator Ervin's role here?

RG: No, I think I would have to respond pretty much the same way.

MG: On Eastland?

RG: My own contacts with Senator Eastland were minimal at that time. Dick Russell was in touch with him and the other southerners. I pretty much worked the Republican side in that fight.

MG: Was that part of the strategy?

RG: Yes, that's right.

MG: Was this coordinated with President Nixon's campaign at all? Did he indicate an interest in making the appointment after his election?

RG: He was keenly aware of the fight. He had nothing whatever to do with the beginning of it. He really didn't play any role that I know about during the fight, during the battle. At first, I think he saw it as a no-win thing--one that he rather wanted to stay aloof from. That was pretty much his posture, as best I can recall.

MG: Was your own opposition to Fortas based more on the politics of the thing or a feeling that he was either unqualified or perhaps that he had violated separation of powers?

RG: Well, as I said before, my initial concern and opposition grew out of the appearance, a pretty blatant appearance, of a political maneuver in which former Chief Justice Warren appeared to be a party. I felt

very strongly that this was not the appropriate way to select and appoint a chief justice of the Supreme Court. Now, obviously, if that had been the only basis for opposition--if the other matters had not been brought to light--Mr. Fortas would have been confirmed by the Senate overwhelmingly. But as in other cases that develop on the Hill, sometimes one thing leads to another. We began to examine Mr. Fortas' qualifications in depth, and it didn't take much digging to raise concern about his disregard of the doctrine of separation of powers. I refer particularly to the fact that, while he was serving on the Court, he was also operating as legal adviser to President Johnson. Then, of course, the investigation got into other questions of conflict of interest and concerns about ethics, which ultimately were the deciding reasons.

MG: Did the separation of powers problem bother you?

RG: Yes.

MG: Did it?

RG: Very much. By the time I testified before the Judiciary Committee, after the Fourth of July recess, I had documented and developed a rather extensive argument which was largely based on that concern.

MG: Did you ever receive any pressure from the White House here during the course of the nomination?

RG: I don't recall that we did. I don't think our relations were very good during that period.

MG: Well, did you ever have projects that you were interested in curtailed because of your opposition to the Fortas nomination?

RG: There may have been actions taken, or actions not taken, that I wondered about at the time. However, nothing really major sticks out in my mind at this point.

I'm unfortunately getting into a time bind here.

MG: Sure. Well, is there anything else on this score that [you recall]?

RG: You know, there's so much that it's hard to recall all the details--at least with the degree of precision and certainty that should attend any review of this sort. I would like to go over my notes and do some research, and someday I hope I will be able to do that.

MG: Well, thank you, Senator.

RG: All right.

[End of Tape 1 of 1 and Interview I]

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