INTERVIEWEE: ERNEST McFARLAND

INTERVIEWER: JOE B. FRANTZ

February 8, 1970

F: This is an interview with former Senator, Governor, and now Chief Justice Ernest McFarland in the Phoenix, Arizona, airport. The date is February 8, 1970. The interviewer is Joe B. Frantz.

Let's start at the beginning with a very brief statement by you on how you came to get into the Senate.

M: You mean personally.

F: Yes, a little bit of your background.

M: Well, like Lyndon Johnson and Bob Kerr and some of them, I came up the hard way. I came to Arizona. This was something I rather aspired to.

F: Were you adult when you came to Arizona?

M: Well, yes. I just came here when I got out of the Navy. I hadn't finished my law. I went out to Stanford and finished my law--Stanford University, and finished my law. I had served as assistant attorney general and county attorney, and then I was on the Superior Court bench. It was at a time that people didn't think it was so terrible for a judge to run for office, so I thought I would like to run for the Senate, and that was in 1940.

F: You then served in the Senate from '40 through '52.

M: That's right.

F: When did you become the Senate Majority Leader?

M: That was in '51--January '51. I was Majority Leader in '51 and '52.

F: Did you know Lyndon Johnson when he was a congressman?

M: Yes, I knew him, but not too well at that time.

F: Then you had served together from the time he came in in the beginning of '49 down to the time you left the Senate?

M: That's right. He had served two years in the Senate before I became Majority Leader.

F: Right. Let's talk very briefly about the period when you were the leading Democrat in the Senate, and Mr. Johnson served as junior senator but was definitely on his way. One of the things that came up was the confirmation of Leland Olds, [of] which I know Senator Johnson had quite a bit to say. Do you have any recollections of that?

M: Yes, I do, very much so. But I believe that was before I became Majority Leader. I was rather an Acting Majority Leader at that time. Scott Lucas was running for office, and so was Senator Myers from Pennsylvania. Scott told me that he was going to be gone quite a bit of the time, and he asked me if I'd kind of look after things. We had a kind of committee of a dozen that he had appointed to help me, but you know how those things go. It gets down to where you're the committee. So that is really the way I got to be Majority Leader --was because I was doing the work.

Now Lyndon had just come in, and hadn't been so prominent until a little bit later on. But then came up this appointment of Leland Olds--

F: The Federal Power Commission.

M: The Federal Power Commission. And of course his people were very much opposed to Leland Olds. So, I became well acquainted with Lyndon back in those days because he was from Texas and I call myself a native of Oklahoma--I say I'm an Okie--and through Bob Kerr. And

Bob Kerr was an old school mate of mine in Oklahoma. And we rather had a friendship of a circle there. So I helped Lyndon out on that battle.

F: Did you find him fairly easy to work with as junior senator? Did he understand party necessities?

M: Yes, Lyndon was always a nice fellow to work with on the things that he was interested in. I'll tell you another battle that we had together, other than Olds, that might be even a little more interesting even than the Olds thing.

Bob Kerr, of course coming from Oklahoma and being interested in oil, came around to me and he said, "Now this bill that we have to exempt the natural gas from the control of the Federal Power Commission --I think of that because you were talking about the Federal Power Commission--you know, I'm interested in the oil business, and the oil people just can't afford to have the oil business controlled. And if they sell their natural gas from their oil producing wells, and so forth, then it becomes indirectly controlled." Bob said, "Now, you're not interested in oil. I'd like to get you to introduce this bill for me. I've got this oil property."

I said, "Well, now listen, Bob, I'll tell you how to fix that up. You just give me your oil business. Then you won't have any, and you can go ahead and introduce the bill."

Bob says, "Well, I think I can get it done for half that." So in the meantime the Oklahoma legislature memoralized him to introduce the bill, so he did.

Lyndon was just coming on the scene then, and, of course coming from Texas, it was to the interest of the people of Texas, that is,

of the oil industry. Naturally we feel that when it's to the advantage of industry of our state, it's more frequently of interest to the people. And there was the question of these people who were just not selling their gas. You take in Arizona, in the upper part, they wanted to get a pipeline through, and it was being slowed down because the New Mexico people wouldn't sell them the gas. They had to have a firm contract with the Federal Power Commission.

So anyway we had this bill up. Lyndon and I being on the Commerce Committee, the Interstate and Foreign Commerce Committee, we were on a subcommittee. So we had quite a battle on that bill. We'd caucus and work on it, and of course Bob Kerr was interested in it.

Bob was always an optimist. Bob said, "We'll pass it by so-and-so."

And Lyndon says, "Well, no, we won't. We'll pass it, but not by that vote."

Bob says, "I'll bet you a Stetson hat!"

And Lyndon says, "Well, make it 7-X Beaver."

"All right, make it a 7-X Beaver." And they shook hands. I don't know how many of those hats they bet.

But we passed the bill all right in the Senate. It died in the House, as you probably know. But we passed the bill in the Senate, but not by the vote that Bob said we would. So Lyndon wins the hat. But Lyndon had told me, says, "I'm going to give you one of those hats. If I win one, I'm going to give you a hat. If I win it."

So I saw Lyndon--I happened to be going from the Office Building over to the Capitol--and so he said, "If Bob Kerr ever pays me for those hats, I'm going to give you one."

"Well", I says, "fine and dandy." I didn't think much of that.

But I just ran into Bob over there, and I says: "Bob, why don't you pay Lyndon for those hats."

He said, "Why, I'll pay him any time he wants me to, any time he wants me to I'll pay him. But he doesn't want me to pay him for them. You know why?"

And I says, "No, I don't know why, Bob."

He says, "I'll tell you why. He only won three and he has given ten of them away!" And he says, "If I'd pay him, then he'd have to go out and buy seven himself."

Well, I don't know how they settled their difficulty, but anyway--

F: You never got your hat.

M: Yes, I did. I got my hat. I still have it.

F: Good. You have a little bit of a tender situation here at this time with several things connected with gas and power and oil in that Mr. Truman in the White House, who was friendly to you gentlemen, at the same time the Administration viewpoint was for tighter regulation.

M: That is true. Of course, when Bob Kerr got that first bill through --I said it wasn't passed. The first bill was passed, and when he got that bill through, Bob Kerr thought that he had an understanding with the House. He told me this. He says, "Well, I'm not saying anything, but I talked to those fellows down there and I tailored the bill to what I thought would meet their demands." But anyway they got hold of the President, and he vetoed it. But Bob wasn't the kind that would get out and get mad.

F: In those early days Senator Johnson must have already developed some of this talent for house-counting.

M: I think that that was one of his assets, that he could do that. You soon learned that because you have a bunch of fellows around. I could always tell, almost by four votes, how we would come out on an important question, because you learned how certain people are going to vote.

I'd like to say this. The Lyndon Johnson that I knew back in those days, when I read some of the newspaper accounts of Lyndon Johnson, I wouldn't have hardly recognized him because really and truly, Lyndon Johnson is a very tender-hearted man. He's kind of emotional. He works hard--he's a hard worker. But he likes to do things for people. He likes to do things for his friends.

I might give you a little example of when Senator Chapman from Kentucky had an automobile accident. It was right after I became Majority Leader. Lyndon called me up and told me that he had had an automobile accident and was over in the naval hospital. He says, "If you want me to, I'll come by. I think we ought to go over and see him because his family is not here."

I said, "Well, Lyndon, no. I'll pick you up. My driver is just now coming, and I'll pick you up and we'll go over."

We went over to see Virgil, but of course he was too near gone. I said, "Lyndon, you have known him for a long time. It's just about now time for the Senate to convene, and I will let you have the privilege of announcing his passing in the Senate." No, he just couldn't do it. He wasn't able to do it.

That gives you a little bit--maybe a different picture--of Lyndon Johnson than you might get from the newspapers and some of the people who have come in contact with him--because he does have a deep feeling

for mankind.

F: He's one person I would expect to show up at the time of an emergency when perhaps no one else would.

M: He always did that. He always did that. Now you go back, you go back to Lyndon Johnson, and you think of Lyndon Johnson and his record in the Senate. Go back to the time of Roosevelt. And of course Roosevelt was a Progressive, maybe not as far liberal as some of them today. But I think that that was the thing that really appealed to Lyndon Johnson--that is, the thing about Roosevelt that appealed to him. He felt that Roosevelt was trying to help mankind. So he got in and got to be a booster of Roosevelt. Maybe coming from a state like Texas, maybe you couldn't always go out on those things, but I think he came out more when he got to be President on some of the things than he did when he was senator.

F: When he didn't have to be elected from Texas?

M: He was representing the people. I have a little theory of government. Suppose you know how the most of your people want you to vote. If you're a true representative of the people, if you can't convince them, what is it your duty to do! To represent them? Or to represent your own views? That's a kind of theory of government, and I expect Lyndon Johnson rather had that theory. When he got to be President, why then he was representing all the people.

F: You and Senator Hayden used to combine on various water projects, and Senator Johnson, of course, came from a state that had water problems. Did you ever work with him directly on any?

M: Yes, I did. The Canadian River Project. I was on the Interior and Insular Affairs Committee. And Tom Connally--Senator Connally--and

Lyndon were interested in the Canadian River Project. Lyndon came around to me and says, "Why don't you help us put this project through." This is from the Texas standpoint of course.

So I said, "Well, gosh, we're in this Korean war."

He says, "Well, we'll make an avowal on the Floor that we won't ask for any money until this project is over."

So I handled that project for them in the committee and on the floor--the Canadian River Project. Then they of course were very helpful to us in our Central Arizona Project Bill, in getting it through and fighting the battles--both Tom and Lyndon.

F: What he felt was important in this case was just to get it authorized, get it on the books, and then take care of the financing later.

M: So they'd be ready to go.

F: Right.

M: As Roosevelt used to say when it would come to employment, he would like to have a shelf of projects on the wall so that he could pull something down when employment was needed. Well, when a war is over you always have some unemployment, and Lyndon Johnson had sufficient foresight that he could see that that would be a golden opportunity. "When this thing is over and the fellows are coming back, we get a little money, and we go ahead and build the projects." Differences among themselves made it a long time in building, but of course that wasn't Lyndon Johnson's fault.

F: You were very active in reorganizing the FCC. Did Lyndon Johnson figure in that at all as you recall?

M: No, I wouldn't say that he did. I didn't know much about it if he did. You see, Lady Bird had a radio station, and Lyndon didn't want anyone

to think that he was--this is my point of view now; you asked me a question--I don't think that Lyndon would have wanted anyone to feel like that he was trying to promote his own interests by taking too active a part. He was interested in communications, naturally, but I did most of that work. As I recall it, I don't remember--

F: The record shows you as the prime mover all the way through.

M: I'm sure that he did help. But when it came to my work and Lyndon Johnson's work, I mean as far as the majority leadership is concerned, I looked upon it this way. I told Mrs. McFarland, "I'm as high up in office as I ever want to be. Now we have some people here that I would like to push forward and give them opportunities. I'm going to be more of a silent leader. I'm going to let them take the lead in certain things."

There were others, but Lyndon Johnson was from a big state, and it's a hard job to represent people in a big state. I took on for that reason--I did a lot of the drudgery work. If I'd had an assistant who hadn't had a big state, I would have called on him more because you had to stay over there a lot of the time. You watched that floor, and if you didn't watch it something might happen; and then maybe you'd stay there with just one person to hear, and Joe McCarthy or someone would make a long speech. That was kind of a drudgery. He was head of this Defense Committee, I think they called it, and he had a lot of work there, so I let him go ahead with working on that.

There was one little incident that might be of interest because, as I think about it now, although Lyndon wasn't involved too much in it, he was a little bit. Mr. Webb, who was then Under Secretary of--

F: James?

M: Yes, Jim Webb. He called me one day and said he wanted to talk to me. I said, "Fine."

"Well," he says, "You live out where I do. I can come by and pick you up."

I said, "No, you're on the way out, and I have a car, and I'll pick you up, because I have to go by there anyway--the State Department to get home."

So I picked him up. He made me roll up that little glass between the chauffeur. He says, "Now, the President"--who was of course then Harry Truman--"wants to send Dr. Jessup's(?) name up as a delegate to the United Nations, and I want to know what you thought about him."

"Well," I said, "Jim, I'd like to think about that a little bit. That might be a little bit of trouble in that, and I'd like to give it just a little bit of thought."

He said, "Well, I talked to Walter George and Walter thought that it would be all right." Of course, Walter was the ranking member of the Foreign Relations Committee. But really Tom Connally was chairman of it.

So I said, "Well, let me think about it overnight and I'll give you a ring in the morning."

So the next morning I went down. I called Lyndon into my little room. I said, "Now, Lyndon, the President wants to send Dr. Jessup's name up here, and personally I feel we're going to have trouble. I'd like for you to go with me, and let's get hold of Tom Connally and get him to talk to Dean Acheson and see what we can do about it."

So Lyndon agreed with me that we might have some trouble. We got up to the room and talked about it with Tom Connally and called Dean Acheson. You can imagine about what kind of tone of voice that Tom got after him and talked to him. But anyway we didn't do much good.

F: Tom agreed with you?

M: Tom agreed with me, and Lyndon agreed with me. And so that was the kind of a starter of that thing. It wasn't but two or three days until the President called me up--he always called it the big four meeting, the conferences, and that was the Vice President; and Majority Leader of the Senate, myself; and the Majority Leader of the House, and Sam Rayburn, Speaker of the House. He said, "Well, I understand there's some objection to my sending Dr. Jessup's name up. I don't like it." Then he turned and looked at me, and he says, "This is the first time I've ever objected to anything you've done."

Well, I'd had an opportunity to talk to Vice President Barkley about it before he came in, and then I also had an opportunity to talk to Sam, when Sam came in just about that time. Sam said, "That's your battle."

I said, "No, that's your battle, too. It's nation's battle now. You've got to help me out. I think that's what the President's going to talk about."

I said, "Now, wait a minute, Mr. President. Jim Webb talked to me about this thing, and I thought he was asking me for advice. I didn't know he was giving me orders. Thinking he was asking me for advice, I gave him what I thought was the best advice. That was my advice then; that's my opinion now."

So he turned to Vice President Barkley and said, "What do you think

about it?"

He made kind of a long speech, and told him he didn't think he'd do it.

Talked to Sam Rayburn. He says, "What do you think about it?"

Sam says, "I think there'd be trouble."

So the President said, "Well, I'll think about it." I knew about how he'd think about it.

F: He could be pretty bull-headed at times.

M: So he sent his name up. So I told Lyndon, "Here's something. We've got a little trouble on this one." And it looked like it was going to go through. Then some of those fellows kind of pulled out of it, making politics out of the thing.

To make a long story short, after we canvassed and talked to them, I went down and I told the President one Monday morning, "Now, you sent Dr. Jessup's name up. Here's the situation. We can get him out of the subcommittee with one vote majority in his favor. We can get him out of the full committee, but I can't tell you whether it will be a majority or a recommendation not to confirm or whether it will be no recommendation. We can battle it out on the floor. It will take about three weeks. I can't tell you how it'll go."

Harry Truman was always good-natured. He kind of grinned and said, "You told me there'd be trouble about this thing." I didn't say anything. He said, "What do you want to do?"

I says, "Well, Mr. President--as I was just saying to you, I told him this--we can get this out of the subcommittee with a one-majority vote, and just leave it there until we adjourn and go home, and then you give him a recess appointment. You asked me what I want to do,

I want to go home. I'm tired and want to go home."

He said, "That's all right with me."

So I told Lyndon, "Well, that's one battle we got settled, maybe not the way the President would have wanted it, but it just happened the way we figured it."

F: On something like that did you and Lyndon Johnson try to put someone like Jessup over, even though you realized you were more or less up against a stump? You gave it the hard effort?

M: I was maybe a little different than other people. I've told senators that I wouldn't ask them to vote against their conviction. I never did try to twist their arms. I used to try to give them reasons. But I wouldn't say that we just tried to push Jessup through. We would have done the best we could had it got on the Floor, and used all the persuasion we could, but it didn't really get to that.

F: You never had to face that problem.

M: We never had to face that problem.

F: Going back to '50, after the fall election in '50, it was obvious we were going to have a Majority Leader in the Senate. You'd been functioning, but you hadn't been actually made the Majority Leader. A new Congress coming up. Was there any particular fight there, or was it because you had been doing the work was it pretty certain that you were going to make it?

M: We were pretty sure that we would make it. Some of the more liberal --what they called themselves, liberal people--wanted to have a little more control, and Lyndon wanted to be assistant. I thought he was energetic. Some of them would have liked to have traded Lyndon off and gotten some of the other people, but we didn't really have much

trouble.

F: You had the problem in there of the possible transfer of the regulation of the jurisdiction of natural gas lines across public lands from the Department of the Interior to FPC. Do you remember anything about that?

M: You mean to the Federal Power Commission?

F: Yes.

M: It was in the Federal Power Commission, as I recall it. They had to give their okay on it.

F: But where it crossed public land and Interior was holding you up--I know Arizona particularly was needing lines from El Paso Natural Gas.

M: Yes, we did have a little bit of trouble. I'd kind of forgotten about that. That has been a little while ago. But usually you could iron things out with the Interior Department, and I think we did. I don't remember any time that they didn't finally give in.

F: Did you more or less push for Johnson to be the Majority Whip, or did he do that independently? In other words, do you stay out of that kind of fight as Majority Leader?

M: Lyndon was doing quite a little bit of work himself, and he had talked to Dick Russell and some of them. It wasn't necessary for him to twist too much except that some of the fellows would have liked to have kind of traded him off for someone else. I told the crowd that was behind me I didn't think they ought to do that.

F: He was pretty junior at the time.

M: Yes, he was pretty junior. And he came around one time--

F: And in one sense you and he represented the same section of the

country. There's a little question of whether Texas is West, South, or what it is.

M: He came around to me one time and he said he didn't think he'd better go, and I said, "Oh, yes, you're in here now. Never quit when you get in a battle. Stay with it. Just because some of them may not agree--"

F: I believe his main competition was John Sparkman at the time, wasn't it?

M: To tell you the truth, I never knew how John voted. We voted by secret ballot. We thought he ought to be for us, but whether he was or not I don't know. He's a fine fellow.

F: You had then the problem of the Tidelands Bill. As you know, the tidelands issue was very hot all through the Truman Administration, and it doesn't matter to Arizona, so you're not involved there. But it did matter to a number of the coastal states, and you're hemmed in, in a sense, by California on one side and Texas on the other. You had this problem then of whether to give sanction to tideland oil leasing for the states and so forth. Did you work with Senator Johnson on this?

M: Let's see. When was that Tidelands Bill passed?

F: This was in '52.

M: I wasn't too active in that. They had a kind of an organization of their own.

F: You let them run with the thing then.

M: I let them run with it--because there were too many of them who were interested in it that wanted to run.

F: If you'll recall, Mr. Truman vetoed the bill after it went through.

M: Yes, he did.

F: Then you had some problem with what to do. What did you do? Did you think you could override him?

M: I've just kind of forgotten the in-battles that went on on that legislation, it has been so long ago.

F: This was the fall that Senator Goldwater ran against you--the fall of the Eisenhower victory. Senator Johnson did not have a campaign of his own that year. Did he help you any in your campaign?

M: He came out here, and he made a speech down at Yuma, but that was a year that couldn't anyone help you very much.

F: Just got caught up with you there, didn't it.

M: It was just a proposition of an Eisenhower landslide, and any of these undeclared wars--it was just what I said when this recent war came along, Viet Nam. I'd lived through that Korean thing, and I told some of my close friends, "Lyndon's riding high now, but these undeclared wars are rough and tough even at the best."

F: They don't suit the American temper.

M: In many ways it was the same proposition. General Bradley used to say, and when I first became Majority Leader, he said that they were going to push us back into the water. He'd come down and give us those briefings.

I said, "General, isn't there something we can do. We never have been pushed back in the water."

He said, "Yes, but we've got to be pushed back in the water. We can't quit; we can't lay down, can't quit that way. Yes, there's something we can do, but if we did it, if we put enough men over there, the communists would come down. They'd come down in China, and

we'd have the wrong war in the wrong place at the wrong time. We would win, but then the Russians would come in about that time," and so forth.

It's one of those things of keeping the communists from coming down. And a President has a terrible proposition. But that's the kind of thing that's kind of hard to sell. Lyndon Johnson ran into it when he was President, and regardless of whether he was right or wrong --that's for history to say. When you get into a thing, you've got to try to win and come out of it honorably.

But in that Korean war, it was hard to get around--and when Eisenhower said, "I'm going over there," the people didn't stop. Look what Churchill did. He lost out after the war. People get discontented.

F: Things catch up, in a sense.

M: But they turn around. I've got a lot of confidence in the people in the long run.

F: After your defeat in November of '52 you stayed in Washington for awhile, didn't you?

M: Yes, I did.

F: Did you see anything of Senator Johnson?

M: I was doing some work there that I had started. I was trying to help these communication companies bring about a merger on the recorded message. I thought that the British were ahead of us in a lot of places. And they were in a bad way financially. So I did some work there to try to bring things about. I didn't see so awful much of Lyndon during those two years that I stayed there, because I didn't want to bother my friends up there. They were busy with their work.

F: Did you talk with him at all about his campaign to become the Minority Leader?

M: He talked to me. You mean to become Majority Leader?

F: Well, first, minority leader,

M: Oh, yes, sure. Well, I'll tell you, Lyndon Johnson doesn't leave any stones unturned. The night that I was defeated--as soon as I was defeated, he called me up. And he had me call all my friends boosting him.

F: He didn't give you any time to lick your wounds, huh?

M: He doesn't. I know that he called many others, too.

F: But he got right into action. In a sense, you'd opened a vacancy.

M: That's right.

F: That's interesting. Did you call them?

M: I called them, yes.

F: Well, good. Then you came home to be governor.

M: I ran for governor in '54.

F: Then elected again in '56. Did you see much of Lyndon Johnson in that period?

M: I saw quite a bit of Lyndon. I would be back there from time to time. I always figured--I noticed in these television interviews that he had some questions about being President. Well, I always thought Lyndon Johnson wanted to be President. Maybe I was wrong, but I think that is an ambition or something most people would consider a great honor--to become President of the United States. But I presume when they get right up close to it that they might have some doubts as to whether it would be a good thing to do. You may want to do a thing real badly, but then when you get right up and say,

"Now is it the right thing!"

F: Among other things, there's just the plain question of whether you want to stick your neck out.

M: Yes. So I'm not trying to say that what he said was wrong, but I think that one of Lyndon Johnson's dreams was to become President of the United States.

F: Did you go to the Chicago Convention in '56? That's the one in which Stevenson was chosen the second time.

M: Yes, I was. I did go.

F: There's some haziness as to whether Johnson had any hopes in '56 or not. You know, that's the one in which Kefauver and Kennedy got tied up.

M: Well, I'll tell you. Lyndon hadn't said a word to me about that thing. If he had have, I could have done something for him--that is, if he'd said it in time. But I didn't know anything about his name going to be put up until we got back there. I wasn't a delegate. As governor, I didn't try to be a delegate. The people here--most of them--had lined up for Adlai Stevenson. I figured, maybe I was wrong, that what Lyndon thought maybe is that this thing might get tied up. Let's see, Stu Symington was trying for that I believe, and Harry Truman was supporting him, as I recall. And then the thing got into a tie, and if he was the third man, it maybe would come his way. But really, I don't know whether he was just kind of getting his name before the people.

F: All he got were favorite son votes.

Then in '60, by this time the Democrats obviously are going to come up with some other candidate. Kennedy is the front-runner, but

there are quite a number of people--Symington, Humphrey, and Johnson --on the scene. I think Johnson thought he would probably carry the Arizona delegation in Los Angeles.

M: Well, he should have carried the Arizona delegation. I always kind of felt a little guilty about that. But those Kennedy boys came in here, and they were good campaigners. They spent quite a little money, and they were nice fellows, and they just kind of slipped up on us. So I had some regrets about that.

And then Lyndon, at that time, wasn't an easy man to help, because he would never say that he was going to run.

F: He was late really getting into the race, from your standpoint, wasn't he?

M: Yes, he was. I told Lyndon back there one time, I said, "Well, Lyndon, you can get this nomination, but you will have to do it. You've got to get out and get busy from now on. There isn't too much time."

F: How did he react to that?

M: I says, "Will you do it?"

He says, "No. I won't give up my work here as Majority Leader. I'm going to do this thing."

Even Sam Rayburn--I talked to Sam. Lyndon Johnson never had a better friend than Sam Rayburn. Sam said, "I don't know what he's going to do. If he keeps fooling around, I'm going to support Stu Symington."

I came back and I told Sam, "Sam, I've been over talking with Lyndon, and I told him if he didn't tell me not to, I was going to go out and try to do some work for him. He didn't tell me not to."

So he says, "Well, you've gotten more out of him than anybody else has got. If he wants it, I'm going to help him." What he really was saying was that he wasn't going to try to do something.

But I think that Lyndon misread the situation.

F: It's rather difficult to get a delegate and then to hold him if the candidate won't announce.

M: That was it. Some of the people told me they were for Lyndon. If you had gone down the line for him, he would have gotten the delegation. But I had taken them at their word. They'd come around and talk to me about double-crossing later and said, "Well, the reason I didn't do it is because he never did say that he was going to run." I figured that was just an alibi. But if a fellow wants to get away from you, if you give him half an excuse, he'll get away.

F: Did you go to Los Angeles?

M: Yes, I did. I was a delegate.

F: Were you surprised at, one, the first ballot victory of Kennedy, and, two, at Kennedy's offering the vice presidency to Senator Johnson?

M: Not too awful much. I didn't much think Lyndon Johnson would take it. I didn't much believe he would because he was Majority Leader, and I thought maybe that he would have more influence as Majority Leader than he would as Vice President. But I hadn't talked to him about that.

F: You didn't talk to him about it afterwards then at the convention?

M: No, I didn't. I came on home.

F: You came on back to Arizona.

M: Yes, I came back.

F: Okay. Then did you have any particular relationship with him during

the period he was Vice President?

M: I used to go back and see him from time to time.

F: How do you think he was taking to being second man?

M: I don't know. I presume all right. I don't think he's too happy as a second man, but he made the most of it as far as I could see.

F: After he became President, did you work with him? Of course you've changed your role now, in a judicial capacity.

M: I used to go in and see him quite often.

F: Did he talk with you on the problems of the President?

M: Some.

F: Just in general, or anything specific?

M: More in general. Lyndon Johnson is always such a busy man that you'd be talking to him, and he'd be talking on the telephone, and everybody coming in.

F: He named you as one of the members of the Commission on Violence.

M: Yes, that's right.

F: What did he do, call you?

M: He called me over the phone, yes.

F: What did he say?

M: He asked me if I'd serve on the committee, and he asked me if I'd attend. I said, "Well, I will attend if I'm placed on it." I had been talking to him about Washington, D.C. I said, "Well, Mr. President, Washington, D.C. is the capital of the greatest nation in the world, and it should be a model city. There are a lot of things that I'd like to see done. I'm just talking now."

And he asked me what they were. And I told him some of them. So he called me, and then I talked to him again. He said, "Well, you

tell me what to do. I'll do them."

Well, that's a pretty hard job to do, but I began to give a little study to this situation. And about that time of course the assassination came along. Then he created this committee. And after he had it created, he increased it and appointed Leon Jaworski and Dr. Menninger and myself on the committee. But it's not easy to get things done through a committee. There were different things that he talked to me about, I think.

F: Do you think that he was perturbed about crime in the country?

M: I'm sure he was. He couldn't help but be.

F: What did you think about the working committee?

M: Our committee?

F: Yes.

M: I think that we pointed up some problems. Of course we had thirteen members there--

F: You had a variety of opinions.

M: We had a variety of opinions. I couldn't agree with everything that was recommended, and so said. But we did the best we could. These studies, I think for reference, they're fine. But of course when I went on that committee, I thought it would be a committee of action. I didn't know it was going to be so much study. He'd call me over the phone and talk. I thought for instance we'd say, "Now, here's what ought to be done in Washington, D.C." and sit down on the President and get him to take action. I didn't know it was going to go on for a year and a half. And I told the President--I was Chief Justice then--and I told him, "We'll be through here and I'll have a couple of months I can put in on it."

But they didn't. They got us a bunch of staff, and you know how those things are. I wanted action. There were certain things I thought ought to be done.

F: Did Dr. Eisenhower run a fair committee?

M: He was a pretty good chairman.

F: Was anyone on the committee sort of anti-administration? I know you've got people like Hruska of the other party and so forth, but did any of them see it as a means of kind of getting at the administration? Or were they pretty much dedicated people, allowing for diverse viewpoints--?

M: If there were any viewpoints along that line, they weren't expressed.

F: You never felt that the commission members were playing politics with it? They were trying to get at the rest of things?

M: I don't believe that they played politics.

F: Going back to the days when you were in the Senate together, one issue that sort of got blown, in a way, out of proportion was the McCarthy issue--Joe McCarthy. Can you recount your experience in that, and any memory you may have of what role Mr. Johnson played?

M: I always hate to, in a way, to say what someone else's viewpoints were. They might change. But I will to the best of my ability. In the first place, Joe McCarthy was really a likeable fellow.

F: I haven't run into anybody who didn't like him.

M: Personally, and he was pretty good friend of mine, and I think he was of Lyndon Johnson's. But politically he got off on these things, and this notoriety that he got. Joe would get on one thing, and if they got up real close to him and about to corner him, he'd just jump off that and get on another and let them forget that.

Now I always figured if we didn't get him any publicity and give him a chance to fight back--and I believe that this was Lyndon Johnson's viewpoint too--that he would just kind of die out. And we kind of got that organized through the Senate. Nobody was going to talk to Joe on the Floor, except we had two senators that wouldn't agree with us. And that was Senator Lehman and Senator Benton. And of course you know about that fight. But I thought that if they wouldn't have that we wouldn't have had that trouble.

F: Kind of like a hurricane that was going to blow itself out.

M: It would blow itself out. And I really believe it would have, and it did somewhat, but it got worse after I got out.

F: Did Senator Johnson pretty well follow your lead in this? I don't remember any confrontation with Senator McCarthy.

M: We just let him go ahead, and he did. And there were some things that we got some help out of old Joe on. There was a bill or two, if we told someone "Well they could get paired with him", on a vote where it was a close vote. And Joe voted for us on the Central Arizona Project, as an example.

But Joe's thinking was just wrong.

F: He seemed to have been reckless of consequences at times.

M: Reckless of consequences and reckless of what he was doing.

I was talking to you about Dr. Jessup. That was one thing--Jim Webb said to me, "Well, we can't just turn things over to Joe McCarthy."

I said, "Well, Jim, that isn't the objection to Dr. Jessup--the fact that just because Joe had fought him." I says, "The big thing is that when you have a man as a delegate to the United Nations, you want the people throughout the world to feel that he has got the

people behind him. And if you've got one or more after him, they think he doesn't really represent the people."

That's another example of how I think Joe did some harm to us in a way.

F: Coming back to the President, you've seen quite a number of Presidents come and go. What is your general evaluation the Johnson Administration?

M: I think Lyndon Johnson was a great President. I think that he will be so recorded in history. As we were talking a few moments ago, he did have a difficult proposition in the Viet Nam war. He rather inherited that thing, and it was something that grew. But if you'll go back and take his record on domestic issues, no President had done more in that length of time than did Lyndon Johnson, or accomplished more. And his record will stand out and measure with any President, in my judgment.

And on the Viet Nam war, I don't know. It's one of those long wars. Whether something could have been done better--I think that he honestly thought that to take himself out of the race for President that maybe he could get it stopped. It wouldn't be a political proposition.

But he missed some in that because they were waiting and hoping they'd get someone a little bit more favorable than Lyndon Johnson to negotiate with. And those fellows don't do things in a hurry over there.

I was over there a little bit before, and I told Clark Clifford when I came back, I said: "Well, Clark, you know our people are doing a wonderful job over there in my judgment. I went into television business out there, and I got them to let me go down in the Delta and

go up where the First Division went. We stopped and talked to servicemen, and they all believed in what they were doing. They were behind the President, and they were behind our efforts. Our civilians are setting up a program there that's helpful to them and teaching them how to run a government. Those people have never run a government, except for just maybe a year or two 'way back there, and people have to know how to do that. But in the long run it might all work out, but, Clark, I don't believe our people will stand still long enough for that program to go in. I think that the sooner you can get out in an honorable way, the better you're going to be."

And Clark Clifford told me: "Well, now, let's don't misunderstand each other. I think you're right.

F: Was this before he became Secretary of Defense or after he became?

M: This was after he became Secretary of Defense, but before the President--

F: Before the bombing halt.

M: Before that. So I don't know. As I say, we'll have to let history tell, but I don't know that anyone else would have done any better.

F: Have you seen the President since that March 31 speech, the one in which he announced he would not run again?

M: Oh yes, I've seen him since several times.

F: What did you think was his general attitude? Do you think he was sorry he had done it, or did it even come up?

M: I think he was a little lost, because he's a man of action. But once he had made up his mind--he had that one big objective, and he would have given up anything to have stopped that war.

F: Right. Well, thank you, Governor, very much.

M: You betcha!

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