INTERVIEW VI

DATE: May 16, 1985

INTERVIEWER: HARRY McPHERSON

INTERVIEWER: Michael L. Gillette

PLACE: Mr. McPherson's office, Washington, D.C.

Tape 1 of 1, Side 1

G: The first thing I want to ask you about is the Southern Manifesto, which was certainly an issue in 1956. Can you recall if LBJ was urged to sign it?

M: I don't. He simply didn't, and neither did Albert Gore, [nor did] I believe [Estes] Kefauver, someone else. And their defection from it really reduced its clout very substantially. He, I'm sure, told Dick Russell that it was impossible for the Democratic leader to sign something like that, that he simply couldn't do it. But no, I don't know whether he was formally asked. My guess would be that they did say, "We would like to have you do it," and that he, doubtless realizing that he was taking a substantial step away from them, from the South and from the people who had sponsored him as majority leader and from those who were the committee chairmen and the powers in the Senate in those days, [didn't sign it]. You remember out of twelve to fifteen committees in the Senate, I forget how many, there were about ten southern chairmen and you couldn't expect to get much done unless you had their support. So I don't believe Johnson made any kind of speech denouncing the manifesto. He may have said something to the effect that as a leader of all the party he couldn't do it, but I don't know. The answer to your question is I don't know.

G: His position must have been a little bit ambivalent because it seems like in some correspondence he would say that he didn't sign it because it was something that had to be dealt with on a local rather than federal level. Did you ever decide in your own mind why he really didn't sign it?

M: Lyndon Johnson's views on civil rights questions obviously evolved between 1956 and 1968. They were never as hard-line southern as those of, say, senators from Louisiana would have been. But I wasn't conscious, at least, in 1956 of a Lyndon Johnson in whom the fire of civil rights passion was simply banked down waiting for a chance to flame out. You'll hear much more of that from Horace Busby, who talks about Johnson as a man with a very strong commitment to civil rights from way, way back.

I had the feeling, and I can't give you specifics about this, that Lyndon Johnson had a kind of contempt for the intellectual and political laziness of a racist position. That the combination of racism and reaction was so familiar in the South and so antipathetic to Franklin Roosevelt and to the sense that Johnson had of what the government ought to be

in business to do, that he was contemptuous of it, almost on a level of aesthetics as much as ethics. I can't give you any particulars about that except that he was impatient with a lot of southern ideology, or white racist ideology, when he heard it in the Senate, just as he was impatient with the kind of moralistic preaching by northerners, the Paul Douglases and the Herbert Lehmans and others, in their case because he thought what they were calling for was not only impractical and unlikely to make it through the congressional process, but was divisive. And remember Johnson's overriding concern, at least as he once expressed it in my hearing, that "my main desire is to keep Dick Russell from walking across the aisle and embracing Everett Dirksen," or Bill Knowland or anybody like that, to keep the southerners and the Midwest and conservative Republicans from making common cause and dominating and running the Senate, instead to form a Democratic majority with most of those southerners voting for relatively progressive legislation, joined by half a dozen Republicans on the liberal side.That was how he ran the Senate and how he wished to do it.

(Interruption)

I don't know the Lyndon Johnson of the Cotulla school. I don't know the Johnson of the FDR days. I don't know his relationship with liberals on the race question. FDR was not a flaming liberal on the race question, at least in performance, as we know, and no doubt Johnson's views were influenced by that. But how he felt about a southern manifesto I would think would be very similar to how he would feel about a northern manifesto, one that said we must, at whatever cost to a civic or political peace that is bought on the backs of disenfranchised black Americans, we must move forward. Johnson would have regarded that, I would imagine, with the same asperity that he did the southern one.

G: During this period before he became vice president, did you observe anything in his personal life that might reflect on his civil rights belief?For example, indignation over treatment of blacks that he knew, or anything that might hint--?

M: Well, when he was vice president, I heard him tell the famous story of talking to Senator [John] Stennis about his cook, Zephyr Wright, and her husband driving to Texas. Otherwise, I never heard Johnson use racial epithets--he may well have, like most men did--with one exception, which was during the 1957 Civil Rights Act. It was a long debate, the filibusters, and then the great struggle over the passage of that bill, which was the first civil rights bill in eighty years.And I heard him one day come into the Cloakroom of the Senate and tell Senator Douglas, with whom he had a very touchy relationship, one that matured into something if not approaching friendship, at least cooperation in the sixties, but in those days it was very touchy. I heard him tell Douglas, "Paul, we're bringing up the civil rights bill again this afternoon."And about five minutes later I heard him say to some southerner, and at this point I can't remember who it was, "I'm going to have to bring up the nigger bill again." Now, that is a mark of a man operating with two very different wings. His purpose was clear to everybody, to pass the thing. In the course

of doing it he seemed to have less patience with the northern forces pushing for a stronger bill than he did with the southerners resisting any bill at all.But again, that may not have betrayed so much of his own feelings as a desire to make the southerners feel that he was really okay and was not going to run over them.

G: You came from East Texas--

M: Yes.

G: --by way of I guess Columbia Law School--

M: [University of] Texas Law School.

G: Oh, excuse me. You went to Columbia undergrad.

M: Went to Columbia in graduate school and then Texas Law School. I only say that because it was as a result of being at Texas Law School that I lucked into the job with Lyndon Johnson. Gerry Siegel was the counsel of the Senate Democratic Policy Committee. He was a Yale graduate, law graduate, was from Iowa, had been working at the Securities and Exchange Commission and had gotten, through that work and through Don Cook, the chairman of that commission, to be known by Johnson and had become counsel of the Policy Committee and was being worked to death. And he asked Johnson for some assistant, and Johnson said, "Okay, as long as he's from Texas." So I was from Texas, at the law school, heard about it, had a cousin working for Johnson who helped me get an interview, and got the job.

G: Jack Hight?

M: Jack Hight.

G: Well, 1956 was a bad year in Texas in terms of racial relations, particularly in East Texas where you had the first desegregation efforts with federal court orders. Was Johnson curious about this? Did he talk to you about it? Did he seek your opinion on what was going on down there or anything of this nature?

M: I remember writing some memoranda about civil rights and about the state of civil rights law. I wrote him a long one, long before I knew that he was unlikely to read it. And it was not that he was unlikely to read it because he didn't care to know, it was just that he had a lot of other things to do and there wasn't much he could do about most of what I was writing about. It was the development of civil rights case law in the federal district courts over the past ten years, about, and I guess I wrote it in 1956 or 1957. I had only been there a short time. And it kind of treated Johnson as if he were my teacher and I was writing a law review article for him. It was several--he didn't discourage me, but I never had much sign that he had pored over these and wanted to know something more about

this case or that. I was sure he'd heard about those cases, those decisions, and those efforts in Texas. It's possible that he heard most of it when he went to the Ranch or through the so-called Texas office, his senatorial office where Walter Jenkins and Arthur Perry and those people were. They may have heard more about it than I did.

G: Do you think the question of interposition and the Southern Manifesto and all of this was an issue in his fight with [Allan] Shivers over the control of the Democratic Party in the state?

M: I think it was. As I remember, it was.

G: Do you have any particular recollections of this whole battle?

M: Well, just as a general matter, and this is something that I think Busby and others who were much closer to Johnson in those days than I would be able to tell you a lot more about. Most people who had any interest in Lyndon Johnson--and that was a lot of people, here in Washington and in Texas--observed him with interest, at least my impression was, as he dealt with this issue. Everybody seemed to understand what he was trying to do, that he was trying to advance himself as a national political figure, whether as president or simply as the principal power in the Congress. That to do that he had to be at least open and relatively friendly toward the civil rights forces, not the Joe Rauhs necessarily, but at least those politicians and labor people who wanted some kind of progress in the field of civil rights. He had to be open to them. You couldn't be a Democratic leader on a national scale and be closed to that issue.

At the same time, he had been hoisted into a position of leadership in the Democratic Party by southerners. His effectiveness in the Senate and hence in the country rested on his ability to make it work, to get those southerners to work with the northerners and everybody else on a Hells Canyon bill or on an economic recovery bill or various things. It was Johnson's forte to make it all work. To make it work, you had to be open to both sides on the central riveting question of the day, which was certainly, in the domestic field, civil rights. We still are dealing with that question, and these fellows didn't deal any more profoundly in their day with it than we have done after twenty-five years. They were dealing with the institutional aspects of it in voting and jury selection and things like that while this gigantic movement of blacks was occurring from the southern farms and towns into the southern cities and the northern cities, creating altogether a different America right under our eyes. Very few people, very few politicians had the foresight and sagacity and perception to see that.

G: Did Johnson see it?

M: No, I don't think so. At least I never heard him talk about it. There must have been some people in the Southern Regional Council who were marking this event as it occurred, as modern farm machinery brought about the ending of the sharecropper system and caused

literally millions of people who were uneducated, untrained for the tasks of modern life or for living in modern cities, to leave the farms and look for work in the cities, and to lay on the cities a gigantic burden from which they've never recovered. These cities have rotted out. And while that huge event was occurring, there just wasn't any direct response to it. In those days urban renewal and things like that were being talked about, but it was not in the context of race, as far as I remember.

Anyway, to go back to my original point. I am certain that I was not alone. I think there were millions of people, at least hundreds of thousands, who understood what Johnson was about. Had he been a passionate southern liberal on the race question--or on any question--had he been a Fred Harris of Oklahoma, he would have won the tremendous affection of a very small group of people in the North and been utterly ineffectual in the Senate. Had he been merely smooth and content to bargain out the lowest common denominator simply to get from Monday to Tuesday, as some of his predecessors as majority leader--Ernest McFarland of Arizona, for example--had been, he would have been inconsequential. He would have been just one more particularly slick operator, but one more temporizer of the kind that we've seen a lot of.

But he was different, and you could watch him and you knew that he was different, that he was kind of liberal, wanted a bunch of things done for poor people, and wanted the government to be in there, had that New Deal streak, didn't want to scare off Texas, didn't want to scare away the majority of Texans who were not big liberals, but wanted to kind of encourage people to move slightly toward the more progressive side, but without I suspect any huge agenda in his own head at the time, any huge social agenda. That would be my guess. The thing which he looked at, the agenda of November 23, 1963, which was the agenda that had built up from Truman all through the fifties and the early sixties, education and health and all that, the Great Society legislation, and that he then added to in the next year and a half with his own studies evoking legislation, almost waking people up saying, "Isn't there something you want?"--all that big agenda I don't think was really burning in him at the time. He recognized that it existed. An occasional event would evoke some of it, like the Russian Sputnik. We had to have some kind of an education program when it became known that we weren't educating enough scientists and engineers, and we needed people who could match the Russians before they got away with us.

But Johnson reminded me of a fellow I read about years later in one of my favorite writers, Walter Bagehot, the English writer, who was writing about Sir Robert Peel, a British prime minister of the nineteenth century. Here's what he said [reading from book]: "Public opinion, as it is said, rules, and public opinion is the opinion of the average man. [Charles James] Fox used to say of [Edmund] Burke, 'Burke is a wise man, but he is wise too soon.' The average man will not bear this. Politicians, as has been said, live in the repute of the commonality. They may appeal to posterity, but of what use is posterity? Years before that tribunal comes into life, your life will be extinct. Those who desire a public career must look to the views of the living public," and so on. "You cannot--many

people wish you could--go into Parliament to represent yourself. You must conform to the opinions of others, and they, depend on it, will not be original." This is I think Johnson dealing with the electorate of Texas. "If we wanted to choose an illustration of these remarks out of all the world, it would be Sir Robert Peel. No man has come so near our definition of a constitutional statesman: the powers of a first-rate man and the creed of a second-rate man."

Now, take your Lyndon Johnson, who was brilliantly skillful as a parliamentary operator and who really didn't have much of an agenda in his head that he wanted to get done, and just say for the moment, the powers of a first-rate man and the creed of a second-rate man. "From a certain peculiarity of intellect and fortune, he was never in advance of his time." That's Sir Robert Peel. "Of almost all the great measures with which his name is associated"--the Great Society, let's say--"he attained great eminence as an opponent before he attained even greater eminence as their advocate." Johnson was not the supporter of Medicare in 1960 that he was in 1965. He wasn't the supporter of major education legislation. Although I think he would have liked to have done it, he just didn't think it could be done, so he didn't push it. And he voted against a bunch of civil rights bills in the early days.

"On the Corn Laws, on the currency, on the amelioration of the criminal code, on Catholic emancipation, Peel was not one of the earliest laborers or quickest converts. He did not bear the heat and burden of the day. Other men labored and he entered into their labors. As long as these questions remain the property of first-class intellects, as long as they were confined to philanthropists or speculators, as long as they were only advocated by austere, intangible Whigs"--there's Paul Douglas for you--"Sir Robert Peel was against them. So soon as these same measures, by the progress of time, by the striving of understanding, the conversion of receptive minds became the property of second-class intellects, Sir Robert Peel became possessed of them also. He was converted at the conversion of the average man. His creed was, as it had ever been, ordinary. But his extraordinary abilities never showed themselves so much. He forthwith wrote his name on each of these questions so that it will be remembered as long as they are remembered."

That's not just to Johnson, because he was more than that. He was not a second-class intellect by any means, except maybe in the sense that Bagehot means it there, that Johnson would have had no interest in attending Aspen seminars on the need for education or educational reform. He wouldn't have cared much about similar kinds of seminars on other liberal items on the agenda. It was kind of a gut feeling, it was the feeling that a lot needed to be done. Obviously we really ought to improve schools. He had taught in a poor school and he had an idea that it could be a lot better. And he was offended by the injustices visited on blacks, no doubt about that. And he had no patience with that racism. But it took a long time to kind of convert it, I think, into something strong.

G: Let's talk about the farm bill.

M: Okay.

G: This was, of course, a continuing struggle throughout the fifties between Republican and Democratic philosophies. This year Johnson pushed for 90 per cent parity and high support rather than the administration's flexible price supports, [and the bill was] vetoed by Eisenhower. What do you recall about this struggle?

M: Well, I remember Johnson making a speech on national television about it. To tell you frankly, I thought of that issue as a binder issue, one of those things where Hubert Humphrey and Allen Ellender could be together for the most part. You know, the binding is hard to sustain when you get down to certain crops, but then you have a lot of trade-offs and you find Humphrey voting for soybean and cotton deals that will make Jim Eastland a bunch of money, because Eastland is going to either vote for 90 per cent of parity or take a walk to let the damn thing get through. So I think it was a way to hold the party together. It was one of those issues and Johnson also no doubt thought that we had a chance, because of the unpopularity of Ezra Taft Benson, of winning some farm states, getting some senators in from those farm states.

G: Do you think Johnson used this issue as a way to embarrass the administration?

M: Yes, I do. He knew a good deal about farm matters, of course. I'm not entirely sure that he could have passed a test in complex agricultural economics as far as various crops were concerned, wheat and corn and so on. And he did say to me one time in the White House when I had a bunch of--as part of my jurisdiction at one time I had agricultural stuff; Lee White used to call me Harry McFarmer. There were a bunch of farm state people, farm organization people, who came to see me, and they had a big gripe about something. I was very disturbed about it, because they said, "By God, we're going to raise Cain if this continues." And I went to see Johnson and told him about it with a good deal of feeling, "These fellows said so and so, and they're being mistreated by the Department of Agriculture." And Johnson looked up at me and said, "Have you ever, in your life, known a time when farmers were happy?" And I said, "What's that?" He said, "Well, haven't they always either planted too much and the prices are down, or it's too dry, or it's too wet? Has there ever been a time when they were happy? I can't remember one." But anyway, I said, "Well, okay, tell me about it." But it was just that moment that made me realize that he was not totally persuaded that everything that the farm bloc wanted, the liberal farm bloc wanted, was desirable or necessary.

G: You mentioned the binding issue. This must have been in many ways a microcosm of the trades that would take place in the Senate--

M: Yes, I think so.

G: --since so many of the states, particularly the Democratic states, had some kind of farming.

M: Absolutely. That's why you find [Hubert] Humphrey on cotton because somebody will support milk price supports or something like that. Everybody in those days had some kind of farm issue. The Democrats tried to do it again this year in 1985; David Boren and others held out, filibustered, and thought it was a great thing. The difference in today is that there are fewer farmers by a long shot and people are less sympathetic I think to most farmers.

G: Specifically that year there was an increase in the Mexican sugar quota. Do you recall that issue?

M: No.

G: Was sugar particularly sensitive because of the members of the Senate involved and the congressmen?

M: Oh, yes. You had the--Ellender had Louisiana sugar cane. But everybody--it was the heaviest lobby issue there was. Every [sugar-producing] country had its Washington lawyer-lobbyist up there working largely on the House side I think with Harold Cooley, and then it got to the Senate Foreign Relations Committee, as I remember. Foreign Relations and Agriculture had jurisdiction. It was a lottery and a bingo game.

G: How did Johnson deal with that? Did he just let them fight it out?

M: I'm sure he dealt with it a lot, and I don't know. Johnson had a lot of downtown lawyer friends. My guess is that he heard from some of them on one or more occasions about the need to help out this country or that country with an enlarged sugar quota. But I don't know.

G: There were a lot of public projects, water projects, dams, highways, things of this nature this year, big highway bill in 1956. Do you recall that issue and how it was passed?

M: Is that the Interstate Highway Act?

G: Yes.

M: Francis Case did it. I remember it being one of the most important acts of the fifties certainly. It's had a huge impact on the country. What I mostly remember about it are issues of Davis-Bacon, the labor wages, prevailing wages in a community. Oh, things like the [Adam Clayton] Powell Amendment were offered to it. The Powell Amendment was what was regarded as some great black beast in those days that could destroy all kinds of good legislation. What the Powell Amendment was is what is now Title VI of the Civil Rights Act; it says no federal funds for any enterprise that discriminates on the grounds of race. But in those days it was something that would be raised up by liberals and everyone

would vote down because while we all are against discrimination, we don't want to destroy this fine program. I remember that. But not much--sure, there were lots of other issues. Must have been. The financing of it, the tax--

G: Financing. The Republicans wanted sort of a pay-as-you-go--

M: Yes. Yes.

G: Was there a lot of politics regarding the allocation of funds or where the highways would go?

M: I'm sure there was. I didn't know about it.

G: How about the regulation of billboards along the highways? It seems like there was an amendment here to limit outdoor advertisers. Do you remember anything about that?

M: Oh, I remember Robert Kerr, Johnson's great friend, working assiduously for the billboard interests. I had a kind of a--I had a *definite* conflict of interest. My father was the president of a little billboard company in East Texas, and I tried my best to stay out of it. I was sure that any day that apostle of the new journalism, Drew Pearson, would write that Lyndon Johnson had on his staff a fellow who's connected with the billboard interests. So I just didn't do anything. I told my dad that I was--who never really asked me to do anything, but I told him before he could ask that I didn't plan to have anything, any word to say to Johnson on that score.

G: What was Johnson's view on that? Was he for regulating the billboards at all, do you recall?

M: You know, I don't know. Later on, of course, with Lady Bird's involvement he became much more of a controller of billboards, but I don't know. My guess is he didn't have any particularly strong views. He was trying to--as was the case with a lot of legislation--placate both sides of his party, or two various elements of his party, and that included people who were hot for billboard control and those who were hot against it.

G: Was Mrs. Johnson at all at evidence on this issue in the fifties?

M: Not as far as I remember then, no. I think it was later that she got. . . .

G: Walter George was a big opponent of regulating the billboards, of course, Coca-Cola being powerful in Georgia. Do you have any recollection of George's role in this?

M: No. This was his last year, wasn't it?

G: Yes.

M: And he was about to get unseated by Herman Talmadge. No, I don't. He was a formidable old man and he was scared. He had gotten the word that he had a real political battle on his hands, and indeed he did. But no, I don't remember.

G: Another issue was the Arkansas-Frying Pan water project this year. It has been written that LBJ didn't support it as strongly as he could have and should have. Do you recall that issue?

M: I just remember the name of the project.

G: Okay. How about Hells Canyon? Do you remember that?

M: Well, I remember he worked hard for Hells Canyon. Part of it had to do with his desire to find issues that were binding between westerners and southerners in the party. And a lot of it had to do with the fact that Warren Magnuson, his very close personal friend, was passionately involved with that issue.

G: There were a number of house-cleaning issues: one, a committee to investigate lobbying and control of lobbying in the wake of the Francis Case revelation. Did Johnson keep the lid on this investigation?

M: I think he did. But this was peculiarly an issue that was kept from the children, in the same way that a husband and wife will wait till the children leave the table before they talk about Aunt Sue. This was not something that a brand-new, unknown, and probably untrustworthy lawyer from Texas was going to get drawn into, so all I knew was what I read about it. I had an extremely cautious boss, Gerry Siegel, for whom the word--and he was quite similar to George Reedy, the two of them made the word prudent seem exciting. They really were the most conservative, cautious fellows I've ever known. Whatever was going on in that investigation, whatever Johnson's role was, which no doubt involved Bobby Baker, I just don't know.

G: Do you think their prudence was the result of working with Johnson for all these years? Was it something that evolved or do you think that--?

M: It seemed to be paying off. You know, Johnson had a gigantic temper, and I think they didn't want to get burned.

G: Okay. Another issue was the clean elections bill. Here LBJ managed to limit it to general elections rather than primary elections, which would seem to take the heat off the South, which was then one party. Do you recall this issue and LBJ's effort here?

M: I remember it in the way that you recall that at some point somebody told you two and two was four. I remember that I came to know that we did not want to get involved in primary elections and mess up southerners. We were always agin' it.

G: Did you have any problems of reconciling your own liberal philosophy with--?

M: Yes.

G: Now, you've written about that in other respects, natural gas and things like that, but in terms of this particular issue?

M: I don't know any more than others. I would think some civil rights legislation would have been of more urgent concern to me than clean elections.

G: Okay. In a very close vote there was an amendment to the Social Security Act that year that liberalized the OASI, the Old-Age and Survivors Insurance.

M: Walter George Amendment.

G: Is that right?

M: Well, if you're speaking of the age-fifty disability limit--

G: Right, that's it.

M: That was Walter George. And whether Walter George dreamed up an interest in that or just had a natural one, or whether Lyndon Johnson convinced him, as I believed happened, that he should have an interest in it, that this was good for Walter George, I'm not positive, but I have the distinct recollection, and it's something if I were you I would ask Gerry Siegel and ask George Reedy whether or not Johnson did not persuade George to do this. You can imagine the argument he would have made: "You're in trouble. You need help from the folks. You can't win on Coca-Cola, and you need to do something like this." There was a--how do we get through an age-fifty disability amendment? You get it through the same way you get through any other difficult thing, you try to find somebody who would commonly be thought to be against it to support it, to endorse it. Nixon going to China, that way, that famous and well-trod political path. Getting a very conservative fellow like Walter George to come out for it suddenly makes it possible for a lot of other conservatives to support it, and I believe that Johnson--

Tape 1 of 1, Side 2

G: Would Johnson have anything to offer George in return or was it simply a logical appeal to--?

M: Well, George was the chairman of the Foreign Relations Committee and Johnson wanted to have his support, to be able to call on him and get. . . . So he wanted his friendship and gratitude, and that was one way to get it.

G: Now, this passed by two votes; it was a very tight vote. Do you have any recollections of getting those pivotal two votes?

M: No, that one would be lost in the memory of a lot of close votes in which Johnson usually--invariably--had his own vote count and would pull it out when the vote was over, having marked up his own tally sheet, and if he had been particularly good, within a vote, say, or right on, which he often was, would nudge Mike Mansfield or Earle Clements, his whip, and show it to them with a good deal of pride that he had come that close. It wasn't just powers of divination, it was Bobby Baker going out and counting, and it was Johnson himself counting, talking to people, "Are you going to be with it or not?" That was one. The ones that he loved to win were the close ones. But it showed everybody, Democrats, that if you wanted to get anything done you had to stay together, if you had a close vote. And secondly, it took the heat off Johnson. If we had had huge votes, as we did later in 1959 and 1960, with that big Democratic majority, the pressure to do a lot, even though it might get vetoed by Eisenhower, the pressure to pass a lot of big, fancy legislation was strong. And yet the committee system was just as entrenched, the southerners were just as entrenched in it as ever. So it made it very difficult. Close votes were a good thing as far as he was concerned.

G: He seems to have gotten more party unity when he had that narrow two-vote [margin].

M: And it stands to reason, it stands to reason. If you've got sixty-four Democrats, instead of forty-nine or fifty, a lot of those guys are going to say, "Boy, let's go, let's pass this and that," and the southerners are going to start grumbling and holding up legislation in their committee and going over and joining Republicans.

G: Well, I think we've covered everything in--I've got a couple of more items in 1956, but I can save those until next time, and perhaps if you--

End of Tape 1 of 1 and Interview VI

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