INTERVIEW I

DATE: May 7, 1969

INTERVIEWEE: CHARLES S. MURPHY

INTERVIEWER: THOMAS H. BAKER

PLACE: Mr. Murphy's office in Washington, D.C.

Tape 1 of 1

B: Sir, do you recall when you first met Lyndon Johnson or had any knowledge of him?

M: No, I do not. I came to Washington about the same time he did as a legislative draftsman for the Senate and the first I remember knowing of him, he was a member of the House of Representatives. I probably knew him at that time, although I did not get to know him well.

B: Yes, he would have been, first, secretary of Congressman [Richard] Kleberg and then elected a member of the House.

M: I did not know him when he was secretary for Congressman Kleberg. I did not know him personally until after he was elected to the Senate. Beyond perhaps having met him, I didn't really know him until after he was elected to the Senate.

B: By the time he was elected to the Senate, you were already on the Truman White House staff, first as an administrative assistant and then as special counsel.

M: That's true.

B: Do you recall if the Truman staff or President Truman himself had any knowledge about Mr. Johnson's election to the Senate in 1948?

M: I am sure that he did. President Truman made a campaign trip through Texas in 1948. I was not on that trip, but it's my understanding that [he did]. That was the year that President Johnson was elected to the Senate, and I am sure that President Truman campaigned for him on that trip as vigorously as he could. It is my understanding that President Johnson feels that that was helpful to him.

B: I was wondering if the particular circumstances in that election might have been discussed in the White House. That was the election in the Democratic primary. It was a very narrow vote margin, and the vote was later challenged in the courts.

M: I don't remember any particular discussion of it. I think I have a pretty clear recollection that President Truman did campaign for him as hard as he could when he was in Texas, campaigning for himself, too, you understand.

B: Yes, of course, in the 1948 election.

M: And, although I don't recall President Johnson ever mentioned it to me, it has been my understanding over the years that he thinks President Truman's efforts on his behalf very helpful. If our man won by a small number of votes, we are just glad our man won. (Laughter)

B: Let me mention here, so it will show in this transcript, what you were telling me beforehand: that you have done interviews similar to this for the Truman Library and possibly will do more.

M: That's so.

B: Anyone using this will know that they are there.

Do you recall if there was any kind of special relationship between Mr. Truman and Senator Johnson in the ensuing years?

M: I do not recall that there was.

B: No more so than is usual between the president and a Democratic senator?

M: That is true. Now Senator Johnson was not the Democratic [majority] leader until after President Truman's term of office expired. The President's dealings were mainly with the leadership. After President Truman left the White House, he came back to Washington from time to time for visits. Then Senator Johnson was the Democratic leader in the Senate, and Senator Johnson was always extremely cordial to President Truman. I went with President Truman at least once, I think as many as two or three times, to luncheons that were given up in the office of the Secretary of the Senate where Senator Johnson would have been the principal host. He [Johnson] was always very cordial, and certainly the way they greeted each other on those occasions would indicate that they each regarded the other as a very close and good friend.

B: In those days when you were on the Truman White House staff there were associated with the White House a number of people who later became associated with Mr. Johnson--people like Clark Clifford and Averell Harriman. Do you know if Mr. Johnson became acquainted with them in those days?

M: I don't have any actual personal knowledge. I am quite certain

that he did.

B: From your standpoint as a White House staff member in the Truman Administration, did you classify Lyndon Johnson politically? That is, outside of the fact that he was a Democratic senator from Texas, did you have him bracketed as a liberal, conservative, or anything like that?

M: I don't have any clear recollection. I would think it reasonably sure that I had him bracketed as a liberal southerner. I think you have to put both words in to get the picture.

B: I think most people would understand the classification of it.

M: I guess it was a political fact of life in those days that southern members of the House and the Senate had some problems, restraints about being liberal. After all, it is said that the first duty of a statesman, a politician, is to get himself elected. You can't help the people if you are not there.

B: Is there anything else about the Truman years and Mr. Johnson that you remember?

M: Nothing that occurs to me. No.

B: In the next interval, during the Eisenhower years, you were still here in Washington with your law firm, Morrison, Murphy, Clapp, and Abrams. Did you maintain any contact with Senator Johnson then?

M: I did. Not on a regular basis, but fairly often I would see Senator Johnson as the Democratic leader, and see him occasionally at social functions. I was engaged in some work that he was not particularly enthusiastic about, but I suppose it would be appro-

priate to get it in the record.

B: I was going to ask about it. You must be referring to the Democratic Advisory Council.

M: Democratic Advisory Council. That's right. Paul Butler was then the chairman of the Democratic National Committee. I was retained as special counsel by the Democratic National Committee. When the committee voted to establish the advisory council, I helped with the charter, the form of organization, the operating techniques, and so forth. After that I worked regularly with the advisory council until the convention in 1960. My recollection is that Senator Johnson and Speaker Rayburn were invited to join the council and that Senator Johnson did not give a definite yes or no answer immediately. But after consulting with the Speaker, he declined, and I think the Speaker declined rather promptly. I don't think that Senator Johnson ever looked with great favor or enthusiasm on the work of the advisory council after that. As a matter of fact, it is my impression that he and the Speaker, from time to time at least, raised with President Truman the question of whether he should continue to be a member of the advisory council. President Truman, of course, was a great friend of Speaker Rayburn's, and he was personally very--what would you say--"simpatico" with Senator Johnson and Speaker Rayburn. But he didn't agree with them about whether he should be a member of the advisory council.

B: Who originated that idea?

M: I don't know. I think Phil Perlman had a great deal to do with it.

He did not [offer the motion]. I was trying to remember the national committeeman who offered the motion that was agreed to by the national committee. It may have been Jack Arvey. I frankly don't remember. It is my recollection that prior to the time that was done, I can't remember the time, I know at some period, Phil Perlman and I were trying quite diligently to get some research capability established in the Democratic National Committee. And [we] visited, I remember, with then-Senator Alben Barkley after he came back to the Senate.

B: When you were planning that advisory council, did anyone bring up and discuss the possibility that the leaders of Congress might not like such an idea?

M: I am confident that they did. I was not in on the earliest discussions. But that is so much a part of the nature of things that I think it must have been talked about at that point. This is the way it almost always is.

B: That's why I ask. It would seem that the congressional leadership had always been pretty jealous of its prerogatives to speak for the party.

M: Well, that's right. And they consider it to be their prerogative to speak for the party. But there are others that don't agree with them. And those others are jealous of their prerogatives to speak for themselves. So you start out perhaps with a disagreement about what the prerogatives are, and from there . . .

I don't think that this is unique or even unusual in the case

we are talking about. I think this happens more or less all the time.

B: Of course, at that time, some have said that one of the problems was that the advisory council was kind of a stacked deck on the liberal side.

M: I think that is true. I think it probably reflected the prevailing sentiment among the majority of the rank and file of the Democratic Party. I think that one of the important reasons why it was established was that most of the members of the national committee felt that the leadership in Congress did not represent the viewpoint of the majority of the rank and file of the Democrat Party. Whether they were right or wrong about this . . .

This does remind me of something I might put in here. In the Americans for Democratic Action I knew a good many people who were active in that organization when I was on the White House staff of President Truman. I never joined it. However, after President Truman's term expired and I was here in Washington, Mary Keyserling, who was a good friend of mine and very active in the Americans for Democratic Action, invited me and persuaded me to accept a place on its national board. And so for a time I was a member of the national board of ADA, for about a year as I recall. Along toward the latter part of that year it became apparent that part of the stock in trade of this particular group was to criticize in public the Democratic leadership in Congress, which was Senator Johnson and Speaker Rayburn. I said, "This is not for me.

They are my leaders, and we may disagree with them in private, but as far as I am concerned we are not going around criticizing them and attacking them in public." So I terminated my membership on the board of ADA. (Laughter)

B: Do you remember about when that was in that particular period? In the late fifties?

M: I would guess it would have been in the middle fifties.

B: You might be able to shed some light on something I have just heard in passing: that in those years in the late fifties, at the time of the Democratic Advisory Council, the strains got pretty terrific within the national committee; that at one time Paul Butler and Matt McCloskey were hardly speaking to each other, and all this kind of thing. Is that correct?

M: That is substantially true. I started to say there is a great deal of truth in it. That is about the way I remember it. This was pretty much a personality problem. I don't think it had any deep-seated policy or ideological roots. They were both, as far as I am concerned, very fine people. They were not particularly compatible; they did not get along especially well together. Paul Butler was quite diligent and strict and rather rigid in his views. Matt McCloskey was quite the other way. He had done a remarkable job in years before that raising funds for the Democratic Party in Pennsylvania, and he came down here as treasurer for the national committee. My recollection is that it worked out pretty well for a while; then he did not attend to these duties very diligently. I

think there was considerable basis for Paul Butler's feeling of irritation and frustration so far as our man McCloskey was concerned. But Paul Butler had personality attributes which made it difficult for him to get along with a good many persons. I say personality; he had that kind of personality. I think he is one of the finest people I ever knew. I don't want to leave any false impression about that. He was as nice to me as anybody ever was. No, he was not a hail-fellow-well-met kind of person particularly. He and President Truman were never very compatible. They both tried, I think mainly for my sake, and there was no disagreement between them. They both went to dinner with me one night, for example, and they just didn't manage to carry on a conversation with each other. They just didn't have much to talk to each other about. But this report you heard is the basis for that about the difficulties and unsatisfactory working relationship between Paul Butler and Matt McCloskey.

B: Did Mr. Rayburn and Mr. Johnson stay out of Democratic National Committee affairs in that period?

M: To the best of my recollection they did.

B: When did you first see any signs of presidential ambitions in Mr. Johnson?

M: I don't know.

B: Well, back in the fifties, the convention in 1956 when Mr. Johnson was a favorite son from Texas, was there any hint that he might like to be more than that, that he might really want the nomination?

M: I just don't have any recollection about it. I simply don't.

B: Did you participate in the pre-convention campaign for Mr. Johnson in 1960?

M: No. I was working for the Democratic National Committee, and I did not participate in the pre-convention campaign for anyone. I was strictly hands off and neutral, and for that matter, so was Paul Butler. I think every major candidate for the nomination involved in 1960 thought that Paul Butler was favoring some other candidate. But the fact is that I am quite sure--and I was quite close to it at that time--that he did not consciously do anything to give any candidate an edge over any other candidate.

B: As a seasoned political observer, what did you think of Mr. Johnson's try for the nomination in 1960? I ask because some have said if Mr. Johnson was really seeking nomination of the party in 1960 that he went about it the wrong way. [They said that] he waited too late to firmly announce, that he put too much reliance on endorsement by his colleagues in the Senate, that the other path, the path that John Kennedy chose in the primaries, was a far better way to get the nomination.

M: I would not remember enough about the circumstances to have any judgment on that that's worthwhile. I don't remember having any feeling that he went about it the wrong way. I would not have any feeling now that he went about it the wrong way.

B: Were you in Los Angeles for the convention in 1960?

M: I was.

B: Were you surprised when the vice presidency was offered to Mr. Johnson and he accepted it?

M: I was.

B: I really should have made that two questions. Were you surprised when it was offered to him?

M: I was.

B: And then surprised when it was accepted?

M: I was. I was surprised when he accepted it. I would have thought and did think that he would have preferred to continue to be a Democratic leader in the Senate, where he did a most remarkable job. I worked for the Senate for over twelve years as a legislative draftsman. I spent a great deal of time watching the Senate. Just observing it is a fascinating thing to do. It is by and large a collection of very able men and also a collection of prima donnas. I never would have thought it was possible for any human being to do what Lyndon Johnson did with the United States Senate when he was majority leader. The way that he, by one manner of persuasion and another, got them to do what he wanted them to do and thought they ought to do. Sometimes his approach was quite direct and blunt. I never thought that the Senate would take that from anybody. This was one of the most surprising things about his whole career to me. That's one reason that I was so surprised when he left that job; because his effectiveness in that job, I would say, was a good many times as great as the effectivenss of anyone else that I have ever seen. And I have known them all from

the time of Joe Robinson on.

B: He might have been thinking it would have been different under a Democratic president.

M: He might have been.

B: That's a wild guess, I think.

M: My belief would be that he accepted because he thought that was what he ought to do for the country--not the party, the country. While he was vice president, I think that was probably the predominate motivation that he had: to do what the vice president ought to do for the good of the country. And he exercised just a remarkable amount of self-restraint, it seemed to me. That was, in its way, quite as surprising as what he was able to do in the Senate was. Quite surprising, just as surprising, was what he was able to do to himself, I guess, and hold it in when he was vice president. He was always I think most meticulous not to overstep the bounds of what he considered to be the proper role of the vice president, which didn't seem to me to be particularly in keeping with his nature.

B: In those years you became under secretary of agriculture in the new Kennedy Administration.

M: That's right.

B: How did you get that job? Did Mr. Freeman pick you or Mr. Kennedy?

M: Mr. Freeman approved me, I guess. Well, if I may go back, before the election in 1960, I had no plans or wishes to return to the government at all. But I had been active in Democratic affairs,

and I was interested in things of that kind. After the election I began to think about whether or not I wanted to come back to the government and if so, where. And for reasons which would surprise everyone, I guess including me, I decided the one place and the only one I would like to come to was secretary of agriculture. I thought that would not make sense to anyone else, so I stopped thinking about it.

B: May I ask here why?

M: I am not sure that I know why . But I thought this was the place where I could do as good a job as anybody. That's one thing. I knew something about that. I grew up on a farm. I worked in agricultural legislation. I had, then, some feeling that I understood agricultural economics, and frankly, I didn't know of anybody else who I thought could do as good a job as I could. That's one reason.

Then I was asked by Ted Sorensen and Mike [Myer] Feldman, who were then ticketed to be assistants to Kennedy when he took the White House, if I was interested in coming into a government job. And I told him what I just told you: that the only place I would be interested in was secretary of agriculture, and I didn't think that made any sense to anybody. So I just thought we might as well forget the whole business. And they agreed. They said, as a matter of fact, that Kennedy had already selected a man that he was going to appoint secretary of agriculture and, besides that, he was publicly committed to appointing a midwesterner.

I said, "Well, that is fine."

Two or three days after that I got a call from one of these fellows asking me if I would be interested in being under secretary. At first I said no. Then they persuaded for a while. And I said, "Give me a day or two to think about it. I will talk to my wife, and I will let you know." And I did talk to my wife. I guess my feeling may have been somewhat like I think Senator Johnson had about being vice president. I thought perhaps I ought to do this. So I said if the President-Elect wanted me to do this, that I would. Well, that was fine. But it developed after awhile that this position had to be allocated to a southerner and the President-Elect was concerned about whether southern people would consider that I was for this purpose a southerner because I had been here in Washington ever since I finished school in 1934.

B: And you are from North Carolina?

M: I am from North Carolina. At this point I should have said, "Forget it," but I didn't. I was a little bit trapped by that time. So I said, "Well, we will see." So then I began to make inquiries as to whether southern people, and particularly members of the House and the Senate from the South, would support me for this position. And it turned out I think without exception that in cases where they were not already committed to someone else, that they would support me with varying degrees of enthusiasm. Then they sent in recommendations to that effect. There were some other people under consideration for appointment, and I think President-Elect Kennedy

got the views and recommendations of Orville Freeman at that time, and Freeman, I think, did recommend me. I must say I think under circumstances he probably didn't have any other reasonable choice, because by that time there were a great many people that had recommended me for this position.

B: Had you known Mr. Freeman before?

M: Yes. I'd met him when he was governor. I went there a time or two with President Truman, who then was a former president, and Freeman was his host. I remember we went to a football game with Freeman. I saw Freeman out at the Democratic convention in Los Angeles where he made a nominating speech for Kennedy. In one of the rooms back of the speakers' rostrum--I was in there shortly before he was to go on and speak--he was working on his speech and apparently my presence bothered him. He said, "Charlie, I wonder if you would mind stepping out for a little while while I work on this speech." So I stepped out. After he had made his speech I ran into him again, perhaps in the same room, and he was sitting there perspiring freely. I said, "What's the matter?" And he says, "The TelePrompter stopped." So he went out with a prepared nominating speech on the TelePrompter, and the Tele-Prompter broke down. Without warning, he had to ad lib. (Laughter)

B: He must have done it in a masterly fashion. I don't think anyone knew at the time.

M: I did not know him well before this. One of the problems that

President Kennedy had about this was that Freeman and I both were lawyers. This raises questions, you know, about somebody as head of the Department of Agriculture. One lawyer is bad enough, but having both of them lawyers!

At any rate I was nominated and confirmed. I went up for my hearing before the Senate Committee on Agriculture. I really didn't say a word. Not one. Some of my friends and sponsors came in and testified before the committee. And of course the chairman of the Committee was Senator [Allan] Ellender. I wrote bills for Senator Ellender when he first came to the Senate. I was up there before he was. So I had known him for a long time, and I never was called on to leave my seat in the audience, as a matter of fact, before they decided to close the hearings and vote to recommend my confirmation.

B: Do you have any special duties as under secretary or did you divide it up that way? Did you just do whatever came along?

M: I had general supervisory duties over the whole of the department. Just sort of a second-in-command to the secretary. I was the acting secretary when he was out of town. I was president of the Commodity Credit Corporation. The Secretary put out a memorandum that was rather famous within the Department of Agriculture about the division of our functions. He said, "As far as other people are concerned, the Secretary and the Under Secretary speak as one, and when either one of them says anything, you take it as coming from both." No one else ever knew precisely

what the division of responsibility was between us or the communications were between us. And I am not sure that we always knew. (Laughter) But it worked very well. Freeman was especially good about that. Sometimes, in the nature of things, I had to do things that I was not able to clear with him in advance, and sometimes did them differently than he would have done them. But he never told anybody but me. He never told me in a particularly unpleasant fashion. On the whole I do think that I did things the way he would have done them.

The Department of Agriculture is a fascinating institution. I got to be a great admirer and am a great admirer of the Department of Agriculture. I made something of an effort to find out about what it did and tell other people about what the department does. It is the least understood and the least appreciated part of our government, I think. I thought then that it was about the best human institution I know of. It does more things for more people than any other institution I know of, and on the whole, I think it does them better, which is very different from the image that most people have of it.

B: Yes, I think most people think of it as just serving farmers, but it really is far beyond that.

M: And actually there was something of a tendency, as between the Secretary and me, to concentrate on different parts of the department's work. Between us, I had primarily responsibility

for the crop programs, and acreage allotment programs, and adjustment programs and the commodity operations. On the other hand, he did most of the Forest Service, and I didn't have a great deal to do with the Forest Service. The Forest Service, by the way, is the biggest agency in the Department of Agriculture, about roughly a third of the total department in terms of people in the Forest Service.

B: You must have gotten involved in preparing the drafts of legislation?

M: I supervised it. I did practically no actual drafting myself. The two things are just not compatible. That is, running an administrative job and drafting legislation, actually doing the drafting, are not compatible.

B: Did Mr. Kennedy take any special interest in the Department of Agriculture?

M: No, I wouldn't say that he did. He felt, I think, that he did not know a great deal about the subject. I think for that reason he relied particularly on Secretary Freeman and, finally, I think, to a considerable amount on me. I think he came to feel after a year or two that he could rely on us, and I think he felt pretty comfortable about the Department of Agriculture.

B: Did Mr. Johnson as vice president have any interest in the department's activities?

M: Some. I don't remember a special amount. I do remember I made one trip with him. There was a big hurricane that did a great deal

of damage on the Gulf Coast, most of it in Texas. He was still vice president, and he flew down there in one of the presidential planes to inspect the damage there. He asked for someone from the department to go with him, and I went on that trip with him. After he became president, I went on a similar trip with him to Florida and southeastern Georgia. He did have an interest in the people who were appointed to positions from Texas, members of the state committee and things of that kind. I didn't work in the detailed handling of that kind of thing enough to know just what he did, but I do know that he was interested. My impression would be that the appointments of that kind were not made in the Department of Agriculture unless it was thought that they would be satisfactory to him.

B: You were under secretary when the Billy Sol Estes affair broke?

M: I was.

B: And you are probably sick and tired of talking about it.

M: No.

B: I feel obligated to ask some questions about it. Am I correct that you were pretty much in the middle of the thing when it became public?

M: That is right. He had turned out a good many activities in the field of agriculture. Some that I did know of. The part that I did know of had to do with his membership on the advisory committee on cotton. We had in the department a series of advisory committees, one for each of the major commodities. He was a member

of the advisory committee on cotton. At the time he was appointed we got the most glowing recommendations for him. He was a leading churchman and one of the Ten Outstanding Young Men in the country. I started to say unbelievably good. I guess that's the way it turned out. It really wasn't believable. But we did appoint him on the committee.

At about the time that his term expired on the committee, along with a number of other people, and we either had to leave him on or replace him, we had a question that came up about the transfer of some cotton acreage allotments down there in Texas. I was aware of this question, and I was asked if I thought that was sufficient reason to leave him off the committee. I said, no, I didn't. I didn't and if I had to do it over again, knowing what I knew at the time, I would decide the same thing again. Now this was a matter on which I probably spent less than five minutes, maybe three, but the under secretary of agriculture, at least when I was there, had a tremendous importance to people. I decided what the price of corn was going to be in the United States. I did it once a week. And I didn't spend much time deciding whether a man in Texas, that I had met about twice was going to stay on the cotton advisory committee or not. It just seemed to me that there was not sufficient reason for taking him off.

Well, it turned out there were a lot of other questions, irregularities, things that I knew nothing about at the time, and this got to be a pretty juicy story. But as the hearings before

the [Senator John] McClellan Committee developed, this got to be a critical question about who decided to keep him on this advisory committee and why. I had not thought that it would be necessary for me to testify before the committee. I offered to testify at the beginning. I said, "I will come up anytime." When the committee investigators first started investigating this matter, I got out everything I could find in my files that had to do with Billy Sol Estes and I showed it to them. I gave it to them. And they never found out anything about Billy Sol Estes and me from that day on that I didn't show them the first day they came down. They verified some of this, but they never found out an added thing above what I showed them that first day. I thought that when other witnesses testified about this whole business that it would be apparent there was no importance to what I had done, but it didn't develop that way. It got to be quite a mystery. It was I think a kind of a synthetic or manufactured mystery. So I decided that I had to testify. At that point I had to go to work to get ready to testify because I didn't have all the story. Most parts of it I had never known. And the parts I had known I didn't remember because I hadn't considered it much of a question. But I did go up to the committee finally and went up to tell them, and did tell them, that I was the man who was responsible for making this decision, that I did it, that I thought that I did the right thing, and if I had to do it over again I would do it again. And they could make whatever they wanted to out of it. Well, this was quite a

different line from the ducking and dodging that they had been getting from most people up to that point. I think it surprised them. But it was the truth, and I think it turned out to be the best thing to say. (Laughter)

B: There is a story told about a meeting in 1962 in which Estes came to the department for approval for an Alabama cotton allotment which he then was going to transfer into Texas--a meeting with you. Do you recall this?

M: I recall a meeting, and it is probably the same meeting. It was held at the request of a Congressman from Texas named [J. T.] Rutherford. Is that right? Nickname of "Slick."

B: There is a Congressman Rutherford.

M: He is no longer there. He was there at the time. He told about how this man was being so badly mistreated in connection with cotton allotments and [suggested] that we have a meeting about it. I said I was very busy and I would rather not have a meeting. But he insisted that we have a meeting and we did have a meeting. We had it in my office. The man turned out to be Billy Sol Estes. Congressman Rutherford came, and he brought him. There were other members of Congress there, and I had a good many people there from the department.

We discussed this for one hour or two, I guess. I would be quite sure that we did not at that time make any decision or give any decision. But we said we were going to consider this carefully, and we did. My memory is not clear about what happened there after that.

I know my view was then, always has been, and still is, that what he was doing was legal. It might not have been good; it might not have been nice; but it was legal, I think. I thought so then and I still think so. If it was, then the allotments, I guess, were not subject to cancellation. I don't think I ever would have decided to cancel them. My recollection is that Secretary Freeman decided to cancel them and did cancel them. I don't criticize him for that. I just say I don't think I would have ever done it. It turned out, we learned later, that Billy Sol had been doing some things that were far worse than this. As I recall, he had been borrowing money on the security of fertilizer tanks that did not exist. I guess that is a pretty clear case of fraud.

B: Did Vice President Johnson get involved with Estes in any way?

M: Not to my knowledge.

B: Do you know if Estes ever went to him for assistance or intercession?

M: Not to my knowledge. I wouldn't be surprised. I expect he went everywhere he could.

B: But Mr. Johnson never came to you with anything about Billy Sol Estes?

M: He did not, very definitely. That is quite clear. [He] had nothing to do with his appointment or his membership on the National Cotton Advisory Committee and never came to me about anything at all. Now there was a man, the then-general counsel for the Department of Agriculture, who in his testimony in the Estes matter somehow mentioned the vice president. I don't remember what he said about him, but it is my understanding that the Vice President called him on

the phone after that and belabored him at great length about it.

B: This was Mr. John Bagwell?

M: John Bagwell. That's right. I remember this because the question came up at the time. It was quite clear, it was to me then, that the Vice President never mentioned Billy Sol Estes to me one way or the other.

B: I was going to ask you if the Vice President had said anything to you after the scandal broke.

M: Not until after the hearings were all over. I ran into him at a cabinet meeting sometime after it was all over. He was quite complimentary about the way that I had testified at the hearings.

BB: Actually, I think general opinion at the time was that the department handled the whole thing pretty well.

M: Well, that's good, because it was a messy thing. There's no doubt about that.

B: It got messy within the department. There were dismissals and that weird case of the secretary who was complaining about her boss's persecution.

M: Yes. I know who you are talking about, but I'd have to do a little refreshing to get all this sorted out.

B: Actually, I think most of that is pretty well written down in many places. Incidentally, I gather that you suspect that a good deal of that was politically motivated, that at least keeping the scandal alive may have had political motivations behind it.

M: Oh, I don't think it was particularly in terms of partisan politics.

I think that it was political in a sense. I personally don't think that the public investigation should have been held. I don't think they found--at least the phase of it that I was involved in, I just don't think there was enough there to investigate. This was part of the problem that the committee had. When they started on this kind of a hearing, there was considerable pressure on them to produce a villain. They didn't have any villain, and it got to the point that I was the only fellow left and so just by the process of elimination I was to be the villain. Well, I wasn't the villain and I wasn't prepared to play that part. So we had testimony. I stayed on the stand about three days. It was an interesting experience that I didn't relish then and I sure wouldn't want to do it again.

I must say, though, it wouldn't have gone as well as it did except that there were some members of the committee who I think were determined to see that I had a fair chance to make an honest record. One of them was Senator [Sam] Ervin from North Carolina. That's understandable because of a good many North Carolina ties that I have. And one of them was Senator Ed Muskie, whom I hardly knew before that time. I don't think to this day he could have had any motive except that he just wanted to see that justice was done.

There were some Republican members of the committee who wanted to make some political capital out of this, pretty well within the bounds of the rules of the game. I didn't like it, but I don't

think they overstepped particularly. It was Carl Mundt. And [Carl] Curtis I guess was the other one. I don't feel any particular bitterness toward them. Matter of fact, this was the kind of thing that was fairly understandable. Now in the campaign that followed that, they reached back and mentioned it, and my recollection is that they mentioned it in kind of general terms on the theory that in general terms it sounded much worse than it would if you got specific about it. I don't know that you can blame them particularly for doing that.

B: Was Orville Freeman generally a pretty good secretary of agriculture?

M: Yes. I think he was generally a very good secretary. I think you'll find people who had been in this business for years that have known many secretaries of agriculture and they'll tell you that he was probably best one they've ever known.

B: To move on in time: am I correct that you and Mr. Freeman met with John Kennedy the day before he left for the Texas trip on which he was assassinated?

M: I think that is right. It may have been two days before. My recollection is that it was just the day before.

B: I understand the meeting was about agricultural problems. Did anything about the Texas trip come up?

M: No. Certainly not in any serious way. It may have been mentioned incidentally in conversation on it. I made a little memorandum at the time--it's in my files somewhere, I guess--about this conversation with him. When we got through with our business he said, "Wait a

minute, Charlie, I've got something that I want to show you." And he went into the little room next door, the office of his private secretary, and picked up a copy of a newspaper--I think it was the Wall Street Journal--that had on the front page two different headlines that were quite inconsistent with each other, one about how fine things were and the other about what a terrible job he was doing in a closely related field. He just thought the juxtaposition of those headlines was so funny that he was chuckling about it and apparently had been looking at it just before we got in. He was in good spirits and cheerful. I think just the fact that he did this indicates that he was in good spirits, cheerful and just laughing about it. So we may have said something about the trip to Texas, but [there was] no serious discussion of it.

B: Where were you at the time of the assassination?

M: I was in the department. It was about the noon hour. I don't remember whether I was out to lunch or not. I was at my desk in the department when I first heard of it. My recollection would be that this was just after lunch, and I had a meeting set up with some of the people in the department including the head of, I think, the Foreign Agriculture Service. He called me and said that he just couldn't come, that he had just heard on the radio that President Kennedy had been shot and he just couldn't put his mind on his business, and "Let's not have the meeting." I think that's the first time I heard about it.

Secretary Freeman was out of town. You may remember that he and

other members of the Cabinet, not all but several of them, were on the way to Japan. I was acting secretary. Well, the question that occurred to me--well, at the very first you sit there just sort of not believing it. Then a little bit later, maybe an hour or so later, you get the word that President Kennedy is dead. Here I am acting secretary of agriculture, and what do I do about it, if anything? So one question that occurred to me was: do I close down the Department of Agriculture? Well, following that a little bit, it seems to me that this is not the kind of decision that ought to be made unilaterally by one department. So I called John Macy, the chairman of the Civil Service Commission. He says, "That is a good question. Let me work on that a little." So he called back in a little while and said it had been decided to close down government offices early, starting at three-thirty in the afternoon as I recall. Then there was nothing much else I could do.

I did later in the afternoon get a message from someone at the White House that I should come to the White House. I did go to the White House and then went with a group from there out to the airport to meet the plane that was bringing back President Kennedy's body and the new President.

B: What was the White House like that afternoon?

M: Well, it was late afternoon. It was, I would say, early evening. The part of it that I saw was very dismal. This was in the East Wing. The people in the room that I was in were people more or less

in the same kind of situation that I was in. They were not White House staff people, but people who had come there. Arthur Goldberg was there. I think young Frank Roosevelt was there. My memory is not clear about this. It's quite clear about Arthur. And a number of other people [were there]. I guess, apart from the shock and the horror of the thing, the main question in everyone's mind was: what am I supposed to do now, if anything? And who decides things like this in this situation? George Reedy was there. I remember running into George Reedy. But at any rate, someone decided that we should go out to the airport. I think I went out to Andrews Field. I went out there in a helicopter, I guess. We didn't do anything out there except to witness the arrival. Then [we] came back to town. Later that night, sometime after midnight, I went back out to meet the plane that the Cabinet members were on which had been turned around somewhere the other side of Hawaii and brought back.

B: I have seen a reference to a gathering called by John Kenneth Galbraith, and including you, to work on a draft of now-President Johnson's speech before Congress. Is that correct?

M: Not quite. Maybe the first night, maybe the next, I don't remember, but at any rate, I couldn't sleep; I was thinking about all of this, and I got to thinking about what could the new President say in such a situation. I kept on thinking about it. Finally, I decided I would write it down on paper, at least what I had thought. And I did that, for no reason; nobody had requested me to. I just didn't know who was thinking about that kind of thing. I was thinking

about it. So I wrote it down, and I took it to the office the following morning and had it typed up and showed it to Freeman. He, I think, was favorably impressed by it. He said that Galbraith was working on something and that Galbraith was coming over there. And it's my recollection that Galbraith came to Freeman's office and that I saw him there. It was a meeting and Galbraith was there and I was there. But it was Freeman's meeting I think.

At this time Freeman or I, I think Freeman, gave Galbraith a copy of the draft I had done, and he said that he thought that it had merit. Galbraith looked at it, and my recollection is that he did read it with great enthusiasm and just said, "It looks like you've been thinking along the same lines as we have." This is my recollection.

To a considerable extent it seems to me the speech as finally delivered covered the same thoughts, not in the same words. What happened to the draft after that, I don't know. One of the books I read indicated that it went back down and was fed into the mill, was turned over to the group that was working with President Johnson on the speech. Perhaps it had something to do with the shaping and perhaps it didn't.

B: Some of those books indicate that there was an idea involved in this of shaping a liberal speech for Mr. Johnson. The implication being that if this weren't done, presumably, Mr. Johnson's speech would not be liberal. Is that a fair implication?

M: Not to my knowledge. I am sure I never thought of it in terms of

liberal or conservative. My participation did not go beyond turning this draft over to Galbraith. Incidentally, I have a copy of my draft somewhere in my files, I am sure. I don't have it probably right here in my office. But I would feel confident that it included the idea of continuing along the lines of President Kennedy's program. I suppose that necessarily implies a liberal approach to things.

B: That kind of speculation is usually coupled in the various books with a good deal of speculation about the relationship between President Johnson and the Kennedy staff, the alleged rivalry. Did you see anything of that?

M: I did not. I did not see anything to prove or disprove that belief.

B: Was there any hint of that in the Department of Agriculture at the time of the assassination?

M: No.

B: With Mr. Johnson as president, did he take more of an interest in the Department of Agriculture than he had as vice president?

M: I suppose that the answer to that is yes. You would have to say he took more of an interest in all of the departments than he had taken as vice president. I don't have the feeling that he took additional proportionate interest in the Department of Agriculture as distinguished from some of the others. I would be bold enough to say that I think he, like President Kennedy, felt that Freeman and I were doing a pretty good job over there and he didn't have to worry as much about that as he did some other places.

B: That was my next question. Actually, one gets the impression that there was little change and that Secretary Freeman was still running the show there.

M: I began asking President Johnson to accept my resignation over there in early 1964, as I recall. And he declined to do it. He procrastinated one way or another until it was June, 1965, before I finally got away.

B: Did you participate in the 1964 presidential campaign?

M: No. In general terms, I think you could say Secretary Freeman campaigned, and I stayed there and ran the department. That would be something of an overstatement, but that is generally the way it was. I had virtually nothing to do with the campaign in 1964.

By the way, this I think might be of interest. I am not sure that President Johnson himself knows it. But in 1960 there was set up here in Washington an office to provide staff services for him as candidate for vice president, and I headed that staff office.

B: Oh, really?

M: Yes, it was staffed pretty much with volunteers. I was over there. Bess Abell worked there. Ken Birkhead worked there. Bill Welch worked there. We borrowed him from Senator Phil Hart, I guess. We had young Jack Burns, who is the son of the Governor of Hawaii. We had Lane Kirkland, who was assigned to us by the AFL-CIO. He is now George Meany's executive assistant. We had this political science professor who originated in Texas, was then, I think, in

Wisconsin and since then has been assistant secretary of HEW.

B: McCrocklin?

M: No. Ralph K. Huitt, a wonderfully nice person, one who, I think, was considered as a possibility for the head of the Lyndon B. Johnson School of Public Affairs; one whom I would recommend quite heartily mself. We did a kind of a normal, typical operation, sending out research material and speech drafts with this staff. I never knew what happened to the speech drafts. I know that very few of them were reflected in what the candidate actually said. Whether they ever got to him or whether they were intercepted by his staff, I never knew.

B: Sounds like this operation was pretty much independent of Mr. Johnson himself?

M: It was agreed to on his behalf by Walter Jenkins, I guess, someone on his personal staff. I would be quite sure that it was Walter Jenkins. I say agreed to on his behalf. Maybe I should say a little more than that. It was done, I think, with some considerable show of desire to have it done on the part of someone who I was confident was [qualified to speak for him].

I wanted to do something in the campaign as a volunteer. I was not in a position to leave Washington and travel as I had done in earlier campaigns. So I wanted something to do in Washington. Kennedy had a quite adequate staff. There didn't seem to be a great deal to be done there. My experience mainly was in this kind of supporting staff work for candidates, getting up materials

for speeches and research and drafts and things of that kind, and then managing that kind of an operation. So the [Democratic] National Committee and the Kennedy staff indicated--I expect I asked if this would be a good thing to do--they thought it would be good to do. Then I had to find out if Senator Johnson would like to have it done. And I was satisfied on the basis of what I got that he would. It was an official National Democratic Committee operation for the campaign.

B: Did that involve coordination with the Kennedy campaign, that is, the President's campaign?

M: It did. And we set up a coordinating machinery, which didn't work very much, but we set it up, and as far as I know, there were no great problems as far as we were concerned. But we had an arrangement. One of the people that I wanted, at least one, I guess, I couldn't get because he was over there helping the Kennedy people. It was Jim Sundquist, as I recall.

I think the operation was recognized by the [Vice President]. I probably shouldn't have said earlier that I don't know if President Johnson knows it. Perhaps I said I don't know if he remembers it. I am confident he did know it at the time.

It turned out that President Truman later at the campaign did some speaking, and we also prepared some drafts for him. He used some of our material. He went out to Texas and made a speech to the Baptists down there. Among other things, he told them they ought to be ashamed of themselves if they voted against

Kennedy because he was Catholic. And I did, personally, quite a lot of work on that speech.

B: To get back into the chronology, you said that you tried to resign from your position in the Department of Agriculture and finally were allowed to in 1965. Is that when you were appointed to the Civil Aeronautics Board?

M: Yes.

B: Did you recall the circumstances with that?

M: Yes. I had quietly told John Macy that I was going to leave as under secretary of agriculture. Let me say again, I think that was one of the most fascinating, useful jobs that I have ever had. I was and am devoted to the Department of Agriculture, but it was a tremendously time-consuming job. To do it at all adequately, it had to be worked at almost all of the time. I had some family obligations that just did not make it possible for me to continue to do that. I thought my family situation was such that I could handle a job that took just a reasonable amount of time, a normal amount of working. And I told that to John Macy. I told him that I was going to leave the Department of Agriculture, but if there was something else the President wanted me to do that I was willing to go to some other place where I could handle the job and just work a normal amount of time. Not very long after that I was in the White House, in the President's office, for what reason I don't remember. But the President took me aside in that little room over there by his office and asked me if I would be willing to serve as chairman

of the Civil Aeronautics Board. I told him, "Yes." I don't think the conversation took as much as five minutes, maybe two minutes. I told him if that was what he wanted me to do, I'd try. I did, and it was a very fine experience, and I enjoyed it.

B: It must have been some change from the Department of Agriculture to the CAB?

M: In some ways, yes; in other ways, no. A government administrative job is a government administrative job. The CAB is a great deal less difficult than the Department of Agriculture, a great deal smaller in the first place. Just in terms of volume it is only a tiny fraction and this is reflected in the work load, I might say. Not in direct proportion, but it is reflected.

B: You were involved in the establishment of the new Department of Transportation.

M: Not very much. I was involved in it some.

B: I was thinking particularly of this question of the safety functions which the CAB had exercised and which were put into the new department.

M: Well, that is right. I did. I was consulted, I think some--not just as chairman of the CAB, but as a friend or acquaintance of the President and a long-term government person--about the desirability of establishing the Department of Transportation. I did not recommend it. I didn't think it was a good idea. I didn't oppose it; I just said I didn't think it would do much good. Well, notwithstanding my lack of enthusiasm, the idea moved forward, you see.

Then it got to a question of what effect it would have on the Civil Aeronautics Board and its functions. And here I began speaking more as a bureaucrat. There were two parts of the CAB's functions that they were talking about that might be transferred. One was its safety functions, which is mainly accident investigation. The other was a subsidy function.

I said that the safety function can be transferred. I don't think it will gain anything, but on the other hand, it won't wreck anything. It is clearly enough separable from the rest of the CAB work that you can put it somewhere else and the CAB will never know the difference, at least as far as its remaining work is concerned.

When it gets to the subsidy thing, it is so intimately tied up with the other decisions that the CAB makes in connection with routes and things of that kind that it makes no sense at all to separate them. And I would recommend against that publicly and privately as strongly as I could every time anybody asked me about it. I was fairly bullheaded about that one. The upshot of it was, of course, that they did transfer the safety function and did not transfer the subsidy function. So far as I can tell, the safety function has not suffered particularly because of the transfer.

B: Were most of your discussions about this with the President himself or with staff members like Joseph Califano?

M: Oh, with staff people. Joseph Califano. I suppose Bureau of the Budget people. I suppose Alan Boyd. I don't have any actual

recollection that I ever talked to the President about it. I think my personal recollection would be that I settled this mainly with the Bureau of the Budget, and that Joe Califano went along with their views on it, whatever it was.

B: During your tenure there, was not the Trans-Pacific case in the process of decision?

M: Before a hearing examiner, not before the board itself. Under the board's procedures the actual hearing in a case, where the evidence is put in, is before a hearing examiner, who is in many ways comparable to a trial judge. And he eventually renders a decision, which in international awards is called a recommended decision. This in turn is reviewed by the board itself. The board does not take additional evidence, but it has oral arguments before it and briefs from the contending parties. This is pretty much an appeal from the decision of the examiner. That is, the issues have sort of been defined, a considerable amount of sifting has been done, and things have then sharpened up. I left the board before the examiner's decision came out.

There were some earlier phases of it in which I was involved in a fashion. You see, this case started back in the 1950s and it was over at the White House for decision when President Eisenhower left office. On the last day he was in office he sent it back to the Civil Aeronautics Board without deciding it. This in turn led to some litigation by some of the disappointed airlines. This litigation was still active when I went to the Civil Aeronautics

Board in 1965. Western Airlines was taking the position, as I recall, that, as a matter of law, it was entitled to the certificate of public convenience and necessity authorizing it to operate to Hawaii, which the board would have awarded it under the first decision. This went back and forth between the Civil Aeronautics Board and the Court of Appeals here in the District of Columbia, I think twice after I got there, before we were able to get the case started over again. So I was involved in that. Then we did set it down again for a hearing before a hearing examiner. The only other thing that I recall that I had to do with it was that the first day or two of the hearings was to be held in Honolulu, Hawaii, and there began to be reports circulated that a number of the airlines were planning some pretty lavish parties out there in this connection. After consulting with the other members of the board about it, I sent a letter, I believe, to all the parties, just cautioning them about the proprieties and about the board's rules and indicating that they ought not to go beyond the bounds of propriety and beyond the board's rules in this matter.

B: Since the decision, there have been charges of undue influence in that decision in that case. The charges are usually, well, I suppose you would call them vague stories about the interconnection between various administrative officials and staff members and law firms and airlines.

M: Well, I have read these, as this is a field that's of interest to

me and I followed it fairly closely in the public press. I had nothing to do with the case other than what I described at the Civil Aeronautics Board. That is, when the board itself decided a case, I had no part in deciding. I had nothing to do with the consideration of it in the President's Office. As a matter of fact, I went to him some time before the case reached the White House and asked to be excused from working on the case. I was not working on other airline cases at the time, and I didn't see why I should get involved in this one. He agreed that I might be excused from working on it, and I had nothing to do with it.

So far as I know, there is no basis in fact for the stories of the kind you mentioned earlier. I have seen them, but [there was] at least no basis in fact in the Johnson Administration. I guess I know nothing one way or the other about the Nixon Administration in this kind of thing.

B: Did the board ever consider changing that procedure, particularly the part of it that required the President's approval on overseas routes?

M: There has been no official consideration of it by the board in my time and, to my knowledge, at any other time.

B: Unofficial?

M: I myself have had a personal view on it which developed during my time at the board. My view is that they ought not to be subject to the President's approval.

B: It seems to open the possibility of the kind of charges that have

been floating around.

M: It does. And I don't think there is any doubt but that the airlines retain Washington counsel with this kind of thing in mind. They call them, as you know, rainmakers. If one airline does, as some airlines have, retain Washington counsel who are thought to have political influence, then other airlines competing for the same award have a problem. What are they going to do? It is a very difficult problem. The best thing to do is to cut off the opportunity at the outset and try to see that nobody starts it. Then everybody still has a fair chance. I do think we were--in my time at the CAB, and I think other times, too, I know in my time though--pretty diligent in trying to have it be the fact and the known fact that things up there were decided the way they were supposed to be decided and that there was no point in going around beating a track to the members' offices individually for private conversation. We kept that pretty well under control.

B: I don't mean to imply anything by this next question, but some future scholar might wonder at its absence if I didn't ask it. Does your law firm here represent airlines?

M: We do. We don't represent enough. I hope to represent more. But we are now doing some work for one of the regional carriers. We may be doing some work for an air taxi operator. We're doing some work for some travel agents. And I had agreed to serve as a trustee for an airline in connection with its efforts to acquire control of another airline. Now they've abandoned those efforts,

so they terminated my arrangement, much to my sorrow, I might say, because it was a splendid thing, a splendid position.

There are ground rules about cases that I could not get into. There is fairly general bar for a period of a year, which is past so far as I am concerned. Then there is a permanent bar as to matters that you have worked on yourself. But subject to that, I would feel perfectly free to represent airlines and certainly hope to do so. But none of them are under any obligation to come to me. I hate to say that, but there's been no holding out. (Laughter)

B: Did you serve as a formal or informal advisor to Mr. Johnson in any other capacities? Did he ever ask for your help, assistance, or opinion in his other problems of the presidency?

M: Oh, on a few occasions. I would have to do a little rummaging around in my mind, I think, to remember them. They were not major. It was not a regular line of conduct. They were not major questions. There was one interesting thing, at least it is interesting to me, that very shortly after he became president, I think it would have been about the Christmas season in 1963, he decided, as you may recall, that he was going to send someone to brief President Eisenhower. I don't remember now who he sent. But also within a day or two he decided that he should send someone to brief President Truman. I was then still in the Department of Agriculture, of course. Well, President Johnson called me at home one night and said he wanted me to go out and do this. President Truman then

was in New York City, as a matter of fact. He [Johnson] wanted me to go up there right away and take somebody from the Bureau of Budget and somebody from the Department of Defense. I said, "Fine. I will do it." So I called President Truman on the phone, and he said, "Well, that is real nice. But let's wait until I get back out to Missouri." I said, "All right. We'll do it." We did arrange this, and we went out to Missouri to brief President Truman. I went. Elmer Staats went. He was then the deputy director of the Burea of the Budget. Mike Forrestal went. And some military man. I am ashamed to say that I don't at the moment remember who it was. But we went out and briefed President Truman. They did most of the briefing, I guess.

B: Did you get a briefing from Mr. Johnson before you left?

M: No. We went in a Jetstar. We went out to Kansas City and landed, and were driven over to Independence where we met with President Truman in his office in his Library. After our meeting was concluded, he took us on a tour of the Library, the museum part, pointed it all out. So then we went back and got in the Jetstar, and went down to the Ranch to report to President Johnson on the results of our visit with President Truman. Then we reported to President Johnson on the results of our visit, and he said, "Come on. I want to show you the Ranch." So he put us all in his automobile and took us on a tour of the Ranch. I say we are probably the only group in history that were taken on a tour of the Truman Library by President Truman and the Johnson Ranch

by President Johnson, and, certainly, all in the same day. After that we got in the Jetstar and came back to Washington.

B: Did Mr. Truman seem genuinely interested in the substance of the briefings?

M: Yes. Yes, he did. [He was] quite generally in agreement with what was being done and very sparse, I would say, with advice. He is not disposed to advise people. He's saying, I guess, regularly since he left the White House that he didn't have all the information anymore.

B: Actually, Mr. Johnson kept fairly constant touch with both President Eisenhower and President Truman. And I seem to recall a bill-signing ceremony in Independence.

M: He went out there for a bill-signing ceremony, and I went with him once for that. He went again. He went last year, just about a year ago, just before President Truman's birthday. He and Mrs. Johnson went out for a visit with the Trumans at their home. I went with them then, which was a beautiful, wonderful occasion. Then he talked to him on the telephone from time to time, of course.

B: Did Mr. Truman ever get to where he gave advice?

M: I would say only in a very limited fashion. In the first place, I think he was quite generally in agreement with what Mr. Johnson was doing. So most of his response consisted of expressing his agreement. I expect that he may have given some advice directly firsthand that I don't know about. I am sure that he didn't give very much.

B: It is almost four o'clock p.m.

[End of Tape 1 of 1 and Interview I]

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