INTERVIEW IV

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INTERVIEWEE: LAWRENCE F. O'BRIEN

INTERVIEWER: Michael L. Gillette

PLACE: Mr. O'Brien's office, New York City

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G: Let me start with one note that I have from last time that you were going to talk about, and that is a discussion you had with Joe Kennedy in the Oval Office about the New Frontier programs.

O: Actually, it was a brief discussion, and it was en route from the living quarters over to the Oval Office. Joe Kennedy expressed some concern about his son Jack's liberalism. He suggested to me that I ought to keep an eye on things and do what I could to make a contribution to steering his son right. Obviously Mr. Kennedy had begun to focus on the New Frontier program and its elements and he wasn't that excited about some aspects of it. He never got into any specifics, but I got a kick out of the discussion, because it reflected probably Joe Kennedy's innate conservatism. It was now divorced from a political quest, a battle for the White House, and had gotten to the reality of attempting to enact a specific program.

I made no specific comment that I can recall, and the conversation terminated when we reached the Oval Office. That was a passing commentary that I thought was indicative of some concern that the father had about the direction his son was taking. If you reflected on it from the outset, that was the direction we were all going. So Mr. Kennedy would not be influencing that direction in any event.

G: Was the President aware of this concern, do you think?

O: No. I never made any reference to it and it wasn't important. I think it was just a little indication that father and son weren't necessarily on the same wave length in terms of a domestic legislative program.

G: Throughout the administration, did Ambassador Kennedy have any specific concerns or interests, do you know?

O: No, I had no contact with him of any meaningful nature, other than that commentary that he made during that walk. What contact he had with his son at any time regarding his son's activities I wouldn't be aware of, and there was never any reference to Mr. Kennedy in any discussions about our programs.

G: Okay, in 1962 you had a change in leadership in the House with Sam Rayburn's death, and

I have a note that indicates that it was difficult for you at first, because you did have a less experienced leadership in the House initially, and you had to cultivate new intelligence sources and develop a closer working relationship with John McCormack. Is this correct? Can you elaborate on it?

O: No, I don't think it probably is, because basically there was continuity. Our activities with Sam Rayburn were really part of day-to-day involvement with the leadership, and you had McCormack, [Carl] Albert, [Hale] Boggs. Then at the death of the Speaker and the succession, you have McCormack, Albert, Boggs, and I don't recall there was any difficulty. I think it moved along quite well.

As I may have mentioned earlier, I think there were two or three surprise factors, all pleasant, that occurred when we entered the White House. One was Sam Rayburn's support of President Kennedy. We shouldn't call it a surprise; it was a pleasant turn of events, because it happened quickly and despite Mr. Rayburn's concern about the ticket back at Los Angeles. The second was John McCormack's acceptance of my role immediately, even though I had some involvement in some political conflict back in Massachusetts at an earlier stage. So I was somewhat concerned about John McCormack's reaction to my presence. And that posed no problem. Well, then I think the third, as I mentioned before, was the emergence of Carl Albert in terms of his leadership role and Jack Kennedy's recognition of his abilities. They quickly achieved a warm relationship, and the President was very impressed with Carl. Carl from the outset became a very key person in the movement of our program. By the time McCormack succeeded Rayburn, we were well in place. We were working effectively with the leadership and with the members generally in the House and the Senate.

The [Mike] Mansfield-[Hubert] Humphrey situation had worked out extremely well, along with George Smathers, so we were quite comfortable, and if there was any adjustment after Rayburn, it probably would have been solely the open-door access to the Speaker's office, which continued under McCormack. That probably gave me a little thought when McCormack succeeded Rayburn, because I had reached the point where Speaker Rayburn and I had what I construed to be a very pleasant relationship. It was extremely comfortable. John McCormack moved into the Speaker's office, and that relationship continued, and McCormack's activity on behalf on the program was total. So we spent many, many hours in the Speaker's office working on the program.

G: Were the administration proposals in 1962 more liberal and more controversial than they had been in 1961, do you think, as a whole?

O: I don't know, I'm just trying to reflect on the movement of the program. We were subject to attack in varying degrees by liberal entities of the Democratic Party. I don't know whether it was monthly, but it was a newsletter the ADA [Americans for Democratic Action] developed that was attacking the President specifically in the area of civil rights. They felt there hadn't been any movement. But when you consider the commitments to civil rights, Medicare, and other proposals, the movement through 1961 into 1962, up to

the 1962 congressional elections, was a continuing movement into more difficult areas in terms of ability to enact the legislation. So in that sense I suppose you could consider 1962 more difficult than 1961.

G: I notice from your files that your operation even lobbied to get administration supporters on key committees. For example, Representative [John] Riley died and there was a vacancy on one of the key House committees. Your office helped find the appropriate guy to fill this slot and even looked around for someone to run for Riley's seat back home. Was this fairly typical?

O: Yes. I don't think by that time we had any hesitancy in becoming involved in matters of this nature, and we certainly didn't feel that we should be inhibited in any political activity we might engage in. How effective it was might be questioned. Certainly we had a very great interest in committee assignments, because throughout this period we were walking a tightrope and it was essential for us to take advantage where we could of every opportunity that might give us a little additional strength on the Hill.

G: Certainly one of the biggest successes you had was the Trade Expansion Act of 1962.

O: Yes. That represented a tremendous amount of effort over an extended period of time. You would have to consider it a major success, and it did entail the utilization of all the tools that we felt were available to us in moving a legislative proposal.

G: That was an example where you really mobilized public relations.Can you elaborate on that?

O: My recollection is that we formalized a citizens' operation, and I say "formalized." This wasn't a matter of utilizing existing entities that might have similar views, which was a more typical situation if you were dealing with the AFL-CIO or other entities, i.e., teachers' groups. They were in place, and you shared a common interest and you would try to work together as effectively as you could. In this instance, it was a matter of developing from ground zero a major private-sector effort, coordinated fully and organized completely in the advocacy of this legislation to supplement what we were able to do.

This is in actuality the best example, I guess, during that period of the extent of effort that was involved in trying to bring about a favorable decision in the Congress. It was major in every sense, and my best recollection is that from the start there was some serious question on the part of some members of the administration regarding any movement of this extent. I hope I'm not recalling this in the context of some other activity. But I think there was an up-front State Department concern. My recollection is that George Ball, I believe, was in the forefront as far as State Department advocacy was concerned. This initially called for a decision by the President on whether we would go the distance or whether we would try to simply have an extension of existing policies. Is that correct?

G: Yes.

O: Because I do recall, up in the living quarters, a decision-making meeting regarding the administration's approach. George Ball strongly advocated that we seek simple extension. I had attempted to make some preliminary checks on the possibilities in this area. There had been some informal discussions. And I felt, while I wasn't seeking any more problems than we had, that this did have potential for success if we bit the bullet and went for a complete new approach and package. So that left Ball advocating simple extension and O'Brien advocating to the President that we move into this with all the vigor that we could give it. And the President, I guess, mentally flipped a coin and said, "Okay, let's go." That, of course, was the launching of what turned out to be a very extensive effort, and that brought into play the organization of this committee. The man that headed it was Petersen.

G: Howard Petersen?

O: Yes, Howard Petersen. He had wide recognition as an "expert" in this field. He had prior experience that would lead you to feel he could develop the kind of organization that was envisioned. He was given a lot of leeway: "Go ahead, it's yours." He had a staff that he developed, and ultimately, in the context of the battle in the Senate, this citizens' group became an integral part of that battle and brought into play individuals and entities around the country as advocates.

It became sensitive, however, and you can't ignore the human element in any of this, I guess. You can sit and draft it and develop it and organize it, and then you have to consider the reactions of people that are key to ultimate success. I was placed in a rather difficult position as this unfolded, because the vigor of Petersen and his cohorts reached a dimension that antagonized Mike Mansfield, and that made it difficult. This apparently went on for a period of time and I didn't focus on it or relate to it; I probably was oblivious to the whole matter. But Petersen and his people were on the Hill a great deal; they were in the offices a great deal. That was fine, but they were also in the corridors off the Senate Chamber a great deal. And finally Mansfield pleasantly but definitively told me that he didn't appreciate their involvement in the corridors on a day-after-day basis. While I had access to his office, and my staff had access to his office, he didn't feel the activities of this entity were appropriate in terms of decorum, I guess, or attitude. Perhaps there were some personality clashes.

In any event, it was necessary for me to try to wind this down, to diplomatically suggest to the folks involved that they lower the temperature, that they use a great deal more discretion, that "pulling lapels" in the corridors outside the Senate Chamber was not acceptable to the Majority Leader or the leadership generally. It worked out, but it did exemplify that, with all the activities you might engage in legislatively, you had to be sensitive to the personalities involved, the people you dealt with. And in that case, I had not given it enough attention. Obviously we were very pleased downtown to have all this

support and, as aggressive as it could be, it was fine with us. But if it was going to cross a line that might make it counterproductive, then that was a danger signal, and we consequently had to attend to it.

I don't recall specifically any confrontations with Petersen or his people, but I do recall that I alerted Mike Manatos, who was up there regularly, to see to it that people on Petersen's staff were advised to be more low-key, and I had a conversation with Petersen at one point on this matter. It was not overriding, but it's just an indication that's worth citing that this isn't all push button. It never was. You did have this separation-of-powers situation that might crop up sometime, and it might be harmful. After all of the relationships that had been established, you never were in a totally assured position that it could not be disrupted overnight by virtue of some key person becoming disturbed with your activities. That was always scary. In that instance it had the potential for a real confrontation, but that sort of drifted away and we went on about our business.

G: Was this the first time you had organized this sort of support group?

O: As I recall it. Really, the motivation there was that while there were groups and key individuals around the country that would be supportive, you didn't have the long-established, broad-based organization to incorporate all the private-sector activity that could be put into play. So it lent itself to establishing a private-sector group, but yet it was under the aegis of the President and the executive branch. It received full support from us and became sort of semiautonomous, and it was given a lot of leeway. It was an attempt to ensure that every possible area of support was brought into play in what hopefully would be a coordinated manner.

G: Wilbur Mills was a key player in this legislation. Can you recall your conversations with Mills with regard to it?

O: Not in any detail. Wilbur Mills was a key player, period, through all our years there, and you were always aware of the absolute need for us to keep in total and constant communication with him, and probably more than that--keep him apprised of what you were doing. There again it gets to the sensitivities, although there was never any problem with Mills in that regard. There was a problem with Mills at times in convincing him of our positions. Mills was always an extremely conservative fellow in terms of legislative movement. I don't recall the degree that Mills embraced this proposal at the outset, or whether he moved into support of it on a gradual basis; that pretty much eludes me. The fact is, he was very key to it, and clearly what was at stake called for us to give Mills every bit of attention we could.

G: How about Bob Kerr on this issue?

O: Yes, there again, Kerr was very key in the Senate. Our relationship with Kerr I cannot say was as intimate as, say, with Mills. I think again it was just the nature of things or the style of the fellow. I don't know as we had many let-your-hair-down, deep philosophical

conversations with Kerr. It was more maintaining contact, recognizing his role in some areas of the Senate. And, of course, we have the whole Kerr-Mills situation as part and parcel of our relationship with him. I think, clearly, that was an area where the private-sector group, the Petersen group, could develop a great deal of contact and did.

G: How did you get organized labor to support this measure?

O: Persuasion. I think, on balance, there was a recognition that this had the potential of being a plus factor. Labor looked on this proposal early on with a jaundiced eye, and that was understandable. But as it was pursued, labor came to the conclusion that, in general, enactment could indeed be favorable to their position.

G: There was an adjustment assistance section of this bill. Was there an accommodation there to make it more--?

O: Yes. I have no real recollection of any negotiation in that area, but that was a form of accommodation, sure.

G: Were there any other key compromises that advanced the passage, anything for, say, the lumber industry or the oil industry or textile bloc?

O: Oh, I think that there were some adjustments made as we moved along. I also don't recall that it was that unique or unusual in terms of major legislation. As you moved through the legislative process and the amendment process and, as you say, the adjustment process, that was a pretty normal approach to any legislative proposal. As we're talking, I think of what's transpiring down there now in tax reform. That would be pretty typical of the legislative process and the executive-legislative combined roles in a major area.

G: Okay. Let's talk about the farm bill. This was one where you lost a close vote in the House by ten votes and had some of your administration Democrats absent. Do you recall that?

O: I don't recall it in detail, but I know, as I think I've mentioned before, farm legislation kind of eluded Larry O'Brien and the staff. It was pretty foreign to us, and we had a tendency to lean more on the department than we probably normally did. I mean by that, have the department take the leadership on the Hill--Orville Freeman and his associates. That was because we didn't feel that comfortable with the substance of farm legislation. We found that you could get very deeply involved in highly technical aspects of farm legislative proposals that made you somewhat uncomfortable. You could negotiate and deal on amendments and changes in language on just about everything with some comfort and with some feeling of understanding and knowledge of the subject. But when it came to farm legislation, maybe I'm only applying it to myself, I found that no matter how much research I did or how much study I put into it, I still didn't feel comfortable with it.

In addition to that, Orville was a very aggressive secretary. He knew his subject,

he knew the substance, but individually he was very aggressive and worked arduously as an advocate. When I think of Orville Freeman I think of the word guts. He sort of epitomized that. He would go charging into the fray, never deterred by the odds. His commitment was complete and he carried out his commitment personally. So you'll find that in the ebb and flow of legislative activity, House and Senate, farm legislation would be construed by us to be to a considerable extent in Orville's hands. We would become the supportive element, while in other major legislative proposals we were in the lead and the department would be supportive.

In terms of that particular battle and the loss in the House, I do recall it, because you recall any loss of that nature; I don't think you ever forget them. That isn't in the forefront of my mind to the extent of the loss on minimum wage, because that was a one-vote loss. But it continued to haunt us, nevertheless, because there was absenteeism, as you pointed out, and there was a ten-vote, something like that, loss. So that's hard to take. It's hard to take on the part of the chief executive and everybody around him.

G: You had a united Republican opposition in the House; I think [Phil] Weaver was the only Republican that voted for it.

O: Yes. It took on some of the element of Republican opposition to the debt ceiling or foreign aid. I guess our largest margin of Republican support in the House was in the vicinity of twenty or twenty-two votes, and that was on the Rules [Committee] change. I don't know as we ever achieved that level again on hard legislative proposals. We could count on about a dozen House members who, because of their constituency, would be supportive. But when you get to a farm bill, that constituency has eroded. For example, I think of a liberal Republican, John Lindsay, in those days, and there were others, about a dozen. And yet you get to a farm proposal and that affords them an opportunity to record themselves with their Republican leadership with no adverse political effect back home, so it makes it even tougher to put a majority vote together. And it did. Farm legislation is very, very tough.

G: The big problem seems to have been the defection of a number of liberal Democrats.

O: Well, there again, I never could quite understand it. You had the Farm Bureau, which we construed to be conservative and a powerful entity, clearly representative of the big farmer, the corporate farmer. Then you had the other farm group, which really was representative of the small farmer. I mean, that's probably an oversimplification, but that was basically what you were coping with. The Farm Bureau had a real impact on the Congress. Historically, it continued to have and it was very difficult to put a majority together with the Farm Bureau on your back.

On reflection, maybe that was part of my concern about farm legislation at the outset. It was built-in opposition to our concept of farm legislation that was well organized and effective and it could chip off in strange ways in strange places. Yet you step back from it and you could see that, if you were a liberal congressman who perhaps

would like to balance your voting record, this was an opportunity. If you were a, as we called them, moderate Republican, this was also a splendid opportunity to balance your voting record. The constituency, while it was a significant constituency, when you broke it down by congressional district, the blood and tears over farm legislation was geographically limited and it all added up to a difficult process. You didn't have your natural private-sector constituency or any enthusiasm. You didn't have COPE and the rest of them hustling around. So it was tough.

G: Do you think that the defection of these liberal Democrats was related to anything else, such as disappointment with not getting some other program or projects advanced?

O: I don't recall any specific instance of that, but I can tell you that you were always alert to and sensitive to those problems. The realities of the process were that you were not going to maintain total enthusiasm on the part of every actual or potential friendly member at all times and you were not going to just have a massive cave-in and have your decisions in the White House dictated by the Congress or members or groups of members of Congress. So there were times when some of our best friends on the Hill were disappointed, and perhaps instances where they were grievously disappointed in our decisions. That could go to advocacy of a project or it could go to appointments in the administration. That's what you had to live with. We've reflected on some of those, on foreign aid, and I'm sure they occurred. And we never had any great difficulty. If everything was equal and it was a matter of making some decision--say it was an appointment and you did have what we construed to be a choice that was basically a coin flip--we would mentally flip that coin in favor of the member. But there were any number of occasions when that situation didn't exist, and we didn't have any hesitancy making the decision against the member's interests. [We would] explain it to him in the hope that he would go on to continuing support. There was always tomorrow and there might be another occasion, and most members reacted that way.

G: Otis Pike complained that his arms ached because they'd been twisted so much by the administration on this bill, so there must have been some pretty good lobbying going on.

O: Oh! Listen, that was a valid complaint, I'm sure, on the part of Otis. Otis was a very bright fellow, very able fellow, very attentive to his duties. I became well acquainted with Otis Pike over the years, and I'll agree with you. Otis also was an extremely candid fellow, and you could anticipate from Otis some expression of exasperation if you were overly persistent. But it was generally in a pretty friendly atmosphere, it wasn't mean. But Otis--he would be a good example of a fellow we were trying to convince. Why not? No harm. Nothing adverse back home. You won't pay any political price and you can be helpful to the President, the usual approach. And, frankly, that's just an isolated example of what went on all the time. There was an acceptance of vigorous arm-twisting, I guess, in general. But to suggest that we ever let go, no. We couldn't let go. Otis could ultimately say no, but he'd have to say no a dozen times perhaps before we accepted it finally as no because we couldn't afford the luxury of doing otherwise.

G: The point that Pike seems to be making is that there was perhaps more aggressive lobbying on this measure than there was normally. Was this the case? Did you put more into it, do you think?

O: It could be, for the reasons I've cited, because we knew that the uphill struggle was a little steeper than in most cases. The elements that we could depend upon, that were hopeful in climbing that mountain, were simply not there for the most part. And as I say, Orville would have been aggressive. Otis could actually be reflecting probably a series of Orville Freeman visits and you could be accused of acting too aggressively. I'm sure there were those that felt that from time to time, but I think that you'd rather take that gamble--

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O: If Otis felt that there was a greater degree of aggressiveness, if you will, in this instance than perhaps in other efforts with him, I'd accept that, because obviously in many other areas there would be no need to be that aggressive with Otis. And perhaps we did cross that line. But you're dealing with five hundred and thirty-five individuals, and you can eliminate a number of them up front. Once you did that, you pared down the number of people that you were going to work on or with and accepted the realities of 100 per cent opposition on the part of a number of members. You didn't spin your wheels, you accepted that. That left you with X number of people to deal with, which was still a very large number. If you reflect back on the southern Democrat-Republican so-called coalition that existed and had been in place for some time, the record shows that you did pare back that southern Democratic opposition little by little, and you probably eliminated about a third of that opposition over a period of a couple of years. That was reflected in roll calls; more reflected, however, in behind-closed-door activities. But say you add to that the lack of interest or concern for farm legislation on the part of many members, then you've got a major problem.

G: You've discussed the nature of farm legislation, but here did you have to balance the various farm blocs or farm state groups, like the wheat farming, tobacco farming, cotton, and all of this?

O: Yes, that further complicated the whole procedure, though. What was in it for the tobacco farmer? What was in it for the cotton farmer or the wheat farmer? How did they fare in terms of the package? And putting all of that together and trying to enlist support, well, it's not any more complex really than some other legislative proposals as you move along.

Our approach to the legislative process was one where we were accused at times of being too soft. Trying to use your continuing day-by-day head count to give you a base of expectancy, how much were you going to have to negotiate in order to enact the legislation? The fact is that rarely is a legislative proposal that emanates from the White House totally enacted without the change of a word or a comma. And how much of the original proposal was actually in place by the time the President got to either vetoing it or

signing it?

We felt you measure it in terms of a loaf of bread. You went up seeking a full loaf. [If] you returned with an enactment that presented you with a half a loaf or maybe a little more, were you going to say, "I refuse to accept that half-loaf," or would you pull up your socks and say, "Okay, that's a half a loaf that we have in the pantry. We'll go back on another occasion, the next session or whatever, to seek that half that we missed the first time around." And I don't think there's any other realistic approach to all of this, because if you sat there adamantly refusing to accept basically in toto the proposal you had made and you prefer to settle for nothing, then that isn't a very realistic approach. But in the process of doing that, of course the administration from time to time was accused by the observers as being too willing to accept partial victories. We didn't look at it that way. We knew it was a partial victory, but we also did not foreclose completing the circle at some future time, and that was part of the ongoing, continuing process.

G: Did defeat on this close vote affect your procedures any? For example, were you more inclined to do last-minute head counts, or check on absentees before a vote, or--?

O: Well, I don't recall specifics regarding this, but the checking on absentees in the House was much more difficult than in the Senate because of the numbers involved.The effort was a major effort on our part. With all the other problems that you were faced with, the assurance that the timing of a vote or the scheduling on the floor would coincide with an attendance check-out so that we'd be assured of maximum attendance was all part of this process. And to a great extent you were dependent upon the leadership. If the information through the whips as to attendance was accurately compiled and every effort was made to do that, then Rayburn, in his time, McCormack, Albert, et cetera, even whips would go to work on individual contacts to ensure attendance. It was difficult and, of course, that got you into pairings and things like that ultimately. But on the Senate side, not that it wasn't difficult, because how do you persuade a member to skip some speaking engagement, particularly if it's a fund-raiser or a long-time commitment? And to try to develop a schedule that minimizes absenteeism was always haunting us.

But we had the full cooperation of the leadership in both the House and Senate in that regard, so that contributed to limiting this problem. Also, it wasn't unheard of for members to decide to be absent, and no matter what you might say to them, whatever excuse they were going to give for being absent really went to their desire not to be recorded. If you were faced with that, you never accused them of that directly. But [if] you had a feeling that was the case, then forget it. That's a loss to you.

G: But after this vote, was there a specific recap of what you needed to do in order to be successful in the future?

O: There was always a recap and we had very few losses. You know, as we're talking, the interesting aspect of this is that we didn't lose many roll calls up there, in fact, a handful. That's why it was always a shock, because there were very few of them. That would get

us into our Monday-morning-quarterback state. We would immediately go over in great detail where we went wrong, what happened and why did we fail. We could do that in great detail because those occurrences were very rare.

On the farm bill, as I say, there were unique aspects to farm legislation. It went to constituencies; it went to looking at those districts, looking at the farm population and its locations across the congressional districts, across states, and its potential impact politically, recognizing that you were somewhat more limited in your potential in farm legislation than you were in most other legislative proposals, because the area of disinterest was a little broader. And after that defeat, I do recall that we dwelled on it to perhaps an inordinate degree, because we considered any defeat devastating.

G: I'm just wondering what came out of this experience in terms of the evolution of your operation.

O: I think, again, it's like going through a schedule if you're a sports team. What went wrong? It's almost comparable to looking at the films. You didn't have the films to look at, but you sure as the devil had your head counts and records and details as to degree of contact and effort and all the rest to review. And a setback such as that would alert you to the fact that you weren't doing the job to the fullest. I don't think it brought about the introduction of new elements of contact and effort, but it certainly brought a great sensitivity to utilizing this kit of tools more fully than we had been.

G: How did President Kennedy react to the vote, do you recall?

O: I don't recall, no. I don't recall any conversation with him particularly on it.

G: Now, later that year you won, by almost an equally close vote, the vote in the House on the conference report on the farm bill.

O: Yes.

G: And this was a very narrow vote; I think it was 202 to 197, with a lot of late voting and last-minute switches. Do you recall why you were successful there?

O: Yes. On the conference report you're back in business. Now, what did the conferees decide? What is the package at that time? But there again your goal was enactment. But on the conference report, you have the opportunity to go back to fellows that were reluctant or departed the scene or were negative. You've got another dimension there because they already, some of them, have a recorded vote. Now they've got a nice balance in the voting record. To persuade them on adoption of the conference report, you have a little more elbowroom, and it's reflected in their roll call. And I think if you went over the roll call one by one and went back to the original roll call, you would find that there were some conversions. There again, John Smith at that point, who voted against House passage of the farm bill, could, with a degree of comfort, vote for the conference

report.

Now, why? The conference report contains elements that didn't exist in the original proposal. It's been subject to negotiations between the House and Senate conferees. There are some things in there that he can latch onto for justification, and he can ultimately come down on the side of adoption. That means that that ten-vote loss on the first go-around can be converted into what turned out in that instance to be a very narrow approval of a conference report, because there was just that much elbowroom. There's the opportunity for fifteen or twenty possible conversions there.

G: When a conference committee is shaping the compromise, is it mindful of what it takes in each legislative body to get it to pass, do you think?

O: I don't think that's overriding, except [among] friendly conferees. But it's compromise, that's what a conference is about. There's an ultimate compromise of some sort. And, of course, you're very attentive to the conference. You're leaning on those in the conference that are friendly. You're on the phone a great deal, you can be in the corridors a great deal, you can be in members' offices a great deal, working on elements of compromise, whether it's language, whether it's drop this or accept that, quid pro quo. All of that goes into play. But in following the legislative proposal, it's just as important to be on top of the conference and the conferees in order to get the best package you can. So it's an endless process of communication that started with the initial committees of the House and Senate as this moved through the legislative process.

But on the conference, you'd have it in mind, and sure, friendly members might say to you, "Well, if we give on this it might be helpful in getting the report adopted." You hear a little of that, but you hear pretty strong advocacy.

G: Was it more difficult for your office to keep track of the legislation when it was in conference, or how would you--?

O: No, we would focus on the conference.

G: How would you do that, through the--?

O: Direct communication with friendly conferees. And actually, now with your resources, you're in a better position than you are generally with the legislative process. Now you can focus on a relative handful, and you can focus on the friendly fellows that are going to break their butt for you in conference, and you can work directly with them. You really can pare away, phrase by phrase, word by word, section by section, and battle it out. And you're in an awfully good position because your communication is almost minute by minute, because it was not unusual for conferees to take a little recess and call us or we'd have somebody in the corridor to talk to them.

G: To what extent were, say, House conferees bound by the version of legislation as it was

passed in that body?

O: Well, they feel constrained, obviously; that's the normal approach. But there again, how constrained does a friendly conferee feel? And that fellow that's friendly doesn't have great difficulty in edging beyond. You're generally not in bad shape in a conference. You can make some gains.

I think the minimum wage bill as it finally turned out is an example. You come back to the House and Senate with the conference report, and you can have a conference report adopted in the House that may be closer to the bill that was defeated than you would envision. That's all a matter of intensive negotiations. As I said, it's something that can be extremely meaningful when that final legislation is evaluated. Even with a defeat, you should make some gains out of a conference. How significant, of course, is dependent upon all these things I've said, but there should be a plus factor in that conference.

G: This carries the process back a step farther, and that is the naming of the conference itself. Tell me how that worked in reality.

O: There again you're dependent upon the leadership [and the] committee chairman. If the committee chairman is friendly your chances of having a pretty decent representation are quite good. He can't jump all over the lot; he can't go to the lower rung of this committee and go past some fellow with seniority who has the desire to be a participant in the conference. But he can make an adjustment here and there that can be helpful. But it's not overriding; he can't stack the conference.

G: He can't do that?

O: No.

G: Does it have to reflect basically the vote?

O: Well, from his point of view, it better be reasonably acceptable or he's in for some problems with his own committee members. But he can make a judgment here and there that could give you a little edge. But he can't stack it and say, "Okay, now we're going into the conference; we're going to fix everybody's clock. We're coming out of conference with our initial proposal." If you did that, you'd probably be subject to defeat on the floor again anyway.

You're aware of the designation of conferees, if you're doing your job, the moment the designations are put into effect.

G: Did your office have any input in suggesting conferees?

O: We wouldn't be reluctant to, no. But there again it would be informal.

G: Would you usually be successful in this respect?

O: There again, if you're dealing with the committee chairman, and you could have a little leadership impact in that, the speaker, majority leader and all that communicating with the committee chairman, it all could add up to having an impact, yes.

G: Do you think that conferees would be chosen with the notion that they would support a particular aspect of the measure? In other words having some sort of conditional appointment to the committee: "You're being named to the conference, but it's understood that you will help us out on this one."

O: We would recognize what the expectancy was, the potential of a conferee's involvement in our interests on the basis of our record with him, which has been established through a lot of communication, not only the voting record. You may have a fellow in conference with whom you feel fairly comfortable but who opposed you on the record. He may be a little help in terms of developing the conference report. You never foreclosed that. How many members are you dealing with that had their feet in concrete in total, complete opposition to your proposal? The variations of opposition are always there; the degree of opposition is always there. The constituency problem involving the member must be recognized. So in that context, a little grain of additional sand in that glass might be forthcoming on the part of a fellow who was not committed to total opposition to you, even though the record shows that he voted against you.

(Interruption)

G: Okay, we finished the farm bill. There were some amendments to the Sugar Act in 1962, and here you had a case of lobbying by representatives of foreign governments. Was this a problem?

O: Really, what it came down to, as I recall it, is the basic allocation out there in the Senate that I don't recall having any particular input [on], except in one situation. In talking to the President one day, it was brought to his attention that Ireland should have a quota. I never knew the details of it, but he thought he'd like to do something that would be helpful, as he put it to me, to a country that never asked for anything and you had no problems with.

So the key activists in establishing the quota on the refining--that's a good word for sugar, I guess--package were Bob Kerr and Clint Anderson. They were among the key ones, in any event, and I met with them in Mike Mansfield's office.I thought I was attending a tennis match, because they were on opposite sides of the table and I was sitting between them. They were bouncing back and forth various quota allocations and fairness in distribution. I injected the President's interests in including Ireland in the list for quota. I don't remember what the quota was that was suggested, but in any event it was approved and Ireland was included. And that was probably about the extent of my direct

involvement in those negotiations. As for other countries and all the lobbying that was taking place, I don't recall any particular contact with us. It is conceivable that Mike Manatos might have had some involvement.

G: Yes. The percentage for domestic producers was increased also, do you recall--?

O: I don't recall any specifics, no.

G: I've always heard that the politics were fairly intense on sugar quotas.

O: Oh, yes. I don't think that Senators Kerr and Anderson were awfully concerned about what, if any, White House interest there was in a country by country quota. It was more a matter of a great pile of sugar and how you are going to allocate it in the number of segments that would bring about what would be considered basically a fair quota determination. The only new element that was introduced into it by me was the Irish quota.

Interestingly enough, I don't recall what the quota was, and I am assuming as I'm talking to you that it was put in place and remained in place. I guess I'd have to check the record for that, but I'm pretty sure that's what the ultimate result was.

G: Did some of the congressmen and senators have a personal interest in one particular quota or another on sugar?

O: Yes. That wasn't the only conversation I had on the subject, but other conversations that I don't recall specifically were obviously very general.I wasn't negotiating quotas directly with them up there. But among themselves they certainly were, and it was very important. I remember that, even in that meeting I referred to, this was an extremely important matter to Kerr and Anderson, and they were not alone in that regard. But I don't, as I said, recall that we got into the parceling out particularly. There might have been some State Department involvement along the route.

G: Was Harry Byrd involved in--?

O: I don't remember. But I should emphasize that this was not the exclusive domain of Kerr and Anderson, but they were in senior positions. They had obviously a personal interest in this, and it was clear to me that they had been contacted by any number of sources in the process.

G: Okay, the Manpower Development and Training Act was a program that was passed this session. Do you recall that?

O: I recall its passage. You'd have to jog my memory, I think, on any aspects of it.

G: Let's see, I have a--

(Interruption)

O: The House passed this Manpower Development and Training Act overwhelmingly, and I was interested in noting the vote of 354 to 62. I guess that to some extent the overwhelming vote was due to some changes that were adopted, recommended on the Republican side, which really went to state-level contribution to funding and cost. That cost-sharing probably contributed to that aspect of it. But it was voice-voted, the conference report, and clearly there was relatively smooth sailing for the proposal throughout. I don't recall that there was any overriding problem. Of course, it was subject to amendments, but the President when he signed it called it the most significant employment legislation since 1946, and that was probably accurate. But at least it was very significant, because it was a three-year program to rehabilitate unemployed workers, which incidentally seems to be a continuing problem. It's never-ending because we are faced with that problem currently. But it was one of the easier tasks that we were faced with. I don't recall the Senate action, but it was obviously comparable to the House action in terms of strong bipartisan support, and it was bipartisanly proposed in the first instance.

G: The Philippine War damage bill was defeated, 171 to 202, in the House; that was a close one. Do you recall that?

O: No, I don't, really.

G: Well, there are indications that many of the bill's supporters were confident of its passage but that you were not, that you thought it was going to run into trouble. Apparently there was a problem with the tobacco area congressmen, [Harold] Cooley and others. Evidently there was some interrelationship in the tobacco states not supporting this measure and something that had happened there in the Philippines. Do you recall--?

O: No, I don't recall that. I don't think I have any notes on this.

G: No, I don't think there's anything there. You did have a post-mortem on that one and drew three lessons from it, which I'll quote: 1) a full last-minute whip count, even on minor bills; 2) don't allow debate to be separated from the vote; and 3) be more wary of bills left over from a previous administration. So would you focus on those three conclusions?

O: Yes. I suppose when you look at a heavy legislative schedule, there's a tendency probably to place a level of involvement and interest on each legislative proposal on the basis of what you construe it to be in terms of importance to the overall package. For example, the New Frontier program. In this instance, I would have a feeling that it fell under that category, that there was a late head count, there was a lack of attention, and perhaps when you refer to tobacco interests we probably weren't focusing on that or were totally aware of it. But we got derailed where I'm sure we felt we shouldn't have been derailed and that proper attention would have avoided defeat. Again, it's a matter of never foreclosing the

extent of effort you put into every legislative item. If you have several balls in the air, there is the natural tendency to focus on the basis of what you conceive to be the relative importance of each measure.

This would conceivably be in the category of one that we would in the overall picture be considering of lesser importance, therefore, we gave it less attention. But if that were the case, and defeat would indicate it was, then clearly we failed to bring into play the various elements of the executive branch that could have functioned in this area. Beyond that, I don't recall any specifics. It was one of the rare defeats. I do recall that it did not bring about a great deal of negative press comment, which might be the case with another piece of legislation, but it certainly would be of concern to us. Having a defeat of that nature, in a sense, was probably unpardonable, because in the big battles and the major struggles you knew that you were in a paper-thin situation at best, and you should have been able to pick up some of the slack on things such as this legislation and not have it become a negative in terms of your record.

But it happened, and I am sure as time went on I like to think that our activities improved and that our programs to bring about enactment were better administered. And if you didn't focus on defeat when it occurred, then you were making a terrible mistake, because you should learn some lesson from it. It's bad enough to be defeated; if you haven't learned any lessons then that compounds the error.

G: What was the hazard of separating the debate from the vote?

O: I think that separating the debate from the vote probably had to do with the broad range of foreign policy to focus exclusively on the legislation, not to have it as a vehicle for a broad discussion in other areas.

Oftentimes you get into discussion and debate and you're up against the subcommittee, committee, Rules Committee [in the] House, and Senate committees. It's an involved process. You get to conference, conference reports and what have you to bring about ultimate enactment. If you get it bogged down in not directly related discussions and debates, it can lessen the possibility of enactment. And that was always a problem because a great deal of the debate and discussion oftentimes was not directly related to the subject at hand.

For example, on the sugar bill, you not only had this great Senate interest, but you had House interest, you had Harold Cooley and people in key committee positions involved. You had the domestic side of it on the allocation and the way the program would evolve. Something involving the Philippines could get into a great discussion back to the very beginning of recognition and the current relationship, which is a continuing problem.

We tried to stay with the basic proposal and not allow it to get unwound.

Tape 2 of 3, Side 1

G: Let's talk about the Communications Satellite Act. This you did discuss to some extent in your book, the phenomenon of having to break a liberal filibuster rather than--

O: Yes, that was a very interesting experience, and that's in reality what we were doing. We found some of our traditional friends were in an adversarial position. And our advocacy did fly in the face of views of our liberal friends--the whole private-sector aspect, independence of operation, lack of what some considered to be essential oversight, giving a lot of authority and decision-making to what amounted to be a private entity comparable to a major American corporation. And you know, that just flew in the face of some of our friends.

I can understand, and I understood then, why some of our liberal friends would say that this is really a giveaway to AT&T. This is not a Democratic Party position or a liberal position and some of them became very exercised about it.

G: Kefauver introduced another bill calling for government ownership.

O: Yes. Well, Estes Kefauver obviously belongs in that group we're talking about--staunch administration supporters who felt that this was an aberration and who would be disposed to correct this mistake in judgment and this error that we were attempting to compound.

G: Did you get involved personally in the battle for cloture on this?

O: Oh, yes. This, of course, is a good example of working very closely with the leadership and key members. Mansfield's involvement was really total in this.In fact, this caused internal conflicts among Democrats in the Senate. One fellow that was particularly incensed and was extremely active in opposition was Wayne Morse. And there were moments when Wayne Morse and Mike Mansfield exchanged some pointed comments.It was very unique in the sense that the opposition we were trying to overcome included a number of the staunchest supporters of the administration.

G: Ralph Yarborough was against it, too.

O: Yes. And of course Morse was a fellow that if he was going to take a position in opposition, you could expect he would be totally involved.

G: Did the administration consider revising its stand to--?

O: No. I think any revision of any significant degree would have just altered the whole concept. What could you have done to ameliorate the situation or to tone down the opposition of Morse, Yarborough, et al.? You would have to go back to the basic, and that is that it should be a governmental entity and not related to private-sector administration. Short of that I don't know whether there was really an area of real

potential compromise. You went to the basic thrust of the proposal, and if there's opposition to the basic thrust of the proposal--and that was total opposition--where do you compromise? You had to carry it. Once you were in this battle and committed to it, then you had to go the distance, even incurring what you hoped was the temporary enmity of some friends.

G: Now, it seems like the [National Aeronautics and] Space Council had recommended this course, and Lyndon Johnson, as chairman, was involved in that stage. Was he also involved in helping advance the legislation?

O: Yes. He was very much involved, because not only was it an administration proposal, but he had an early involvement through the entity he headed. So it got to the point where he considered that he had a personal stake in this.

You realize that cloture was invoked under those circumstances, and just glancing at a note, it was the first cloture, I think, since 1927. So it was a rather historic occasion and, as I say, it had that additional dimension that you were trying to run over some traditional friends.

G: I believe you mentioned in your book that southerners, many of them had a habit of not voting for cloture, but that you did persuade a number of them to not vote at all. Can you recall this effort?

O: I don't recall the specifics, but that was part of the effort. Those people were quite strong in their support of this concept. But you got to cloture and that was another matter. There was an awful lot at stake. If you were going to succeed in invoking cloture, you were altering the course of history significantly, and the southern Democrats for the most part were obviously strongly opposed to that. Any efforts that were made in that area generally were efforts to move legislation that they were opposed to, and they weren't--some of them--about to participate on the record to invoke cloture, because they would rather be able to point to their historic position regarding cloture at a later date on another matter. But if you could adjust the numbers to being it about and some of these people that were very strongly in support of the legislation could avoid having a record or breaking, if you will, their record of opposition to this concept of cloture, then that was the route you could travel.

So, consequently, you had two elements: you had some southern Democrats in strong support of the legislation, but strongly opposed to cloture in principle. Could they now be helpful in moving the legislation and still avoid breaking their long record of opposition? That made it tricky. This was extended beyond a normal head count. This was really in another category, and it required the involvement of the proponents and the leadership to a great extent. And it wasn't a typical Mike Mansfield approach to get into public debate in opposition to some of his own senior party members. Yet he took that on and engaged in this battle directly. Mike always attempted to achieve a consensus and avoid these conflicts that might leave scars. In this instance there was only one route to

travel. But I think in that context you have to also remember that Wayne Morse was not a member of the team, so to speak, in the Senate. He was--what's the word that's eluding me?

G: Kind of a maverick?

O: A maverick. Wayne, in the strong positions he took in the discussions--and he debated this matter interminably--wasn't necessarily drawing additional support to the opposition. In fact, it probably was lessening that to some extent. So I wouldn't want to suggest that we considered Wayne Morse at that time to be a fellow that had a power structure built into the Senate. He didn't; he was a maverick. He didn't bring to himself support because of strong relationships in the Senate. So you were dealing with a maverick and that was undoubtedly helpful.

G: We have the UN bond election that year; there was a deficit of $113 million. I guess the UN, a number of members, hadn't paid their assessments and you also had the fact that the UN had had those operations in the Gaza Strip and the Congo.

O: Well, I think back to that time. There was not a deep commitment to the United Nations in the Congress. There's always that concern that we were paying far beyond our fair share. I'm not saying there was some overriding opposition to the United Nations, but certainly there was an attitude in the Congress that we were doing too much, being taken for granted, paying far more than our share, and UN results were not very impressive. And, as you point out, we were concerned about some UN activities in that period.

Adlai Stevenson was deeply involved, and I recall cabinet meetings where Adlai Stevenson was--I don't know I'd call it emotional, but bordering on it--an advocate that we should not make waves, that we would be totally committed to the United Nations, that it was not in our interest to cause any ructions, that we should avoid that. And that did not impress everybody in the administration. I don't know as it impressed me particularly, sitting there listening. But in any event, I think our approach to this was somewhat like our approach to foreign aid--that you couldn't present a case of total justification. But on the other hand, no matter how put upon you might feel, in the final analysis you had to go along.

G: You had another effort to invoke cloture that year, which was unsuccessful, and this was with regard to a bill to bar literacy tests in voting in federal elections. Do you remember it? This was something the Justice Department was sponsoring.

O: Yes. Perhaps we felt we had established the precedent for cloture and that we could carry on in that area. I think you'll find, however, that the Justice Department advocacy was strong, and the leadership from the Justice Department was such that an effort was made that probably otherwise would not have been attempted because it was not very realistic. But, nevertheless, it was undertaken and we failed. But Bobby Kennedy and Nick [Katzenbach] and the rest of the fellows in Justice felt very, very strongly.

G: Do you think they were unrealistic about its chances of passage, or do you think they simply wanted to take it as far as they could in establishing a record?

O: I don't know. I think it would be unfair to say it was a matter of callously attempting to take it as far as you could to establish a record. The motivation was pure. I think the unrealistic part of it was that you could carry it the distance and follow the route of cloture. It just wasn't in the cards, but I don't think that suggests that they didn't make a major effort, and I wouldn't suggest that any of us felt that it was unimportant in any sense. It was very significant; it was very meaningful in our view.That view wasn't wide enough.

The Justice Department under Bobby during that period was very aggressive. As we in the White House looked at the departments and the advocacy of legislation, there was never anything but an all-out effort expended from Bobby through the top staff level in the department on the Hill in all matters pertaining to the department. Of course, this was what we saw, in most instances. But it varied from department to department, depending on the leadership of the department, just how aggressive some departments were as related to others. But Justice was right up there at the top in terms of promotion of programs.

G: Do you think that Kennedy thought that this bill might in fact pass?

O: Yes. While we were being attacked by the ADA and others for failure to move aggressively in the broad area of civil rights, we were playing around the edges. This would be an example of our knowing during that period that we were not as yet in a position to take a real shot at an overall, broad civil rights bill. We were trying to chip away, and we tried to do it through departmental actions, executive orders, pieces of legislation that did involve civil rights, and we moved more in that direction while the major civil rights struggle was still on the back burner.

G: How about the effort to establish the Department of Housing and Urban Development, HUD?

O: Well, that was a major effort. That had a high priority, and it was a full commitment on the part of the administration.

G: Was it generally known that Robert Weaver was intended as the head?

O: I don't recall that up front it was. I think that it had become generally known on the Hill before the matter was closed out, and it was of concern to some of the members up there, obviously. I think there was some recognition at the outset that this might be a position that would be filled by a black, and I think that had gone beyond an early stage of discussion to a feeling that indeed that was the case. If this department was created, that would be what would happen, and in that context Weaver's name came into play.

G: At one point, didn't President Kennedy make an announcement that Weaver was his--?

O: Well, I believe he did only after it became so widely known that you either made an announcement or you issued a denial, that you couldn't just let it simmer.

G: You were unsuccessful in the Rules Committee, and there you had two people that normally would have voted with you, [James] Trimble and [Carl] Elliott. Do you recall that?

O: No, and particularly in the case of Elliott I don't recall what his problem was, because Elliott was an early-on supporter. In fact, you'll recall that we leaned on Carl Elliott a great deal all the way back to the original Rules fight. So I don't recall what his opposition was.

G: My note here indicates that because of the reapportionment decision, all the congressmen in his state were having to run at-large, and that--

O: Yes. That's exactly right.

G: Do you recall that being a factor?

O: You're exactly right that Carl had to pull back in his advocacy, and his support of the administration lessened because he was in for a battle for survival. He felt reasonably comfortable--he was an awfully solid fellow anyway--with his district in terms of being one of the first southerners to come into observable strong support of the administration. But you're right that it came to that point, and it coincided pretty much with this.

G: Did Elliott demonstrate a similar pullback on other votes as well at this time?

O: I don't recall that he did. I do recall this, now that my memory has been jogged in terms of the at-large problem, that we had fully understood Elliott's problem, and there was not an attempt to pressure Elliott during that period. This fellow had shown his support in so many ways, strong support, that we were anxious that he continue in the Congress. We were not going--and that was understood among us--to attempt to twist his arm inordinately under those circumstances, and we had a great deal of sympathy for his problem.

G: My note indicates that Trimble would have voted for you if his vote would have made a difference, but without Elliott you couldn't--

O: Yes, that was the case.

G: Was it?

O: Yes. But that's something you take at face value. There were instances where a person would tell you he would vote if his vote made the difference. You accepted that, and I'm not suggesting that wouldn't have been the case. But I think we would have felt a little more comfortable if he had just voted, whether it made the difference or not.

G: Did you have examples where someone said, "I will give you my vote if it will enable it to pass. I don't want to give it to you if you're not going to win with it," and then have them turn around and not give it to you if it was pivotal?

O: That's interesting. That, I think, goes to the heart of the matter in terms of the human element, the professionalism. [With] the understandings that you had, the handshake agreements, no record of a commitment, a person could walk away. If the chips were down and this commitment had to be carried out, we always felt very comfortable about that.

It's very interesting to go through those years--and that's a good example--and I should have no doubt that Trimble would have been there. I have no recollection, I'm sure the record will show that, of a person going back on his commitment. And that's awfully interesting, when you think of the makeup of the Congress and how representative, really, the House of Representatives is in actuality of America as a whole. It runs the spectrum; you have some rogues in there and some dedicated people and a lot of people in between. But, you know, it was always understood that a commitment is to be fulfilled and your failure to fulfill it would leave a terrible mark on you that might carry over beyond even the administration you made the commitment to--that your word would be in question. And that's the last thing a member wanted to have happen, among his colleagues or in dealing with the White House--that his word was not kept. So I have no recollection of anybody going back on his word.

G: Did the reapportionment decision affect other congressmen as well as Elliott, do you recall?

O: I think it had a particular effect on Elliott, because Elliott was unique in that delegation. The fact of the matter is, he was generally regarded as the most liberal member of that delegation and, therefore, in terms of a statewide contest would be low on the totem pole and have a difficult time. Certainly it didn't apply to a similar degree to anyone else in the delegation.

(Interruption)

G: Okay, we've got the administration's tax revision proposal, which was an issue both in 1962 and the following year, in 1963. You had the investment tax credit provision and the defeat of an administration provision for withholding interest and dividend income at the institution. This was an issue of some controversy. Do you recall that?

O: Yes. That was very controversial.

G: Why was it so controversial?

O: The normal tendency is to avoid imposing further regulations and rules. In that period it wasn't quite comparable to what occurred in later years. I don't know as it was, for example, a matter of widespread concern that there was a great deal of tax cheating, nonreporting, and it took many years after that before rules--in fact, very recent rules--started to be put into effect that would provide this information to IRS. I guess many of these recent rules and procedures have been brought about by the computer age. The ability to garner this information was pretty much nonexistent at that time. That was a far-reaching proposal.

G: The opponents included Paul Douglas, [Albert] Gore, [William] Proxmire, Harry Byrd, at least in opposition to the investment tax credit.

O: Well, this was construed by some of the liberals as a pro-business proposal. It was, and they reacted to it. It was in the form of some sort of a handout to business.

G: This bill did have both pro-business and--

O: Yes.

G: --non-pro-business elements to it, I guess.

O: Yes, it did, and it was construed to be that. Hopefully it could attract support from a variety of quarters, and in each instance the proposals made economic sense. Good government hype in the business sense.

G: Anything else on this particular bill? How about dealing with the--?

O: No, the withholding and the investment tax credit were the key.

G: Anything else on dealing with Harry Byrd here?

O: No, I don't recall anything specific on Byrd.

G: Okay. Padre Island National Seashore in Texas was a measure sponsored by Ralph Yarborough. Anything on that? You also had a broader land conservation fund program that was proposed that year that you had some trouble with. Do you recall that?

O: I recall having trouble with it. Beyond that I don't recall.

G: I think that this was designed to set aside and while it could be purchased at a reasonable price, and one of the sources was the tax from motorboat fuels, and I guess some of the marine lobbies were opposed to it. It was also the question of states acquiring their own

comparable lands.

O: Well, of course, you not only had this boat fuel tax, but you also had the Highway Trust Fund concern, and that caused problems, too.

G: This was something that in later years was successful and expanded significantly.

O: Yes. Well, there again you were plowing new ground, bringing forcibly to the attention of people what was happening regarding public lands, park systems, the wilderness. The interesting thing is that it became more and more a matter of national focus and serious attention, and a lot of things happened while we were still in Washington. It's hard to believe that boat taxes and the highway fund would be destructive in terms of invoking meaningful legislation, but I don't think that would be necessarily the case anymore. But at that time what you were faced with was the lack of commitment to the concept of preservation. Therefore, these peripheral private-interest areas could have a great impact, far less impact in succeeding years, succeeding administrations. You didn't have an army out there charging into Washington to preserve wildlife, parks, wilderness. I don't think there was an understanding at that time that gave you a terribly strong lobbying group. You had the traditional lobbying elements, but not a public awareness.

Tape 2 of 3, Side 2

O: --effort has always been expended and was expended by us to bring a concept into being. Even if it were not an overly impressive package, you opened the door and you got inside the door. And you would build on that, and that was what you had in mind. I think if you had a proposal of this nature and you were talking about land conservation and wilderness and you said something to the effect that this was a national program to seize land, for example, and used words of that nature or have some eye-catching title, then Mrs. Johnson would be absolutely right. That could be counterproductive. So blandness was an acceptable procedure.

Actually, your advocacy in areas such as this often extended beyond what you realistically thought could be accomplished. You tried to keep the proposal as broad as possible with the idea in mind that the potential for enactment is there. If that should succeed, then you could always build on that later on.

G: The National Wilderness Preservation System did not pass either that year. Do you recall that?

O: I recall that we ran into all kinds of problems. I recall nonpassage but I don't recall much beyond that.

You had in this, too, some deep concerns about presidential power, executive branch power, re congressional power on the decision-making aspects if the legislation was enacted. The Congress generally granted authority with reluctance, preserving

elements of oversight or elements of actual decision-making with the Congress. You had to anticipate that because that was natural. You could have the administrative responsibility, but you probably wouldn't get all the authority. The Congress would be interested in retaining at least a portion of that authority for its own purposes. So you were always flying in the face of that.

Actually, Wayne Aspinall, who was key in the House, gave up on this at some stage. The opposition was too overwhelming.

G: President Kennedy also promoted the acquisition of Point Reyes National Seashore in California and Sagamore Hill National Historical Site in New York. Anything of legislative interest on either of those?

O: It was the incorporation of proposals that obviously had met with favor on the part of the members of Congress that were directly affected. It would have been no more than that.

G: Okay, another area of fairly new legislation was the Drug Amendments of 1962 that increased government supervision of the drug industries to ensure safety and effectiveness in both prescription and over-the-counter products.

O: Well, this was a reaction to a lot of concern in this area.

G: The thalidomide problem and--

O: That's right. And that attracted a great deal of attention. It imposed upon the manufacturer reporting procedures and controls that hadn't existed. There was a time frame to allow the government to review and make determinations on the use of drugs, and there was drug labeling to have it less complex and more easily understood by the consumer. Then there was the research side. It was an all-encompassing proposal that reflected serious problems and a growing public concern in this area.

It was, frankly, overdue. There hadn't been enough attention directed to this problem, and we tried to put together a proposal that would reassure the public and provide much better surveillance, control, and decision-making. The drug industry was in the position of having a pretty free hand at that time, and it was just not in the public interest.

G: Kefauver charged that there had been a secret meeting between HEW staff and staff members of the Judiciary Committee to soften the bill. Do you recall that?

O: No, I don't recall a meeting. Of course, Kefauver was in the forefront of advocacy and was there long before we were. I think he went back to the prior administration in this area in attempting to bring about legislative action. So he was deeply committed. I'm not suggesting he exaggerated the possibility that a meeting took place or what transpired at that meeting. I just don't recall ever being privy to any such meeting.

G: On the Senate side, Margaret Chase Smith supported you.

O: Yes.

G: She was the only Republican to do so.

O: Yes.

G: Do you recall her--?

O: Her reason for support?

G: Yes.

O: No, I don't. I don't know whether she had personal experience that would bring her to that position. She was there, and that was a rarity, for Margaret Chase Smith to be in support. And my recollection is that Senator [James] Eastland was probably the leader of the opposition throughout this effort in the Senate.

G: Did you get a feeling that the drug industry was lobbying--

O: Oh, sure.

G: --hard on this one?

O: Yes. They were very, very much involved. They put the full-court press on.

G: How did they do that? What specifically--?

O: They wrote to their friends in the Congress, and their friends oftentimes had business relationships in their district, their states, or drug manufacturers in various states, their own national organization. It was a rather strong lobbying effort. But the advantage was clear. The advantage was that the climate was right. It was pretty darn hard for the drug industry to make a case that this was undue imposition upon their rights and privileges. There wasn't a national crisis, perhaps, but certainly there was a great deal of attention being directed, media attention and general citizen attention, to the drug industry and these problems. So we were in good shape in that regard. The climate being right can be very helpful, but generally you can't plan that. The ebb and flow of public concern is to a great extent beyond your control.

G: Another area that pitted business against the administration was the steel increase that year. Do you remember that? Were you involved in President Kennedy's deliberations on how to deal with that issue?

O: Yes. You talk about poor public relations and the occasional, at least, ineptness of big business in its failure to not only recognize the public interest but to defy the public interest. That's as good an example as you can cite. To go through intensive management-union problems over an extended period of time, which resulted in really no increase in income for the employees, and management then proceeds to raise prices on steel is about as defiant an act and as poorly conceived an act as I can recall. There was a very strong White House reaction to all that.

G: Tell me how President Kennedy reacted to it when--

O: He was--how best to describe it? He was incensed. And I think that's probably mild.

G: Really?

O: Yes.

G: Were you around him during this time?

O: Well, yes. The temperature kept going up.

(Laughter)

G: Let me ask you to go into this in detail and describe it.

O: Well, you have to remember this would be the gut reaction of a Jack Kennedy. All he could see was [this happening despite] all his efforts to suggest to business that he wasn't anti-business, that he represented all elements of our society, that he had made efforts in a variety of areas to prove that case, and that wasn't because he was trying to kowtow to business but he felt that he was the president of all the people. And to have a major industry--and focused on one individual in that industry, really, Roger Blough--and to have them defiantly, as Jack Kennedy saw it, upset the economy and have no consideration whatsoever for anyone but themselves. Now there aren't many do-gooders around, but I think the way this was done, the dictatorial, arbitrary, defiant, go-to-hell attitude of the industry, just aroused him no end. It concerned him personally, as much as it concerned him as president, because he just couldn't envision that people could go that far. And if, by God, he was in any position to do anything about it, he was going to try. And I recall that resulted in a confrontation.

G: Was he surprised that this had happened?

O: Oh, yes.

G: He didn't expect it?

O: He reacted like many of us did at that time: "What kind of characters are these people?"

In addition to everything else, it was completely uncalled for. If they wanted evidence of the arrogance of some in our society, you had it in this instance.

So the presidential concern was obvious. You didn't want steel prices rising at that time. And there was no need to increase them. But on a personal basis he resented the attitude and the arrogance of the industry. You had a fellow that was quite exercised about the whole matter.

G: Had he had a good working relationship with Blough before this, do you recall?

O: I don't know as you would call it a good working relationship. Blough and his associates were apt to be adversaries. The administration had not shown any anti-business bias, in fact, had been very responsible. And that was considered true by many of the leaders of the business community. You had the Business Council, which the President made an effort to upgrade and have play a significant role. That all deteriorated as a result of this.

G: Blough was a member of that.

O: That's right. It became clear that our effort to work with the business community had been jeopardized.

G: Were you with Kennedy when he discussed the range of alternatives for response in this instance?

O: This was a matter of not one single discussion; this sort of permeated the atmosphere.

G: Well, was he just furious that they had done it?

O: Yes. I think it was impossible for any of us to come up with a justifiable reason to take an action of this nature under those circumstances at that time. Completely uncalled for.

G: Yes. He did denounce the action publicly, and did he talk to Blough privately, do you recall?

O: My recollection is he did.

G: Can you recall that conversation?

O: No. My recollection is quite clear that he did.

G: How did the Congress feel about the hike in the steel prices?

O: Well, it basically followed the party line. The more liberal members of the Congress reacted pretty much as the White House did. Others didn't react particularly. It just followed the pattern that you'd anticipate.

G: Sure.

O: If you did not have blinders on in terms of recognition of public responsibility or good economic sense, you couldn't find an iota of justification even on the business side, other than pure greed. In the Kennedy Administration and later on, despite the sincere efforts of Democratic presidents to take into account all elements of society--and that obviously includes the business community--you found that that didn't eliminate rather strong opposition to the party. But you could not with any great confidence just join hands with the business community. You always had to remain at arm's length.

G: Anything on your own advice to President Kennedy on this matter?

O: No, I don't think there was any need for advice from anybody.

G: Really?

O: I think his gut reactions were shared by all of us.

G: Was this the sort of thing that would get under his craw for a long time, or would it be just a--

O: Not for a long time, because--

G: --temporary explosion, or what--?

O: I think as we go along and we discuss the personality differences between Johnson and Kennedy, as exercised as he became, it was rather typical of Jack Kennedy. The feeling in the cold light of another dawn was, "So be it. Let's go on." He did have the capability of becoming quite exercised in any incident which he construed to be unfair press. There was an occasion in the days of the ***[New York] Herald Trib[une]*** in which he instructed Pierre Salinger to adopt a policy of avoidance and lack of cooperation. If you knew Jack Kennedy well, you wouldn't carry out that mandate, because a few days later if you did carry it out, and he learned of it, he would become exercised again that you would have taken him seriously, as that was an explosion of the moment. He did not have the tendency, in my fourteen-year relationship with him, to dwell on a matter that he considered unfair.

With Lyndon Johnson that was not the case. He had comparable experiences, but he had a tendency to retain them in his mind, not to forget quickly and dismiss totally. There was a difference between the two men in that regard. Lyndon Johnson at times would react more in sorrow than in anger. Maybe he erupted; he never did in my presence. But it would not be unusual for him to bring up the subject at a later date. With Jack Kennedy, the chances were that he would go on to other things and you wouldn't hear anything further from him on that particular subject. In this instance I don't recall

that it was a subject of discussion over a long period of time. There was an eruption, there was an action, there was a reaction, and there you are.

G: What did he say privately, do you recall his words?

O: No, I don't. I wouldn't deign all these years later to recall his words, but I do have a clear recollection of a fellow that was damn mad. And when Jack Kennedy was damn mad, his words could be rather sulfurous.

G: Nothing else on the congressional attitudes in this regard?

O: No.

G: Okay. How about LBJ on this issue, did he get involved in this matter at this time, when he was vice president?

O: I don't recall, no.

G: Apparently there was a jurisdictional argument between Carl Hayden and Chairman [Clarence] Cannon over who would call the conference committee meetings with regard to the Kennedy budget, and it delayed this budget for about three months. Do you recall that issue, if he did anything to help it along?

O: No, I don't recall any of the specifics.

G: Okay, let's see. We've got the Medicare bill that year. Of course 1963 was really the big year; 1962 was the year of that rally in Madison Square Garden. You've discussed that and the problem with Wilbur Mills. Do you think that more rallies, perhaps local rallies in key places, would have been more useful in selling this legislation?

O: As we were commenting a short while ago about the climate being right, you can't anticipate that you don't have that kind of weather reporting facilities. The judgment had to be whether this would build a fire under Wilbur Mills. After all, that was the concept of rallies and senior citizen organizations. This was to impress Wilbur Mills, and you had to have concern that would be effective. What do you weigh on that scale: a) Mills' position in the Congress; [b)] his overriding importance to you as chairman of the Ways and Means Committee? Then you weigh his political status back home, and if you look at Wilbur Mills' district, Wilbur Mills' repeated re-elections to Congress, without any meaningful opposition, you're faced with a fellow who is knowledgeable, has been involved in this area and he has pride of authorship in the Kerr-Mills program.

You've got a heavy weighting of a scale on the side of don't undertake anything that might incur the enmity of Wilbur Mills. The objective is to have him on your side someday, and maybe you can bring that about. But can you bring it about with a blockbusting effort that hits him over the head and forces him into a position of having to

acquiesce to your views? Does political reality indicate that is a goal that can be achieved? From my perspective, the legislative perspective, I would weigh the scale heavily in that direction.

You had a large army of senior citizens organized around the country who were totally committed to Medicare. You had political leaders who were wedded, as we were, to this proposal and were dedicated to bringing about enactment.

So I'll have to say that it would reassure our Medicare constituency that we were not floundering and our commitment was total. Hopefully in that process we would not incur the enmity of Wilbur Mills or have rallies where people would be standing on their chairs denouncing Mills, that sort of thing.

It was pretty tricky, and I guess the way it balanced out, the decision was to go with the rallies. Really where it floundered was in the organization. The obvious launching would be in New York in Madison Square Garden. It fell of its own weight. Two things happened: it did not have any great impact in public recognition, and it had no impact on Wilbur Mills because nothing much occurred that would be brought forcibly to his attention. So it sort of faded out.

But it was an example of our deep concern, our frustrations, that we weren't moving more rapidly. It took decades to enact Social Security, which was a Democratic Party commitment, and it finally was enacted. It didn't do much for me to say repeatedly, "It's as inevitable as tomorrow morning's sunrise. We're going to enact Medicare, come hell or high water, while we're here."

In any event, that aspect of the effort was not very productive.

G: You by-passed the Rules Committee that year ultimately by having Clint Anderson and Senator [Jacob] Javits add the Medicare rider to a welfare bill.

O: Yes.

G: Was this common, to by-pass a committee by using this rider technique?

O: No, it wasn't common. That effort represented evidence of the commitment of Clint Anderson and a handful of others. With our support the effort was undertaken, because at that point there was no other discernible road to travel.

G: Was it Anderson's idea, do you recall?

O: It probably was. It depends on which minute you're talking about, who suggested or who reacted. It was a joint procedure, probably initiated, by Anderson. I would suspect that we would not have been attempting to urge Anderson to take that action. It would be rather Anderson suggesting that was a role he was prepared to undertake it with our full

support in the process.

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G: Do you recall any other instances where that was done?

O: No, I don't.

G: Do you think that there were other instances where--?

O: In our time? I don't recall.

G: What were the hazards of doing it?

O: Well, there was little loss factor there. Again, the hazard was an obvious one--incurring the enmity of Wilbur. Our judgment was that that wouldn't encourage enmity, that in his own way he would appreciate the effort we were making. You were really, let's face it, trying to by-pass him, too. But that was not fraught with any great danger. I think that is evidence of our frustration throughout that period. It was thought out, we were all in accord, and the effort was made.

Throughout this Medicare struggle it has to be recalled that the AMA [American Medical Association] was extremely active and heavily financed.There was a real view in the medical profession--it's hard to believe--that enactment would bring about a socialist society and that they would become, as doctors in Great Britain, under the control of government. The scare aspect of it as promoted by the AMA and its lobbyists was far-reaching. You would find during that period, in a doctor's office, all kinds of literature in opposition to Medicare. This was a tremendous effort.

As it turned out, it wasn't adverse to the medical profession. You have to recognize that doctors generally speaking are not political activists. They're not that involved, they're not that knowledgeable, frankly, about the political process. They can be easily persuaded by their own organizations that this is horrendous. The exaggeration of the ultimate impact of this was ludicrous, but there were thousands of doctors across this country that felt otherwise. When you're talking about the Anderson move and talking about the rallies and all the rest, we were engaged in one whale of a battle. You had to credit the opposition with a well organized, heavily financed war against it. Obviously they had been effective, because they had derailed this proposal for one long time.

G: You lost by just a few votes. Apparently Jennings Randolph, as you described in your book, was the key to this.

O: Yes. I know I've described it in the book. There was a great deal of resentment. We reacted very strongly to Jennings Randolph. And as I indicate in my book, we tried to respond in kind. So that's evidence of the strong reaction you had.

G: Randolph evidently wanted very badly to have some appropriation for West Virginia, help out some money there.

O: Yes.

G: I have a note here that indicates if you could have gotten Randolph to vote with you, you would have gotten Hayden, too.

O: Yes, that's right. With Carl Hayden there's no question in your mind that he would fulfill such a commitment. At that point, Senator Hayden lived in close proximity to the Senate and arrangements were carefully made for transportation of Hayden to the floor, if needed, all with his approval. There were those who suggested afterward that that was an exaggeration of the situation, that Randolph's action didn't cause a total disaster because if he had supported us we still were short. And certainly Mike Mansfield was personally involved; this was all in place.

G: What do you think would have happened if Randolph had voted with you? Then it would have gone back to the House, I suppose, in some form.

O: Yes.

G: What would have happened then?

O: I don't know as we would have brought about enactment at that time. I would say the odds did not favor it.

G: Had you done any study on--?

O: Not a great deal. That would have been a direct confrontation with Wilbur. Our anticipation was that if we were ever in that position, then we were going to just shower Wilbur with everything we could in terms of the high regard we held for him and his opportunity to take a historic action that would benefit millions of Americans then and in the future. Wilbur's power in the House was such that until there was a personal willingness to go forward, there was no way it could be accomplished. The House wasn't about to fly in the face of the Chairman of the Ways and Means Committee.

G: Okay.

We've got some education legislation, and the first one I want to ask you about does deal with medical colleges. This was a bill to provide aid for medical school education, both in terms of facilities and in terms of scholarships for medical students.

O: The scholarship aspect of it was the most controversial. And the unavoidable was present, too: church-state. It never was easy.

G: I have a note that Judge [Howard] Smith refused to release this bill until the college aid bill was dead, that he just bottled this one up until the other one was defeated. Do you recall that?

O: No, but I'm sure that could well have been the case, because in the college aid proposal you not only had construction aid, you had heavy scholarship potential. And that, of course, underscored the church-state problem. While that would not be directly reflected in this program, I'm sure that Smith would not want to have the precedent that favorable action be taken. That would seem to me to open the door on overall college aid. Smith's thought process was "I don't want to let this go to favorable action until I'm assured that college aid bill is dead."

G: Apparently the college aid bill was also tied in with the vocational aid, too.

O: Yes. You know, there were people saying it's an endless series of proposals in the field of education. We're getting sick these proposals hitting us in different directions; it's an overload. That was a form of cop-out on the part of some. There was an expression that we were too heavily involved in this area and that we ought to focus our attention on one meaningful aspect of it and not be trying to cover the waterfront, which I guess was a valid suggestion, but that wasn't the way we approached it. We had these various programs in mind, [they] had been on the drawing board, and our decision was that they called for specific legislative proposals. I think if you got into an omnibus situation, it would have just complicated the process further.

G: Within the House Education and Labor Committee, was there a split with regard to which measure would be brought out first?

O: I recall it was Jim O'Hara, who was as knowledgeable as anyone on the committee and as committed. There were others. Hugh Carey was on that committee. I don't know about a split, but certainly there was a great deal of discussion about what kind of a timetable should be developed and how these items should move out of committee. I don't recall the specifics of it, but there was some confusion and concern relative to this.

G: Okay. Anything else on the education matters that year?

O: No, I think, as we continued our attempts to move in this area into all levels of education, we had taken a swing at just about everything we could in the field of education. The overriding frustration was the obvious one, that you just continued to have elements of church-state. It didn't have the impact it did at the elementary, secondary [levels], but it was there. You were also faced with, in trying to peel back opposition, additional opposition which went to basic, fundamental government involvement and encroachment, as some saw it, in the field of education. It had some civil rights connotations, at least indirectly, too. It was all part of the mix.

Our areas were the areas of civil rights, Medicare and medical research. We had firm views and strong commitments in all those areas. How to fulfill them was the difficulty. And the roadblocks--you could anticipate some of them. I'm sure it was no surprise to us that Judge Smith decided not to allow that rule to come forward until college aid was dead. But you'd battle it out on a day-to-day basis. Setbacks, yes. But progress, yes, too.

G: Was it frustrating to have a bill lingering in a committee throughout the session and then not have it brought forward in time to pass it?

O: Very much so.

G: Tell me what you did to get around this problem.

O: We were very much concerned at all times about the timetable. That was always a subject of discussion with the leadership at every leadership breakfast, with every committee chairman. We tried mightily to spring legislation out of committee and Rules, or out of the Senate committees on a timely basis to avoid having it move to another session or to another Congress. When you got toward the tail-end of a session--and those sessions were prolonged in just about every year I was around there--they were prolonged in some instances through Christmas. That imposed great difficulties.

There again, cooperation with the leadership was an important element. While we might directly be dealing with the chairman of a committee, the leadership would move into it, and that was awfully important to us, to have Rayburn in the early days, McCormack, Albert, call the chairman in, the senior members of the committee, and have us meet with them about schedules. Schedules, schedules, schedules. That took as much time and attention as any other aspect of the process.

G: I guess in the Education and Labor Committee it was even more of a problem with Powell being absent all the time.

O: Yes. We've discussed Adam. Our friends on the committee would do everything to be helpful. But doing everything they could couldn't get to the point of tying a rope around Adam Powell and dragging him into a committee session. That frustrating aspect never ended, because you might have it out of committee and have a rule and you had to be concerned about Adam being on the floor. I don't remember the specific bill, but I do recall that there was one, at least, where Adam was not on the floor for debate and O'Hara had to take over.

G: Could you get a bill out of a committee if the chairman was not around?

O: Oh, it's possible. But it was not in the process.

G: Did you have a magic date by which time you had to get a bill out of committee in order

to get it passed before the end of the session?

O: If you're asking what we would do if we passed the date whereby it was realistic to get a bill passed before the end of the session and would that mean we would drop our effort to get the bill out of the committee, the answer is no.

G: Really?

O: Our approach was to keep plowing ahead, even if you reached the point of saying, "Well, we're making this effort, we're on the verge of getting it out of the committee. But if we get it out of the committee and get a rule, or we get it out of the Senate committee to get it on the calendar, it's probably not in the offing during this session." That would not deter us in our efforts to move it anyway. There's got to be some value in that movement that could be utilized later on.

G: But generally in terms of the span of time, by what date would you need to have something out of a [committee]?

O: There really wasn't any specific date, because inevitably, as each session started, the session hardly got moving when people would start talking about when it was going to close out. And there were always the projected dates when it would close out. Of course, those are the days when you didn't have the August recess, but you had all kinds of informal, unofficial vacation periods--and they still have them, despite the August recess--of Lincoln's Birthday, which meant another week; Easter, which meant another week or ten days; Washington's Birthday, which would be another week; Jefferson-Jackson Day dinners, which would be another week; Lincoln Day dinners, which is another week. It was just terribly frustrating. So if they'd say, "Well, this session should end by Labor Day," we never sat there anticipating that it would end by Labor Day. And you never, therefore, established a calendar and said, "If you don't get a rule on this or get it out of committee and Mike gets it on the calendar by August 1, you have to forget it this session." Heck, you could be in that session on New Year's Eve. Those projected dates for closing out a session were never met.

It was interesting, because there were two elements you have to bear in mind. One, this was all prior to the reorganization in the House--reform in the House. The position you were talking about, getting a bill out of a committee without the chairman's approval or presence, the position of a chairman was totally by seniority. He was all-powerful. That was what you were faced with. That was the case and remained the case until there was some elements of lessening of power. The unbelievable situation, unbelievable to us at that time, finally occurred where a member with the seniority was not chosen by the caucus as chairman of a committee. That was all part of reform. So that's an important element to keep in mind as you discuss the legislative process through those years.

G: Did you often obtain a discharge petition or attempt to obtain one?

O: Oh, there were some attempts. The one that comes to mind that we worked on arduously was in the period of President Johnson, the District of Columbia home rule [bill]. The President was deeply involved in that discharge petition. That one comes forcibly to mind. There were obviously other discharge petitions attempted. But the weakness of that effort was the obvious one--not only were you trying to secure signatures on a discharge petition, but you were trying to retain signatures on a discharge petition. It wasn't that unusual for someone to sign a discharge petition and then at a later date remove his or her name from the petition, so to get the required number of signatures at a given moment was a monumental task.

G: You had a foreign buildings act that year that died when the House and Senate couldn't get together in the closing days of the session. Do you recall that, and did you make an effort to get that cleared before--?

O: Refresh my memory on it now a little bit.

G: I don't know if I have a note on that one. Okay, you had a welfare reform bill that was an important legislative achievement that year.

O: An important element of our legislative efforts that year. Of course, this is the one where Abe Ribicoff took the lead and we achieved a solid final result. This is the one where someone suggested that maybe it was Bob Kerr [who] slipped a little deal for Jennings Randolph into the bill to compensate him for his vote on Medicare.

G: Do you think that was accurate?

O: Probably. We probably had to swallow hard at that time.

G: One of the big controversial changes was an increase in the federal share of the welfare payments. Do you recall that?

O: Yes, that's right. Well, you know, along with that we also wanted to tighten the rules and procedures [in order] to lessen abuse. So it was a balanced proposal. We would play a greater financial role at the federal level, but by the same token we would try to significantly tighten up the abuse area. That was the balanced approach.

G: How about the acceleration of public works? Do you recall that? This was a measure designed to boost the economy.

O: That was the basic idea. At that point, we felt this could be helpful, because the economy was not in great shape. There had been some sagging, and this was a proposal on our part to help strengthen it.

G: I have a note here that says that John Blatnik, who was chairman of Rivers and Harbors

subcommittee, was postponing hearings on the omnibus rivers and harbors authorization until after the public works bill was sent to the White House. Was this a common development?

O: Yes. That wouldn't be an uncommon procedure. Again, it reflects the role of a chairman.

G: Okay, there were some important appointments that year: Byron White to the Supreme Court and Arthur Goldberg to the Supreme Court. Do you recall why those men were selected, how they were selected?

O: Well, "Whizzer" White was very much involved in the Kennedy campaign. He headed a Citizens for Kennedy effort and was part of the team effort in the primaries and the convention and the election. He'd become a close associate of all of us and had become socially close to the Kennedy family, particularly Bobby and Ethel.The staunchest advocates of the appointment of Whizzer White to the Supreme Court, in my recollection, were Bobby and Ethel. Of course, we were all in accord. I had nothing to do with his appointment. It was a Kennedy family appointment. I remember we were all very pleased with it because we held him in very high regard.

Arthur Goldberg had performed an important role with the administration from the outset. He had acquitted himself well. He had a fine reputation not only in the legal community, but he was well thought of by labor. He had therefore broadly based support. I don't recall the ultimate decision on Goldberg other than, as in the case of White, Goldberg's appointment was widely applauded. Neither one of them presented any difficulty in confirmation and they were considered appointments of high quality.

G: Was there anyone else that the President considered as an alternative to either of these two, do you recall?

O: I don't know. I can't recall anyone that was considered as an alternative to Whizzer White. On Goldberg there might have been others considered, but I don't recall because, again, that was an outstanding appointment and widely accepted. Obviously, those that weren't enamored with the appointment of Arthur Goldberg would be those of a conservative bent that recognized his liberal tendencies and his pro-labor positions. But neither one of those appointments created any meaningful controversy.

G: Thurgood Marshall was appointed to the Second Circuit. This was after a recess appointment in 1961. Do you recall this move and the significance of it?

O: The significance was apparent. There again, I think the President had the luxury of having a potential appointee in that position who was extremely well regarded and had achieved a national reputation. Consequently, there again, it would have been very difficult to register any significant opposition to Marshall's appointment.

G: Some of the southerners opposed him.

O: Yes. I mean other than the obvious.

G: Was this an effort to get him in line for a Supreme Court appointment, do you think?

O: Not to my knowledge. If it was, I was unaware of it. I think it certainly was part of the effort to bring recognition to blacks at a high level of government. That was an effort that was part of our commitment.

G: You had three other appointments of some interest: John McCone as CIA director. McCone had refused to divest himself of a million dollars in Standard Oil stock.Do you recall that?

O: Other than that controversial aspect of it, no.

G: Matt [Matthew] McCloskey as ambassador to Ireland, do you remember that?

O: Yes, I remember that because Matt had been treasurer of the Democratic National Committee and the campaign. He had been an early staunch supporter of Kennedy. He was of Irish heritage. He had achieved great success in the private sector, had developed a major construction company in Philadelphia and expressed a willingness to serve as ambassador. We thought that it was an ideal appointment. There again, I don't recall anyone registering any unusual objections to it.

G: How about [J.] Lindsay Almond to the Court of Customs and Patent Appeals?

O: I have no recollection of that appointment.

G: Okay. We also had the Billie Sol Estes case breaking that year.

O: Yes.

G: You've got something there on that.

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O: Billie Sol Estes and the problems attendant to him became a matter of great controversy, raging controversy I guess you could call it, and had attracted the attention of committees of both the House and Senate. It was focused on by John McClellan in depth. There were all kinds of accusations. There were attempts to tie Estes to Lyndon Johnson. There was the feeling that these hearings brought about the ultimate defeat of a couple of senators [congressmen], [H. Carl] Andersen of Minnesota and [J. T.] Rutherford of Texas. Orville Freeman came under fire. Freeman had appointed him to some advisory committee even after some of the charges had been explored. The whole thing took up a great deal of time and brought a lot of attention. There was the suggestion that there might have been a

death [murder?] involved that McClellan dwelled on. All this added up to a lot of media attention. And while neither committee came to any final specifics on their investigations to prove, or disprove for that matter, a lot of the theories and a lot of the accusations, it was a matter of great interest. And it was not very helpful in terms of the administration. This is in 1962. Of course, there were subsequent activities involving Estes at a later date, but at that time it was a media feast.

G: Did you ever meet Estes?

O: No. I never did.

G: What was President Kennedy's attitude toward this situation?

O: I don't recall ever having any discussion with him regarding Estes. It really didn't fall into my area. Pretty much what occurred concerning Estes through that period was a matter that I too read about and heard about rather than having any direct information. I certainly received no guidance in terms of the committees or anything else; this was completely out of our area.

G: Did you have an indication of how Lyndon Johnson was tied into this, to what extent?

O: No. And I'm sure I never had any discussion with the Vice President on this subject.

G: Do you think LBJ was concerned about it?

O: I just don't know.

G: Some people have said subsequently that this was one of the things that made him vulnerable to the administration, the fact that he was tied into it, if only marginally.

O: "Vulnerable" meaning that the President was concerned about his possible relationship with Estes?

G: Right.

O: I have no awareness of it. It certainly never came to my attention if, indeed, the President did have that view.

G: Anything on Jerry Holleman's resignation here?

O: No, other than the fact that he acknowledged receipt of some kind of a contribution or payment by Estes and resigned. That's all that I was aware of.

G: Anything else on the Estes [case]?

O: No. As I say, that phase of Billie Sol Estes, and indeed subsequent phases, I had no direct or even indirect involvement with that I can recall. I never met the man and it was out of my range.

G: You were on the political side as well as the congressional side. How do you screen out someone like Estes who is making a lot of contributions and trying to establish friends in the administration?

O: I not only did not know Estes, I was not even aware of his contributions. Estes never came to my attention during the campaign or subsequently. What motivated Orville Freeman to designate him as a member of this advisory committee or who recommended him to Orville, I have no awareness of. I would say that if this fellow and some of the activities had been known to me, I would certainly have been very leery of involving Estes in the administration. But I can say that by virtue of knowledge that I acquired at a later date. The chances are if Estes' name had been presented with background that indicated he had agricultural expertise and there was an opening in that area and he was a significant contributor to the party, I think those would all be matters that you would look at in a favorable light at the time under the circumstances.

G: It does seem to have been somewhat easy to acquire inscribed photographs and warm letters of thank you--

O: Oh, that's easy. The photographs particularly are easy. I always thought that there was too great a tendency on the part of public figures to distribute their photographs with personalized remarks. The use of those photographs can be potentially devastating, depending on the circumstances, I guess. I always thought that it was too free and easy to respond to a constituent who requested the photograph and inscribe "To Joe, with warm"--and I've done this myself--"warm personal regards" and sign your name to it. [If] it winds up on the wall somewhere for the scrutiny of somebody that the constituent is dealing with, it can certainly be misinterpreted. We found it to be the case with correspondence generally.

That can be [true] at, I guess, the congressional or any political level, but certainly at the presidential level it can have particular sensitivity and calls for great caution.The way we proceeded with a great deal of the White House mail was by use of autopen and acknowledging receipt of letters that would be supposedly referred to the President's attention at some time and [thus] avoid the presidential signature. And the presidential signature as an actual signature was rare. That's not done necessarily to have somebody, like Estes apparently, utilize anything and everything by way of presenting himselfIt was partially the problem of maintaining communication where you have massive amounts of mail, and secondly, having in mind the sensitivity of misuse of acknowledgements of letters or photographs or autographs.

So if you're saying that Estes accumulated a fair amount of this material, he's not the only one I've ever heard of who did that. I've been in offices where it astounded me to

find the walls replete with autographed photographs that would make you wonder whether the person sitting behind the desk really had that intimate an acquaintance with all those people or whether it was a matter of active solicitation. I have always refrained from having photographs of public figures on my wall.

G: Do you think that there was an attempt after Estes to tighten up on this and check out people?

O: I don't recall. Where we were directly engaged--by "we" I'm talking about Dick Maguire and Ken O'Donnell and there were others who had some role or involvement in this general process--we tried to be sure of the facts before we got involved with any individual or got involved to the point where we were suggesting the individual be considered for a position in the administration. That's a very sensitive area and you wanted to be awfully sure that you had done a good job in that regard.

G: Let me ask you about the 1962 congressional elections.

O: I think that as we approached those elections, with the significant loss in 1960 and our efforts in 1961 and 1962 to establish communications and associations and friendships on the Hill as part of the legislative process, we were not looking forward to the off-year elections with any great anticipation, because we all recognized the historic record that incumbent administrations suffer losses in off-year midterm elections. We made a great effort through the [Democratic] National Committee, in association with House and Senate campaign committees, to be helpful to friendly members seeking re-election or friendly candidates seeking to oust unfriendly members.

Our role in that regard was to a great extent the role of providing, where we could, visible support. There were occasions when that would mean direct presidential support of a candidate. There was the effort to provide the candidate with all the background and material we could that might be helpful to him in promoting his candidacy.There was the assignment of any number of members of the administration to functions in states and congressional districts across the country which might be helpful to the candidate. There was the attempt to come up with highly visible speakers at the candidate's fund-raising functions back home. There was a good deal of that, and we tried to orchestrate it, organize it and implement it to the best of our ability.

We did not have any significant funding for all of this.What we had to offer was to do everything we could as an administration to be helpful in every conceivable way. We received innumerable requests of that nature, and we tried to acknowledge all of those requests to the best of our ability. With all of that, we looked toward the election with some trepidation, because if it was going to follow the historic path, we could darn well be back to where we were before the Rules fight.

So that brought us to election day, which was another work day for us in the White House and for the President. But, obviously, we were anxiously awaiting our fate

as an administration. The first returns came in from Kentucky, and a friendly congressman in the Kentucky delegation was defeated. I believe it was [Frank] Burke. That was a real cold shower, because he was an excellent representative--very bright, very able, very progressive, and very supportive of the President. That was the first news we had of that election that night. I went into the President's office and advised him of the defeat. There was about an hour's lapse, because Kentucky had an early closing. Those were the first results you'd get around the country. The President shared my concerns, saying, "This is a bad start. This would indicate we may be in for a long and very troubling night."That didn't turn out to be the case actually. When the smoke settled and everything was reported, I believe we did suffer a very minimal loss, perhaps four or five, which we accepted. We had been fearful throughout that it would be a greater loss than that. So we found ourselves in approximately the same position we had been in over the first two years going into the next Congress. I think there were some slight adjustments that would indicate we might have a slight overall gain by analyzing and evaluating the switch in membership in the House. But there was nothing to give us great comfort that we had achieved any elbowroom that hadn't existed. Nor was there anything by way of a setback that made us feel we were out of business.

G: Yes. I think the GOP picked up two seats in the House and there were four additional Democrats in the Senate or something like that.

O: Yes. It was a wash from our perspective. We didn't suffer a loss and we didn't have any significant gain, and in the face of the normal off-year situation we fared okay.

G: Did President Kennedy participate in some of the primary races where Democratic incumbents had been helpful to the administration?

O: Regarding his participation directly in the congressional district or within the state, there was some of that, but I must say that I'd have to go back and check records. As to general participation, the answer is yes. We did a film, and my recollection is that each member could participate with the President and do a quick film that could be utilized back home. We also developed statements to be utilized by the candidate in his printed material. We did everything that you could imagine that was available for us to do. The direct presidential participation was limited, but there was some. I don't recall specifically just where he went and what appearances he made. The first year he did go to New Jersey in support of [Richard] Hughes, who was the candidate for governor. That was an election in 1961. He was in Connecticut in support of Abe Ribicoff, and there were other trips, but I'd have to go back over his schedule in order to refresh my memory on those.

But, in summation, whatever was available to us by way of advocacy and support was not only freely given, it was brought to the candidates across the country. And the President's willingness to participate to the fullest [degree] possible in support of our friends in and out of the Congress--potential friends if they could oust incumbents--was all done, and it was done on a reasonably organized basis.

G: Where did you draw the line in deciding whether or not to support an incumbent?

O: You would not decide not to support an incumbent unless there was something overriding, and I'd like to cite an example but I'd have difficulty because an incumbent was an incumbent with a D next to his name almost regardless of his record of support. First of all, an incumbent who had been nonsupportive was not interested in taking your suggestions in his re-election campaign. Now, a person who at times might have frustrated you, disappointed you, but [who] had an interest and felt it was a plus for him to have publicized presidential support, that was given to him. We always figured that if he came back he'd do better the next time around.

G: Did this ever put you in the position, though, of supporting sort of an old-guard Democrat against a reformer or someone that you might have found more to your liking on issues?

O: No, we'd take an old-guard Democrat as against a Republican.

G: Well, now I'm talking about a primary here.

O: Well, we had no involvement in the primaries that I recall. I don't think there was an incident of a really heavily contested primary involving an incumbent that was brought to our attention. There might have been an isolated instance. But when you recognize that [of] the four hundred and thirty-five members of the House, a realistic appraisal of election prospects will bring you clearly to no more than and probably a little less than one hundred contested congressional districts. That's where all the focus is. It is extremely difficult, bordering on the impossible, to oust an incumbent in a party primary. I would say in just about every instance of a contested election there was an urgent request for presidential support, because those that didn't care about presidential support probably didn't have any contested election in any event. They would be conservative to ultraconservative southern Democrats who would prefer the President not say anything favorable about them. So, therefore, you weren't really in any difficult situation in making judgments and decisions.

But it's of interest, I think, that an analysis of the House of Representatives in elections every two years over the last probably several decades, certainly over the last two or three when I became directly involved in national politics, shows the contested districts you have to reach to say, "All right, here are the hundred districts we're going to focus on, up or down, in or out." In other words, it shows whether you could oust the Republican incumbent or whether the Democratic incumbent was in for a difficult fight to survive. So that's where you are. In the Senate, it can differ, and, of course, in the Senate only one-third of the senators are up for re-election every two years. So to be of help isn't that difficult because your area of focus is considerably narrowed. You're talking about a maximum of thirty-three senators, and probably ten of those [are] in a meaningful contest either way, to oust or to re-elect. You're talking about a hundred congressional seats either way, to oust or re-elect. That's why when you get a loss in an off-year--an incumbent administration loses a significant number of seats in the House--you've lost those seats out of a hundred. That's some turn-around because if you lose twenty or thirty

seats, you've turned around a third of the contested seats.

G: One of the senators elected that year was the President's brother. Let me ask you to recount what you know about his candidacy and how it evolved and your role.

O: I didn't have any meaningful role, but I followed it with interest and had one discussion with the President at a very early stage.

G: Can you recall that discussion?

O: Yes, early on when there was some comment or some indications that Teddy was going to seek a Senate seat, the President did discuss it with me quite briefly, but he expressed a concern. His concern went to the obvious. First of all, Teddy was very young; he was just at the age where he would comply with the constitutional provision on age in the Senate. If he ran, he was going to get into a hotly contested primary with John McCormack's nephew, and here we go again. The President had no objection to Teddy pursuing a public career. He considered that a rather natural evolvement. But he did wonder aloud if maybe Teddy shouldn't consider running for a state office in Massachusetts, secretary of state or state treasurer, whatever, as a starting point rather than the giant leap effort into the Senate. He suggested to me that perhaps I should have a chat with Teddy and explore that aspect. I dutifully listened and departed the scene and made up my mind before I closed the door that I wasn't about to discuss this with Teddy. This was a family matter pure and simple and I didn't feel that I should inject myself in it, and I didn't.

The result of it all was, of course, that Teddy did get into a hot primary contest with Eddie McCormack. As that unfolded, the President became a very, very staunch advocate and followed it very closely and, typical of the family, hoped for a victory and forgot, I'm sure, any concerns he might have had about launching in the first place.

Teddy was, of course, successful and he came to the Senate with an initial problem of acceptance because of the circumstances entailed in his election and his relationship with the President. Teddy, to his credit, did everything possible, one-on-one throughout the Senate, to present himself, to become acquainted, and to seek acceptance. And he did it. I wasn't present at these meetings, but he devoted just about every waking minute until time to take his seat in the Senate to making these contacts, establishing these relationships, having these conversations, social visits and what have you, with every member of the Senate, with, of course, emphasis on the Democrats. In no time at all, interestingly enough, I would pick up from the Senate very favorable reactions to Teddy and a broad base of acceptance. I think it was due really to his own personal effort to become an accepted member. It certainly was helpful to him and to his future in the Senate.

G: Did you have any role in the campaign at all?

O: No.

G: Did President Kennedy fear that it might alienate McCormack?

O: I don't think that probably was a fear [after] our experience with McCormack off the prior confrontation we had over the state chairmanship of the Democratic Party in Massachusetts. John McCormack's reaction to all that and his attitude concerning it was so upbeat and so pleasing to all of us that we would anticipate he would not react any differently in this instance, and there wasn't any differing reaction.These two young fellows just went and fought it out. One of the great lines from that primary was [from] one of the debates when Eddie McCormack said to Teddy Kennedy, "Your name is Edward Moore Kennedy. If your name was Edward Moore you wouldn't be here tonight." I guess that was quite accurate.

G: It seemed that the White House likened its role in that campaign to the sending of advisers to Indochina. Had you heard that expression?

O: No, I hadn't heard that expression, but I could tell you there wasn't any even arm's length involvement on the part of the White House.

G: Really?

O: Not to my knowledge.

G: Okay. Is that the way that Ted Kennedy wanted it? Would he have appreciated some [help]?

O: Oh, I don't know. I was not party to any discussion of this nature, but it's just stating the obvious--there should not be a discernible presidential role in the election because that would certainly border on, if not bring about, a counterproductive situation.

G: Now, was there also a voter registration campaign tied in with the 1962 congressional elections?

O: Yes. We put together what we considered a major effort that was in cooperation with COPE and others. The problem of the party historically, to go right to the heart of it, is voter registration and voter turn-out. Overridingly the majority party in this country for a long period of time [was] the Democratic Party, and you lost impact if you didn't maintain a vigorous voter registration drive. The problem with the voter registration drive is it just has to be grass-roots to have an impact. The most impressive voter registration that I ever saw in the country in my political years was in Philadelphia where the Democratic city committee conducted a registration drive that went on every day of the year. It was budgeted, financed, professionally handled, and the end result was obvious. That was the best organized voter registration I had seen anywhere in the country, to this day. And it has to be grass-roots because it is probably the least interesting aspect of politics. It's

grubby work; there's nothing exciting or glamorous about it at all, but it's vital. That, coupled with maximizing your voter turn-out, is the answer to victory more often than not.

Of course, that was part of my upbringing from the very first stages: how do you show strength and achieve results if you can't involve people in the election process? In order to do that you just have to go out and work at it one-on-one, door-to-door, not only to get them registered but to get them to vote. So there's always an effort undertaken, and the O'Brien manual from its beginning emphasized voter registration. But the reality of voter registration is manpower and willingness to do grubby, detailed, nonglamorous work, and the ability of people to direct that kind of work and enlist people to do it.

So it's never something that you feel that you fully accomplish. There's always a big gap between objectives and goals and the reality of accomplishment, and that remains the case to this day. That's why really at the national level on voter registration, your efforts are to lessen the restrictions on registration, make it easier to register, like post-card registration, which have always been Democratic Party advocacies and always been opposed by the Republicans for the obvious reasons. So any attempt--and we were engaged in many of them over the years politically--to increase voter registration was conducted vigorously at the local level and continues to be, I'm sure.

So the answer is that we were involved in all elections--and that would include 1962--in voter registration efforts, but for the most part at the national level. The Democratic National Committee was to provide programs and ideas and try to persuade people to initiate or enlist them in carrying out programs of this nature at the local level.

End of Tape 3 of 3 and Interview IV

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Legal Agreement Pertaining to the Oral History Interview of Lawrence F. O'Brien

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Lawrence F. O'Brien of New York, New York, do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of the personal interviews conducted on September 18, October 29, October 30, December 4, December 5, 1985; February 11, February 12, April 8, April 9, June 25, July 24, July 25, September 10, September 11, November 20, November 21, December 17, December 18, 1986; April 22, April 23, June 18, June 19, July 21, July 22, August 25, August 26, September 23, September 24, November 3, November 4, December 10, December 11, 1987 at New York, New York and Cotuit, Massachusetts and prepared for deposit jointly in the Lyndon Baines Johnson Library and the John Fitzgerald Kennedy Library

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Signed by Lawrence F. O'Brien on April 5, 1990.

Accepted by Donald Wilson, Archivist of the United States, April 25, 1990.

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