

## INTERVIEW VIII

DATE: April 8, 1986

INTERVIEWEE: LAWRENCE F. O'BRIEN

INTERVIEWER: Michael L. Gillette

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

Tape 1 of 4, Side 1

G: [I'd like to] have you focus on that list of the congressional liaison people and assess the value of each one in this particular job. Anything unique about their individual approaches or their effectiveness, or lack thereof, on congressional relations?

O: Well, as a group, they were obviously pretty sharp and knowledgeable on Hill relations and procedures. Otherwise they wouldn't be in these roles at their respective departments and agencies. Some of them, however, were better technicians than others. There were those who, while they would be extremely knowledgeable regarding the substance of their legislation, would not necessarily be solid in terms of promoting the legislation and the nitty-gritty aspects of head-counting.

So the group varied in that sense, but as I look it over, the group had considerable balance nevertheless. Take the four fellows from the State Department listed at the top of this grouping: [Frederick] Dutton, [Robert] Lee, [Eugene] Krizek, and [Nick] Zumas. Dutton was very much a substance fellow; he wasn't a fellow that went to the Hill very often, as I recall it. Gene Krizek was a fellow who was very attentive to the relations with individual members and to their problems with the State Department. So you have a team really, a State Department team, at that point in 1964, that was a well balanced team in terms of promoting legislation the State Department had an interest in. Adam Yarmolinsky would fit into that category too: tremendous on substance, extremely able, but not necessarily the fellow who would be pounding on doors on the Hill. He'd be awfully good at committee hearings and as a back-up fellow.

We've talked of Dutton, Lee, Krizek, Zumas [from the] State Department; Craig Raupe, AID, I remember him very favorably; Joe Bowman, similarly, at Treasury. Joe Spilman at Treasury I don't recall particularly. Adam I mentioned, at Defense. I don't recall General [Charles] Roderick's activities in detail, which should not be taken as meaning that he wasn't good; it's just a matter of recollection after a long period of time has elapsed. But it's interesting, as I go through this, that my recollections of the individuals and my evaluation of them are almost immediate. John Nolan and Joe Dolan at Justice were very close to the Attorney General. They were very familiar with all the nuances on the Hill. And Nick Katzenbach was exceptional.

G: Was he?

O'Brien -- Interview VIII -- 2

O: Yes, Nick Katzenbach, in his role at Justice, at his level never hesitated to get into the pit, in terms of the detail, the long hours and the exasperating situations that occur across the Hill.

Mike Monroney and Dick Darling were from the Post Office Department--the Post Office Department, though I wound up there ultimately, was not an exciting department in terms of our overall picture and I guess that was traditional with the department. It generally had to do with the unions negotiating with the Congress rather than, as a table of organization prescribed, dealing with the department in union negotiations and all kinds of benefit arguments that occurred constantly. Monroney and Darling would present their update, but it would be pretty much a routine matter at meetings of this nature.

Orren Beaty at Interior typified most of these liaison people because they all had a close and open relationship with the secretary, the head of the department or agency. This is a good example: Beaty at Interior with [Stewart] Udall and an associate of his, Bob McConnell, [who] worked with Beaty. Ken Birkhead, similarly with Orville Freeman. I think that was essential, as these were positions in the department or agency that were high in the table of organization. Consequently, maybe only on occasion did you deal with the secretary or the deputy. Every one of these fellows enjoyed a very close relationship [with the head of his department] comparable to the relationship I had with the President. Tom Hughes at Agriculture, along with Birkhead, in the day-to-day activities involving agricultural legislation, were obviously hand-in-glove with Orville in every phase of activity.

John Stilman I remember as a competent fellow. Al Keefer from Commerce--Stilman was from Commerce--Al Keefer I don't recall as readily, or Larry Redmond or Frank Dooley. They were all in Commerce. I remember them all well, but I remember Stilman for some reason a little more clearly. Sam Merrick over in Labor and then [Robert] Meier and [James] Quigley in HEW all represent the type of fellow who was productive.

G: Did Merrick do a good job of reflecting Willard Wirtz' views?

O: Yes. Wirtz, as was the case with all of the cabinet members and agency heads, was extremely active in all phases of congressional relations. I think if anything should be underscored, it should be the role of the department and agency heads in advocating and promoting to the fullest, from initiation, the President's program. That was a given and it was totally understood. Some of the department heads probably found it easier than others to accommodate themselves to this kind of activity, but every one of them devoted a tremendous amount of time and effort to it. So their congressional relations people in every instance were working closely with the boss, who in turn was responsible to the White House on a daily basis, as we've recounted. It wasn't confined to cabinet meetings; the boss' input had to be into the memos that were sent to me every Monday, and they went directly to the President.

O'Brien -- Interview VIII -- 3

Overall, it was really a team effort. The best fellows available in every instance were assigned these responsibilities by the respective department heads with the knowledge that they had, in turn, a tremendous responsibility to the White House and that they would be accountable fully for the progress of their legislation even though the thrust in most instances came from the White House. The cooperative team effort was emphasized at all times. So the point I'd make is that none of these fellows were simply civil servants. They, with rare exception, enjoyed at the outset a very close personal relationship to the cabinet member. The cabinet member's assignment of this task to the one or several in his department who were involved in congressional relations reflected a personal relationship and, obviously, a feeling that he had highly competent people. I also think, there was a recognition that the cabinet member's accountability was such that he'd better darn well get the best available and make sure he was working with them and they were working with him.

You had fellows in this group who were extremely able and knowledgeable on the substantive side, had a lot of drive, vigorously pursued the legislation on the Hill--whether a "kaffee klatsch" or a late session with some individual member or late phone calls or weekend activities. When you have that kind of a person in the picture, first of all, he would be exceptional. Secondly, every base was covered because he would be deeply involved in the politics of legislative enactment, and he would be well grounded in the substance of legislation and, therefore, be in a position not only to discuss the pros and cons of a particular proposal but to actually negotiate compromises and amendments. And you could, with comfort, leave it to a fellow to do that, and he, with comfort, would know our confidence in him was such that he had considerable freedom, as I felt I had in terms of legislation where the leadership would suggest or negotiate an amendment. I didn't feel I had to call the White House to get approval. I'd stand or fall on my decision and say, "Yes, this is the President's view," or "The President will support this."

I think a standout in this regard, as I recall it and outline it, is HEW and Wilbur Cohen because he would epitomize what I'm describing. That would be the perfect fellow. Not only did he hold a high position in HEW, but he was really the focus of congressional relations at HEW and he was indefatigable as well as extremely knowledgeable. If you had twenty or twenty-five Wilbur Cohens, you would have what I would envision as the perfect team. There never could be twenty or twenty-five Wilbur Cohens, however.

G: I had planned to ask you to look at that list and tell me who you felt were the top three in terms of working with the Congress, dealing with the Congress.

O: I may fill in a third, but I would have Wilbur Cohen and Nick Katzenbach. It may be an unfair quick evaluation. However, in fairness to some of these fellows, the particular legislation that they were involved in might not be at the level of some other legislative proposals. For example, you have representatives from GSA, and it's a little bit like the representatives from the Post Office Department. It's no reflection on them; they were doing their job. But when you focus on each year the priority list of legislation, apply it to

O'Brien -- Interview VIII -- 4

the agencies and departments involved, and go to the congressional relations aspects of it, I think you're talking about Katzenbach in Justice and Cohen at HEW. You're talking about major legislation, too.

But I think in both instances, with Katzenbach and Cohen, you had the happy situations of top-level fellows who also were the congressional relations fellows, and who were substantively deep. More than that, both of these fellows, Nick and Wilbur, were totally dedicated. They rarely slept; this was their life. So when you add all that up, our good fortune was to have them involved in very sensitive and extremely important major legislative actions.

G: Who would you add as a third to this?

O: I want to look through this. I think NASA falls a little bit in that category, too. You're talking about some basics legislatively affecting NASA, but NASA in those days, in the context of what we're talking about, wouldn't be at the top of the list. But nevertheless, it's an indication that we didn't overlook anything.

We had John Linnehan in Small Business Administration and Marty Underwood; I remember them well. They performed effectively. Red [Redmond] Roche at Veterans' Administration. Bill Carey, Bureau of the Budget, had an input into all of this that was extremely helpful in structuring our activities on the Hill from his perspective, where he was really a true professional. I'll go back and look over the list again--I would go Cohen, Katzenbach. . . . It'll be tough. Can I have five?

G: Yes.

O: Orren Beaty of Interior, Ken Birkhead of Agriculture, and a fellow whose name is crossed off on this list for some reason, which probably had to do with attendance at this particular meeting: Joe [Henry] Fowler. Joe Fowler would fit into the same category as Katzenbach and Cohen.

G: He was good at dealing with the Congress?

O: Yes, extremely good at it. And, frankly, some of these fellows rather enjoyed it. It isn't the type of work I think many people really would enjoy particularly, but he did. I notice this is headed, "The following will attend the liaison meeting," and he was listed to attend and then was crossed off. I assume something occurred and he was unable to attend the meeting. But he would [normally] be there.

Then, on the substantive side, not necessarily the nuts-and-bolts side, you'd have to list [Adam] Yarmolinsky and Dutton. But I think the way I've listed them, I've tried to list those that combined every aspect.

G: Yes.

O'Brien -- Interview VIII -- 5

O: Substance and shoe-leather.

G: Many of these people had other responsibilities with the department.

O: Sure.

G: What percentage of their time would you say they spent on the legislative liaison work?

O: I would say that, depending on the ebb and flow of the particular legislation they were involved in, it would be a significant portion of their time and exclusively at the key periods. With fellows like Wilbur and Nick and Joe Fowler, even though they did have other responsibilities, the top priority in their minds, without having to be guided or directed, was to ensure that maximum effort was expended in not only drafting legislation and preparing a program but enacting it. I'm sure there were months when Nick Katzenbach and Wilbur Cohen did little else, regardless of their [other] responsibilities, but work with the Hill.

G: What would happen, for example, if [Anthony] Celebrezze had a differing view from your office in terms of how a compromise should be reached or how far you should go in compromising to secure passage of a piece of legislation? Would the give and take in the resolution of this issue come up in your internal operation with Wilbur Cohen, or how would you resolve something like that?

O: There was a constant communication with the White House. A major element of negotiation or compromise: "Let's go to Wilbur." He would bring it to the White House, and we would sit down with the appropriate people and discuss it in great detail. Where there would be a major impact, from our perspective, of weakening the legislation or proposal by reducing the cutback--which in the compromise would be significant--that would be a matter that would involve the White House directly and the cabinet member. It was a rare occasion when it happened, and I may have some difficulty in recalling, but I'm certain there were times I'd make a decision only if it was necessary because of pending floor debate or debate actually in progress in Mike Mansfield's back room or in the Speaker's office. You just carry on negotiations. There were moments, but they would be rare. Normally, when you did that, if it were in Mansfield's office or in the Speaker's office, the department representative would be present also. I guess if I were involved in a sugar quota, which I was on occasion, the pure politics of the sugar quota was a matter of negotiating between Clint Anderson and [Robert] Kerr. They had control over the sugar quota anyway, and what you're trying to do is get a little piece of the action from the White House end of it in terms of trying to be helpful to people you wanted to help.

But the other side of the coin is the one that stands out in my memory and that was with [Arthur] Goldberg in Labor and me, with the key people on the committee, and Rayburn and the leadership. We had to make a decision on a minimum wage bill. Arthur

O'Brien -- Interview VIII -- 6

was asked by the Speaker to make the decision, which was a cutback eliminating two or three categories [of workers] from the bill. I remember the laundry workers, particularly, and maybe even the price tag. It might have been \$1.25 to \$1.15. Whatever it was, on the basis of our joint head count and our activities in the Speaker's office that day, it was apparent that we were in a very difficult situation and we needed some degree of further compromise in order to get a bill out of the House. The Speaker turned to Arthur and asked his concurrence on a suggestion that was made on the compromise, and Arthur said no, he could not make that decision as it would have to be a White House decision. The Speaker's eyes focused on me, and I made a judgment. I could talk to the President, and the President would feel that's a problem he ought to resolve, because this was a bill that was going to come up momentarily on the floor. I remember saying we should accept whatever the two or three elements were of this. I compromised with the Speaker a little, and the Speaker said, "Can we all be assured that the President concurs?" And I said yes.

Those are occasions where you just have to do what you think is best under the circumstances. Normally, in the progress of mark-ups, you have time, you can get into counterproposals and, in some instances, extensive negotiations, which would be conducted by the department representatives and the White House representatives jointly. At times when you had an opportunity to thoroughly discuss proposals in great detail and develop counterproposals in terms of negotiations, you would probably be sitting in the White House with a fairly large group, representatives of the department or perhaps outside interests, the private-sector group, maybe organized labor, the educational groups. You tried to get everybody together for input. Oftentimes our job was to shore up the department and say, "No, we're going to go back and try again."

But you play that out, for there were certain basics that we all understood, including that there was only one fellow downtown who was elected to office. Everybody on the Hill we were dealing with had been elected to office. I guess I misused the phrase, but I certainly used it at length and that was, "You can't suggest to a member he commit political hara-kiri." That isn't in the cards. You have to find ways of working it out in that context. You have to remember that when you're talking about meetings of this nature, talking about those Monday reports, talking about the cabinet meetings--where there was tremendous emphasis on the legislative program--talking about the leadership breakfasts. All the other points of contact involving the legislative program--social events, small group meetings, individual, come-in-the-back-door meetings with key members of the Congress--went on constantly, day in and day out. And everyone understood, which we would emphasize, that while the price for doing this was adverse comment on the part of ardent supporters, probably in the private sector--the ADA, for example, on some of our activities had very negative comments to make from time to time about our lack, as they saw it, of progress or lack of vigor--[this] is the art of compromise in the final analysis.

I think the minimum wage was an example, because it's a statistic that if you suffer a one-vote defeat on a major minimum wage bill in the House [and] you salvage some aspects of it in the Senate, you are going to compromise and going to have a pretty decent minimum wage bill. It was not exactly the proposal, obviously, we had sent to the Hill,

O'Brien -- Interview VIII -- 7

but that's the art of compromise, the art of the possible.

Then the other cliché which we used often was, "Listen, we're not going to walk away from this because we don't get a whole loaf. We'll take half a loaf or three-quarters of a loaf and make that decision. We'll go back for the rest later on." That was our procedure, and I think it had a lot to do [with our success]. The combination of the intensive effort across the board in the executive branch and the recognition of the political realities of dealing with 535 officeholders who were elected contributed significantly to the overall result. I don't think that's unique, but there were those who at times would be so exercised about compromise or possible compromise because of their strong position, their total commitment and/or their deep involvement in a particular legislative proposal that they, understandably, could not see the overall picture. Some of the compromise might move over to another piece of legislation, and they would kind of throw up their hands or become deeply disturbed and say, "The hang with it. If we can't get it enacted, then let's not compromise it. It's all or nothing." We never approached it that way, and I don't think it was realistic to approach it that way. It's a little bit like Medicare; you feel that you'll get the job done some day, the sooner the better, but it's going to happen. Civil rights, too.

G: To what extent did your office resolve jurisdictional disputes between two different departments on a bill?

O: That was case by case. Those would be a little tricky at times, but they happened.

G: Would they emerge in the course of the legislative struggle, and would your office be the--?

O: We would be the people to make the ultimate decision. If there were conflicts, it was up to us to resolve the conflicts. And I'll have to say we didn't tolerate conflicting positions for any length of time. It's not the department's legislative proposal, it's not two departments' joint legislative proposal, it's the president's proposal.

G: In a situation like this, let's say if you had two cabinet officers disagreeing on a jurisdictional question, would the president himself have to become involved in the solution?

O: That would happen. You try to avoid that and resolve it without his involvement, again, conserving his time and energy. If there was an impasse that was prolonged and not resolvable, then the president would have to resolve it. But I don't recall there was an inordinate amount of that, frankly. There was give and take between departments because the department head, too, would recognize that this was not necessarily in the president's interest or good for the progress of the legislation. So I don't recall any bloodbaths.

G: Would most of these people on the list attend a meeting at one time, or is this a more complete list than you would normally have attending meetings?

O'Brien -- Interview VIII -- 8

- O: When you get to National Capital Transportation Agency, you're really pretty much covering the waterfront. D.C. Affairs, the Federal Aviation Agency, Civil Service Commission, Small Business--
- G: That's a lot of legislative liaison work.
- O: Yes. All the major departments are obviously well represented, in some instances by two, three, or four people at a meeting of this nature. We didn't overlook anyone, and attendance was mandatory.
- G: It was?
- O: Yes. It wasn't a matter of asking if they would come to a meeting, it would be a matter of notifying them.
- G: Yes. Would you normally have three or four people from Defense or--?
- O: That probably would fit the situation. I think we have attached here the agenda for that very meeting, and you'll notice in preparing ourselves for the meeting there's a reference to Wilson McCarthy, and he would be asked for a head count and trouble spots. Ken Birkhead would respond on the food stamp bill as well as Food for Peace. The pay bill, that's where we got in the Civil Service Commission. Orren Beaty on land conservation and wilderness; Wilbur Cohen on Hill-Burton extension at that point and also water pollution control. Wilbur had a heavy part of this agenda because he was also on the nurses' training bill and NDEA amendments and Social Security amendments. It sounds like it was Wilbur Cohen's meeting.

But then you go on. We had twenty-three items on this agenda, and the twenty-three items really reflected the breadth and scope of congressional relations, because you get to Fred Dutton, who was giving a report on the international coffee agreement and the status of it. I didn't notice [Joseph] Califano's name on here, but he attended these meetings. Yes, he's listed here. I didn't grade Joe. He was in a little different category. It was only a relatively brief period of time before he was over, fully engaged with the rest of us.

The Commission on Automation--I'm having difficulty recalling the Commission on Automation, but I notice we have that. Nick Katzenbach on the public defender, that was in conference. If you look at this agenda, federal aid to highways [was] in conference. John Stilman was giving a report from Commerce on that, along with Appalachia and ARA amendments. But you look at that agenda, and that's just one of the regular meetings we'd have with the congressional relations people. You can see that we made every effort to have a full and meaningful meeting. What I think was good--and most of the fellows liked it and it was part of our emphasis in having these meetings--was that, regardless of what department or agency you were in, you could leave that meeting



O'Brien -- Interview VIII -- 9

after two or three hours and have a feel for the overall picture. We always felt it was helpful. Rather than dealing with a fellow in the Civil Service Commission only because there would be a pay bill, he was considered part of the team, and it would cause him no harm and it might be helpful for him to have a continuing view of overall legislative activities, the ebb and flow, the emphasis of the moment. That fellow's turn would come.

G: Yes. Some of these people, I think particularly Marty Underwood had been an advance man before, and I guess worked as one in 1964. Did any of these others double as advance men in--?

O: Oh, yes, several of these fellows had been involved in the campaign.

G: How would that--?

O: Obviously, Dutton.

G: Yes.

O: In fact, probably 50 per cent of them. If you look through it quickly, Yarmolinsky had a role; Nolan and Dolan, both in Justice, had roles. Nick Katzenbach. Mike Monroney in the Post Office Department was involved in the campaign. Orren Beaty, Bob McConnell, Ken Birkhead, Tom Hughes, John Stilman, Larry Redmond, Frank Dooley, Sam Merrick, Bob Griffin; and Fred Forbes was involved in the West Virginia primary. That's how he came to our attention--no, the New Hampshire primary originally and then West Virginia.

G: These people had been in the Kennedy campaign in 1960, many of them?

O: Yes. John Linnehan, Marty Underwood, as you mentioned. The others I don't recall, but I'd say 40 or 50 per cent of these fellows. They were not new to us. We'd been around a while.

G: This is more than a coincidence, then, that you had a lot of advance men working in congressional liaison?

O: Yes. Well, they weren't necessarily advance men, but they'd played roles in the campaign.

G: How did this relationship develop? Why did they end up in this line of work?

O: First of all, we got to know them in the political context. Secondly, we had evaluated them in the campaign context where we could evaluate them in terms of aggressiveness, ability, diplomacy, all the various elements of dealing with people.

Tape 1 of 4, Side 2

G: Now you're looking--

O'Brien -- Interview VIII -- 10

O: Now you're looking for people who are going to be in very sensitive and certainly very key roles, from our position, and I guess there would be a natural tendency to select people you know rather than people who were not familiar. Of course, those people came along, too, as time went on. But I think in establishing all of this initially, names would come to your attention--people who had an interest in participating in the administration. And after spending three or four years in a campaign context proving themselves it was obvious they had become more professional as time went on.

And the team stayed reasonably intact. It wasn't a team that was going to achieve great glory, as it wasn't highly visible to the public. This was a team which to a great extent knew each other. Certainly we knew them and they knew us, and in some instances the department heads didn't know them initially but they were recommended to them. Some of them, I'm sure, fell by the wayside, [but] not these people. When you got to 1964 and they were still in this position, many of them had been in that activity for some time. It worked reasonably well, but, as I say, it was tough work, and in every instance, whether a fellow involved himself or became partially involved in congressional relations--a Katzenbach, a Cohen, these fellows--it was to a great extent because of their total grasp of the legislative proposal. And if you can get into serious head counts and are held responsible at this level of reporting, where they would have to give their specific head counts before a group or include them in their weekly reports, you move to another level. You're in a cabinet meeting and that cabinet member has to do the same thing and, obviously, he had to depend to a great extent on people on the congressional relations side in order to inform himself and be able to coherently present his case to the president at every cabinet meeting.

G: Did many of these people go back out into the field in 1964 and work on the LBJ campaign?

O: No, not many, because the LBJ campaign never took on the breadth and scope, obviously, of the 1960 campaign, as we will get to. Everybody was involved in their own activities. We were deeply involved in the legislative program. There was a fair amount of cabinet presence, top-people-in-the-administration presence around the country, at speaking engagements. But on an organizational basis--and most of these fellows had been in the organizational end--there was little of that taking place through the course of that summer. It wasn't until the fall when the President expressed some concern, and we had formed a structure of sorts, as you know, for the campaign. But to get out in the field and actually get to the proximity of the grassroots--and regional meetings will only take you to the proximity--that hadn't been accomplished nor did it take place until the fall. There were some fellows on the staff at the Democratic National Committee who, of course, could devote their time to 1964 campaign activities, but our attention really wasn't directed that way until the President was insistent we get out there and do something.

I only had one problem with that. I didn't mind getting out there. It was a matter of trying to get out there and also keep the shop running while you were away. It wasn't

O'Brien -- Interview VIII -- 11

easy but we did what we could. But I don't think anybody--and that would include me--could lay claim to making a great impact, organizationally or on registration. It was a matter of just weighing the votes, ultimately, but our leader's sensitivity to everything in this regard was such that he wasn't prepared to accept simply riding it out. We were going to win; it was only a matter of degree. He was looking for a 100 per cent vote, which was his nature. So we did not pull people out of the administration and put them in the field. We expected the cabinet members to do their thing, and more often than not a cabinet member would volunteer for or be assigned to a speaking engagement involving either a key member of Congress or a sensitive House or Senate contest where he might be helpful.

All the organizational activity was pretty much confined to local activity, candidates' activity. When you think of that in presidential terms, you have a relative handful of contested Senate seats and a limited number of contested House seats. We would in each election identify less than a hundred House seats as contested. Well, it might approach a hundred if you hedged it a little bit. Now, those are seats that have a win-or-loss situation. The rest of them are routine and, if you have three hundred and fifty members of Congress and 60 per cent of them are Democrats who are going to win, you're not going to get a great deal of activity on behalf of the president, particularly when each one of them recognizes that the president is going to win also. So what you were left with was dependence upon party organizations, state chairmen, county chairmen, regional political people and, of course, in those days, a very active COPE, with the AFL-CIO.

So my focus in the relatively brief period of involvement was to bring these elements into direct discussion, maybe a little confrontation, on a regional basis and to be sure that we had the appropriate representation at these meetings. You might discover some weak spots or some situations that could be corrected, and I think the report of the meetings reflects that approach. Now, for example, if you were in Cleveland and had a regional meeting and you found there was a potential for a considerable registration drive in 1964 in Ohio, the chances were good that other than giving a lecture you weren't going to be following up with any specificity. As I've often said, establishing the best national organization to handle every aspect of a presidential campaign with the most creative media you could utilize, in order to be 100 per cent effective--and I don't know what per cent of that you do achieve over a long period of time--when everything is said and done, you've probably impacted on only about 3 per cent of the election. The candidate did 95 to 97 per cent.

Granted that that's true, you probably could make a case for the 1960 election. I suppose you could make the claim that the organizational effort which extended over a couple of years was a contributing factor to some degree, and that in a close election where it's two or three percentage points, you would not have won if you hadn't done that.

G: How do you explain then the large fluctuation in percentages sometimes before a vote? Let's say if you have polls a month apart or something, sometimes a gap of maybe ten or fifteen points will close. Is that due to external factors other than this sort of

O'Brien -- Interview VIII -- 12

organizational work that you're describing?

- O: Yes. I think as you look at it--cast back to the 1960s. A lot of it would have to do with organization to close that kind of a gap. But a lot also had to do with candidate identification. That's not the proper word. Oftentimes you have a candidate who has great potential if he can get the right kind of visibility; that's the whole idea. But that doesn't mean he isn't carrying the major part of the burden. I think you could organize until hell freezes over, but if you don't have a fellow at the top, the candidate himself, who is extremely effective, you're not going to be able to pull it off. I am concerned about that because I think the 1960 debates, for example, the Nixon-Kennedy debates, had a tremendous impact on the result of that very, very close election. Now, that fell into our lap. That wasn't a matter of organization or even being cute and clever in bringing it about. It was a matter of the networks making a proposal and Nixon being foolish enough to accept it. We couldn't wait to issue a statement of acceptance. But I think if those debates hadn't occurred, you'll never know, but I seriously doubt whether Jack Kennedy would have been elected. That's beyond anybody's control. All your planning, all your long-range programming, but there again, it's the candidate.

I think the bothersome aspect of all that is, as you'll recall following those debates, debating became the in thing. Everybody wanted to debate his opponent, even at the county and local level. Then there were debates with empty chairs all over the country where candidates refused to participate. I thought it was the healthiest thing that ever happened to American politics, because I thought the real test came in the direct confrontation of candidates. Then it got to the presidential election, I guess, of Ford-Carter. I think what's really happened since then is that the professional campaign directors, combined with the overriding emphasis on media, on the canned presentation, on the spots, have been adverse to the process. I really do. I think that it has let a lot of candidates for the most part off the hook, that they haven't had to face the adversary in the public view to the extent that I think should occur. You haven't had any meaningful debates on the issues, even in the last election when we had--a couple of debates? Reagan flopped in one and came out even in the second one, and that was that. It was a yawn for the most part. That could have developed into a really meaningful democratic process at all levels in this country. So it's that and the financing of campaigns that disturb and discourage me.

- G: How was the Reagan-Mondale debate different from the Kennedy-Nixon debate?
- O: Well, first of all they went into the debate with a big gap in public opinion. The Nixon-Kennedy debate was hotly contested with Kennedy trying to even it out with Nixon, but it was a contest in every sense. The Reagan-Mondale [debate], by the time the debates took place, had little or no impact. It was more show business, if you will, than the Nixon and Kennedy debate, which had a significant element of show business, too, to be fair about it. It probably didn't go to the substance nearly as much as perception or image. But regardless, I think if it doesn't do anything else, having that kind of procedure enhances a campaign in terms of public interest. When you have the sad situation in our

O'Brien -- Interview VIII -- 13

country of 50 per cent eligible-voter participation in presidential elections, anything that could take place that might increase public interest to the point of broader public participation is to the good.

I'm diverting, but just on the general subject--I've said this before--I was absolutely enamored with the idea of the dollar check-off. When we first arrived in the White House and I began to grasp this concept, we were all talking about one man-one vote. Having been involved in campaigns and knowing what occurs in terms of soliciting campaign funding and being very personally concerned about some of the sources of campaign funding, I detested the idea that a person could be a hundred thousand dollar-plus donor and have entree that others wouldn't have. Whether you intended it that way or not, that's the way it would work out. It was not the way you like to see things in our process, and I thought the dollar check-off would bring us to not a perfect democratic process, but certainly it would be a giant leap in that direction. Finally, in negotiating it, I discovered incumbent members of Congress were not going to succumb to the checkoff; they were not going to voluntarily release their advantage of incumbency, have limitations imposed on the financing of campaigns, be dependent upon some sort of a check-off procedure and, therefore, eliminate the big donor. You had to live with that and focus on presidential elections. Then with Ev Dirksen, you find a further compromise, which was not that bad a compromise as it turned out. You had the choice: a candidate could either go private or go the federal-funding route. But there were gaping holes in it. The business community and labor shared a common view that their existing entities should have some kind of exemption and should be permitted to pursue in some way their private-sector funding, which both sides claimed would not be in direct support of a candidate but the issues.

We started with the dollar check-off, and the dollar check-off became a bonanza for the candidates. Through the gaping holes and all the exceptions, a candidate gets the federal financing under the established formula, which also provides for the emergence of third parties under a formula. Lo and behold, you're not involved very long when you find the creation of PACs and, if anything, a far worse situation than I experienced in my years in national politics. It has become absolutely appalling. I don't think there's any justification whatsoever for what we're allowing to happen in this country, and I think it contributes still further to the general cynicism toward our process. My dream, which I shared with many others, that the check-off would effectively create the best possible situation in the selection of a president just hasn't happened, and I think it's sad.

But as all this has evolved, you go to Washington and, sure, you have organized special interest groups--the Chamber of Commerce and the [National] Association of Manufacturers and organized labor--but when I think back to that period and what exists in Washington today, there's no comparison. We used to say, and I think rightly, because of the nature of our programs, our desire to impact on society to bring about equality of opportunity and give everyone a fair chance to progress, "We're the lobbyists for the people." And we were. Clearly, our programs were in the interests of the people as a whole. We had to fight old procedures, established policies, and make major

O'Brien -- Interview VIII -- 14

breakthroughs, and we did. Now I don't know who's lobbying for the people. I don't think there's any representation of the average person in America in Washington at all. It's simply PAC upon PAC upon PAC, lobbying entity upon lobbying entity upon lobbying entity.

I think the best example [of this] you can cite, which I watch with great interest, is an advocacy by a Republican president of what is basically a Democratic proposal that is tax reform. As the months go by, this laudable proposal on the part of Reagan is supported by leading Democrats. It certainly is in the interest of the Democratic Party and its advocacy historically. It's a little like my dream of the dollar check-off. We'll have something remarkable. We'll have a bipartisan reform of the tax structure of this country, so that some kind of equity and equality is going to be built into it at long last. However, it appears more and more as time goes on that that is not going to be the case, and you're absolutely inundated with false information on the part of media. There's no presentation in terms of the public interest, or what should be the public interest, and there's a decided lack of knowledge on the part of the public generally regarding tax reform and what it is to accomplish. The lobbying interests are just stacked up in Washington sky high with their PACs and they determine a good deal of the legislative decisions in this country today. As for John and Mary out there, there's not only no one speaking for them, but I'm afraid there's very, very little interest in their welfare on the part of the elected officials.

So I guess you're entitled to your dreams and aspirations when you're in the political process, but whether it's the dollar check-off or there are PACs the process has deteriorated. In the campaign procedures, there has been deterioration, too. And, of course, that goes to money because you're not going to have these fancy media people selling candidates for public office like they sell soap or cars on television unless you have financial resources. The overall campaign costs have escalated fantastically, too. I've painted a bleak picture, because I consider it bleak.

G: Well, you still visit with friends on the Hill, old friends that have been around since the days in which you were working in congressional relations. Do you feel in your discussions with them that they echo the same concern that you've just described?

O: I haven't had any in-depth discussions with them. My visits have been brief and purely social, but I don't detect any overriding concern. If it exists, I think it is minimal, and I think it is the old story: "You have yours; you've got it made. Hang on to it. Protect it." There are members who have publicly discussed their concern about this involvement of PACs, and there are a handful down there that refuse to play the game. But as some fellow mentioned, "That's the way the game is played, and I'm playing it that way." And it's too bad because it would be a much better country if this wasn't the case.

G: Let's go back to 1964 and the legislative operation again. What I've just handed you is a telephone list of senators to call and subjects to take up with them. It's not clear who was to make those calls, whether the President was or you were making them.

O'Brien -- Interview VIII -- 15

O: Let me glance through--a list for presidential phone calls would be very selective. I notice it's confined to the Senate, and in each instance the suggestion for the call and the subject would indicate that this was a list that would be given the President periodically, not on a regular basis, when we would conclude that this could be helpful. You're talking here about nine or ten phone calls--I don't recall this type of list. I know it was not a regular procedure.

G: That's what I was wondering.

O: No, but I can see why you'd put together a little grouping like this every now and then perhaps and say, "This would take probably an hour sometime in the next week and it would be worthwhile doing." I'm sure it's not a reminder for me or others in the White House to make the calls; this would be a suggestion to the President.

I really think the thrust of this is contained in just the first line: "The past shows it won't be easy to keep members, particularly liberal members, on the House floor throughout the prolonged civil rights voting." That was always a concern and, in this instance, the struggle had been monumental. So this would be an added dimension in which we normally would not probably engage because of the nature of the legislation. The liberals, who we were obviously counting right in our head counts, nevertheless, we needed their presence. We needed them in floor activity. We needed them to be participating in the debate throughout. So we were leaning heavily on the liberal group here and organizing them. I remember this.

G: Do you?

O: Yes. This was not a usual procedure, this was an added dimension. This was something where we were saying, "This is not a head count problem. You're for us, but you've got to be more than for us. You've got to be a full participant and be available and be active." That would be the thrust of this procedure, and I remember it very well because it came out of our saying, "Well, this is going to be some debate and it would be great if ardent supporters of civil rights who were going to be there when the bells ring for a final roll call would be actively involved," because we would anticipate the opposition would be very active. That would be the thrust of this. But, as I say, this was not a normal concept.

G: Did it dovetail in with the existing leadership structure?

O: Oh, yes. This would not interfere with the existing leadership structure. They would not be in conflict with it in any way. No, if we anticipated any conflict with the existing leadership, we probably would have refrained from going to this extreme. I think it's worth noting the next to the last paragraph, talking about the leadership conference. He's right, that's a problem for [William] McCulloch. And then he says, "If [Charles] Halleck is a reluctant dragon, this is a danger spot." Well, my recollection on Halleck is, once we had the initial breakthrough with Halleck early on, he was not a reluctant dragon. But we would always wonder. I mean, that didn't prove to us that Halleck was forever going to

O'Brien -- Interview VIII -- 16

be our friend, but he had done something that we thought was rather remarkable, so he was willing to see it through. And, of course, McCulloch--and I've mentioned McCulloch before--was just an absolute stalwart. If any Republican deserves historically to be credited with a major input into civil rights, it's this fellow.

G: Well, the implication also is that the southerners were more vigilant on this issue than--

O: Well, yes, that's right.

G: --the liberals. Or at least the conservatives; I shouldn't say southerners, although I suspect that's where they were from.

O: Yes. They were historically well organized. We were kind of bumbling around pretty well by this stage, but the fact is that the record was very clear on their unified efforts in opposition to civil rights legislation and they were very good at it, very well organized. They knew by this time that they were in an uphill situation, too, that the climate had changed considerably. After going through what we did on the House side we said, "What else is there you could possibly do to add just a few more logs to the fire?" and this is the concept we came up with.

G: Referring back to this memo, was the conservative or southern situation attributable more to their adamancy on this particular issue, or was it also their style of legislative work, that they would be more attentive, that they would--?

O: I think their adamancy in this particular--

G: On the issue?

O: Yes. There was the southern Democrat-Republican coalition over the years and the glue [holding it together], to a great extent, was civil rights opposition.

G: But you don't think the southerners or the conservatives would be equally vigilant in their attendance on non-civil rights-related issues?

O: Not necessarily, because there would be a variance of attitude. In 1964 on some of our basic issues that did not directly involve civil rights but were liberal issues and advocacies we were involved in, we were getting more and more assistance from southern Democrats as time went on. But civil rights, that's the bottom line. You might get help in other areas, in education or indeed in Medicare and things like that, but this extends well beyond that. This reflects our concern that this battle isn't going to be over until there's a fellow sitting in the Oval Office signing a document.

Tape 2 of 4, Side 1

G: This last memo that you were discussing was a memo from Chuck Daly to you, February



O'Brien -- Interview VIII -- 17

3, 1964. Let me ask you to go into this in detail because--

O: Well, there was always a concern to us that this [cotton-wheat bill] was extremely meaningful legislation, as Mike Manatos points out in his memo to southern senators, and if you could keep that hanging and not have them be able to put cotton-wheat to bed, it certainly was going to be helpful to you in the filibuster situation. There were efforts made--and, of course, [Allen] Ellender was in the forefront--to resolve this legislation before civil rights hit the floor, and, of course, we were trying every ploy that we could in turn to avoid having that happen and to have it hanging over them. And as it was played out, that's exactly the way it happened. It played out in our interest. But there was a major effort made to get cotton-wheat resolved, and then they could sit and filibuster forever.

G: How did you prevent cotton-wheat from moving ahead?

O: Actually, that was to a considerable extent in the control of the leadership. Mansfield could keep that perking pretty well, and my recollection is that we got some comfort from Everett Dirksen in that regard, too. In fact, you'd have to point to that, probably, as meaningful as anything Dirksen did in the interests of civil rights, that Mike and Ev were able to stay in tandem to play this out. Ev did not make any move that I recall to be helpful to the southern Democrats in cotton-wheat, and that was a major element of the Senate strategy. It was interesting as the devil; Ellender and his friends, if they could get cotton-wheat resolved, could sit there forever and not have any concerns. But apparently--you know, the memo reflects--it's dated February 15, 1964--

G: This is Mike Manatos to you?

O: Yes. It reflects what Mike's picking up there, and he became very much concerned. But I'm sure that we reacted as Mike suggested. I don't recall the specific conversations, but we were involved with that for some time to see that they didn't get that advantage.

G: Now, this memo represents sort of a big-picture view of legislation. In other words, rather than looking at the progress of a single bill, you're tying them together. You're looking at the impact, the effect of one piece of legislation on another. Who was responsible for setting up these relationships? Did your office do that?

O: Yes.

G: Was this fairly common for you?

O: Yes. The degree of importance might vary, but opportunities presented themselves from time to time and sometimes even fell into your lap. It depends on the committee procedures, the calendar, the movement, the timetables, and it would not be unusual to suggest to a chairman that he might slow down activity in his committee on a given issue until we got something out of another committee and got a rule on it in the House or got

O'Brien -- Interview VIII -- 18

it to the floor of the Senate before some other legislative proposal would hit the calendar and slow down the process. And then ultimately, of course, you have the slowdown as the leadership just digs its heels. So you have something going for you in that regard all the time. And you have to remember the intricacies of all of this; you could have a reluctant Mansfield, or in this instance, for example, a reluctant Dirksen, for any number of reasons--maybe individual commitments that they made or they didn't want to incur the enmity of Ellender or others.

So you were always dealing with that. It wasn't a matter of just picking up the phone or dropping in and having a cup of coffee with Mike Mansfield to say, "We don't want this bill to move or to go to the floor until bill X hits the floor." You just don't sit around every day telling the leader how he's going to handle his calendar. But [when] you get to something as momentous as this--this sort of ties into the Chuck Daly memo on the House side--he can see what we were going through and this was helpful. It was nice to have. You didn't mind having this battle because you did have some of the southern Democrats very uneasy and concerned and a lot of pressure on them.

G: Did the situation ever reverse itself? Did they come back at you and say, "Well, if you're going to hold up cotton-wheat, we're going to hold up something else that the administration desperately needs"?

O: I suppose it did, but in this instance that wouldn't be acceptable anyway.

G: Yes.

O: There was nothing they could say to us but, "Release cotton-wheat." In fact, they could have said, "You release cotton-wheat and we won't be nearly as tough as you think we'll be," but we would never have bought that.

G: Really?

O: This was the battle. The blood was flowing. At that stage, I wouldn't have taken anybody's word who was opposed to civil rights on what they would do or not do.

G: Did LBJ play a role at all in this sort of situation? Was he helpful?

O: Well, I would assume he was aware of this. I think that, other than being kept apprised and totally aware, he felt he would leave it with us. If we ran out of gas, then maybe he would get involved. I don't recall that he had to get deeply involved as this played out because the Mansfield position, along with Dirksen's, was a fairly comfortable position from our point of view. There were times when we had to be very cautious about this sort of thing in either House or Senate, because they had their own activities played and their own games and you never reached the point where they could remotely suggest that you were making undue demands or moving into their province. So it was tricky. In this you had a common sharing of view and that made it easy, but if something could have been of

O'Brien -- Interview VIII -- 19

[such] overriding interest to us or important to us to adjust the calendar or the committee timetable, you want to be very cautious because that would be very possibly crossing that invisible line and moving too aggressively.

I think you get to the paragraph, "Not only to avoid antagonizing Kuchel but actually put a package together in the hands of Kuchel, too, in appreciation for his efforts and at the same time get the cloture bill from [Carl] Hayden."

G: You indicated that Hayden was in ill health during this period?

O: Yes. You see, I'm having trouble with the time frame. Hayden, you know, was just a grand old man and I loved the guy. When I first knew him, he was elderly, but as time went on the difficulty was to get him over to the Senate. Maybe it wasn't in this instance, but I can remember talking to Mansfield and we had a limo standing by if we needed his vote. No, I think that was the vote the senator from West Virginia double-crossed us on.

G: Randolph? Jennings Randolph?

O: Yes. Was it Medicare?

G: Yes.

O: We took a project away from him then. If he had stayed put, we had Hayden standing by and that would have been the last necessary vote.

O: We took a project away from him then. If he had stayed put, we had Hayden standing by and that would have been the last necessary vote. But Randolph left us, and we were bitter. That's the period, I think, when Hayden was just toward the end of his time.

G: It was. It was indeed.

Let me ask you to focus on this situation of Carl Hayden and the Central Arizona project tied to his vote on cloture in the civil rights bill.

O: It is a good example of the extent of our effort on civil rights and how far we were willing to go to work out any conceivable accommodation in order to ensure passage. When you look at this and at the historic conflict between California and Arizona, there was a great deal of discussion and negotiation between the two states over a long period of time and apparently, which I'm not familiar with, negotiations involving Pat [Edmund] Brown, the governor of California; Hayden, and others. There was a tremendous amount at stake, and we saw this as an opportunity to enlist Hayden's support on cloture. Furthermore, with the presidential involvement combined with all this effort on one cloture vote, hopefully it would have given us an opportunity to bow toward Tommy Kuchel at the same time. His staunch support of civil rights was very meaningful to us. If similar

O'Brien -- Interview VIII -- 20

situations had existed we felt would have afforded us opportunities to make deals, we would have. It's a good example of the extent to which we and the President went to to bring about civil rights legislation. When you're talking about a major project of that nature and linking it with the vote of one man in the Senate, I guess that underscores the importance we placed on success in this area.

G: But you had on the other end Thomas Kuchel who was already very supportive on civil rights. How did you work it out to the satisfaction of Hayden without alienating Kuchel?

O: Well, Kuchel was not only supportive of civil rights, he was a rather remarkable fellow. All his instincts gravitated to liberal approaches to government, and I suppose that you could live with that in California, representing California as a Republican senator, and survive. However, Kuchel's nature was not to cast occasional votes in that direction to ensure that he had a quote, unquote, "moderate record," as some fellows did if they had an R next to their name, but Kuchel had a tendency to become personally involved. He really felt deeply on many issues, particularly in this area. Thus, there was no way that you could acquire Hayden's support if it was going to incur either the enmity of Kuchel--although it was not his nature to react that way--or be harmful to him politically. So you had to come up with a situation he could live with, [where] Hayden would commit his vote, and use this vehicle to accomplish it.

It was pretty tricky and difficult, but how many issues would you be involved with over a period of years that would cause you to go to those extremes? This wasn't a matter of up or down on civil rights; this was a matter of one vote in the Senate, and you had to be concerned about every vote. Whether you were talking about delaying action on cotton-wheat or about the desperation of pleading with Charlie Halleck to be helpful on the House Judiciary Committee to get a bill out, every aspect of the civil rights struggle points to a total commitment. It took a long period of time and you attempted to utilize every possible angle that might come to your attention. You foreclosed none.

I think another dimension to that civil rights struggle was the Chuck Daly memo we talked about in which you were even trying to envision areas beyond your normal procedure that would enhance the struggle. And there was considerable presidential involvement all the way and, of course, President Johnson's relationship with Ev Dirksen brought about an opportunity into which the President directly moved.

G: Do you think this sort of quid pro quo, though, would encourage members of Congress and senators to put their vote up for sale? Even some that might be inclined to support a particular piece of legislation anyway, would they tend to say as a result of this, "No. Unless I get my Central Arizona project, I'm not going to vote"?

O: No. This would be an extreme case we are talking about. Within our guidelines, sure, there was a little trading. But with us, the difficulty was not coping with the specter of undue attempts to trade or sell votes, it was the severe limitations imposed upon us in terms of any muscle we had in that area. We were very limited. If you were making an

O'Brien -- Interview VIII -- 21

appointment in the administration, inevitably you would have recommendations for that appointment. Perhaps it had some regional or even state connotation, and the members, House or Senate, from that state or region would make recommendations or exert pressure. That came with the territory. It was not difficult; you tried to do it as diplomatically as possible, but it was not difficult to say no.

When it came to projects, you weren't going to be able to make delivery in those areas, generally speaking. Maybe it would get to defense contracts, but when it got to anything as enormous as this civil rights, your ability to accomplish the objective was somewhat limited. You had to deal with a lot of people. You would normally have to deal with the appropriate committees of Congress--key members of those committees--and if that's an area of patronage or an area that's available to you to secure votes for passage of legislation, it's very, very limited. That was not a great tool.

With Charlie Halleck we had to be cautious about being overly optimistic as to his continuing role and this memo of December 4, 1963, to the President from me, spells that out. We were talking about the bipartisan approach--Halleck and McCulloch were firmly on record and their position has been widely publicized. It is worth noting that McCulloch would not be a participant in the discharge petition and that would be understandable. First of all, a discharge petition is a very difficult process. Games could be played with it and were.

G: Why was it difficult?

O: Because people could sign and [later] remove their names. They could sign if they felt you were not going to get the required number of signatures, [and] if you started to approach it, all of a sudden you'd find names disappear. In this memo of December 4 we were talking about a petition and the dates the petition would be put into effect. I can't believe we were feeling this would be doable. The only doable thing was to get the bill to the floor in reasonable order and hope it was not decimated.

I notice there's a reference to Halleck, [that he] might want to water it down. McCulloch was firmly aboard throughout. Charlie Halleck had given us a tremendous break at one stage, but I don't think anybody felt positive that Charlie would be fully aboard and stay there to the end. I think a lot of this had to do with our nervousness about Halleck and what others might attempt on the conservative Republican side. What I'm saying here to the President is, "The Republican Party has much at stake." Of course, it did have a great stake in this, as did Republican moderates and Republicans from the industrial states. You knew if you finally got to a roll call, a number of Republicans were going to have to support that legislation. All the games to avoid an ultimate decision in the House would be played out. But I'm attempting here to revive the publicity attendant to the McCulloch-Halleck activities of an earlier stage. It wasn't sufficient just to remind them--particularly Halleck--it was necessary to try to build a fire and have them develop a Republican interest once again. How effective we were in that regard I don't know, but again it's an indication of our constant pursuit of this in all its dimensions.

O'Brien -- Interview VIII -- 22

G: Yes. The FEPC provision here was one of the controversial elements of the legislation.

O: Yes.

G: How did you get around that provision?

O: I think we focused on that because it was a feeling. And Charlie enhanced that feeling by some actions he had taken. That was an area in which Halleck might effectively work to our disadvantage. He would be interested in doing some things to our disadvantage somewhere along the road and this would be an obvious area. I must say for Halleck, incidentally, we never had any commitment from him that he would see our version through to the end. That wasn't the commitment. The commitment was that he'd afford us an opportunity to have this fully considered.

G: Yes. The public accommodations section was also very controversial.

O: Yes.

G: Do you recall any discussions or negotiations on this element of the bill?

O: Not specifically. Those are the areas [you'd attack] if you were going to try to dismantle [the bill]. You have to remember this battle was waged over an extended period of time and those in opposition to civil rights legislation were going to seize every opportunity possible. If you'll look at the areas that are most controversial in the bill, the areas that are most sensitive, the areas of deepest concern to the opposition, you don't have to be a genius to figure out where the focus will be to dismantle or water it down. You just kept waging the battle. But the problem at that stage was, as the memo indicates, you knew darn well--whether the Rules Committee kept fooling around or whatever took place--that if you could only get to the floor then a lot of people who had no desire to vote for civil rights legislation and who were either going to be passive through the route or, worse than that, were going to make attempts to destroy [it], would have to vote for it once the chips were down. That's what the memo says.

It was quite clear to us if we once got on that floor, we were going to pass meaningful legislation. Furthermore, it was equally meaningful that if we could get House passage of civil rights legislation, we were going to get a bill out of the Senate. House passage was the ultimate breakthrough, and that was really the last battle for the opponents of this legislation, even though it went through difficulty in the Senate. However, the Senate of the United States could not ultimately be in a position of having defeated civil rights legislation which had been adopted by the House. Republicans in the Senate, as Republicans in the House, would not be able to carry that burden. So the objective was obviously to carve it up, kick it around, present as many roadblocks as you could, although people participating in that exercise in many instances couldn't allow themselves to get out in front.

O'Brien -- Interview VIII -- 23

(Interruption)

G: --trigger memories. The first one in particular that is interesting in terms of the history of civil rights legislation is one that was accepted in amendment by Representative [William] Cramer to clarify that fostering desegregation did not mean to assign pupils in such a way that you would overcome a racial imbalance. Do you have any thoughts on the evolution of this concept?

O: It was language subject to future interpretation. At that time the quote, "to overcome racial imbalance"--there would be all kinds of court actions and interpretations down the road ultimately--was something you preferred to have included by way of language, but there it was.

In every case of legislative struggle, amendments which are adopted are inevitably bound to water down your proposal, and you fend them off to the best of your ability. The first one, for example, [which was offered by Richard] Poff of Virginia, was a teller vote to give defendants the same right as the attorney general to request a three-judge federal court. How much of your ammunition are you going to use as you go through something like this? That was eliminated quickly. Teller vote and that's it. Then whatever the [amendment] clarifying the definition of discrimination was, [offered by Charles] Goodell and [Edwin] Willis, we would think that the bill as written probably effectively defined discrimination, but then how many amendments are you talking about?

Then you notice Howard Smith's [amendment], which is an interesting one. Prohibiting discrimination in employment due to sex. He was way before his time, wasn't he?

(Laughter)

G: How did he get out in front of the Johnson Administration on it?

(Laughter)

O: Howard Smith viewed that as an attempt to cause problems. He was not interested in eliminating sex discrimination. He thought this was pretty cute.

G: But it passed.

(Laughter)

O: Yes. I think the important part of the House amendment listing is not so much the amendments which were adopted as the fact that ninety-four amendments were rejected. When you add it all up, that wasn't a bad piece of business. Granted that amendments were adopted, but for the most part--I'm sure we would have been in support of Howard

O'Brien -- Interview VIII -- 24

Smith's amendment--they were watering-down amendments.

You have about seven amendments, plus the ninety-four that were rejected, and as noted here in the summary, "The southerners reportedly entered the fight with little organization and enthusiasm and focused much of their opposition on the bipartisan coalition work in behalf of the bill, accusing [Emanuel] Celler and McCulloch of agreeing to oppose every amendment." This is a good piece of work in terms of legislative progress. If you can get through anything as mammoth as civil rights legislation with a limited number of watered-down amendments, I'm sure at the end of those few days we were quite pleased.

G: The House adopted an amendment by Celler to exempt contracts of insurance or guaranty firms from antidiscrimination requirements under Title VI. Do you recall the issue of that, why they exempted insurance [companies]?

O: No, I don't.

G: How did Celler perform on this piece of legislation?

O: Quite well.

G: Did he?

O: Yes. I'd give him good marks. I suppose it's unfair to Celler for me to give exceptionally good marks to McCulloch, but where he comes from was the difference. Celler is a staunch advocate up front. It's a matter of his strength as a chairman, his ability as a manager of this legislation, and you can make judgments on that basis. There's no judgment to be made on the basis of his support of civil rights and his background and history and record in that regard. But McCulloch, coming from the Republican side, is in the minority on the committee, and the position he took and his advocacy are worth recalling.

G: There's an indication that Celler tried to dictate too much to his committee in terms of developing the legislation.

O: I remember there were times when we were concerned about Celler's handling of the committee. But that's like anything else; you can nit-pick. Maybe we had valid complaints at times, maybe we wanted Celler to act a little differently than he did from time to time. Celler had been a member of the House for a long, long time and, to summarize Celler's efforts, it would be very difficult for me to find fault. But I do think, clearly, the success, to what degree we had success ultimately, from Celler's committee was due in no small measure to the efforts of McCulloch. So let's call it a team effort because there were suspicions all over the place. There were suspicions regarding McCulloch right to the bitter end. People felt they had to be wary of McCulloch. Maybe Manny Celler should be more amenable to the Justice Department and the White House concept of how this



O'Brien -- Interview VIII -- 25

evolved.

But when everything is said and done you think of where you started from, you had a battle on two fronts simultaneously. You had a battle with the conservatives on the committee, the southern Democrats, conservative Republicans, but you had just as tough a battle with the liberals. Their position was the old story of the half loaf or three-quarters of a loaf, and "we'll settle for nothing less." Their constituency consisted of civil rights groups you wouldn't expect to be patient. This was something long overdue; there should be no quarrels about it, there should be no maneuvering regarding it, and it should be flat out. That's not unusual, but in civil rights, it was the very strong, prevailing view. The liberals on the committee who opposed passage were reflecting the views of their constituency and we had to cope with that. We shared their views, and we'd love to do it their way.

We were accused by some of being weak-kneed but, my God, are you going to have meaningful legislation or are you going to sit around for another five or ten years while you play this game? We became, if anything, more disturbed with some of our liberal friends on that committee than we did with some of the southern Democrats and Republicans because, after all, we knew their position. Those liberals sat around saying, "No, we won't accept anything but the strongest possible civil rights bill, and we won't vote for anything less than that." To kill civil rights in that Judiciary Committee was an appalling possibility! And it was not only a possibility, it came darn close to an actuality. That's why I can't help but reflect back on McCulloch and Halleck.

Tape 2 of 4, Side 2

G: [Was McCulloch] suspicious of the administration, do you think? Do you think he felt that the administration was trying to accrue credit to the Democrats rather than the Republicans?

O: I suppose there might have been some of that, but I think what you have to remember is the relationship that was established between Bobby Kennedy and McCulloch and in the trenches [with] Nick Katzenbach. There was an understanding, a recognition, of McCulloch's problems in terms of how much he could get done. My recollection of McCulloch was that he was a stand-up fellow throughout and he was a realist. He had taken on a task which certainly did not ingratiate him with a lot of his colleagues, but he felt that right was on his side. This was a personal point of view. I don't think he had any overriding constituent pressures on him. He had a safe, or relatively safe, congressional district, but it was our good fortune that in his position on that committee he had made a personal commitment.

In that context you have all kinds of ebb and flow, all kinds of possibilities, all kinds of problems, all kinds of negotiations, and all kinds of efforts by members of the committee to try to persuade them. But the fact of the matter is that you had a basic three-way split on the committee: you have the Democratic liberals; you had those that

O'Brien -- Interview VIII -- 26

shared our view that "Let's look at the reality of all this, what's doable, and let's get it done." Then you had the adamant opponents. Obviously, when some of our liberal friends were screaming about "this pathetic piece of legislation," it brought smiles to the faces of Democratic conservatives and Republican conservatives, who couldn't have been more pleased with the assistance they were getting from these liberals to kill the legislation. In the midst of that, you have Celler and McCulloch, and you have the Justice Department and the White House. I have told the story about Mayor [Richard] Daley and one of his congressmen--

G: Yes.

O: --who played that game, too. I guess I'm being a little harsh, but my feeling at the time was that the speeches and the public statements some of those people were making were the very ones I would make. I was no less committed to civil rights than they were, but I did not buy them because I felt they were pandering to a constituency and their own personal interests. They were overlooking the cold reality that we had an opportunity here to have meaningful civil rights legislation, and they were going to blow it, just to satisfy their own egos.

G: This is an element of debate that seems to come into almost every piece of civil rights legislation: how much of a loaf is possible? Of course, the liberals are going to respond to you that with just a little bit more perseverance they might have been able to enact a more sweeping measure. Is there a formula that you used at the time for determining how much of a loaf was possible?

O: Why, sure. It was a pretty obvious formula: intensive discussions with each individual member of that committee repeatedly brought you to your own personal head count on what was doable. Then go back to those seeking the sweeping legislation and say to them, "This is what's doable. This is the cold reality. This is the best that we can do. If you can help us do better, then step up and do it. Now let's get off this, and we're demanding that you support it." That got to be a tough battle, believe me. We pulled every stop.

G: Was this something that you had to formulate in other pieces of major legislation or was it peculiar to civil rights?

O: There were elements in civil rights that just made it different. I think in any momentous, far-reaching legislation--Medicare--there are elements. But there's that additional ingredient in the whole civil rights struggle. If you're talking about Medicare, for example, a major legislative effort extending over years and years, it didn't get to the basic human terms of black folks and white folks. Civil rights is unique in that regard and, consequently, the emotions that it stirred were as intense as the emotions on any legislative proposal you could ever be involved with. You were going to break barriers that go back a hundred years or more. Whatever remaining partial barriers might exist after enactment, the situation was bound to improve once the base was in place.

O'Brien -- Interview VIII -- 27

It was difficult for me at that time to accept suggestions from some of our most ardent supporters of the New Frontier and Great Society programs. Let's face it, they were 100 per cent supporters of all of our proposals and they'd say, "Well, what are you arguing with us about or with me about? I'm just an ardent supporter. This is the commitment of the Democratic Party. This is the commitment of the President. This is what the President wants, and I'm just supporting the President. You're coming to me and saying now, 'Alter to some degree your support; do a partial with us,' and we can't accept that." So you get to, "Well, if that's the way you feel about it, you've joined forces with those other guys and you've got this blocked. I don't know what you're saying. We didn't try hard enough? We ought to devote more time and effort to this? Wait for a few more elections and maybe we'll be in a better position?" We reached the point where we were very intolerant of some of the activities of some of these people on that committee.

G: Was Lyndon Johnson inclined to accept your estimate of how much--?

O: He was a total realist about it. Is somebody going to accuse the top people in the Justice Department of being not liberal enough, not committed enough to civil rights, that they'd engage in some giveaway program? It was useless to be debating the intensity of interests in civil rights. All that was debatable was what was doable. If we hadn't succeeded in bringing a civil rights proposal to the floor of the House, if we hadn't succeeded in containing the last-ditch efforts by way of amendment to dismantle or water down, if we hadn't succeeded as we did in the Senate, if somebody had suggested to me going back to the House committee and agreeing with our friends on the committee who were the most ardent in this regard, "Let's set it aside and try another time because we're just not going to settle for anything but a 100 per cent package here," I wonder how many years it would have taken before, if ever, you'd have had civil rights legislation.

There was nobody more ardent in his espousal of civil rights legislation than Lyndon B. Johnson, and nobody can take that away from him. From my own personal observations--I was there--we weren't sitting there enthusiastically accommodating some of these various elements in order to get a majority all through both bodies. We were doing the best we could, and we were dedicated. There had to be a tremendous amount of pride from all concerned with the ultimate result.

To sum it up, I think the difficulty in something like this is not waging the battle with your traditional opposition. You know it's there, but to find yourself waging a battle on two fronts tested us to the point where we had to bite our tongues many times.

G: Was this a problem that developed more in the House on this bill than it did on the Senate side?

O: It was more a traditional situation on the Senate side. That's why I've said so often that House enactment was essential and did ensure ultimate civil rights legislation, because even with that, the Senate battle was intensive. But if you look at the debate in the Senate

O'Brien -- Interview VIII -- 28

and look at the vote in the Senate, you'll find it followed basically a traditional course. There was much less Senate liberal screaming about the "weakness of the legislation" than there was on the House side.

G: Before we get to the Senate side, let me ask you [this]: is there anything on the relationship between Johnson and McCulloch on this legislation that is interesting?

O: No, not that I can recall.

G: What did Johnson think of McCulloch?

O: I'm not sure he became well acquainted with McCulloch because McCulloch's position had been established early on. Even though there are indications in these memos that "you've got to still keep an eye on old McCulloch," the fact of the matter is that I don't recall being nervous about him. I also recall if you said to McCulloch at that point, "This is a desperate move, we know, but we're going to go to a petition," and McCulloch would say, "No, I'm not going to have any part of that," you'd understand it because we weren't being total realists and it could have been disruptive from his point of view. I'm sure there were some shaky areas of support on his side.

G: What insights did you draw about Johnson's relationship with Celler from this legislation?

O: He knew Celler; he had known him quite well over the years, and I remember he had a great deal of confidence in Celler and was comfortable with him. They had a good relationship. I think it's probably an unfair reflection, but it probably should be put into the equation that Celler, even at this stage, was a rather elderly fellow. Maybe that's where our concern was, whether he had the strength to carry out this task. I'm very sensitive to age at this stage in my life, but I think there's a tendency, if you're younger, to say, "I wonder if the old guy will really hang in there." (Laughter)

G: Well, he must have been in--close to eighty.

O: I'm sure.

(Interruption)

G: Let's go to the Senate now. You were saying that there was building, during the Senate consideration of the bill, enthusiasm above what you had during the time that it was in the [House].

O: Yes. It grew rapidly in the church groups around the country. Disappointment in the House passage because of the content of the bill dissipated quickly, and we were able to finally bring into focus the realization that we were afforded a splendid opportunity to enact meaningful civil rights legislation. There was a tendency to refrain from criticizing the House action. If we move rapidly into the Senate there would be final enactment.

O'Brien -- Interview VIII -- 29

This wasn't planned or orchestrated; it just evolved.

The result was that the procedure was agreed to in the Senate to by-pass the committee and go directly to the floor. If it went to the Senate committee, you may never see it again. The decision was made, which we discussed in great detail, and which was in accord with the leadership in the Senate. Coinciding with that, there then seemed to be a significant escalation in the private-sector involvement and enthusiasm and a great effort ensued. That effort hit the Senate and hit very strongly and was very important in accomplishing the desired result. I don't recall that degree of private-sector activity in the House when we were going through it.

G: Was this something that your office worked on?

O: I don't recall that we did particularly. We were also coping with some dissatisfaction, a considerable amount of dissatisfaction, on [the part of] civil rights advocates through House progress.

G: Who in particular, do you remember?

O: Just in general. There were sayings: "Well, this isn't really a great bill." "There's been too much given away," and "There're too many problems with it." All of that, going back to the House Judiciary Committee, was reflected by the attitude of some of the liberals on the committee. Now you have a bill that has been enacted, and it is a civil rights bill. Then the move was to go directly to the Senate floor and carry on this battle, which everyone envisioned would ultimately force cloture and which you would have to win. You're talking about a mammoth task. There was a realization that "Here is the battle, and it can be won." That was extremely helpful to us because we didn't have all these protracted debates about substance under the House bill. We were now talking about "Can we get the House version enacted in the Senate in this session?" And then came the decision on the part of the leadership, in which we concurred, to go [directly to the floor]. That was really the only course. Were you going to go into a Senate Judiciary Committee and start all over again with the experience you had in the House Judiciary Committee? Once that was established, it went from there and escalated into a historic achievement.

G: Well, you did have the problem in the Senate of unlimited debate, and--

O: Yes. Sure.

G: --you were hit with that at least initially.

O: Yes.

G: This is one thing that we really haven't talked about in any detail. Let me ask you to talk about the filibuster here. I mean, the southerners did block the vote for a period of days. What was it? Ten days, two weeks, something like that?

O'Brien -- Interview VIII -- 30

O: I would say at least that. First you have the parliamentary procedures, Russell and the morning hour.

G: Well, now, explain what happened in detail there in the morning hour.

O: It was Russell's involvement, wasn't it?

G: Yes.

O: That was a simple delaying action. I don't think it took anyone by surprise. If you did it in the morning hour it wasn't subject to debate, so Russell just postponed it until after the morning hour when there's unlimited debate. Mansfield tried to compromise it, moving the Senate [bill] to the Judiciary Committee for a limited number of days, which was sort of a Mansfield approach to things. He figured that would be an accommodation which might alleviate the tenseness. But that didn't occur. I was just going to dwell on Morse because Morse was involved in referring it to the Judiciary Committee.

G: Yes. It was his motion, evidently.

O: What his motivation was eludes me at the moment, except that I have to assume that Morse probably wasn't enamored with the bill.

G: Do you think he wanted a stronger bill, or do you think maybe he was introducing a motion that he hoped would be defeated? Would that--?

O: I don't recall. Morse was a difficult fellow to evaluate in any event, and that's a blank with me.

G: Now, back to the matter of the filibuster. Did the presiding officer in the Senate have some control over the filibuster at all? Was there a parliamentary way that he could break the filibuster unless it tracked strictly with the Senate procedures?

O: No, the Senate procedure is unlimited debate and that's it. Unlimited debate leads you to exactly that. How long can you prolong the debate? The whole idea is to have unlimited debate until you exhaust everyone, and the whole thing dies and everyone gives up. Once they were unable to move it to the Judiciary Committee and they were faced on a roll call with the agreement of the Senate to take up the legislation, there was no alternative left for the opposition but filibuster and the odds would heavily favor the opposition, historically. It's not an easy matter for the Senate to vote to suspend its own rules and close out debate.

So it was of great historic interest that this debate ensued in the context of civil rights. It added a dimension to the struggle. But it was an inevitable procedure. When everything was said and done, no matter how you tried to maneuver or manipulate, you

O'Brien -- Interview VIII -- 31

were faced with one of two things. If you took the normal course and went to the Judiciary Committee, you probably were never going to see a bill. If you're going directly to the floor, then the battle is to be waged. "The bill is taken up and now filibuster ensues." Once you got to that, were you capable of putting together the necessary votes to break a filibuster? I don't recall historically when that had ever occurred, but I think in terms of civil rights legislation, at least, the memo indicates it goes all the way back to 1917. It's awesome.

G: Yes.

O: You could go through this, and you're into seven weeks of debate before the petition was filed. Then it came to the climax--what is this, a morality play?--with Bob Byrd, and Bob Byrd set the record for the longest speech.

G: How long did he talk?

O: This says fourteen hours and thirteen minutes. It caused the first around-the-clock session of the 1964 filibuster. So you have to remember when the cloture petition was filed, it was after seven weeks of debate and then you're at "This is it!"

G: Why wasn't it filed sooner?

O: There's no perfect time, but you have to build a record that there was full debate opportunity, that everyone had all the opportunity that reasonably could be expected to debate this issue. You wouldn't move for cloture and want to be faced with, "I might vote for cloture, but I think this is a hastily taken act. We haven't had enough opportunity for discussion, and this is an arbitrary effort to close off fair and reasonable discussion of the issues involved here." There's a possibility of success when you say, "All right, you've been at it for seven weeks. There's no indication that any meaningful vote is going to take place here, so we're petitioning."

G: Was there a physical dimension to this struggle? Do you think that the southerners eventually got tired of talking?

O: I think it's an example of what can be accomplished when you maximize pressure, and I think without question the public pressure across the country--not only the church groups but long-time advocates and liberals in general--had been spotlighted to bring about an attitude of fairness and had an impact on the cloture vote. Each senator voting on cloture had to have some justification. The justification was in two parts: one was an overwhelming, overriding public demand for action; two, there had been ample opportunity for full discussion. So when that kind of a petition is acted upon, there's the order of business. You have a June 8 filing of the cloture petition, and June 10, the vote.

G: Senator Russell was quoted as saying that "Cloture never would have been imposed had it not been for the pressure from LBJ and much of the nation's clergy."

O'Brien -- Interview VIII -- 32

O: I think that's accurate.

G: Who did LBJ pressure?

O: I think it's the pressure in terms of his repeated public pronouncements and his effort as president to rev up the support. And when Russell says that the cloture vote would never have succeeded without pressure from the President and many groups in the private sector, of course that's accurate. In order to attain cloture, you've got to have a major effort, pressure across the board and that's just what happened. I see a reference to [the fact that] the Senate took 106 roll-call votes after cloture and through adoption of the substitute bill. The substitute bill was the Mansfield-Dirksen substitute, which was a clean bill.

G: Can you describe the atmosphere when the bill passed the Senate?

O: Yes. It was like the home team winning the Super Bowl. There were many expressions of enthusiasm, joy and handshaking and backslapping.

G: Was the celebration concentrated in one particular office, a senator's office or a leader's office?

O: No. It just spread around the Hill. In fact, the people who were in the chamber, outside the chamber and in the general vicinity during that time were numerous. You wouldn't be able to accommodate them in any one location.

G: What was Johnson's reaction to it?

O: He was ecstatic.

G: Did you talk to him?

O: Yes.

G: Tell me what he said or part of it.

O: There were two aspects to his reaction; he was ecstatic and relieved. It had been a long, long, tough grind, and his enthusiasm knew no bounds.

G: Did you call him on the phone to tell him about the passage?

O: I think we left that to the leadership--that's my recollection--to make the call.

G: But did you go meet with him or how did--?



O'Brien -- Interview VIII -- 33

O: We were in the office--I don't know whether it was that night or the next morning--and my recollection is we were immediately engaged in making plans for a ceremony. We weren't going to let any time elapse, but I don't remember when the actual signing ceremony took place. He had every right to be joyous about it because it was a major accomplishment for which he deserves lasting credit.

G: What did he say about that bill? Do you recall?

O: About the bill?

G: Yes, about the act and its passage. Do you recall any phraseology?

O: No, I don't. At that stage we all knew we had passed a meaningful civil rights bill which was to become the law of the land after decades of controversy and it had been brought to fruition. Nobody was dwelling then on whether it should have been a little better here or a little better there. You have established a firm base that can never be shaken, and you can build on that base as time goes on and experience dictates.

That effort extended into June of 1964, and the Judiciary Committee in the House took this legislation up sometime in early 1963 or late 1962. When it was taken up by the House, it was at a point where President Kennedy had been belabored by the liberal establishment for his failure to move vigorously in this area. If this was as difficult as it turned out to be, it would have served no useful purpose to just accommodate the most ardent advocates by going through what would have amounted to a charade early on in the Kennedy Administration. It would have set back the whole process because it was premature and you would have failed. But he did go through a great deal of attack. ADA attacks were mounted on a number of occasions, and others attacked the administration for its perceived failure to tackle the problem of civil rights. We had to just ride with that because it wasn't something you wanted to debate particularly. Debate would have been rather useless because you'd have been talking about internal procedures which would not be generally understood anyway.

G: The leader of the southern forces during this fight was Richard Russell, who had been Johnson's closest friend, perhaps, while he was in the Senate. Did Johnson offer any guidelines or suggestions in dealing with Russell or did he himself--?

O: The Russell position was understood. I don't recall any instructions from Johnson in dealing with Russell, and I don't recall any direct efforts by Johnson with Russell. Russell was the acknowledged leader of the southern bloc. He was the person to lead the fight. He had never equivocated in his position and it was clearly understood by all of us that that was the way it would be played out.

G: Did Russell's opposition on this issue and LBJ's pressure on the other side of the issue cause any estrangement in their friendship?

O'Brien -- Interview VIII -- 34

O: Not to my knowledge, and I would not think that any estrangement really took place. How deeply Russell felt about defeat in this instance, I don't know, but the nature of the man was such that he didn't have a tendency to overreact publicly. He was very gentlemanly in any matters I was engaged in with him over those years. I respected him. In this area of "never the twain shall meet," my feeling was that Russell put up the best fight he could and he lost. What his personal reactions were to it I don't know.

Tape 3 of 4, Side 1

G: You were saying it was a battle and Russell was a professional.

O: Yes. As a personal note, I had great respect for Senator Russell. The respect, of course, was a matter of my personal reaction to him, my relationship with him and my knowledge of his stature in the Senate and his political career. In no way would that affect my strong view of civil rights and my strong opposition to his view, and I think that applied to all of us. But it was, as the saying goes, nothing personal. We're going to wage this battle; we're going to succeed and let the chips fall.

G: What was the basis of Russell's stature in the Senate?

O: I think the nature of the man. He was an impressive fellow, impressive to meet, and to conduct business with. I found him a very courteous and a thoroughly decent fellow who had strong views in this particular area that we didn't share. But I didn't allow that to affect my feeling toward him nor did I allow it to in any way limit my activities against him. He was by nature the sort of the fellow that would gravitate to leadership.

G: What do you think was the source of his opposition to civil rights?

O: It's historic, I think.

G: Regional?

O: Sure.

G: Did he seem to embody racial prejudice more or less than his colleagues in the Senate from that region?

O: No, nor did he ever to my knowledge or in my presence make any nasty comments of a racial nature. It was a position that he had grown up with, I assume, and had embraced to the end.

The strange thing about many of those southerners was that they held strong views on civil rights, but when I anticipated strong views on religion, they didn't seem to be there. I remember in the 1960 election that Kennedy fared quite well in the South. And I remember Senator [Herman] Talmadge, when I was having dinner with him at his home

O'Brien -- Interview VIII -- 35

one night, pointing out to me a statistic of which he was very proud, and that is that Kennedy had achieved a higher percentage of the vote in Georgia than he had in Massachusetts. [I remember] him saying that the accusations outside the South of southern religious prejudice were not borne out. In fact, Georgia proved to be one of the strongest states in the Union in support of Kennedy for president. And it is interesting because as a fellow from Massachusetts with my background, the general perception was that southerners were strongly, or indeed violently, anti-Catholic. We had run into that initially in West Virginia, and it turned out not to be the case in a primary there, and it turned out not to be the case when it came to the election itself. I'm not suggesting that there weren't southerners who voted against Kennedy because he was a Catholic, but there were many people who voted against Kennedy because he was a Catholic who weren't in the South.

G: There were some Democratic senators that didn't vote.

O: Border state?

G: Yes. Hayden was one who, despite your effort, did not vote for cloture. What happened, do you recall?

O: No need.

G: No need, is that what it was?

O: Yes.

G: He would have if you had needed him?

O: Yes.

G: How about [Alan] Bible?

O: There again, it's sort of a conservative border state situation.

G: Do you think Bible would have voted with you if you'd needed him?

O: I don't recall that he would have.

G: Okay. [Albert] Gore, a relatively liberal senator.

O: Yes. Gore and that group were probably a surprise to us.

G: Yes.

O: But there again, with Gore--I'm guessing--I have a feeling that if needed it would have

O'Brien -- Interview VIII -- 36

been the case there, too.

G: But you do remember distinctly in the case of Hayden it was just strictly that you didn't need him.

O: Clearly, we were sure in our head counts of availability if needed.

G: Okay. Let me ask you about the bill-signing ceremony. I think it was in the White House in that large East Room, wasn't it?

O: That's right. We used to have unique signing ceremonies for major bills. We went out to the Truman Library to sign Medicare. We signed the immigration bill at the Statue of Liberty. On the civil rights bill we did use the East Room. It was a who's who of civil rights advocates. In fact, we had so many signing ceremonies they all weave into each other.

Even the signing ceremony, incidentally, would cause you great caution. You'd have to develop the list to be sure you didn't miss someone that should be there. It was a pain because that was the aftermath, and it was ceremonial, and [there was] the pen distribution. I have the set of pens that were given to me when I became postmaster general, for the Kennedy-Johnson period, all framed. It was given me by the Congress at a party up there--fifty or sixty pens of the major legislation of that period, and there's a little plaque on it. The President saw it after it was given to me, and he became so enamored with it he had a duplicate made. You probably have one at the LBJ Library.

G: Yes.

O: But the initial one was given to me by the Congress. I brought it back to the office and it came to his attention. And there's a change in the pen from the Kennedy pen to the Johnson pen. You probably have seen the identical one I have, but let me tell you, I have the original.

(Laughter)

G: Well, would pens be given out to private citizens as well?

O: Oh, sure.

G: Did you give out more pens than you used to sign the bill?

O: No.

G: There must have been a limit to how many--

O: There was a limit, and you made sure that the pen would literally touch the signature in

O'Brien -- Interview VIII -- 37

some form.

G: Yes. Some of the signatures looked like they used sixty different pens to sign them with.

O: Yes, but we refrained from playing the game beyond that. It was legitimate that it was a pen actually used in the signing ceremony. No, we didn't distribute a couple of hundred more later on.

(Laughter)

But that evolved, too. All those things became a little more creative as time went on, and we began to realize that signing ceremonies could be very effective. Photo opportunities, if nothing else. Subsequently, presidents have engaged in that to a great extent. I would have to refresh my memory on the civil rights signing, because I can just envision that if we did it in the East Room it was a total mob scene. How many pens were involved I wouldn't have the slightest idea. I'm sure everybody in the room didn't get one, but who knows?

G: Okay.

(Interruption)

O: It had been arranged for Martha [Griffiths] to go back [to Washington]. (Laughter)

G: Apparently there were some press leaks or something that disturbed her.

O: Yes. It's quite a letter, though, isn't it, "far from the prejudices of the precincts." I don't know how Pierre [Salinger] got into that Bermuda bit.

G: Yes, but it is an interesting analysis of how congressmen are tied not only by their own local interests and the interests of their districts, but also the fellow congressmen and the similarly situated. This is, again, the issue of transportation, one that required a good deal of Republican support as well.

O: That's right. And, of course, there, too, when you're talking about transportation and the ports involved and some of the members referred to in that memo, you're talking about good friends of ours. In this instance it comes into that category we've referred to so often: don't ask someone to commit political hara-kiri. That is a good example of some of the difficulties you run into. You're not into liberals-conservatives varying positions on important social legislation. This is meat-and-potatoes. A [Ray] Madden or somebody to say, "Listen, I'm with you 99 per cent of the time, but not in this instance," You had to accept that. You're not going to be able to bump all those fellows into positions they feel are adverse to their political interests. If it were Corpus Christi or Baltimore or somewhere else, these fellows just couldn't go along with you. They would be subjected to a great deal of adverse criticism, editorial criticism, back home.

O'Brien -- Interview VIII -- 38

- G: John Young's complaint was that on the transportation bill, the committee bill was drastically--
- O: Yes, I saw that.
- G: --different from the original proposal.
- O: Whether it was drastically different or not, I'll accept that it was different. It was to John's best interest to suggest that it was drastically different.
- G: This last memo of those three that you looked at deals with scheduling and negotiations with the leadership in each house to--
- O: It's a good example of the problems you would run into, and this is not unusual.
- G: Is that right?
- O: You were *constantly* faced with the pressures on the leadership on scheduling for any number of reasons. This is an excellent example because Carl Albert and the Speaker, under any normal circumstances, were very cooperative, but in this instance Albert is giving his reasons why he feels these bills shouldn't be taken up as we suggest, back-to-back. Of course he has, from his point of view, valid reasons in talking about [the fact] that you need more work on mass transit. When you came to the pay bill, I can see, just glancing at the memo, what he was saying was, "Let some of these boys get through their primaries before they are on record as voting themselves and others a pay increase." It's so difficult, because there's a human element protecting the members, their own colleagues, cooperating with them and at the same time trying to accommodate the White House. This is an example.

Finally you see from this memo, "I believe we need work on mass transit"--I'm saying that--"the pay bill is in reasonably good shape." But the President's concern was that they have this holiday period and that could mount public interest or press interest with the pay bill and be adverse to getting it done quietly, which was always what you were trying to do with that sort of thing. So apparently I'm saying to the President, "Insist on the pay bill [by] June 3." June 2 was the date of the New York primary. In other words, let's get it done the very first available moment following the New York primary.

I don't know how many interoffice memos flowed each week between departments, agencies, my White House office, or the President and me, but I think it gives you a little feel of the intricacies of the process and all the involvements which no one would perceive. You'd have all kinds of problems trying to maneuver the schedule to your best advantage, trying to avoid having advantages gained by opponents and working with the leadership.

O'Brien -- Interview VIII -- 39

I often thought [it was true] particularly [in the Senate], although it applied to both houses. The leadership, particularly in the Senate, I think, runs into "Senator So-and-so has a speaking engagement," or "He's got a fund-raiser" or "He's committed to this. Postpone the vote." You're dealing with a hundred people and rarely are all one hundred available in Washington as they should be. They're constantly going to the leadership to adjust schedules and to give them special breaks or permit them to dash off somewhere to get back at a certain time. Even within a day you'd often negotiate the time of the roll call and see if you couldn't kill some time if necessary.

You saw on the head count you're looking at you have [Vance] Hartke arriving five minutes late, [and] regarding somebody else, I notice the memo saying, "We've told Mansfield that we'll provide military transportation." That wasn't unusual; we did that often. We hoped that we wouldn't get caught at it, but we used to do it. Just another example of the extremes required to get these people who have a responsibility to vote on these issues there and to vote, and that would apply sometimes to committee votes. You were constantly faced with members who had excuses for not being there or asking for postponements to accommodate their own personal interests. The leadership in both the bodies were involved with that all the time. I'm sure that's the case today just as it was then, and it drives you crazy.

G: Did you also have a problem scheduling legislation in terms of your own priorities in addition to--?

O: Yes, and you're limited to a considerable extent on scheduling. We scheduled consistently for the early years, at least on the House side, as we anticipated in every case there was going to be a very close vote. So you try to handle the schedule to maximize the attendance of your side, constantly trying to be alert to absenteeism. Realize that traditionally the House, and to some degree the Senate, won't have recorded votes except Tuesday, Wednesday, and Thursday. That's Tuesday afternoon, Wednesday, and up to early afternoon Thursday for the T-to-T fellows--the Tuesday-to-Thursday fellows. They won't be there; they're going home.

In the House, with debate limitations, you could work out a reasonable schedule. In the Senate it was difficult, because Mike Mansfield or the other leaders couldn't pinpoint, within X hours, when the roll call would take place. It was miserable. It was one aspect of the process that was troublesome and nerve-racking, because you had to deal with that in addition to the substance. Now you're going to have a vote and you have to worry about your head count, who's going to be present and who isn't, what time is more appropriate for one member, which may not coincide with the time frame of another member. In this instance, the Carl Albert memo goes beyond that, obviously. He has the pay bill on a time basis because of primaries, but he also has mass transit. I would think from my own comments [that it was] a valid argument on the part of Albert that "We're not ready." Obviously the President is saying to me, "When will we get them done?"

(Interruption)

O'Brien -- Interview VIII -- 40

G: Okay. Let's talk briefly about foreign aid for 1964. Here is a brief memo that reflects a message from Bryce Harlow that he's been talking to President Eisenhower about helping.

O: There were occasions when both presidents would look to the former president for assistance in an area of common interest, and foreign aid would be in the forefront. Each president regardless of party runs into this. Bryce Harlow was the conduit for both President Kennedy and President Johnson with former President Eisenhower.

But I think the key to foreign aid in 1964 was the obvious: the change.

G: [George] Mahon for [Clarence] Cannon?

O: Mahon for Cannon. Yes. Of course, that created a new situation favorable to our interests and rid of a problem which had driven presidents crazy over a number of years, and that's Mr. [Otto] Passman. The end result is apparent: we had a relatively pleasant experience with foreign aid in 1964. By the time we got through, the authorization was the President's request in full and the appropriation was a relatively modest reduction. In fact, the major element of the reduction, from about 3.4 to 3.2 [billion dollars], was a Wayne Morse amendment in the Senate; it was not a House cut. Passman went through his usual exercise. But, without the assistance of his friend in the past he was unsuccessful, and you had a most acceptable foreign aid bill come down to the White House.

It was in our time, and I'm sure in Eisenhower's time, approached in a reasonable, sensible manner; it should not be a partisan issue. Foreign aid and the debt ceiling, as I've said before, were the two issues that you had to face which were fair fodder for games to be played. They had domestically no broad base of support. Thus you had to depend on the common sense, good judgment and fairness of the Congress that would have been exercised over the years except for this irascible character. [In] 1964, foreign aid went its course through authorization and appropriation, with a very modest reduction in the initial request.

To get back to Ralph Dungan's memo regarding Bryce Harlow. There was a good attitude on the part of the former President, which was reflected early in the Kennedy period and then with Johnson. But there was an added dimension worth mentioning now: Bryce Harlow. I don't want to repeat myself, but at the time of the transition Bryce Harlow couldn't have been more cooperative and helpful and I thought highly of him. We became close friends, saw a fair amount of each other over the years and communicated quite often. With Bryce in the position he had with Eisenhower, you had a fellow who was willing to take on a task with interest in being helpful and who had an open door to the former President.

I don't know as Charlie Halleck ever became enamored with foreign aid, however.



O'Brien -- Interview VIII -- 41

- G: In the House vote on this foreign aid bill, I notice that the House rejected a recommittal motion that Representative [E. Ross] Adair had made--
- O: Close vote.
- G: Yes, it was a close vote; let's see, eighteen votes. And fifteen southern Democrats who later voted against passage of the bill itself were responsible for defeating Adair's motion.
- O: Not unusual. That was the assistance we were beginning to get from southern Democrats. It would be understood that they would help you on recommittal, but they wouldn't be there on final passage. In that way they would protect their long-standing position on foreign aid. Nobody would note that if they had that strong a position, why weren't they voting for recommittal? That was one of the aspects of congressional relations that was very interesting. It started early. There was a willingness, to some extent, on the part of many southern Democrats to be helpful where they could and not disrupt their positions on various issues. And that's a good example of their willingness to help and our total understanding that that was the extent of it. But it would be helpful, in fact it was imperative, we have their help at that stage on recommittal, and we could then ease by final passage.

I would hope historians would note that, incidentally, when they see the voting pattern. I don't imagine any historian or student would have to think very long before they'd realize that this was a means of being helpful to an administration they felt friendly toward and yet not disrupt their own positions. Well, that's self-explanatory.

- G: Interesting.

(Interruption)

- O: Clearly, the Passman opposition did not alter the basic opposition to foreign aid when it changed with the Cannon departure. As you'll note from the roll calls, it still remained a very close matter. What did change were all of the problems he could create in committee. When you finally got to a close-call vote on foreign aid on the House side, after Passman had cut it to pieces, you had a much slimmer package than you had after the change took place. So it wasn't that Passman had an impact on his colleagues' positions on foreign aid; his impact was felt while destroying the contents of the foreign aid proposal that ultimately went to the floor.

(Interruption)

My recollection is that it would be a little unusual for a cabinet member to send a memo of this nature to the President on details involving strategy on the Hill. I know this wasn't a common practice, and I would suspect that maybe Orville [Freeman] got his fingers burned a little bit, too, because I don't recall the details and I don't know as I ever read the memo. But the fact of the matter is that he ticked off Carl Albert, and it wasn't easy to

O'Brien -- Interview VIII -- 42

tick off Carl Albert. Frankly, if we were engaged in that kind of a strategy session, we would have been darned sure--we, the White House--that Carl Albert was present.

So that was one mistake Orville made, and the second one was that he was right. If that's what he wanted to discuss in great detail with the President, would he call? And the President probably had more important things at the moment to discuss with others. So that's all I can say about that, because he was well motivated and obviously deeply involved, but the normal procedure would be to move this through the congressional relations staff in the White House. That meeting would have probably had Henry Hall Wilson sitting there with Orville.

But in any event, that's all I can say about it. Prerogatives are of extreme importance and always have been and I'm sure still are.

G: Okay. This is a memo that I showed you earlier today regarding the War on Poverty.

O: Yes.

G: What was Johnson's attitude regarding the War on Poverty, from your perspective?

O: By attitude, do you mean how deep was his commitment?

G: That's part of it, and what did he think about the problem and how it could be solved.

O: He embraced the concept when it was proposed. Even the designation of it as a war on poverty underscored his often-mentioned concern about the poor, his often-repeated stories about his childhood and his youth. It was his nature to become almost emotionally involved in this subject. Now, what do you do about it, how do you go about attacking it, and is it a war? I think the whole concept of federal involvement in a program to reduce and hopefully eliminate poverty, which would be your blue-sky objective, [was] something that involved a strong personal commitment on his part.

Tape 3 of 4, Side 2

G: It's been written that Jack Kennedy's commitment to alleviating poverty was formed while he was campaigning in West Virginia and saw the poverty there and in Appalachia.

O: Yes.

G: How about Lyndon Johnson? Where do you think his--?

O: I think it came from his youth. I would have no question in my mind, having been exposed to a lot of Johnson's stories about his youth and NYA activities, that he had a very strong view. The difference would be that Johnson would have felt and touched poverty. It would be something that he could equate with from actual experience and

O'Brien -- Interview VIII -- 43

move from there to the New Deal and all the programs. With Jack Kennedy, that was a direct confrontation in West Virginia, and I think there is a strong element of truth that he had an experience that shook him in the hills and valleys of West Virginia. Johnson's exposure to poverty created a deep impact, and he'd reached the point in life where he felt he could do something meaningful about it. With Jack Kennedy, I think it was necessary for him to have the direct confrontation and feel it and smell it and see it, and he reacted similarly.

But I think that with Kennedy, however, there was an element of repayment. He felt that what West Virginians had put on the record regarding him, and their attitude toward him, deserved repayment. But the repayment went to the heart of the problem in West Virginia: poverty and widespread unemployment. And Kennedy became totally caught up in it. Johnson obviously was caught up in it, similarly, but he approached it from a different background and different experience. But they both came out at the same place. If you're president of the United States, it must give you a warm feeling to find yourself in a position where you can do something about a matter that's of overriding significance.

I don't know how you describe Lyndon Johnson in one word in that regard, but in that and similar areas, he was constantly articulating his interest and concern for people. It's not an exaggeration to say that, and I ran into it so often.

G: Did he tend to personalize it?

O: Yes. He could where Jack Kennedy couldn't. And I think that Lyndon Johnson was very much a New Dealer. He was very much a Roosevelt man; he was a tremendous admirer of FDR, and he had lived through that period. I could equate with Lyndon Johnson's view of social problems, because as a kid my family and relatives and friends had many of the same experiences that Johnson's associates had when he was a young fellow. And we shared a strong, strong feeling about the Roosevelt era and what it meant. I think it had political connotations because it made us even prouder to be Democrats.

G: Yes. Connally I think was an NYA student. Johnson was state director.

O: So it's always been troubling to me, and Vietnam was the cause of a great deal of it. I've told you that I remember vividly a relatively minor but nevertheless significant aspect of civil rights in home rule for the District of Columbia, which reflected his commitment to civil rights. Yet the woods were full of people who were disbelieving. And that was a burden he carried. Maybe it was his nature, his personality, I don't know, which caused people to say, "Ha! He doesn't really mean that." Even in the White House, when you were in those battles and found his keen desire to be in the forefront battling to accomplish those objectives, how could you suggest he was putting on an act, that he didn't really mean it? That used to disturb me no end. He didn't need me to convince people that he was a committed person in this area.

O'Brien -- Interview VIII -- 44

I think what bothered me was that [these were] people--and there were some of the staunchest advocates--who were very leery and suspicious of Johnson throughout. I thought it was grossly unfair. I guess that's life, too, but as I say, he doesn't need me as his defender, then or now. Let the record speak for itself. But you could have the record and people might still say, "Well, he did that only because he wanted to show he was a Democrat." The fact is that he had a deep personal commitment.

G: You and Bill Moyers and Sargent Shriver met with LBJ in March of 1964, just before the War on Poverty message was issued, and supposedly LBJ did approve the package, the War on Poverty proposal, in this discussion with you and Shriver and Moyers. Do you recall the details of that?

O: Not any specifics, other than the package was reviewed and he approved moving forward. I don't think there was anything new that came out of that meeting. I remember the meeting. It was, "Okay, now let's get moving."

G: Do you think that he considered Shriver, who was the head of this task force, to come up with a package and a message, as the director of this War on Poverty?

O: I think so. I don't want to suggest he specifically stated that to me, but I think that's accurate. There was a consensus among us that Shriver would be ideally suited for this role.

G: This was in effect proposing to create a new administration, or a new executive office of the President. Did this create some jurisdictional problems with the other--did Bill Wirtz, for example, want to run the Job Corps?

O: There may have been some of that, but I don't recall that it was overriding or became significant.

G: Did you feel like the program had a good chance to become enacted on Capitol Hill?

O: I don't know, because it was so new and innovative, and there was no pattern, no history in this area that you could evaluate. I don't know how much weight we put onto whether we could succeed legislatively or not. I think in this instance it was a matter of minimal discussion and concern because of the objective. This was something you were going to move forward on, and you're carving out new territory.

G: Shriver did do a good deal of lobbying on the Hill on this himself.

O: He certainly did. Sarge Shriver took to lobbying on the Hill like a duck to water. He's an outgoing, ebullient fellow with all kinds of drive. And he would put everything he had into any effort that he undertook. He was widely accepted on the Hill. I would think that perhaps no one did as much legwork on the Hill as Sarge did in this instance. He was indefatigable.

O'Brien -- Interview VIII -- 45

G: The legislation was referred to Adam Clayton Powell's committee in the House, the Education and Labor Committee. Anything on Powell's role in this stage?

(Interruption)

O: It wasn't a matter of suggesting Phil Landrum; it was a matter of exploring with appropriate members of Congress this concept in its initial stage, getting a feel of attitudes and finding that Phil Landrum was very receptive. From the outset he evidenced an interest in the concept.

G: Were you yourself talking to Landrum about this?

O: I talked to him; others talked to him, and we agreed, to our utter surprise, that Phil Landrum seemed to be a fellow who not only had an open mind but seemed to be leaning strongly in the direction of a program. We realized that if by any chance Phil Landrum would take the lead in this, it could be just a tremendous plus for us.

G: Because he was not known for advancing progressive social legislation?

O: That's right. At what moment Landrum agreed, I don't remember. But I recall that labor was disbelieving. I went to the labor headquarters and met with George Meany. I believe Sarge may have been with me. In any event, I talked to George, told him about this coup, and he was disbelieving. Finally, by the time I left his office, he had to conclude one of two things: that I had just lost my head totally, or this was true. Landrum coming aboard in the leadership role was a real blockbuster. If you were to look over the House membership, you'd find he would be among the very last that anybody would ever suggest in this area. But that's what happened, and he stayed consistent throughout.

G: To what do you attribute his espousal of this legislation?

O: I honestly don't know. All I can say about Landrum [is that] I didn't find him to be the ogre that he was portrayed to be by labor. But I'm talking in human terms, because Landrum was a very pleasant fellow who I enjoyed. That wasn't the case with every member of Congress. I enjoyed my contacts with Landrum. I was leery of him because of his background, Landrum-Griffin. But I must say I found him a very easy fellow to be associated with.

Whatever his motivation, I know this: there's no way that Phil Landrum would have taken on that task through any effort from the President or anyone else. This would be purely a personal decision on his part. He didn't envision that he would be in that role, but once we realized that he had a basic personal interest in pursuing it, asking him to take on the role was not that difficult. I'm not at all sure George Meany wound up being pleased he was doing it, but I guess he accepted that it would be a significant plus in getting enactment. But I'll never forget that meeting with Meany, because he just was

O'Brien -- Interview VIII -- 46

thunderstruck.

G: What did he say?

O: He said he didn't believe it, and "Even if he's told you, I don't believe it." In fact, he got into a big discussion about the whole thing and refused to accept what I was telling him. And I had chosen to go over and meet with him to tell him and to review it with him. But he wound up by saying, "We'll see. We'll see. I'm not accepting this yet, and we'll just see how this plays out."

G: Do you think that Landrum's support had to do with the poverty in his own Georgia district?

O: Probably. Who knows? But I think it's like anything else. We were talking about Lyndon Johnson in that regard. I guess if you've been exposed to this directly in the context of representing people, you probably have a soft spot in your heart, and the day is going to come when the spark will be there and you feel comfortable. It's hard to figure that out in terms of his opposition to labor, but maybe not that hard. Talking about poverty is different than talking about organized labor and its power. It probably wasn't even on the same wave length in Landrum's mind.

G: Now, since this poverty bill did cut across various jurisdictions of congressional committees, how was the decision made to refer it to Powell's Education and Labor Committee?

O: The make-up of the committee.

G: Really? You wanted to get a friendly committee, is that right?

O: Yes. I don't recall all the names, but as difficult as Adam was to deal with as the chairman, there were any number of members of that committee whom we could look to quickly.

You look at the Democratic side of that committee and you see that it's a liberal group. The Republican side would be the normal Republican situation you would run into on any committee. But you had Carl Perkins from Kentucky, for example. There's got to be a spark there, too. And Landrum was the big surprise factor. Then Jimmy Roosevelt and Frank Thompson--Topper Thompson was as liberal as he could be--[John] Dent, [Roman] Pucinski, Dom [Dominick] Daniels, [John] Brademas, and Jim O'Hara, one of the solid, hard-working members of that committee whom we looked to for assistance consistently over the years. You have Hugh Carey, who was emerging as a very bright and able guy on the committee. Gus Hawkins. On the Democratic side, that was a very strong committee in terms of a proposal of this nature.

G: Did any other of the committee chairmen resent not having the bill come to their

O'Brien -- Interview VIII -- 47

committee?

- O: I don't recall that happening, but that may have something to do with the uniqueness of it. And I'm not sure at the outset that this proposal took off like a rocket. As I said earlier, we were carving out new territory, and I don't have recollection of serious quarrels within or among committees.
- G: Was there an effort to broaden congressional support by combining rural and urban features in the bill?
- O: Yes. That would not be an unusual approach because we're all going to be crusaders in this area. Nevertheless, the reality was that ultimately you were going to have to cope with how broad a base of support you could garner, and as you tried to garner support regionally or even at the state level, you also would do it in urban-rural areas. You try to incorporate enough in a proposal of this nature that would intrigue a broad base of membership and, therefore, support.
- G: Did LBJ help enlist congressional support on this bill?
- O: Yes, he was very much involved in this.
- G: What did he do?
- O: First of all, he gave it a priority and a lot of emphasis. He made a great deal of reference to it at leadership breakfasts, at cabinet meetings and took occasion to in public comments and statements.
- G: One thing, right in the middle of the hearings on the bill, he made a trip to Appalachia. Was this designed to high point the need for it?
- O: That was part of it.
- G: Did you go with him on that trip?
- O: I may have, because we obviously would have had some congressmen and senators who were from that area with us. I probably did. I went on just about every trip he took of that nature where there was a significant congressional presence. There was no better way to emphasize it than to make that trip.
- G: Mayor Daley came and testified on the poverty bill, and in his testimony [he] indicated that it would work a little differently in Chicago.
- O: I was trying to recall how different it would be in Chicago. But everything was different in Chicago. However, the plus was that Mayor Daley testified. He was not in the habit of coming to Washington and testifying. He really wasn't that interested in the Congress.

O'Brien -- Interview VIII -- 48

(Laughter)

G: How did you get him to come to Washington and do that?

O: My recollection is that we tried to determine who might be helpful and somebody came up with Daley, but I'm not at all sure that the President didn't make a direct request to him. I think that's probably the case.

G: Shriver knew him well, I guess.

O: Yes, he did. Shriver became well acquainted with him when he was at the Merchandise Mart.

G: You also brought in a number of businessmen to testify in favor of the bill. Do you recall--?

O: Yes, to broaden the base, we had a task force engaged in making contact in the business community, with some degree of success. Of course, we had to give this some business flair in order to enlist some Republican support.

G: Did you have to do some horse trading on this bill? For example, I notice in the outline that Representatives [W. R.] Poage and [Harold] Cooley seemed to have been holding out for more funds for regular FHA appropriations, and there's a suggestion that Adam Clayton Powell insisted on getting a certain amount for the OEO programs in Harlem.

O: Yes, there was some of that.

G: Was there? How did you deal with that?

O: That again wasn't unusual. I don't remember Poage and Cooley specifically, but you have to recall that we were not on any easy street on this, and if there was some accommodation to be made, it was well worth doing. Adam spent some of his moments in Washington thinking about what he could do to be helpful to his district, I can assure you of that. That took a variety of forms, and he was very sensitive to any possibilities that might exist where he could get a piece of the action.

G: Did congressmen support their own candidates for OEO job positions?

O: I don't remember that. Job positions?

G: Yes.

O: At the top?

G: Well, throughout the [agency].



O'Brien -- Interview VIII -- 49

- O: No, I don't recall that. There may have been some of that. It would be looked upon as a new entity, a new agency, and job opportunity was there. But I don't remember any great pressure in that area.
- G: A few questions on the Job Corps: Edith Green pointed out right away that the Job Corps was not planned as a program for women. It was exclusively male, initially, and she had that amended so that there was also a women's component. Do you recall this issue?
- O: Yes, I recall Edith making quite a point of it, as a matter of fact, and rightly so. That was in the early days; we would have anticipated that up front if that were today. (Laughter) And we would have taken our own steps to ensure it. No, Edith made a valid point and her position was readily accepted.
- G: There was also the civil rights aspect to the question of whether Job Corps camps in the South would be segregated or integrated. Do you recall that issue and how you dealt with that?
- O: It was touchy and, there again, it was rare that you could totally avoid the introduction of that aspect. I don't remember how we dealt with it, but you had certain little advantages there. Those who would register objections--after all, this was a poverty program--would be cautious about going too far publicly. This would involve matters of internal argument or discussion, but even the most ardent were not in a position to publicize discrimination when you're trying to work out a program called the War on Poverty.
- G: There was also a conservation group in the Congress that wanted to have a minimum of the Job Corps sites be conservation projects run by the Forest Service or the Department of Agriculture. Do you remember that? I think Congressman [John] Saylor was one of the advocates.
- O: No, I don't recall.
- G: Then there was the question of the governor's veto of Job Corps camps.
- O: That became a major problem, and we compromised on that. There was some element of veto right put into the bill. That "right" became something we had to agree to or cave on, because it could have been extremely disruptive if we didn't work out some kind of an accommodation. Of course, that had the civil rights aspects to it, too.

But that was something we just had to accept. That was a splendid opportunity for those in opposition or those worried about civil rights. It was a way of getting around the corner. Supposedly now we're in states' rights, which suddenly some people have great concern about who normally wouldn't be concerned. But you had to accept it for what it was; it was a maneuver. By the same token, that did provide an opportunity for people to either leave the reservation or not join the reservation. So it had to be

O'Brien -- Interview VIII -- 50

accommodated, reluctantly, but the practical aspects dictated it and it happened. I'd prefer not to, but it did. I don't recall the exercising of any of these prerogatives particularly, as time went on, but there should not have been any authority in the bill for governors to make determinations. It was a political accommodation.

Tape 4 of 4, Side 1

- G: The most controversial component of the bill was the Community Action Program. I have a number of questions on this. First, let me start with a quote. One former Senate aide observed that "If Congress understands Community Action, it will never get through." Did Congress understand Community Action when it passed that legislation? I think the point was that Congress was voting for something that they really didn't understand in terms of the--this is all based on the notion that they were enacting a program that would create a rival source of power, rival to the regular power structure in their districts, and that they would be working against themselves.
- O: What is this rival power structure that was being created? It would take away some of the power of whom?
- G: Of city hall or their supporters. It might create new leaders who would then run against them for Congress.
- O: I don't recall an uprising at the community level among the local power brokers. I recall that there was a considerable amount of discussion regarding it, but in the final analysis you're talking about power and patronage. If you're going to equate power and patronage with poverty, then the people who were equating it were on pretty thin ice.
- G: But didn't the Community Action Program to a certain extent bypass the local power structure and--?
- O: Yes, but it wasn't intended as a bypass. It was to be a coherent program. If you were going to segment this program into accommodation of every existing element of the so-called local power structure, there wouldn't be a program. I don't recall "bypassing" having the impact the notes apparently indicated.
- G: You observed the legislation over a period of time. Let's just break it down into component questions. Do you think that the members of Congress followed the development of the legislation closely and understood the contents of the bill?
- O: To the extent you would anticipate, they did. If they took a magnifying glass to the bill in terms of impact on existing structures, perhaps not.
- G: Do you think they were disillusioned later on, let's say in 1965? Did they come back and say, "What have we done?" or "This isn't what we felt we were voting for"? Did you get any disillusionment from them?

O'Brien -- Interview VIII -- 51

- O: There were people trying to get a piece of the action, but as far as its being adverse to political interests at the local level, I don't recall strong reactions.
- G: Okay. Family planning was one of the touchy issues associated with Community Action. How did you deal with this?
- O: It was touchy, and we anticipated how touchy it would be up front. It seemed to me that it really bordered on religious connotations, too. But if you're getting into something like this, you're going to be touching some sensitive nerves along the route. Whether there was a provision in the bill that was an accommodation to people concerned in that area, I don't remember.
- G: Church-state, the whole--
- O: Yes. But I don't recall this creating the great passions that you would normally get. I think that what was overriding here was the objective. Perhaps because it was new and innovative, there wasn't the attention paid within the Congress to some of the administrative aspects that would normally be the case.
- G: What was Lyndon Johnson's reaction to Community Action? Was he disillusioned by it, or did he feel like it was working as he had intended it?
- O: I think he was reasonably satisfied.
- G: He didn't explode in your presence about the operation of the program?
- O: No.
- G: The governor's veto was also an issue on the Community Action Program. Senator [Winston] Prouty introduced an amendment to give the governors a veto power over Community Action [projects in their states], and [Barry] Goldwater abstained on that. Do you have any knowledge of why he would have voted that way?
- O: No. Maybe you'd check on who the governor was at the time. I don't know.
- G: Well, that's as good an answer as [any].
- O: I always look to something like that when I can't find an answer readily or I can't recall. Of course, you're talking about Barry Goldwater; you could never be sure where Barry would land on some things.
- G: Really?
- O: Well, he's always had strong views, and I must say my admiration for him is because he

O'Brien -- Interview VIII -- 52

always expressed his views. You never had to seek them out; they were out front. But he could surprise you on many occasions.

G: There was initially a land reform component of this poverty legislation that was dropped during the course of the congressional consideration. Do you recall that element of it?

O: In the land reform, who did that antagonize? I know it was dropped, and it was dropped early on, I believe.

G: Yes.

O: So there must have been some strong opposition to that concept. I don't recall where it came from, probably from the established organizations that are very sensitive to any utilization of land that doesn't meet with their total approval or over which they have authority.

G: Okay. Right at the time of the vote in the House on the act, there was a controversy over Adam Yarmolinsky's role in the program, what it would be and--

O: That was the last effort on the part of the opponents: attack Adam. I remember that for its gross unfairness to Adam which, in my judgment, was a cheap shot. If they could deflect attention to Adam, take a little detour, maybe they could muddy up the waters. And they went at it.

Adam was subjected to a great deal at that time. The attacks on him were an example of people reaching desperately for one other handle that might derail [the bill]. I don't know what the record shows or the history of this reflects, but the opponents at that stage would find it awfully difficult to attack Sarge. He had a broad base of support and, in fact, he was well thought of by people in opposition to the program. Adam would go along with Sarge to these meetings on the Hill. Some wise guy one day probably decided a shot could be taken that might bear fruit.

G: Apparently there was a fear that the North Carolina delegation would not go along with you and you might not have the votes you needed.

O: As I recall, and some of these things I probably get entwined with other activities, there was actually a caucus of the North Carolina delegation which we requested Cooley to have to try and shore up that situation. There was a fear, and I think we did--which is fairly extreme--ask the delegation to caucus as an entity. And that did occur. But that's my best recollection. We had no other state caucuses or delegation caucuses; that was the one I remember.

The Yarmolinsky situation became the most significant controversy in that fight. After everything was tried by the opposition--whether you're talking about Community Action, family planning--it did zero in on Adam. I can't testify to Sarge committing to

O'Brien -- Interview VIII -- 53

Adam that if he, Sarge, ran the program, Adam would be his deputy, but let's assume that happened. It became clear to us at the White House that there had to be a definitive position taken on Adam's future role in order to avoid ultimately losing this fight. Whether Adam was sacrificed or whether it was a totally exaggerated situation, it was easy to say, "Well, no, there's no contemplation that Adam will be involved." I rather think--and Sarge would have to testify to this--that it was widely assumed on the Hill Adam would probably be deputy. He had played a key role throughout and it would be very logical to assume he would have a key role in implementation once enactment took place. The opposition was able to create concern, but the concern seemed to focus on the North Carolina delegation and Harold Cooley. And Landrum was leader of this fight and finding that he might stumble in the last mile. There had to be an assurance on non-involvement. Maybe Landrum also demanded it, and he'd be in a position to make a demand of that nature because we were depending on him to carry the ball.

I was not directly involved in any of the intrigue, but I'm sure if you asked Sarge, he would be quick to respond. Candidly, whether Adam was a sacrificial lamb or whether it was an exaggerated situation, it was not a difficult matter of assuring people he wouldn't be part of the program. All I know is if Sarge had publicly announced that Adam would be the deputy when the program was enacted, I think we still would have made it, but it would have been much more difficult. In fact, I'd never known whether Adam had any interest in being part of the program.

Their antagonism toward Adam was his prior activities; he was Eastern Establishment and he was an ultraliberal in their view.

G: He had played a role in the military desegregation, hadn't he?

O: Yes, and as you know, [is] an extremely able fellow who you were happy to have aboard. Adam would step forward and take the personal sacrifice without even blinking an eye, but I thought the whole thing was a smear that was repugnant to all of us. I wasn't at a meeting where a demand was made. I know that.

G: In the Senate, the sponsor was Pat McNamara. Was he your first choice as sponsor, or did you try to get someone else?

O: Let me just reflect for a moment. Pat McNamara was a stalwart. When you say "first choice," was there any reason why he would not have been first choice at that time? There was an illness--I've lost the time frame--and I don't know whether McNamara was as active in the Senate at that stage as he had been. I don't remember. Maybe he was; maybe I'm thinking of another period, another time, another situation. But under normal circumstances he would have been first choice.

G: I had a note that perhaps Lister Hill was considered.

O: Lister Hill would not exactly fall into the Landrum category, but there again, it would be a

O'Brien -- Interview VIII -- 54

bonus.

G: But you don't recall asking Hill to help with it?

O: Asking him to help, sure.

G: But to sponsor it?

O: I don't recall that specifically, no.

End of Tape 4 of 4 and Interview VIII

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
LYNDON BAINES JOHNSON LIBRARY  
AND  
JOHN FITZGERALD KENNEDY LIBRARY

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

This assignment is subject to the following terms and conditions:

- (1) The transcripts shall be available for use by researchers as soon as they have been deposited in the Lyndon Baines Johnson Library and the John Fitzgerald Kennedy Library.
- (2) The tape recordings to which the transcripts relate shall be in the possession of the Lyndon Baines Johnson Library and shall not be available for use or review of or by any source during my lifetime and for a period of time thereafter ending with the 10th year anniversary of the date of my death. At such time, access to the tape recordings by researchers shall be permitted but only for the limited purpose of background use, and researchers may not cite, paraphrase, or quote therefrom under any circumstances.
- (3) During my lifetime, I retain all copyright in the material given to the United States by the terms of this instrument. Thereafter the copyright in the transcripts shall pass to the United States Government. During my lifetime, researchers may publish brief "fair use" quotations from the transcripts without my express prior consent in each case, but no other quotations from the transcripts shall be published, except with my express prior approval in writing.
- (4) Copies of the open portions of the interview transcripts, but not the tape recordings, may be provided by the library to researchers upon request, subject to the terms, conditions and restrictions set out herein.
- (5) Copies of the interview transcripts, but not the tape recordings, may be deposited in or loaned to research institutions other than the Lyndon Baines Johnson Library or the John Fitzgerald Kennedy Library, subject to the terms, conditions and restrictions set out herein.

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

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

Original Deed of Gift on file at the Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705.

ACCESSION NUMBER 92-19