INTERVIEW II

DATE: November 29, 1977

INTERVIEWEE: ROBERT OLIVER

INTERVIEWER: MICHAEL L. GILLETTE

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

Tape 1 of 1

G: Do you want to start from the first again here?

O: This tape I consider to be highly confidential because it involves an incident that probably is known to no one except Johnson and myself--no one else, to my knowledge. It could have been that someone else did know about it, but I've never had it discussed, or never had it mentioned to me. I have not discussed it because it was a matter of such vast importance and still is a matter that's of tremendous importance and is very much before the public and before the Congress at this time. That [matter] deals with the deregulation of natural gas.

Sometime around 1953 or 1954 the Federal Power Commission made a ruling that the price of gas was subject to regulation at the wellhead. This was the first time that any attempt had been made to do anything other than to fix the price of gas transported in interstate commerce, across state lines. But this ruling established for the first time the authority of the Federal Power Commission to fix the price, at the wellhead. Of course the oil industry was interested in legislation to divest the Federal Power Commission of this authority. Bills were

introduced for this purpose, and in 1955, early in the session, a bill was before the Interstate and Foreign Commerce Committee of the House--it was also introduced in the Senate--to accomplish the deregulation.

At that time Mr. Rayburn was very much interested in the bill. It was his bill. They were his constituents, and he felt that the oil industry was important to the state of Texas. I was opposing the legislation as a representative of organized labor and had, by happenstance, gotten into the position of sort of coordinating the opposition to the bill in the Interstate and Foreign Commerce Committee. At that time Oren Harris of Arkansas was chairman, and I think he was the principal sponsor of the bill. It was known at that time as the Harris Bill.

It was obvious to nearly everybody that this bill had very strong support and would pass the House if it ever got out on the floor, so we concentrated our efforts on beating the bill in committee. As I said, by happenstance I got in the position of sort of coordinating the efforts against it. We used to hold our meetings in Congressman [Charles A.] Wolverton's office, who was the ranking minority member of the Interstate and Foreign Commerce Committee. Present at that meeting were, for the most part, Democrats. Among them was Charlie Vanik of Ohio, [Joseph P.] O'Hara of Minnesota and a number of others. I think I was the only non-congressional member of the coordinating committee.

We were trying to get as much support for our efforts to defeat the bill in the committee as we could, and we worked very hard on it.

We organized on a sort of a minor scale a public campaign against deregulation on the basis that it would drastically affect consumer prices of gas, which is the same thing involved in the issue today. We concluded that the only chance we had of beating the bill was in the committee. If it ever got to the floor it would pass overwhelmingly, with the strong support of Speaker Rayburn. We counted the votes in the committee, worked very hard on getting as many as we could. We knew it was a razor-thin majority, one way or another. I concluded that we [would] either win or lose by one vote or two votes at the most, that we had a fighting chance of beating it, but it was a relatively slim chance. It would be close. We figured that we were the underdog on the thing and that it would be almost a miracle if we were successful.

At that time, as legislative director of the CIO, the Congress of Industrial Organizations, and principal assistant to Walter Reuther, I maintained a suite in the old Congressional Hotel, that is now Congressional Annex Number One, a House office building. It just happened that one morning either in late May or early June I was in the suite. I didn't go there too often in the morning. It was unusual for me to be there in the morning because I usually was in the office downtown, but by some chance I was there. I was the only one there. The phone rang. I picked up the phone. I can't recall whether it was Lyndon Johnson himself on the phone or whether it was a secretary who told me that "the boss is calling," as some of the secretaries would refer to him. I got on the phone and Lyndon said, as I recall,

"Bob, can you beat that gas bill?" I said, "Lyndon, we have a slim chance in committee. It's a very slim chance. It's a very close vote. We have a fighting chance to do it in committee; it's the only chance we'll have." Lyndon said, "Well, I'm going to give you a chance to beat it. I'm not going to call it up in the Senate until after it passes the House."

In the Interstate and Foreign Commerce Committee on the day that the vote was taken, the motion to vote out the bill failed by a fifteen-fifteen vote. At the time the vote was taken, Congressman [E. Ross] Adair of Indiana, who was known to be for the bill, was out of the room having his picture taken with some constituents. He came back in, discovered the vote had been taken, was deeply concerned about it, pleaded with somebody to make a motion to reconsider, and Sammy [Samuel M.] Friedel, congressman from Baltimore, made a motion to reconsider. He had voted against the bill. He made a motion to reconsider. It was a matter of public knowledge that Ross Adair was for the bill, that he would have voted for it had he been present. The only reason he wasn't present was because he had stepped out just for a few minutes to have his picture taken. In fairness, Sammy Friedel thought that he should make that motion, to give Adair a chance to register his vote.

Sam was very subject to very strong criticism as a result of that action. As I told Congressman Friedel and anybody else that raised the issue with me, I thought he did exactly the right thing even though I was strongly opposed to the bill. But had I been in Sam Friedel's place I would have done the same thing that he did, in fairness and honesty,

because we either had the votes or we didn't. I thought that Congressman Adair was entitled to have his vote cast, and it was cast. Well, of course the bill passed on the floor overwhelmingly.

In July of that year Johnson had his heart attack. The bill was never called up. Johnson had said he would not call it up until after it passed the House. As a result of his heart attack, it was not called up at all in that session. It didn't get before the Senate until I think it was June or July of the following year. I think it was July. In the meantime, Senator [Francis] Case of South Dakota had publicly revealed that an oil lobbyist offered him a bribe of twenty-five hundred dollars to vote for the bill. This was front page news all over the country, and as a result of that--the bill got down to the White House about ten or twelve days after it passed the Senate--Eisenhower vetoed it even though under other circumstances he would have signed it. He was for the bill. Everyone knew he was for the bill, but in view of this bribery allegation he vetoed the bill. It hasn't become law to this day and is now one of these very controversial, very hot issues before the Congress of the United States. Had Johnson called up the bill in 1955 it would have been the law of the land today. And if the price tag that's been placed on it is accurate, it would have cost the consumers of this country hundreds of billions of dollars by now.

G: Why do you think Johnson aided the opponents of the bill, or at least talked to you about it?

O: Many people had accused Johnson of being a tool of the oil industry. Anyone who knows Johnson well, anyone who knows of the 1948 election, knows that the oil industry did everything in the world to beat him. Coke Stevenson was their candidate. They also put another oil man from Houston in the race in order to try to beat him, take votes away from Johnson. They spent a lot of money on the campaign to beat him. He was never the tool of the oil industry. Johnson was what history has revealed him to be--a person dedicated to the public interest, with a deep concern for people, as has been revealed in his legislative acts, in his presidency and in all the things he's done. People have called him a populist. He was. Populist is not a particularly good term for a person who believed in fair treatment for people, who wanted people to get enough education, who wanted people to have decent wages, who wanted people to have adequate medical care. He was dedicated to the welfare of the people, and this act was an expression of that basic feeling of Johnson on matters of this sort; it was a consumer interest he was concerned about.

G: And yet he supported the bill actively in the Senate.

O: He did do that. After all, it was his constituency. Texas is an oil industry state. Can you criticize Lyndon for that even more than you can criticize Hubert Humphrey, who for years and years opposed dyeing margarine because it served the interests of the dairy industry in Minnesota and Wisconsin? It's a matter of record that liberals, when they are successful in remaining in office, are going to support the economic interests of their community, of the areas that they

represent. Just like John Dingell of Michigan. People accuse him of voting with the automobile industry. He was against the gas guzzlers tax because those are his people. The people who work in those factories are the people that elect him. They are affected by anything that affects the automobile industry.

So on matters that affect only the well-being of the industry and do not have this severe impact on consumers of this country, Johnson would vote with the oil industry because that was the basic industry of his state, the most important industry of his state. But here was a matter that could cause hardship to millions of people in this country; high prices on gas that was widely used, transported by pipeline all over the country for use in heating homes. And at that time [gas was] more [in] use for homes than it was in industry, perhaps. It was just a reflection of his deep interest in the well-being of people.

Off the record--stop your tape for a minute--what do you think. . . ?

(Interruption)

G: Let's talk about the 1956 convention and your perspective on that. You mentioned being with Johnson and Dick Russell.

O: Well, I went out to the convention in 1956. I think at the time I really was actively supporting Averell Harriman. I don't think many of us thought he had much of a chance for the nomination, but a lot of us thought that he would make a good president. This included President Truman. Mr. Rayburn was a very strong admirer of Harriman,

but also of course at that time Johnson was making a lot of noises about being a presidential candidate. I don't think he ever took himself seriously, but he was a candidate. Stuart Symington was a candidate. Johnson was less serious than Dick Russell had been even in 1952 when Russell was really serious and I think thought he had a chance for the nomination. Johnson never took it that seriously, but he was a candidate for the presidency.

I was there, and I was with Johnson frequently in the suites he had in the Conrad Hilton. He had a public suite down on one of the floors, a big suite where most of the work was done and where he actually stayed. But then he had a hideout up on the top floor, which was the Presidential Suite. Very few people knew about this. On the day that the nominations were made, for some reason that I can't clearly recall, I went upstairs to the Presidential suite. I went in and Lyndon Johnson and Dick Russell, Senator Russell of Georgia, were sitting there, just the two of them, before the TV, listening to the nominations. Lyndon invited me in to sit with them. I did. John Connally came on and was recognized to nominate Lyndon Johnson. He put Lyndon Johnson's name in nomination and made a very nice speech for Johnson, extolling his virtues and his qualifications for the presidency. Dick Russell, who had been the candidate in 1952, said to Lyndon, I recall very clearly, "Lyndon, don't ever let yourself become a sectional candidate for the presidency. That was what happened to me. You can't win if a southerner

becomes a sectional candidate for the presidency." I recall that very distinctly as one of the things I remember most vividly about the 1956 convention.

G: What was their reaction to Connally's speech? Did they feel like it was an effective speech?

O: Oh, I think they thought it was a good speech, but neither of them took Lyndon's candidacy seriously. Lyndon didn't think that a Texan could be elected president of the United States even more than he thought a Georgian could be elected president of the United States. Lyndon had said to me on more than one occasion that Dick Russell in his opinion was one of the ablest men in America. I remember on one occasion he said if Dick Russell had not been born in Georgia he'd be president of the United States.

G: Anything else on that convention?

O: My most clear recollections involve the vice presidential race. Contrary to what had happened in 1952 when a few people, Mr. Rayburn and several of the leaders, Jake Arvey I think of Chicago and Carmine DeSapio, as I recall, of New York, [David] Lawrence of Pennsylvania--I forget what Governor Lawrence's first name is.

G: Bill, wasn't it?

O: No, it wasn't Bill Lawrence. But they selected the vice presidential candidate. Mr. Rayburn told me about this. Mr. Rayburn said he thought Senator [John] Sparkman would be a good candidate. He said: "Here's Sparkman, a barefoot son of a sharecropper in Alabama, with a good record, with a record of being interested in legislation

affecting the welfare of the people, and he'd make a good candidate. Just a barefoot sharecropper's son!" So they selected Sparkman for the [vice] presidential candidate. That's how most of the vice presidential candidates back in those days were selected. It was not considered a very important post. What they were looking for is to balance the ticket.

In contrast to that, in 1956 Adlai Stevenson threw the vice presidency open to the floor. He did not choose a running mate. He threw it open to the floor, and the active candidates at the time were Hubert Humphrey and Estes Kefauver and Jack Kennedy. It finally got down to a contest between the three of them. There were others that were interested in becoming vice presidential candidates, but none of them really had a chance. I remember Albert Gore was contesting for the Tennessee delegation because he wanted to be the vice presidential candidate.

One of the things that I recall was about eleven o'clock one night I was sitting out in this big area near the elevator in the Conrad Hilton near Johnson's suite. On every floor they had a great big area in front of the elevator. It was actually a lobby for each floor, with a lot of chairs and sofas. I was sitting out there around eleven or eleven-thirty on the floor the Johnson suite was on. Albert Gore came up in his shirt sleeves, and he said to me, "I wonder if you think I could see Lyndon." I said, "Well, he's in there. I think Judge [A. W.] Moursund is in there with him. I don't see any reason why you can't." He said, "Would you see if I can? I want to talk

with him. What do you think of me as a vice presidential candidate?" What was I to say except, "Oh, I think you'd be a great vice presidential candidate." I couldn't say anything else.

Anyway, I went over and rapped on the door. There were quite a number of people in the suite. I think it was Juanita Roberts that came to the door, and I told Juanita that I wanted to speak to Lyndon for a minute. Lyndon came to the door, and I said, "Albert Gore is out here; the vice presidential bug has bitten him. He seems to think he can't go to sleep without seeing you." He said, "Oh, bring him in. I'll see him." So I took him to the door, and he went in. I wasn't interested in going in with him. I wasn't invited to go in. I didn't even attempt [to]. I didn't even want to go in. At any rate, I took him to the door. He went in and I walked away. Whatever they talked about, I don't know, but I know that he was very anxious to see Lyndon. On the floor, Gore's name was placed in nomination, and he was contesting with Estes Kefauver for the Tennessee vote. Finally, when it was apparent that he didn't have a chance, didn't have any support outside of the state and Estes Kefauver did have, then Gore withdrew in Kefauver's favor so that the balloting went on the basis of the three nominees--Kennedy, Humphrey and Kefauver.

Frankly, I thought that Hubert Humphrey was going to win. I still believe to this day that if they had left the board up there over the platform where they reflected the count of the votes as the roll was called that Hubert Humphrey would have been nominated. I

thought that because just the way the votes were shaping up. I was on the floor. Averell Harriman had a box on the left hand side, the floor level, facing the platform and around the middle of the convention hall. I remember Walter Reuther was in a similar suite a few boxes away. I walked by and Averell Harriman asked me what I thought, and I said, "Well, you know, it looks to me like"--I had been backstage where I knew what the vote was; I knew what the totals were--"it will be Humphrey." That was the way it looked to me. I thought that Hubert Humphrey was trailing, but that the votes would shift and that Hubert would wind up being the nominee. I told Averell Harriman that. He didn't think that Humphrey was in the running, and that was a general feeling around the floor because they didn't know what the count actually was. I said the same thing to Walter Reuther--that I thought it would be Hubert, on, I think I said, the third ballot. Well, it turned out that I was wrong, but I still believe to this day that had those totals been up on that board--I may be wrong--that Hubert Humphrey would have gotten the nomination.

The other thing I remember vividly about that convention involved Mr. Rayburn. You know, there were a lot of people who didn't want Estes Kefauver. Senator Kefauver was a loner. He just wasn't a part of the Senate establishment. He sort of operated on his own, just not a part of the establishment. A lot of the people in the South didn't want Estes Kefauver. Also, a lot of people in the South didn't want a Catholic on the ticket. So it came down to a question of some state delegations making their decisions on the basis of

opposition to Kefauver or opposition to Kennedy, not really being for either one of them. I thought this would have an effect on Humphrey's possibility. Mr. Rayburn favored Hubert Humphrey. I went up on the platform where Mr. Rayburn was presiding over the convention--of course this has nothing to do with Lyndon, except only peripherally had to do with him--and asked Mr. Rayburn what he thought about it. I asked him how Texas would go, and he said, "Well, I think Texas will go for Humphrey. So I'm for Humphrey, and I think Texas will go for Humphrey."

(Interruption)

But he thought Texas would go for Humphrey. He was going to try to get Texas to go for Humphrey. I left him and walked down on the floor. I walked by the Arkansas delegation, and Senator [J. William] Fulbright saw me. He had seen me up talking to the Speaker. He said, "What's Mr. Rayburn's position?" I said, "Mr. Rayburn is going to try to get Texas to go for Hubert." He called Governor [Orval] Faubus over. So Faubus came over--no, it wasn't Fulbright, it was Hays.

G: Will Hays?

O: No, it wasn't Will Hays. It was the former congressman who was defeated in the write-in campaign in Arkansas later. He was president of the Southern Baptist Association. Brooks Hays. Brooks Hays, a great storyteller. It was Brooks Hays that asked me that question. He was very close to Mr. Rayburn. I told him what the facts were. So he calls Faubus over and asked me to repeat what I said to Governor Faubus, and I did. Arkansas passed on the basis of that information on the first roll call.

This had happened just before the roll call started. As a matter of fact, as I recall, many of the delegations were caucusing. The Texas delegation was caucusing out in a little old sort of boarded up area over in the Cow Palace there, maybe a hundred [feet], a short distance off the floor. It was a little old room with big cracks in the walls. I could hear the discussion. I had gone over there and was listening outside. I could hear the discussion going on.

It became obvious to me that Texas was not going for either Kennedy or Humphrey, that Texas was going to go for Kefauver, and one of the things that influenced them was the Oklahoma delegation. The Oklahoma delegation didn't want Kefauver. They also didn't want Kennedy because they were concerned about a Catholic on the ticket. That influenced the Texas delegation to go for Kefauver instead of for Humphrey. I guess I didn't really know the result because I think the roll call started after that caucus. But any rate, my conversation with Brooks Hays was just as the vote had started and before Arkansas' name was called. Arkansas passed on the first ballot, and then Texas voted for Kefauver. Brooks Hays got hold of me and said, "Don't ever do that to me again." He had stopped the delegation from going for Kefauver, so it left them not voting. So they weren't in the early roll call of states, lining up with the winner. That's just an interesting sidelight, it doesn't have much to do with Lyndon.

G: Did you get any insight on the association between John Kennedy and Lyndon Johnson in that 1956 convention?

O: Well, it's a well-known fact that Johnson didn't think that Jack Kennedy was an effective legislator. He wasn't. The fact is the record shows that he was not an effective senator. The record shows that he was not really an effective member of the House of Representatives. He didn't work hard at his job. He was getting a lot of publicity from his glamour [as a] senator. He was in the liberal bloc. He voted with Senator [Joseph S.] Clark, Paul Douglas and what Johnson considered the extreme liberal wing of the Democratic Party. Johnson thought they were impractical legislators. But Johnson never did anything to impede Kennedy. I remember on one occasion he gave Senator Kennedy free rein to call up a bill of his on the floor. I forget what the bill was; it was a labor bill of some kind. It may have been unemployment compensation or something of that sort. Any rate, as I recall, Kennedy only got about seventeen or eighteen votes for the bill, which Johnson knew he would do.

It's just a difference between being an effective legislator and an ineffective legislator. You won't see any roll call vote upon which Lyndon was decisively defeated. He was beaten on the floor on occasion, but it was always because he got every vote there was and it was always by a fairly close margin. Bills that he didn't think would pass, unless they were of overriding importance to the country, he didn't call up. I remember that Johnson wasn't enthusiastic about Mr. Rayburn's twenty-dollar tax cut one year, but he let it go to a vote in the Senate because it was Mr. Rayburn's bill. Although Johnson was not particularly for it, it lost by a pretty

decisive margin. [There was] maybe a twelve or fourteen-vote margin on it.

But [it's] just the difference between being an effective legislator and being an ineffective legislator. Johnson believed in the principle that you only legislate on things that you had the votes to legislate. That you only go as far as you had the votes to go. It was being a practical legislator, and he was a master of that. He was a master at vote counting and of timing.

G: I get the impression that a lot of it was timing, knowing when Senator X had left the chamber or was not going to be there and he could quickly call up a [vote].

O: It was a matter of timing. I recall a few outstanding examples of that. One of them was the first civil rights bill. As I recall the circumstances this was not the major, big civil rights bill. It was an important civil rights bill. It was the first civil rights bill ever passed. Johnson had a great deal to do with its passing. I remember the debate went on for days and days. I could usually tell what was going on by watching Johnson. I remember that--unrelated to this--on one occasion where this was so apparent was the year that Governor [Frank] Lausche came to the Senate. I think this was in 1957. It was the first year that Johnson was majority leader.

G: That would have been 1955.

O: Any rate, it was the year that Lausche came to the Senate.

G: Didn't Lausche replace [Robert] Taft? Was that the way it was?

O: No, I don't think so. I don't believe so. Why don't you stop the tape for a minute.

(Interruption)

In 1957, when Lausche was elected to the Senate, the Senate was composed of forty-nine nominal Democrats and forty-seven nominal Republicans. I say nominal Democrats because there was a number of southern Democrats, senators that had never voted with the Democrats. Lausche was more of an independent than he was a Democrat. As a matter of fact, people didn't know how Lausche was going to vote. I went in the gallery the day that the Senate convened. I was sitting in the gallery up alongside of the press gallery, facing the floor. I was with someone whose name I can't recall, I wish I could. I didn't know how Lausche was going to vote. Nobody knew how Lausche was going to vote. If he voted Republican, the Republicans would organize the Senate. If he voted Democrat, the Democrats would organize the Senate. It was that close. Nixon was sitting in the chair as vice president.

I looked down at the floor, and I saw Lyndon. He wandered around a little bit, very relaxed, sat down and chatted with people and was in a relaxed mood. I said to whoever I was with, "Lausche is going to vote with the Democrats." He said, "How do you know?" I said, "I can tell by looking at Johnson. I think Johnson and Lausche are the only two men on that floor that know how Lausche is going to vote. But Johnson knows how he's going to vote." And sure enough, when the roll call came to Lausche, he voted for Hayden for president pro tem of

the Senate. No, Nixon was not in the chair. I guess the secretary of the Senate was in the chair, I believe that's the procedure. I'm not absolutely positive about that. Of course, the Vice President was in the chair; yes, he would be. Because he's the constitutional presiding office of the Senate. In the House the clerk calls the House to order when they elect the officers of the House. But any rate, Lausche voted for Carl Hayden for president pro tem of the Senate. The vote was forty-nine [to] forty-seven. His vote made the difference.

As I was saying before, another time that I recall how Johnson sort of reflected what was going on on the floor was in connection with the big civil rights bill; this must have been in 1957 or 1958.

G: 1957, I think.

O: 1957. Johnson had never been noted as a supporter of civil rights, but in this particular instance reflected what his true attitude was; he had sort of gotten over the fear of his constituency. For days and days the debate droned on, and Johnson, during days and days of this debate, sat sort of languidly in his chair. He'd look around; people would be making a speech; he would look over to the Republican side where somebody on the floor [was] making a speech, or look around at somebody elsewhere. Someone would come up and speak to him, and he'd talk with them sort of languidly. Every once in a while he'd get up and just stroll off the floor back into the cloakroom. He just really wasn't doing anything.

Then one day I was seated up in the diplomatic gallery, which is where I usually sat. All of a sudden Johnson started moving around the floor, in that sort of stalking manner he had. He'd spot somebody across the floor, and he'd go over there and start talking with them, talk in a very animated fashion with them for a few minutes; then maybe turn and walk away and look around. He'd walk over and talk to somebody else. Every once in a while he'd be conferring with [William] Knowland, who was minority leader at the time. I just remarked to myself, I said, "Uh oh, things are going to start happening around here, because Johnson is moving around. He's getting active."

Johnson's procedure in passing legislation [was] the unanimous consent agreement. He used that procedure to an extent that no one had ever used it before, getting unanimous consent agreements to vote on a time certain. Very few people could be as successful as Lyndon Johnson in getting unanimous consent agreement. He was able, some way or other, to get people to agree by unanimous consent to vote at a given time or a given hour, or after so many hours of debate--whatever happened to be the content of the motion. He got an unanimous consent after this feverish activity to go to a vote on something in connection with it. It was probably a major amendment to the bill, probably the jury trial amendment or one of those other very important amendments that determined the fate of this bill.

I knew at that time that Johnson had the votes. Whatever it was he wanted to do, he had the votes to do it. All during this previous days of debate going on it was germinating. It was just purely a gestation for whatever he wanted. He was working [it] out by discussions that you didn't see publicly on the floor with various people. That civil rights bill was his handiwork. He was the one who was responsible for passing that bill, and it was his leadership, his ability to get the southerners to agree to certain aspects of it, get everybody to agree that made it possible.

The key was the jury trial amendment which he had so much [to do with]. The southerners were insisting upon jury trial. The northerners, the liberals, were saying that a jury trial in the South is meaningless. But Johnson drew on labor. He drew on people that always had opposed injunctions, because he had been the victim of injunctions. The liberals wanted a procedure under which injunctions could be granted without a hearing, without any jury consideration. The southerners were strongly for a jury trial. Johnson worked out a compromise. He used the labor argument. He was responsible for passing that bill, because he made the accommodations necessary to put together a majority.

G: I get the impression that there might have been some trading with regard to getting the liberals to support, I guess, the jury trial amendment on the one hand and Johnson's support and getting other southerners to support Hell's Canyon on another.

O: Well, you know that has been said. I know Evans and Novak put this together. I don't think it's a fact. The reason I don't think it's a fact is that the southerners were the beneficiaries of TVA. You look at the record. Now there may have been some senators who voted against Hell's Canyon, but if there's any deal, the deal was between the southerners and the Republicans on some other issue unrelated to civil rights. I do not think that those votes on Hell's Canyon--and I worked hard on Hell's Canyon--were related to that vote. I guess I was more in the forefront of that Hell's Canyon battle than any labor [lobbyist]. The CIO was always a strong supporter of public power and hydroelectric power, whereas the AF of L was opposed and were even opposing TVA. So that through the early Hell's Canyon fight, the first vote on Hell's Canyon--the first time it lost, and the vote that Evans and Novak refer to was before the merger. I was then legislative director of the CIO, which always supported hydroelectric power. So I don't think that what Evans and Novak said is true. The TVA people, the southerners and the people in Alabama, the people in Tennessee, the people in Georgia, Muscle Shoals, all of these things were affected by public power. The South had not been opposed to public power because they were the principal beneficiaries of it. The people who were soft on public power, the people who voted against Hell's Canyon, were from New England. You never got those liberal senators from New England, including Senator [John] Pastore, to vote for a hydroelectric dam or a public power project. I think that Pastore in later years voted for some, but by and large the whole New

England delegation in the House and Senate voted against public power. So I just don't think that's true. I don't think there was any trades made on Hell's Canyon. That doesn't mean that Johnson didn't trade. He was one of the greatest traders there was. But now that Evans and Novak wrote that, I think they're absolutely wrong.

G: Well, let's talk about the depressed areas bill.

O: The depressed areas bill is just another case of where sensing the mood of the floor and timing is important. I am talking about the first depressed areas bill; the one that was vetoed by Eisenhower. You remember that the first bill that was passed was vetoed by Eisenhower, I think in 1958--some year during Eisenhower's presidency. The first one is the one that I remember distinctly, reflected the importance of getting the feeling of the floor--sensing the floor. The bill was on the floor, had been debated all day, perhaps two or three days before. The debate had been going on for some time. There was a unanimous consent agreement on the limitation of the debate that would put the vote around ten o'clock of that evening. I think it was a Wednesday evening. I don't even remember what month. I can't even be sure of what year it was. I just recall this very vividly because it demonstrates one of those elements that goes into successful legislating--being able to sense the floor, to get the feeling of the floor; to know that something's not occurring there that might alter the situation.

I remember on this occasion I had gone out to dinner with some friends of mine. I came back and went up to the diplomatic gallery, as was my custom. I was watching the debate on the floor. There was a partisan atmosphere developing on the floor. I don't even remember who or what was involved. I'm going to one of these days go back and get the Congressional Record of that day because it's a very interesting thing. It's something that's interesting to me because it involves something in which I'm so greatly interested, and that is the whole legislative process, the elements that go into passing legislation. It's something that I'm going to write about one of these days in a book that I'm formulating on legislation.

I was sitting there and I said, saying to myself, "I don't like the floor." We were supposed to go to a vote in about thirty minutes, as I recall, and I didn't like what was shaping up on the floor. It seemed like there was a partisan hardening of lines, and we didn't have the votes without some Republican votes. I was just saying to myself, "I don't like the floor." I had looked down at the floor and noticed, which was not unusual, Senator [Earle] Clements, who was the assistant majority leader, and Johnson conferring on the floor. I didn't pay much attention to it but I saw Earle glance up toward me during the course of the conversation.

I didn't pay too much attention to it, but in a few minutes the doorkeeper came down and tapped me on the shoulder and said, "Senator Clements wants to see you." So I went back out the door, and Earle

was standing there. He said, "Bob, what do you think of the floor?" I said, "Earle, I don't like it at all." He said, "Neither do I." That was all the conversation. Just: "Neither do I." He turned and quickly walked away, went down the "Senators Only" elevator over by what was his office at that time; he went down the elevator, and in five minutes the Senate recessed. The vote was held the next day, and we had our little four or six-vote margin, whatever it was. But Lyndon Johnson was concerned about that floor, and he sensed it just as I did, only better. I just was mildly concerned, but he was concerned enough that even though he had a unanimous consent agreement, had counted the votes--we had the votes on our work sheets--he was afraid we'd lose them and so was I. That is one of those things that helped make Lyndon Johnson a great majority legislator and a great majority leader.

G: That's a good one.

Do you see anything else here on this list?

(Interruption)

O: Yes, the minimum wage bill. We wanted a dollar an hour. Eisenhower advocated ninety cents with a ten-cent-an-hour escalation that would be effective sometime in the future at a specified time. It was not a long time. It wasn't really that bad a bill except that I was convinced that we could get a dollar without compromise. The position of the Democratic Party, the Democrats in the Congress, was that we [could get] a dollar. A dollar had come out of the House of Representatives. That's about all we felt that we could get, but the Republicans wanted the Eisenhower ninety-cents amendment.

Knowland was the minority leader at the time. Johnson was trying to maneuver this thing without going to a roll call vote. You know, minimum wage is a very sensitive issue. A lot of people are for a higher minimum, against low wages, and yet they've got so many constituents opposed--voting, active political contributors to their campaigns--that it's a tough issue for many of them. The main streets of American can be easily mobilized on a minimum wage issue, as you can see very easily; particularly back in those days when we had razor-thin margins in the House and the Senate.

Johnson wanted to avoid a roll call vote. He sort of, I thought, trapped Knowland into agreeing to a vote on final passage provided he [Knowland] got the same vote on his Eisenhower amendment. He wanted a vote on his ninety cents and escalation. Lyndon said, "All right, I'll give you a vote on ninety cents and escalation. I'll give you the same vote on that that we get on the main bill." Johnson knew he was shooting for a voice vote on the amendment. Knowland didn't realize what Johnson was talking about; he did not know that Johnson intended to go on a voice vote.

Johnson timed it beautifully. At the time the vote was taken Lister Hill, the chairman of the Labor Committee, wasn't even on the floor. He was sitting out behind the center door on a bench talking to a young army lieutenant from Alabama. I remember this distinctly because I was standing downstairs where I usually talked with Lyndon at the center door of the Senate. He would usually come out the center door, where you have a couple of little seats that two people can

sit on each side of that little narrow door going to the Senate floor. I was there; Lister was sitting back on the [bench] talking to the lieutenant. Herbert Lehman, sponsor of the bill, wasn't on the floor. The vote was started with Lister Hill [off the floor]. I called to Senator Hill, "Senator, they're voting on your bill." Lister Hill jumped up and ran to the Senate floor. The vote had been had. Senator Herbert Lehman of New York came in all outraged because a vote was being taken in his absence, because he was afraid the vote was going to be lost, and when he came in the door he didn't know the result.

The amendment carried by voice vote. Johnson put the Knowland amendment; bounced it down by voice vote; put the bill on final passage and passed the bill by voice vote, without a roll call. Now that was a master stroke. I had nothing to do with that strategy. That was Lyndon's strategy. I can't remember yet whether I knew he was going to do it that way. I think I do. I think that's the reason that I was down near that center door at the time where Lister Hill was, because Lyndon had just told me he was going on a voice vote. He did not want a roll call. He was afraid of a roll call. He was afraid of the Eisenhower amendment, and so was I. We were afraid that the Eisenhower amendment of ninety cents and escalation would carry. That was one of Johnson's master strokes of legislative genius, that he passed that bill that way. That's just a striking example of the tremendous ability of this man as a legislative tactician, as a legislator, as a leader on legislation.

(Interruption)

O: Another one of Johnson's miracles was on a Smith bill. For years Howard Smith introduced, every year, a bill providing that every bill in order to pre-empt the legislative field would have to have a pre-emption clause adopted saying specifically that the federal government pre-empts this legislative field. It was referred to loosely as the federal pre-emption bill. As it is now, and it always has been, when the Congress passes a law, passes a bill in a legislative area, the federal law prevails over any state laws in the same field. One of the notable exceptions--there have been others to it, I think--is the Taft-Hartley law, where the law specifically says that the federal Taft-Hartley law shall prevail unless the states pass a bill that is harsher. It is really an unfair piece of legislation to put the only condition that the state law would pre-empt would be if the state law were worse than the federal law insofar if labor were involved. It would not have the opposite effect, if the state law was better than the federal law. It only prevailed if it were worse.

But any rate, Howard Smith wanted to get that pre-emption bill in. He introduced the bill every year, in every Congress, HR3--it had the same number all the time--to require there be a pre-emption clause in every bill declaring that [it was] the intent of the federal government to pre-empt the legislative field. Everyone of course was afraid of a federal pre-emption bill, because back in those days states' rights was very much on people's minds. You couldn't beat a pre-emption bill in the House of Representatives, and you couldn't [beat it] on a

straight vote in the Senate if it came up on a straight vote. The states' rights issue was too strong.

Well this year, and it would have been either 1954 or 1955 I'm almost positive, I could be wrong about the time, the federal pre-emption bill passed the House overwhelmingly with only a handful of votes against it, because very few people wanted to be on record against the rights of states to legislate. In the North they wanted state laws to prevail because in the North the state laws were more liberal than the federal laws, and in the South the state laws would be less liberal than the federal law. But the southerners wanted this federal pre-emption, and you could not have carried, I don't think, a federal pre-emption clause by vote in the House of Representatives on any bill you could name unless it involved war or some national emergency of that sort.

Any rate, this bill passed as usual, overwhelmingly, and came over to the Senate. They'd never gone to a vote on the Senate floor before, it is my recollection, on this issue, but this time they couldn't prevent a vote. The Judiciary Committee was determined to get the bill out. It voted the bill out, insisted that it go on the calendar, insisted that it be called up. There's only one person in the United States that could have prevented the enactment of that law and that was Lyndon Johnson, and Lyndon Johnson did not have the votes to do it. It happened that when this vote was taken I was not even in Washington. One of the reasons I remember it so distinctly was that I received a call on it. I knew what the vote was. I had worked on it.

I knew it was a very tough vote. I knew that no votes could be gotten by anybody but Lyndon Johnson that weren't already against the federal pre-emption bill, which accounted for my being out of town.

I remember that--wherever I was at the time--I got a call from some of the labor people who were very active on the bill. They wanted me to come back to Washington to try to get Bob Kerr's vote. Even though Bob Kerr and I had a very close relationship through the years I knew that I couldn't get Bob Kerr's vote on a bill like this. I knew that if Lyndon couldn't, certainly I couldn't. So I just sort of said, "Well, all right, I'll see what I can do with Kerr," intimating I'd make a phone call to him or something. I may have called Bob Kerr and asked him what he was going to do on it. I don't remember what he told me, but I knew that Johnson was the man to do it; that nobody could prevent this bill passing except Lyndon Johnson.

This is one of the legislative miracles of this century, that he beat the bill. In order to do it he put some other bill with it as an amendment. He combined two bills because he figured that if he could get these two bills together he would have more votes than he would on the federal pre-emption standing alone. They'd have more votes against the bill. By slight of hand and legislative skill, by keeping some southerners off the floor--I think there must have been four or five--the roll call will reflect that there must have been four or five senators, among them Dick Russell and others, maybe Walter George, several southern senators off the floor and not recorded on the vote. The bill was defeated by a very narrow margin. The only reason it was

defeated was because of Lyndon Johnson. This was master stroke; the way he put this thing together was really a legislative miracle, a legislative marvel. I think [it] is one of the greatest of the testimonials to his great legislative skill. This stands out in my mind because this was a case where he wasn't able to put a majority together. It was a case where he had to keep a majority from forming against him. During the years of this closely divided Senate the job was to build the vote. Votes didn't just happen. They were built, very carefully built, vote by vote.

I don't know whether we discussed in previous conversations the question of Democrats in the Senate caucusing. The reason that both Johnson and Rayburn refused to have Democratic caucuses was because both of them knew and I knew and other people knew that if you had a caucus you wouldn't have a united Democratic position, you would have a division of unity. Did we talk about this previously?

G: I don't think so.

O: It's very interesting, because after Paul Butler was elected chairman of the Democratic National Committee--he was sort of Steve Mitchell's hand-picked successor. He was Democratic national committeeman from Indiana. Steve Mitchell was from Chicago. Mitchell was a very able person. Some people thought he was not as able as he ought to be, but Mr. Rayburn liked him and Lyndon liked him. He was able to get the support of liberals and conservatives and by and large was a fairly good chairman. This of course was in the Eisenhower years when the real power, the real spokesmen for the party were in the House and

Senate. But after Paul Butler was elected--that's a story in itself that some of these days we can get into, because it's very interesting. No one I think has ever recorded what actually went on in New Orleans at that time, because a lot of people don't really know what went on. As a matter of fact I've read accounts of how Paul Butler got elected chairman that are so far from the facts that it's almost amusing.

G: How did he get elected?

O: It's my recollection on some of these things because I haven't really focused on them specifically. They just sort of pass kaleidoscopically through my mind. They are events that I remember, there are events that I was an active participant in or I was an active observer of, unlike this federal pre-emption thing, for which I couldn't take any credit for influencing. I knew all the facts about it, and I knew the votes and circumstances, but I was not an active participant as I was in many of the other things that I recall so vividly, which is only natural, which includes the Paul Butler election.

At that time, as I recall, Mike Disalle of Ohio was an active candidate. Carmine DeSapio was very active but not really a candidate for Democratic national chairman; although he would have liked to have been. But [James A.] Finnegan of Philadelphia was a candidate. They're the ones that stand out in my mind. Mitchell wanted Paul Butler. Paul Butler had a good deal of liberal support. Mr. Rayburn didn't want Steve Mitchell to resign. He tried to get Mitchell to stay on for another term as chairman because he was afraid of the friction that did actually develop between the Congress on the one hand and the Democratic

National Committee on the other, almost open warfare between the Democrats in Congress, Democratic leadership of the Congress and Paul Butler and his advisory committee that he set up to sort of guide the destiny of the Democratic Party.

I came back to New Orleans from Los Angeles, where the CIO was having its annual convention. This was the first convention that was held after Reuther became president. It would have been I think the 1953 convention. Anyway, I came back to go to the Democratic National Committee meeting in New Orleans. Roy Reuther and I flew back from Los Angeles to attend the meeting, to keep an eye on what was going on. Walter Reuther leaned to Paul Butler. I didn't know Butler very well, but Reuther knew him and Reuther thought Paul Butler would make a good chairman. It didn't mean that anyone disliked Mike Disalle or disliked Finnegan. I think Finnegan probably would have had a good shot at it had he been there, but Finnegan was ill. He was the Philadelphia Democratic leader. He had a good shot at being the chairman had he been there, but his absence made it extremely difficult for him to be taken seriously as a candidate. So it came down to a contest really between Mike Disalle and Paul Butler, even though Finnegan was still in it. Mr. Rayburn didn't want any of them. He wanted Mitchell to continue.

This meeting brought about an unusual alignment. Well, there was one of those peculiar kinds of things that happen. The Georgia Democrats sort of liked Paul Butler. They didn't want Mike Disalle, nor did they want Finnegan. They were willing to go with Paul Butler. It was another one of those cases, as had been the vice presidential

nomination earlier, of being more against than being for. They didn't want any of the other candidates, but they would accept Butler. The Democratic committeeman from Michigan was Neil Stabler, who was very close to the UAW, which Reuther headed. He was for Butler.

As I recall, it came down to a matter of Mr. Rayburn being the most important factor because no one wanted to displease Mr. Rayburn. I sort of gravitated into being sort of an intermediary on behalf of Paul Butler with Mr. Rayburn. I went to him, talked with him about it, and tried to sell him on the idea of Butler. He wanted Steve to continue. I said, "Well, you know, Steve is not going to continue." Well, he didn't know much about this Butler fellow. I tried to tell him, "You know, I don't know too much about him, but I know a lot of people who know him and people who speak very highly of him. It seems to me he would be easier for the party to unite behind than any of the other candidates."

That night I toured Bourbon Street with Mr. Rayburn. I remember we went into Pat O'Brien's, off Bourbon Street where they had the twin pianos. We went in there. The O'Briens that ran the place, one of them, recognized Mr. Rayburn and put the spotlight on him. A lot of the delegates were there. Mr. Rayburn was enjoying it all. I think it was perhaps the first time he had been on Bourbon Street, at least he said it was. Any rate, we got back to the hotel around midnight, or shortly thereafter.

I remember that I had breakfast with Mr. Rayburn the next day, still working on the Butler matter. Sometime during this day when the

decision was to be made Hubert Humphrey decided that Paul Butler would be a good chairman. I remember talking with him in the lobby of the hotel. Neil Staebler, who was very greatly influenced by the UAW, the Georgia people who didn't want any of the others--got Michigan and Georgia and a couple of other southern states--united behind a candidate, and that's the way Butler became chairman. It was Hubert Humphrey, with the Minnesota delegation, Neil Staebler, and the committeewoman from Michigan, a woman who later became vice president of the Democratic Party, Margaret Price, who led. She played an important role. Mr. Rayburn finally withdrew his objection to Butler. Butler maybe would have been elected anyway, but no one wanted to offend Mr. Rayburn. But when Mr. Rayburn was unsuccessful in persuading Mitchell to continue, then he agreed to accept Butler as the chairman.

I don't know what led into this discussion. What did lead into it?

G: We were talking about the reason that Speaker Rayburn and Majority Leader Johnson didn't like to have caucuses.

O: Oh, shortly after we came back from New Orleans, maybe a month or two later, two or three or four months after Steve Mitchell had given up the chairmanship he came to Washington. He had a small luncheon in a private room at the Mayflower Hotel to which he invited a few people. There was Jim Patton of the Farmer's Union and Jim Carey of the CIO and I think the man who was treasurer--Woodworth--of the Democratic National Committee and others. I

remember that Paul Ziffrey, the committeeman from California, was there. They were all people who were active in the Democratic Party, perhaps a dozen people. There was a lot of discussion about the Democratic Party. I remember Paul Ziffren making the statement at this little luncheon meeting, "Well, you know the Democrats ought to caucus. They ought to get together and take a position on things. We've got all of these great issues facing this country, and the Democrats never take a position on them. They ought to take a position on public housing. They ought to take a position on all of these great issues that affect the people."

After the lunch was over a lot of conversation went on. It was just conversation, not a strategy-planning session. It was just a friendly get-together. Afterwards I asked Paul Ziffren--I didn't know him really, I had just met him--if he was free to have breakfast the next morning. He said, "Oh, I'd be glad to." So we had breakfast at the Carlton Hotel, where he was staying. At breakfast I said, "You remember yesterday, Paul, you talked about Democrats caucusing. You know what would happen? You visualize the headlines: 'Democrats Take a Stand on Housing.' 'Democrats Take a Stand on Minimum Wages' and on other issues. You know what that headline would be if the Democrats caucused. It would be: 'Democrats Divided on Public Housing,' Democrats divided on every issue you could name. Because that's the way it is, the Democratic Party is divided.

The way Johnson put together these votes in the closely divided Senate, where the margin was smaller than in the House, was to keep

people from cohering, keeping people from coalescing--to keep the people in sort of a disarray to an extent so there'd be no hardening of lines as there would be in a caucus. You get a hardening of lines and you crystallize a minority. You would never crystallize a majority. These majorities that Johnson put together they had to be put together. They didn't happen. It wasn't a matter of, at that time, forty-nine senators getting together and saying, "There's forty-seven of us for this bill." Those votes had to be put together one by one.

You knew that you had a certain vote that would be there no matter what the issue--the solid vote. Then you had others that you had to get. Well, like Walter George was good on economic issues; [Allen J.] Ellender was good on housing. In Evans and Novak where they wrote about a legislative achievement of Johnson, they brought in the public housing bill, and enumerated it as a time when Johnson performed this legislative feat. They named among the people that he got that were not expected, Allen Ellender and Walter George and a couple of others. Actually, Allen Ellender had his name on the first public housing bill ever passed. He <u>always</u> voted for public housing. They were talking about this vote as a marvel and cited one of the elements that made it a marvel as getting Ellender.

Walter George voted on economic issues pretty much with the Democrats, as did Ellender on housing. There were other voters here and there that you could get. Lister Hill, of course, and John Sparkman of Alabama always voted right. Olin Johnston of South Carolina always voted with the liberals. You could occasionally

pick up a vote, depending on who the senator was, in North Carolina. You could pick up votes in Tennessee. You had Kefauver in the Senate at that time; you had Albert Gore in the Senate at that time. You could usually get Gore and Kefauver on these votes. Some of the people like Ellender, like George, these isolated cases, some Republicans here, some Republicans there, for one reason or another you could put together a majority vote. Sometimes we'd get Milt Young on a vote. I once got [William A.] Purtell of Connecticut on a couple of key votes. I got Milt Young on a key vote one time. You just had to put them together. That was Johnson's ability. Some of the people that I got, I got because Johnson told me he thought there might be a possibility. On others it was I who told Johnson that I thought there would be a possibility of getting them.

Each one of these votes had to be put together very carefully. They didn't fall together on ideology. They were put together by a master legislator. And Johnson, [with] his sense of timing, his ability to count, never let a vote come until he knew he had the votes. When he had the votes he wasn't going to risk losing that majority--he got a unanimous consent agreement to vote at a time certain. And if he didn't get the agreement the first time he would try again. He'd try the third time, the fourth go, making concessions to people, doing that which was necessary to get a unanimous consent agreement so that he could have a limited debate and near a time certain to vote. There is no such thing as a time certain, but when you have limitation of debate it will

result in your being able to calculate with some degree of accuracy when the vote is going to come.

This was before they came up with this [Howard H.] Metzenbaum-[James] Abowrezk maneuver. This is the first time in my memory that they've been able to thwart a unanimous consent agreement. No, this was a cloture vote, this was a cloture vote. I only saw unanimous consent breached one time, and that was a fluke in connection with a Rule 22 fight, which one of these days will make an interesting story. But I don't think today, I think we've covered enough.

G: I really appreciate [talking to you].

[End of Tape 1 of 1 and Interview II]

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