INTERVIEW I

DATE: October 2, 1970

INTERVIEWEE: PAUL A. PORTER

INTERVIEWER: JOE B. FRANTZ

PLACE: Mr. Porter's law office, Washington, D.C.

Tape 1 of 2

F: Mr. Porter, you have had a long public career. When did you first come in contact with Lyndon Johnson?

P: Well, you know, I was trying to fix the date when you scheduled this informal discussion, and my mind went racing back. As near as I can fix the time, it must have been in his first term in Congress. I don't think that I had met him, I may have, when he was on the staff of Congressman Kleberg. Now those were the days--we were contemporaries of a sort--where the young New Dealers around Washington congregated at all hours of the day and night, particularly at night. I came to Washington in 1933.

F: You came here right at the beginning of the New Deal?

P: With a commitment to stay for three months, and I've been here ever since.

F: You don't know how to go home, do you?

P: That's right. I think I must have met the President, then Lyndon, early in that period, but I cannot fix the date.

F: There is no specific moment; he just gradually became part of your circle?

P: He emerged on the scene, and then when Roosevelt supported him for Congress, as I recall--

F: Yes.

P: He had been down in Texas, hadn't he, in the NYA, the National Youth Administration?

F: That's right. And he ran in a special election to succeed Congressman [James P.] Buchanan.

P: Yes. I must have met him before that, but thereafter--

F: Were you fairly close to Sam Rayburn in those days who was a type of mentor?

P: Well I suppose everybody felt close to Mr. Sam. And because of my associations in the 1936 presidential campaign, where I was directed to become the executive director of sixteen farm states--

F: Yes.

P: --by Henry Wallace and Chester Davis and George Peek. It was the Roosevelt/Landon campaign, We had Marvin Jones out there as the chairman of our speakers bureau.

F: Right.

P: Because he was chairman of the House Agricultural Committee.

F: We, incidentally, got Marvin.

P: Oh, you have? Well, through Marvin, I got to know Mr. Sam fairly well, and in later years I was privileged through LBJ, I shall call him now, to attend, from time to time, sessions of the "Board of Education."

F: These were the ones that were held in Mr. Sam's office up there?

P: That's right. And we would have a little bit of branch water and a cup of iced Postum. (Laughter)

F: Right.

P: And sit around and discuss the fate of the universe.

F: There was, during that period of the thirties, a good bit of a sort of get-together among the liberal and young New Dealers, I gather.

P: Oh yes, there was a very congenial group, plus a very volatile group. Itwas a controversial group, and I sometimes said that with the group over at the Department of Agriculture, we could look at the same clock and could not agree on the time of day. But it was an exciting period and LBJ was a very meaningful part. He had become indoctrinated with his experience at the NYA on what public policy could or should be, and I don't think those early lessons ever left him. And his passion for getting things done, for the improvement of the structure, economically, socially, was very evident, in my experience, all through his career.

F: Did you have any opportunity to observe him in relationship with Henry Wallace?

P: I do not recall specifically. I was not on Wallace's immediate staff; I was the counsel to Chester Davis and his executive assistant. We had to carry everything through H.A. [Henry A. Wallace], whom I admired enormously. I did a lot of work for him, but I can't recall any specific episodes with respect to Henry Wallace and LBJ.

F: I rather gather that the circumstances of Johnson's first election,

on a down-the-line-with-Roosevelt platform, sort of lifted him out of the ordinary anonymity of new congressmen.

P: Well, that plus other things. To consider LBJ, even at that stage of his career, as being an anonymous individual is just a contradiction in terms. There were many other qualities that he had that marked him as unique.

F: Did you take any particular interest in his first race for the Senate against Pappy O'Daniel in 1941?

P: Yes.

F: Did he seek your advice?

P: Well, I don't know that he sought my advice, but I did recall his lamentations.

F: I see, you mean when he lost that?

P: That's right. There was the question as to whether he was going to appeal or not, or recount, and then there was a replay on that, as you recall.

F: Right.

P: Somewhat later.

F: Now you were deputy administrator for rents (Rent Division--Office of Price Administration] and then became the food administrator for the country in the Office of Economic Stabilization?

P: Yes, I was what Leon Henderson once described as the Buck Newsom of the bureaucrats because I was traded off to so many teams. And I went over to war food administrator from, I had been--

F: I would wear that as a badge of honor. I always sort of admired

old Bobo.

P: The late Chief Justice Vinson left the Court of Appeals and became economic stabilization director. And he asked me to join him in the rent program at OPA. It was fixed and established, almost functioning automatically. And then, to just briefly summarize my own participation, I went over with Fred Vinson as his general counsel. And in the Office of Economic Stabilization I was supposed to referee disputes between the secretary of agriculture and the price administrator.

F: Yes.

P: Then Chester Davis became disenchanted, and he left as war food administrator and Marvin Jones succeeded him. Well, Marvin put a condition that he would take leave from the Court of Claims if I would come over as his deputy and help him reorganize the thing, which I did for a period of time. Then I returned to Vinson's Office of Economic Stabilization. Then I was drafted to be the publicity chairman of Roosevelt's fourth term campaign. After that he appointed me chairman of the FCC, a position I did not seek nor did I particularly want at that time. I wanted to return to the marketplace.

I suppose you could say that from the period of 1943 began a close personal association with LBJ.

F: Now, you would in one sense have been removed from the congressional end because you would have been in the administration, but at the same time you had plenty of opportunity to hear from congressmen.

P: Well, when I ultimately became price administrator and left the FCC when [Chester] Bowles resigned, I often said that I spent a third of my time answering congressional complaints and inquiries, another third testifying before congressional committees, another third preparing to so testify, and the remainder of my time I used to try to administer the agency.

F: I see--which wasn't much.

P: You know, in the days of the Office of Economic Stabilization, there was one episode that I do not think has been given sufficient emphasis in the career of Lyndon Johnson. This has to do with the price of oil. In 1943, 1942-1943, the oil industry was clamoring for a price increase of a minimum of twenty-five cents a barrel on crude oil. [Harold] Ickes, believe it or not, who was the fuels administrator, was advocating such an increase.

F: A rather surprising stand for him.

P: That's right. Well he was sincere and earnest in his convictions, I am sure.

F: They did have a hardship situation.

P: He felt that, in order to get the required production for wartime necessities, the price incentive should be used for exploration, wildcatting. On the other hand, Bowles took the position that the rationing and the allocation system--mandatory controls--should be used and this should not have the inflationary impact that such an increase would produce. Fred Vinson of course was in the middle and he had to resolve these differences and make this determination. So

Fred Vinson assigned me the task of making the inquiry.

I spent most of the summer of 1943, I guess, either 1942 or 1943, in receiving the economic data both from OPA, from the Interior Department, Solid Fuels Administration, et cetera. We subscribed to all the technical journals. I received informal presentations from all of the interested parties, including consumers groups, and based upon the investigation and the informal hearings that we had, I reached the conclusion and made the recommendation to Fred Vinson that he deny the price increase. I recall that, with my colleagues, we wrote a very long opinion and analysis, a couple of hundred pages I guess, and I submitted this to Fred Vinson, later to become chief justice. He said it was too damn long, so he took it home and he shortened it without eliminating any essential facts.

Before it was announced and released, Vinson, having been a member of Congress and a great friend, crony, if you'd call it that, of Sam Rayburn's, called the Speaker and told him of this decision. Rayburn was disappointed and said, "Fred, if it was anybody but you, I probably would denounce you, but I'm going to support a legislative increase to increase the price of crude oil." Well, the bill was properly introduced. Our report was released and the oil interests, of course, with their experienced techniques and their massive power, were attempting to get this increase through. Had it been enacted, I'm sure that FDR would have vetoed it. But nonetheless, it came up on the floor of the House, and the Speaker, Mr. Rayburn, left the speaker's rostrum, got in the well of the House and made a personal

appeal and stated that we were going to be short of fuel supplies unless the oil industry was given this incentive to increase production. Well, we found exactly to the contrary. When the matter came to a vote, there were two young freshman congressmen from the Southwest that voted against the mandatory oil increase. One was Lyndon Johnson from Texas, the other one Mike Monroney from Oklahoma.

F: Two oil states.

P: And I doubt if the oil industry ever quite forgave either of them for taking that position. Then LBJ was off to the war, off to the Navy, and I recall he told me that he could not conscientiously support this increase while our boys were dying in foxholes all over the world. Such an increase--he had read our report carefully--would have pyramided the cost of fuel and its derivative products and would probably had added billions to the cost of World War II. I don't recall exactly what the vote was, but it was a very narrow margin.

F: His vote was crucial in this?

P: I think it was, yes. I think many of the commentators said that, "Here was Lyndon Johnson and Mike Monroney signing their political death warrants."

F: Well, of course in his case it was little rougher because of his association with Mr. Rayburn.

P: That's right.

F: I have rather picked up the idea that this devotion of the two men to each other did not come immediately, but grew over the years;

that at first Mr. Rayburn did not feel particularly close to Mr. Johnson?

P: I think that's true. I remember Say Rayburn telling me once, and this is the only derogatory information, he got irritated at Lyndon, maybe it was his oil vote, I don't know--but it couldn't have been that, maybe something else on the internal political situation in Texas--and referred to LBJ as "the most selfish politician I have ever known." That probably meant he had crossed Mr. Sam.

But it was after LBJ came back from the Navy, after the 1944 election, I was appointed by Roosevelt as chairman of the FCC, and my close personal association with LBJ had preceded that. We lived in the same area of town out in Chevy Chase. He was on 32nd Place and I was on Broad Branch Road. We had a frequent practice that my wife would drive me to his place on 32nd, then he would give me a ride downtown to the commission, and he would go on up to the House. That was almost a standing practice unless either of us were committed or out of town. Many is the night that I have come home and my wife has said, "We are going over to Lyndon's and Lady Bird's for supper." We got some of Zephyr's [Wright] home cooking, and then would discuss the universe. Lyndon also had, as you may know, a kind of open house on Sundays.

F: Yes.

P: Bill White, Tommy Corcoran, Abe Fortas, and many of us would gather over there on the big back porch he had there.

F: It wasn't any sort of command performance quality about this. You

just went because you wanted to.

P: No, absolutely not, if you had something else to do; if I wanted to play golf, I would come by later. But it was really a very interesting, stimulating experience.

And here was Lady Bird, she would get the copy of Broadcasting; she was running those radio properties down there at the time with Lyndon sort of hovering in the background. I remember specifically there was going to be another radio station dropped into Austin. And I will say in all the time that I was chairman of the FCC, my brief tenure there, Lyndon never approached me about any matter involving the Johnson family interests in this broadcast property, except one. And this is very interesting. He said, "I know it is inevitable that a new station is coming into Austin and, as a matter of inquiry, how many applicants do you have?" I said, "I don't know Lyndon, but I will check on it," which I did. And he said, "Well, look, if I am going to have competition down there, I want responsible, able competition." I said, "Look, I can't comment on a quasi-adjudicatory matter, but I get your message." Well, KVET was put together--

F: That's right.

P: --in which there was John Connally, Horace Busby, and a lot of boys that had been off to war.

F: Ed Syers.

P: I have forgotten the whole cast of characters. I remember John and Busby. So, LBJ, with his great flair for showmanship--I am sure he was in the wings, managing this thing--when it came in for the

pre-trial before an examiner, in came this group of about eight applicants, seven or eight or whatever it was, of--

F: Young veterans.

P: --young veterans in uniform, with enough battle stars to reach from hell to breakfast. When the opposition saw that, they just folded. My recollection is that KVET got their construction permit without a hearing, and KTBC then had good, tough, but responsible competition.

F: Johnson didn't treat Connally's entrance into this competitive position as any breach of faith, but just as any other--

P: He said, "If somebody has got to have it, I would rather have it with my friends than with my enemies, somebody that is not going to come in and just milk the market, but will do a good public service job, and compete fairly and effectively," which I am sure they did.

F: They did. I remember their coming, and among other things, KTBC had not paid much attention to sports, and KVET particularly made itself a sports station.

P: That's right.

F: Which attracted a listener who up to that time had not been--

P: Well, then, I think, the next rather dramatic thing, I am sure that you've got all these records, and I recall this, I came back from a mission to Greece in 1945.

F: Yes. You were chief of the American Economic Mission, weren't you?

P: Right. And [I] joined Thurman Arnold and Abe Fortas in the practice of law. Well, we had offices in the Ring Building and were much

smaller than we are now. Had about maybe ten or eleven lawyers then. Now we have got, I think the last head count was eighty.

F: You have to be introduced to some of them, I imagine.

P: I sure do. But then came the famous Coke Stevenson case.

F: Yes.

P: And I remember that LBJ came to town.

F: You hadn't taken any part in the senatorial contest? Of course, this was among other things, if you recall, 1948, when Mr. Truman is also fighting for his life, so that you can't be as interested in local politics as you might be sometimes.

P: I was not too active in the 1948 campaign except as a supporter of Truman. But in any event, as you will recall that Dan Moody had filed a suit before Judge T. Whitfield Davidson.

F: Right, who was old even then.

P: And who has just recently celebrated, I understand, his ninety-fourth birthday.

F: Right.

P: And he enjoined the Secretary of State of Texas from certifying any Democratic candidate on the senatorial ballot. Well, Alvin Wirtz came up.

F: You knew Wirtz fairly well?

P: Oh, yes, through LBJ and through Abe Fortas, and he was a great friend of ours in the office, a personal friend. So we convened the greatest collegium of legal talent that Washington could supply. I remember in our office there, we had Ben Cohen and Tommy Corcoran,

Hugh Cox of the Covington firm, Francis Biddle, and even though they fell out later I recall, Joe Rauh was in on this act. And Abe Fortas and Thurman and myself and the resources of our office. This was rather a dramatic episode. We kept talking. If you get a dozen lawyers together, no work gets done, just argument, and finally Abe Fortas said, "Somebody had better begin drafting." So Abe, who was the perfectionist and the technician, goes in the library and we assign various research projects.

F: Why did you get interested in it?

P: Well, not only because LBJ was a personal friend, we wanted to see him in the Senate. All of his friends did, and we felt that Judge Davidson had no jurisdiction to issue the--

F: You thought you had a real legal point here?

P: Oh, indeed, right. Then Al Wirtz went to the Fifth Circuit and Judge [Joseph C. Jr.] Hutcheson was the chief judge then, and he said that a single judge--and I think erroneously--had no power to issue a stay, and the court was in recess and he was not going to convene a special emergency panel, but he would take this in the normal course, which meant in October. By that time it would have been too late, so we were in this procedural trap because, as I recall the Texas statutes, the secretary of state had to nail on the courthouse door the names of the certified candidates twenty days prior to the printing of the absentee ballots.

F: Even without that you would have a printing problem.

P: There would have been a problem, and then there would have been a

write-in campaign. LBJ was out of gas then, and the oil industry, I think, still harbored this hostility from his earlier refusal to support their request for a price increase. So we drafted an application to a single judge, Justice [Hugo] Black. I remember after the pleadings were drafted that, rather than just sending it up to the clerk, I told Judge Arnold, "Thurman, you and I had better go up and file this personally." And we did. We drove up to the Supreme Court.

The Court was in recess. I had found out that Hugo Black, who was in charge of the Fifth Circuit--that was his circuit--was in town, but the clerk of the court, sometimes referred to, not too affectionately by some, as Mr. Justice Cullidan[?], was a great technician and he said he could not receive this, that this was still pending in the Fifth Circuit. He had no docket number. I'll never forget Judge Arnold, with his great sense of whimsy and resourcefulness said, "Well, take any number from one to ten, we don't care." Finally I said, "Well, now, look, Mr. Cullidan"--and I never thought I would remember this or ever have occasion to use it but I remembered it from years back. As a law student at the University of Kentucky taking a course in common law pleading with Judge Lyman Chaulkley, long since deceased, a great Virginian gentleman, and something came to my mind about a device in common law pleading known as effectuating a lodgement. So I just left the papers on the desk there and I said, "All right, Mr. Cullidan, we will effectuate a lodgement." Well, he didn't know what it meant. I didn't know what it meant. Nobody knew what it meant. But then we took the precaution of serving a

copy of these papers or providing a copy to the Justice Black's law clerk, who was in town.

Then came the period of waiting and anxiety. The next day we got a call from Justice Black's clerk that he would hear us, but not in chambers, in open court the following day, provided we notified the adverse parties that they, too, could appear. He wouldn't receive us ex parte. Well, of course, we were delighted because at least we had gotten a justice to hear us. So we notified Dan Moody. Governor Moody came up, and we all went over to the courthouse and Abe Fortas presented the case. Well, Justice Black--I don't know whether he'd spent all night in the library or his clerk did, but he knew more of these reconstruction cases than any of us had had an opportunity to research. His questions were sharp, relevant, and after listening to argument he said, "Well, gentlemen, I am disposed to grant the stay. Submit an order."

Well, Governor Moody was a great sportsman and a gentleman, he'd lost on behalf of Coke Stevenson. We came back to our office, we already had an order drafted, and he said, "Very well, this is agreeable, I will approve it." I remember asking him, "Governor"--you know this is Dan Moody--I said, "I am curious, you have taken the position here that the federal court has this plenary jurisdiction over what are essentially state matters. I understand you are going to be arguing the Tidelands case in the Supreme Court this October term. How do you reconcile those positions?" "Well," he chuckled and said, "they are two different cases."

F: I see.

P: Well, we got the order and I recall that Wesley West had his airplane up here, the one oil friend, probably, that LBJ had in the state of Texas at that time. And we flew the order down, went before a friendly, or a good circuit judge, I should say in Austin and got a mandatory order directing the Secretary of State to certify Lyndon Baines Johnson's name as the Democratic nominee. Well, this was a real cliff-hanger and a real squeaker.

Then when he was in the White House, there was rather a touching ceremony on Hugo Black's eightieth birthday. LBJ gave him a dinner party up in the family quarters and he had a few of the same cast of characters that were there before. And the President, as he was then, arose to give a toast, and he referred to this episode in which he had recalled so vividly every detail, and in his amusing way he recounted this. And when he concluded said, "That is not really the reason for this birthday party. But," he said, "it sure as God is the reason I am giving it."

F: You didn't know at that point that you could have sidetracked the road to the presidency.

P: That's right.

F: Why did they take the federal route instead of the state route?

P: Well, it was perfectly obvious. You mean, why did Moody?

F: Yes.

P: And Coke Stevenson? Well, I assume--

F: You know, you are always fighting for the fact, particularly in Texas given the time, that these are state matters.

P: I assume that they felt that Judge T. Whitfield Davidson would not be unsympathetic. And this brought in the question of Jim [George?] Parr, Duval County, and all the rest of it. Of course, the thing became moot after the election. I remember rising solemnly in the Supreme Court in the October term where we'd certified this record--had all the pleadings up there--and consented to an order dismissing it.

F: I see. Did you have any idea at that time that Lyndon Johnson was going beyond the Senate? When did this begin to come to your consciousness?

P: Well, I will tell you. I do know this, that in the 1960 campaign at the convention, I was not out there, but President Kennedy, Jack Kennedy, had said to a friend of mine that, "Lyndon B. Johnson is the ablest man in public life and is the best qualified, but the only trouble is that he can't be elected." And when you asked me when I was conscious that Lyndon Johnson would ever become president, I think I would have to tell you the story after the 1948 campaign in which Truman beat Dewey. I saw President Truman and he asked me, "Paul, when did you think we had won?" Well, I said, "Frankly, Mr. President, when Dewey conceded." "Well," he said, "that is the only honest answer I have gotten from anybody. Les Biffle and everybody else say they knew it all along." (Laughter)

F: The people who kind of make a profession of watching for who is coming pretty well dismissed Johnson because of geography?

P: That's right. I'm sure that is true.

F: Did you continue to see him then in the intervening years during his Senate period?

P: Yes, I would.

F: You were getting busier and he was getting busier.

P: That's right, but we would occasionally get calls from Lady Bird, "Why don't you come by for supper and get some of Zephyr's black-eyed peas?"

F: Kind of semi-family association.

P: Oh, yes, this was a very close personal association.

F: Did you ever observe Mr. Truman's relationships with Senator Johnson? He was still, of course, relatively junior in some way?

P: I don't know. I really had no occasion to be exposed to that, except I'm sure that Harry Truman admired Lyndon Johnson.

F: You were very much involved in things like the Truman Doctrine and the Palestinean question and so on. Did Senator Johnson show much interest in that, or was he primarily interested in domestic affairs? (Interruption)

P: Well, all I can recall specifically is, first of all, in the latter part of 1946 after the demise of the late and perhaps unlamented OPA, President Truman asked me to head this economic mission to Greece. This is when the British had pulled out.

F: Yes.

P: And you could see the "Iron Curtain" coming back down to the Mediterranean, the Civil War, the guerrilla activity was going on

in Greece. Jimmy Burns was then secretary of state, and he had made a commitment to Prime Minister [Constantine] Tsaldaris who was here on a visit that we would come to their support and assistance. That is a long, long story, as you know, in and of itself. Well, you recall that at this point, the Republicans were in control of the Congress.

F: Yes. The notorious 80th.

P: That's right, the 80th Congress. So I told the President I would be glad to undertake this mission, assuming I had the qualifications for it. But there were three matters that I wanted his approval of: first, I wanted to be appointed with the rank of ambassador, not that I gave a damn about the protocol, but I wanted complete freedom of communications so I wouldn't have to go through their regular chief of mission there who was incidentally Macon McVey, a very fine man, and, secondly, I wanted to pick my own staff. Those conditions were readily agreed to. The third condition was that my appointment should have the approval of Senator [Arthur] Vandenberg. President Truman readily agreed on all of those. He said, "How are we going to go about Senator Vandenberg? Do you want me to call him?" I said, "No, let me make the approach, Mr. President." So I solicited the good offices of my friend, Senator Johnson.

F: Oh, I see.

P: I remember he took me in to see Senator Vandenberg whom I had known as a public official.

F: Yes. And who was vital at this time.

P: And Senator Vandenberg very graciously said, "Well, I don't know that

this is the best appointment--" (Laughter)

F: I see.

P: But he said, "It's probably better than anything we will get. If I turned it down--" Then he turned to Lyndon and he said, "No, frankly, I would have confidence in any report that Paul brings back that this is his conscientious version of the situation."

Well, then when I came back from that mission, and this is an interesting historical footnote, the ADA was born. I remember talking to Senator Johnson about that. I was one of the first vice-chairmen and organizers, with Leon Henderson, Hubert Humphrey, Chet Bowles, Mrs. Roosevelt, Walter Reuther, Phil Murray, name them and they were all there. Well, my purpose--because I am not too much of a joiner--in giving my support to this group was that the Truman Doctrine was going through the Congress and we wanted some so-called "liberal support" to try to isolate Henry Wallace and Helen Gahagan Douglas. I remember talking to Senator Johnson about this, and he seemed, as I recall, to be very sympathetic to this approach.

Well, as you know, the President made his historic appearance before the Congress and I went up and testified in executive sessions, and I always felt a source of strength and comfort knowing that Lyndon Johnson was around, if I got over my head in deep water, for consultation.

I remember when I first arrived in Greece that UNRRA [United Nations Relief and Rehabitation Administration] was fading out. The population there was underfed, existing on a miserable seven hundred calories per day. The one thing I wanted to continue, even though I was there for a survey mission not an action mission, was the school lunch

program, which UNRRA had introduced. So I made a lot of representations, and I came back once during the interim on a confidential mission for consultation here. I remember we had enormous stocks of peanut butter, surpluses of peanut butter, in this country, and I could recall as a kid coming home from school, a peanut butter sandwich with jelly was a great thing. I wouldn't be surprised if this idea didn't come from Lyndon Johnson--I'm not sure--because this is the way his mind would work. So we shipped a whole boatload of peanut butter into the port of Piraeus and asked for distribution in the school lunch program. The only problem was the Greek kids wouldn't eat it.

F: They wouldn't.

P: They didn't like it. It clung to their palates, they were not used to it, so here I thought--

F: I thought <u>everybody</u> liked peanut butter.

P: Well, I thought this was the end of my diplomatic career, because I'm long on peanut butter, but I was rescued by a young British girl, a dietician up at the American foreign school in Salonika. I told her my problem. She said, "Well, let me try something." So I had this plane I had fly a keg of it up there. A few days later I got a report that she felt that all this peanut butter could be used. What she had done was to mix this peanut butter with some rancid olive oil, which their palate was accustomed to, and it was the most nauseous looking substance you can imagine, but with the olive oil and the peanut butter, it moved. I have often given LBJ some of the credit

for rescuing me from this predicament, but more to the British dietician.

F: Did he consult with you prior to his taking the Senate minority post?

P: No.

F: Neither he nor Richard Russell?

P. No, I never-

F: Did he talk to you at all during this period of the fifties about, one, his strategy toward the Eisenhower Administration and his unwillingness to--?

P: Not in great depth or detail. I think that in our infrequent, casual, social meetings, he would discuss the issues because he felt that--

F: Did you do any personal law work for him?

P: Well, this office here has done an awful lot of work for the Foundation. We didn't represent his broadcast interests, but after Kennedy's assassination, we did put them in trust.

F: Yes.

P: Then on publications and books, we have made our facilities available on call, to any number of legal projects.

F: Did you talk with him at all about his strategy in 1956, about the

possibility for the convention, of whether he could get any campaign for himself off the ground?

P: No.

F: Were you privy to his support of Kennedy over Kefauver?

P: Yes. I think he told me about that. That was at the Chicago convention?

F: Yes, that's right.

P: Yes.

F: Texas surprised people by going for Kennedy instead of Kefauver. What was your opinion of the reason for that?

P: I think that probably that's something that only President Johnson could answer. My own impression is that he felt that Estes Kefauver was, to use a Texas expression, a kind of a maverick, and he didn't think he could win.

F: Just not a good man for the ticket.

P: Yes.

F: Did he confide any presidential ambitions to you in that period between 1956 and 1960, or his alarm at the growth of Jack Kennedy's organization?

P: No.

F: Did you go to Los Angeles?

P: No, I didn't go to any--I have <u>been</u> to a convention.

F: I know. Been to one, been to [all].

P: Running a law office is enough.

F: Did you have any inkling at all that he might be offered the

vice-presidency?

P: None whatsoever. None.

F: You, like the rest of us, know what you read in the papers?

P: Yes.

F: Okay. You were put in charge of a commission to look into campaign costs.

P: That was President Kennedy, one of his early acts, and this--

F: This was bi-partisan?

P: Oh, yes. Yes, there was Alex Hurd, the chancellor of Vanderbilt, [he] was the chairman; Walter Thayer, then president of the New York Herald Tribune, one of the stalwarts of the Republican hierarchy on the Eastern Seaboard, a colleague of Jock Whitney's, who was a member, Neil Stabler from Michigan, John Voorhees, the Republican congressman of Ohio, the late V.O. Key from Harvard, Dan Kimball. This was a good, I think, able working commission. We did an awful lot of work on this and the origin of the thing came about this way. I was told that after the election President Kennedy and Nixon had a rendezvous somewhere in Florida, Key Biscayne. They were discussing and reminiscing, and Jack Kennedy was complaining about the obscene costs of presidential campaigning. Nixon agreed that something ought to be done, new methods, new techniques.

As a result of that, one of the first things that President Kennedy did was to appoint this commission. And we held numerous sessions and I recall, at our first meeting, President Kennedy came in. He described this meeting that he had had with Nixon and he said, "We agreed that the

successful candidate under the existing system is put in an untenable position. He's either an ingrate or in moral hock." Then he commented about some big contributor that was storming the gates of the White House, and he instructed his staff not to let him near the place, to give him the polite brush-off. So we filed this report and the only thing that was ever enacted was our recommendation as to transition costs, and that is when the incumbent is defeated, that the new president has an appropriation to take care of these interim costs before he takes the oath of office.

F: You recommended tax incentives.

P: We recommended a tax credit and a tax deduction.

F: Yes.

P: We recommended that all the limitations on expenditures be removed, that we tighten up the disclosure provisions, and we got the endorsement of every ex-presidential [candidate] from Tom Dewey, Harry Truman, Herbert Hoover, Eisenhower on this report, but it has gone the way of many presidential commission reports.

F: Forecasting is fruitless, but do you have a feeling that this is, say, like Medicare, something that over a period of decades will gradually come to be accepted, or do you think you've shot your bolt?

P: No, I think it is bound to come because the Twentieth Century Fund has recently submitted another very meaningful report that pretty well tracks down most of the recommendations that President Kennedy's commission made. There was a commission on presidential--this is for general, congressional, and other elections, a very interesting

report. Earlier the Twentieth Century Fund had a special panel, including Dean Burch, now the Chairman of the F.C.C., Newt Minow, the former chairman, Tommy Corcoran, I believe Alex Hurd was on it again.

F: Alex Hurd has been on one commission too many now.

P: You know, he sure has.

F: They are trying to work him over.

P: But I think this thing is going to move, because I doubt if there has been an election held in my time that has not been contrary to law, in violation of the Corrupt Practices Act, and the proliferation of these committees, the evasions--

F: Certainly the spirit has been violated.

P: Well, I think that--

F: I mean, it is unavoidable.

P: You could even go back of that, but there have been no prosecutions and public confidence in our whole system is somewhat eroded, there is a cynicism, and the question of small contributions has been a source of great concern for those who have studied the problem.

I recall one episode that was rather amusing. We wanted to get the endorsement of the ex-presidents for this report. I was assigned the task, Dan Kimball and myself, of communicating with President Truman [and] Walter Thayer with Eisenhower. And Truman said, in his very salty way, he thought that the federal government should finance the whole thing; make a limit on contributions; that radio and television should make their contribution, and that it should be administered by someone like the General Accounting Office, and anybody who violated

the thing should be put in jail. Well, as a matter of fact, there are certain systems--Puerto Rico, for example--that help finance their gubernatorial campaign out of the public treasury. The Scandinavian countries, in many instances, pay a campaign expense under a strictly supervised control. But Eisenhower, according to Walter Thayer, said, well, he thought something ought to be done, but his main concern was that corporations be treated just like labor unions.

F: I see. Did you see much of Vice President Johnson during those vice presidential years?

P: I suspect it was rather infrequent. I was busy in this law firm--

F: Did you get the feeling he was restless?

P: Yes.

F: That's just the nature of the office, I presume.

P: I assume it is, and the nature of this man.

F: Well, what I was leading to was that Kennedy probably treated him as a vice president about as well as any president is going to treat most vice presidents. There wasn't any great concern there between, that is, he didn't feel that Kennedy--

P: I think that Jack Kennedy was an admirer of LBJ's and relied on him for political advice and policy advice.

F: After Johnson became president, did he ever offer you a position?

P: No.

F: Did he seek your advice?

P: In the early stages, yes, I was a frequent visitor at the White House. Of course, I got to practically living over there during the Fortas

Supreme Court fight. And I have sent all those papers, incidentally, down to the Library.

F: Good. I would like your own personal recollections of that Fortas fight that don't appear in papers. For one thing, did you feel that President Johnson sort of hampered the Fortas confirmation by naming Justice Thornberry at the same time so as to add to the sort of cronyism charge?

P: I don't think that was an affirmative or a plus, but I think that Homer Thornberry is an able lawyer and an able judge. There is just no question about his qualifications.

F: Did the President ever talk to you about the strategy of getting Justice Fortas confirmed to chief justice?

P: Many, many, many, many times, yes. We would have strategy sessions over at the White House.

F: Did he anticipate this difficulty, or did it sort of grow on him?

P: I think he recognized at one point that he was in for a hell of a political fight.

F: Did he think he had the votes?

P: At one point we thought we did, yes.

F: Well, now, is it your opinion that you continued to have the votes, but both he and Mr. Fortas just decided to retreat.

P: Well, you know, Abe didn't want the job in the first place.

F: Was Fortas reluctant to take the original associate justice place?

P: Oh yes, indeed so, and there is a great story about that which probably has been told. I was sitting in this very room when

[Arthur] Goldberg went to the United Nations, and President Johnson was in Springfield for Adlai Stevenson's funeral--he called Abe from Air Force One and said, "I am arriving and I am going to announce your appointment to the Supreme Court."

F: Was this Fortas' first real notification?

P: Yes, apparently so.

F: I see.

P: And Abe said, "God almighty, Mr. President, you can't do that. I have got to talk to you about it." He said, "All right, you can talk to me." So then Abe talked to me about it and I said, "If you want to do this," and he said, "I don't." Thurman Arnold was not in too good health even then, and we had many, many internal problems here in a growing law firm. So for a number of personal considerations, Abe did not want to do this.

F: I judge that really wasn't his nature, was it? He was more of the aggressive advocate?

P: More of an activist, although he made a superb Supreme Court justice, there is no question about that. His writing capabilities, his capacity for analysis were superior. So then Abe wrote a long, handwritten letter to the President and Mrs. Johnson, and Abe being the kind of a man that he is, he never even kept a copy of it. Well, I got a playback of that, and the President had read it [the letter] aloud to the family at the dinner table, in which Abe gave his reasons for declining this great honor, and there were copious tears wept. Abe had said, among other things, that he would be of greater service to

the President and the dear Johnson family in his capacity as a personal friend and advisor.

Well, we were in this room here working on a jurisdictional statement for the Supreme Court, and Abe gets a telephone call to come over to the White House for this press conference. Abe said, "Look, you don't suppose he is going to lean on me some more about this." I said, "Oh, I think you are off the hook from what I have heard." Well, I had a television set in here, which is now in the next room. So I turned on the set--while I was working on this brief--to this press conference and the President announced sending fifty thousand more boys to Vietnam, Abe Fortas' name to the Supreme Court, and John Chancellor to direct the USIA.

In about three quarters of an hour, Abe came back to the office, and his shirt was just bathed in perspiration. He came into my office, locked the door, and threw himself down on the couch. I said, "What happened?" He said, "Look, I got over there, I went up to the living quarters, and as we were coming down the elevator to this press conference, the President told me what he was going to do. He said, 'I'm going to send your name to the Supreme Court, and I'm sending fifty thousand more boys to Vietnam, and I'm not going to hear any argument on either of them'"

F: Oh, Lord.

P: Well, apparently what had happened was when the President decided that--

F: Abe must have been in a little trauma by that time.

P: --he would let Abe off of the hook and then he had asked the Attorney

General and other sources to submit five names. Well, Abe's name again led all five lists. So he was determined he was going to do this. Well, Mrs. Fortas--Carol--was very upset by this, and the President called her during the afternoon and she wouldn't take the call.

F: I see.

P: Then he apparently called the Fortas household that night. Abe has told me this story, and this has got to be put under seal for some time because it is too personal. Abe said he never heard anybody talk to the President like Carol did, just very cryptically. He said, "Carol, are you happy?" "No." Abe could reconstruct both sides of the conservation. "Are you mad at me?" "What difference does that make?"

Then I get a call, and this was in August, as I recall, from the President. He said, "Paul, God almighty, Carol won't speak to me, she is mad at me. You are my lawyer now, and you have got to straighten this out." I said, "Mr. President, don't talk to Kay," my wife. We were leaving next week for a long planned holiday in Spain, and we've got young partners and juniors scattered from the Cape to the Caribbean, and they are all coming in and I had said, "You have created more domestic discord in this country, sir, than anybody since Brigham Young."

F: I see.

P: He said, "Look--"

F: He didn't think that was funny either, did he?

P: He said, "This was the only way I could do it, and I'll take complete responsibility for it." I said, "I know, Mr. President, I

appreciate that." But then I added, "You know, we are both going to miss him." And I think he got the message.

F: Actually, you know he was faulted for having continued to seek Fortas' advice while Fortas was on the Supreme Court. This has been usual, hasn't it, through the years?

P: Felix Frankfurter was with FDR through memos and personal conferences all during the Roosevelt Administration, and there is just case after case that Ramsey Clark and Nick Katzenbach dug up going back to the early history of the Republic. So this was just a stick to beat him with.

F: Now Fortas had no aspirations then to be chief justice, having become an associate justice?

P: No, not that I know of.

F: What happened? Did it just hang on too long, the fact that they could not bring it to a vote in time?

P: Yes, and I think Abe got weary of the battle.

F: Of course it wasn't his kind of battle; he had to just sit.

P: Where he couldn't help himself. He felt frustrated.

F: If he could have gone to work on Sam Ervin or something, why--

P: Right.

F: --it might have worked.

Tape 2 of 2

F: To continue on the Fortas problem. Did Mr. Johnson feel and take

that as a personal defeat?

P: I think he took it as a great personal tragedy because he had such great esteem and affection for Abe Fortas. He still has. They were down at the football game in Texas last week.

F: Yes, I know. I saw Abe Fortas the day before.

P: And this should never be revealed until many years later, but Texas was stomping the hell out of, what was it, UCLA?

F: It was University of California at Berkeley.

P: University of California. There were a lot of black players, but none on the Texas team.

F: That's right. They have one exactly.

P: And LBJ was lamenting to Fortas. He said, "God, I'll hope they will let these black boys score at least one touchdown."

F: They did, I think.

Did the disclosures of the American University lectureship or the Wolfson connection seem to perturb President Johnson?

P: They perturbed us all, but that never has been put in perspective and I'm not in a position contemporaneously to do it. But I'll do it for this purpose alone. With respect to the American University, I will assume personal responsibility for all of that. And what happened was this: I was in Abe's office, in his chambers one day, and he told me he was going to San Diego that night. Court was in recess. So I asked Gloria Dalton, his personal secretary, "What's this guy been doing?" Well, she showed me this itinery, and he had been traveling to universities and public groups all over

the country. This was an outlet for all of his energies. So I said, "This is a ridiculous waste of time and assets." So I talked to my friend Bill Tannery, who was dean of the law school at American University, and I said, "How would you like a summer seminar in which Abe Fortas, the associate justice of the Supreme Court, would get into this whole new area of poverty law, law and public policy, law and psychiatry, teaching methods?" Of course, Tannery just grabbed it.

F: I don't imagine there's a law dean in the country except--

P: Precisely. So Bill said, "Well, we don't have any money." I said, "Oh, forget about that. If Abe will do this, he won't want any money. But whatever it takes, I will see if we can fund it." So I wrote a personal letter to five of my close friends who knew Abe and said that American University was doing this thing. So I raised on that letter about, oh, I think thirty thousand dollars which was turned over to the law school. Abe never discussed the funding with me at all, or compensation as such.

Well, he had gathered all of these teaching materials together and put his own imaginative imprimatur on them, and the thing was a spectacular success. Doctors, sociologists, as well as law students came crowding into these seminars. Mrs. Fortas didn't want him to do it. She wanted him to stay up at Westport for the summer. But he put in an enormous amount of time and energy on this, and then Dean Tannery said, "Look, I want you to get these teaching materials together because we would like to publish them." Well, Abe said, "They are not in shape for publication." So then Bill Tannery talked

to me about it and said, "Look, we have got some money left up here. I think I can wrap this up if I send Justice Fortas this check." I said, "Well, if that is your decision, go ahead." Which he did. Then during the Supreme Court fight, this was escalated completely out of context, and I proceeded to lay it right on the line in the public hearings as to precisely what this was about. Lecture fees are by a past custom. The amount of time that Justice Fortas spent on these things would not, if he were in private practice, compensate him.

F: Well, this was not taking a warmed-over lecture either?

P: Oh, of course not.

F: Fresh preparation.

P: No, that's right. And Abe is so conscientious that he worked, and he enjoyed it.

F: He would have made a wonderful teacher.

P: Calls from campuses all over the country.

F: I watched him handle that group down at the University of Texas, which was an overflow crowd and very hot conditions--with the air conditioning, where there were so many people that they ran short of oxygen practically. Particularly in the question and answer session, he was, I thought, tremendous.

P: Well, he has this capacity for communication with which he bridges the generation gap with as great a facility as anybody I know.

F: Did he feel that he did get proper White House support in this?

P: Oh, yes, no question about it.

F: It is your feeling that this was, to a certain extent, a matter of timing. In other words, Johnson was an outgoing president, it was a good chance to get at him.

P: It was anti-liberalism, anti-intellectualism, sheer politics. And Nixon abstained, even though he has said this Justice Fortas--an interesting thing is that Nixon, the only case, so far as I know that he's ever argued at the Supreme Court was the Hill case in which he was representing a family that was suing Time-Life. The Desperate Hours was a play that was built on this theme--if you remember that. Well, I recall, even though Abe would tell me a few confidential little amusing anecdotes about the court, but obviously even me, his closest friend, I never . . .

F: Abe represented the defendent in this . . .

P: No, he was sitting on the court.

F: Oh, he was on the court.

P: And Nixon argued the case for the Hill family, who were the appellants in this case. I was having dinner with Abe shortly after that and he said that Dick Nixon made one of the best arguments that he had heard since he had been on the court. Said he had a complete grasp of the legal concepts and the facts, and said this guy could, if he really put his mind to it, be one of the great advocates of our times. That coming from Abe. (Laughter) Well, then when the decision came down, Nixon lost the case under first amendment concepts, but Fortas wrote a brilliant dissent on the rights of privacy, which Nixon was asserting here. And one of President

Nixon's partners later told me that Nixon was as proud of that dissent, almost, as if he had won the case.

F: He could use that as a testimonial.

P: That's right. And so this was in essence both the American University and the Wolfson thing which were not in perspective at all, and this Lambert Life smear, and John Mitchell's role in this thing were just a political lynching-bee, really. Abe said, "I have had it. To hell with it."

F: Is that why he got off the court?

P: Oh, yes.

F: There wasn't sour grapes over not being chief justice?

P: No. I think Abe wanted to get off. He was looking for an excuse. He talked about it many times. I said, "You just can't do it."

F: No, there was a period there, it would have looked like a real retreat.

P: On this Wolfson thing, let me say this: We represented Wolfson here in a couple of SEC matters that later brought about these criminal indictments. Abe had not represented him, and obviously he would have disqualified himself in any matter that this firm had before the court because of his wife's being a partner in this firm. But the New York Shipbuilding, which was a subsidiary of Merritt, Chapman, and Scott, one of the Wolfson enterprises, had a massive claim for the atomic ship and some Polaris submarines against the Navy Department. As a matter of fact, we are trying that case now. It goes on trial to show you how long these things

take, and the aggregate of the claim was about sixty-five or seventy million dollars.

I was going to supervise that case, and that's when Abe first met Wolfson at Senator [Stuart] Symington's house. So one of our able younger trial lawyers, Ed Brenner, was going to try the case, and was going to staff it up. There was a meeting of the board of the Merritt, Chapman, Scott in Jacksonville. I had a previous commitment to go to Switzerland and this case was going to be discussed. Well, I suggested to Abe, "If you can do this, I think when it's first surfacing towards the Merritt-Chapman board that a senior guy ought to be there." And Abe said, "Hell, I'll go down with Ed Brenner, and I'll talk to him about this case," which he did. He got down there, and Wolfson took him over to his horse farm, he took him to a meeting of the board of the family foundation.

Abe was tremendously impressed. I remember he came back and he said, "You know,"--this was before we went on the court--"This Lou Wolfson is really an unusual person. He has built a wing on the Baptist Hospital there in Jacksonville in the memory of his junk-dealer father, and there is a plaque there, that [says] 'This facility is for the healing of the sick and the afflicted,' or words to that effect, 'irrespective of race, color, or creed.'" Well, to have that prominent in Jacksonville.

F: Jacksonville about that time had been in trouble.

P: Abe got to talking to Wolfson about his foundation. And he said, "Look, I have got some ideas as to how, if you are going to put

the kind of money in here you say you are, the foundation--we have got millions of them scattered around the country--can effectively do some work in student relations, race relations, etc. Well, there's enough money being spent on medicine and the applied sciences and on research, so I would hope that this foundation takes a bolder, imaginative course." Well, that intrigued Wolfson. Meantime, Abe had been slugged up to the Supreme Court by LBJ, and Wolfson wrote him a letter of congratulations, the customary thing. Abe wrote him back and said, "Lou, while this will terminate our professional association, I still have great interest and please feel free to discuss your program with me at our mutual convenience." And they had such discussions way before Wolfson's indictment.

So Abe prepared some position papers. Then came this thing and Abe got worried about it. Wolfson had sent him a check for the services as a consultant to this foundation. At that point, this poor guy was indicted, his wife was dying of terminal cancer, which she later did, and Wolfson had had a cardiac condition. Abe said, "I can't kick this guy in the teeth under these circumstances when he comes to Washington." Then it came tax time, and Abe said, "I'm going to send this damn money back. I probably should not have accepted the check in the first place, but I didn't want to kick him in the teeth." The compassionate attitude. Well, none of that has ever surfaced, you see. And I suspect that John Mitchell, as a political ax man--and he is very good at this kind of thing I am told--proceeded to go to Warren and make all kinds of

threats. And Wolfson was in jail then, and they probably could have got him to sing, although he issued a big, long statement subsequently that he had never asked Justice Fortas to do anything and wouldn't. As a matter of fact, Wolfson told me all during this trauma of his first trial, in which we were in on the Continental Enterprises case, "I don't want to do anything. I would rather go to jail than embarrass Justice Fortas." Well, he managed to do both. (Laughter)

F: Loused it up all the way. Were you privy to the rationale behind Arthur Goldberg's leaving the Supreme Court to go to the United Nations, where I sort of felt he was miscast?

P: No, I was not. Arthur is a dear friend of mine. As a matter of fact, I have been on the other side of this baseball case, the Flood case, where Arthur represents Flood, and I represent the Commissioner of Baseball. I have seen him from time to time since he had been running for governor. And I would suspect, without knowing it, and this is sheer conjecture and speculation, that Arthur Goldberg went to the United Nations as a product of and a result of the well-known persuasive powers of Lyndon Baines Johnson.

F: But President Johnson never persuaded Fortas to go on the Supreme Court; he just put him on it?

P: That's right. And I think he will admit that. I am sure he will. I wouldn't want to confront him with this.

F: Right.

(Interruption)

P: Because people have been after me. They want to do a book on him. I've just said I'm not going to talk about it. I'm too personally and emotionally involved and upset about the tragic course of events.

But Abe has now got his own little firm down here on Canal Street and he wouldn't come back to this place. He says it is too damn big.

F: You still have Carol in the firm?

P: Oh, yes, she is head of our tax department, and a very able tax lawyer.

F: Who is it? Is it Koster he is with now?

P: A Chicago lawyer named Koven, Howard Koven.

F: Koven.

P: And Abe is doing the kind of practice he likes to do and that is on high policy, Supreme Court . . .

F: Just for the record, how does your firm operate? Are you free to go off on your own and take cases as you want to, or is there a sort of clearing house?

P: There is an executive committee, and a new business committee, and if any question is raised--I had one yesterday that will interest you. We have a pro bono department here, we call it, in which there is one partner in charge. This is the second year and we rotate, then every lawyer, partner in this firm, is permitted to devote fifteen per cent of his time, if he cares to, to non-compensatory matters.

F: That's like the Fortas and Gillian case?

P: That's right. During the past year we have had the Alcatraz Indians, the Alaska pipeline, we represent the Urban Coalition, and a number of tax exempt organizations that are doing good works, etc. Well, yesterday there was a meeting of the executive committee in which John Rigby, who has now taken Bruce Montgomery's place in running the pro bono department, had been asked by the Black Panthers for their convention here in Washington to get them a license for the Armory.

F: I see.

P: And they had been turned down. Well, we are going to do it because they're entitled to a meeting place.

F: Right.

P: The Women's Lib are joining them. They had this plenary session in Philadelphia, and so, I'm not too happy about it, in a sense, but, after all, we represented [Robert] Shelton, the head of the Ku Klux Klan before he went to jail, Thurman Arnold did, by appointment. We got Ezra Pound out of Saint Elizabeth's . That's what a lawyer is for. But we do try, if there is a question of conflict, that is the basic thing.

F: But you have never been in the position of picking up the morning paper and finding out that one of your people was into something you didn't know about.

P: Yes, as a matter of fact, I am. I saw that Jerry Stern, one of our younger partners, day before yesterday argued a case here to quash a

subpoena from some damn publication--I can't remember the name--but, a guy had written a piece in there, a do-it-yourself piece on how to make bombs.

F: Yes, I saw that.

P: And they subpoenaed the publisher to reveal the identity of this. Well, Jerry said, "This is a privileged, first amendment matter," and they probably know who it is anyway.

F: Do you, in effect, recruit for specific purposes? I'm thinking of someone like Clifford Alexander, who of course made a big splash both because--(Interruption)

To shift back to President Johnson, Mr. Porter, Johnson sometimes was all-embracing, and something you said earlier, has he superintended your health at one time, made that his concern?

P: Well, you know he takes such a deep personal interest in the people that he has known and, hopefully, feels some affection for. A couple of years ago I was going out to Mayo's to have minor surgery, which I had gotten trapped into by my friend Bill Lawrence, the ABC correspondent, who conspired with my wife and John Daly, and I told Abe Fortas I was going. President Johnson had just become a member of the Board of Trustees of Mayo's.

F: Right.

P: And so, without my knowledge or my request, he immediately called Dr. Jim Cain, the head of internal medicine there and his personal physician, alerting him to the fact that I was going to be there. Well, of course I got the full treatment, not only the successful

minor surgery, but a complete check-up by all of the resources there at Mayo's. I came in for my final session with Jim Cain. He had told me the President had called him. I said, "I bet you he said to tell that Porter to quit smoking, don't drink so much, lose some weight, get more exercise, and stop working so hard." And Dr. Cain said, "You must have this place bugged." (Laughter)

F: I see.

P: That's exactly what he said. And then he insisted on getting a report after it was over.

F: He really became one of the consulting physicians?

P: Oh, absolutely, and also, I will tell you this. This thing that he has done after his massive cardiac, when John Goodloe who was the last head of the RFC [Reconstruction Finance Corporation] and then vice-president, general counsel of Coca Cola, had a minor heart ailment, LBJ heard about this and he sent him a four page letter of detailed instructions.

F: I see.

P: And when Thurman Arnold was stricken out in Palm Springs, the first of a series of attacks, President Johnson practically supervised his therapy.

F: He's a real missionary.

P: That's right.

F: For people with similar ailments. One other question I ought to ask you. You have been very close to people in communications, broadcasting and television. Two things: did the President ever talk to you about public broadcasting?

P: I don't recall. He may have, but in broad, general terms.

F: But you weren't active in pushing that through during this?

P: No.

F: Then the other is; did he ever talk to you about his own at least mediocre television image?

P: No.

F: I think it is generally admitted he didn't come across as well on television as he does in person.

P: Yes, I think some of these informal sessions were great.

F: Yes.

P: But I never discussed the--

F: Right. Thank you, Mr. Porter.

[End of Tape 2 of 2 and Interview I]

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