

INTERVIEW I

DATE: June 24, 1969
INTERVIEWEE: BEN H. POWELL
INTERVIEWER: DAVID McCOMB
PLACE: His office at Brown and Root, 4100 Clinton Drive,
Houston, Texas

Tape 1 of 1

M: Well, let me find out a little bit about your background first.
Where were you born and when, and where did you get your education?

P: I was born in Huntsville, Texas, on February 2, 1915, and went to kindergarten in Huntsville, and then moved to Austin in about 1920 and went through the public schools in Austin; graduating from Austin High School in 1932. The reason we left Huntsville and moved to Austin was because my father went on the Commission of Appeals, which is a branch of the Supreme Court of Texas. And so we moved from Huntsville to Austin.

M: Your father was a lawyer?

P: My father was a lawyer and he was one time district judge in East Texas, in Walker County and the adjoining counties. He was appointed to the Commission of Appeals by Governor Hobby in 1919. He served on this branch of the Supreme Court of Texas until about 1928, at which time he was not reappointed to the Court, and he formed his own law firm.

M: And where did you go to college then?

P: After I graduated from Austin High School, I went to the Virginia

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Military Institute and got a B.A. there in 1936; then went to University of Texas Law School, graduating from there in 1939. I went to Harvard Law School and received an LL.M. in June of 1940.

Then I went into practice with my father's law firm in Austin. After he retired from the branch of the Supreme Court, he opened his own firm with one other lawyer named John Rauhut, who was just out of the University of Texas Law School. Then in about 1935, he joined with Senator Alvin J. Wirtz to form the law firm, in Austin, of Powell, Wirtz, Rauhut, and Gideon. Senator Wirtz, in about 1935, moved from Seguin where he was practicing law with Sim Gideon, who is now general manager of the Lower Colorado River Authority. So those four had this law firm in Austin in the Littlefield Building. That law firm was really formed after discussion with a number of people, one of whom was Judge James Elkins, Vinson & Elkins, here in Houston, who happened to be a friend of my father and also of Senator Wirtz'.

M: Did this law firm specialize in any particular area of law?

P: My father's clients were primarily oil companies. He represented Humble, Sun, Tidewater. He represented certain insurance companies like the Austin Mutual Life Insurance. Senator Wirtz represented the Lower Colorado River Authority.

M: Senator Wirtz was an expert on water rights, wasn't he?

P: He was an expert on water law. He also represented the Lower Colorado Electric Co-Op. He represented two small, private power companies on the Guadalupe River at Seguin. They were his clients

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before he moved to Austin. One was called Texas Hydro and the other was called Texas Power Company.

M: He knew Lyndon Johnson by this time, did he not?

P: Yes. Senator Wirtz knew Lyndon and supported him when Lyndon ran for Congress the first time.

M: Right. 1937.

P: Yes. Right. Alvin Wirtz had been in the Texas Senate from Seguin for a number of sessions, a number of years, and was well regarded in Texas as a very able public official in the legislative branch.

M: When did you first meet up with Lyndon Johnson?

P: The first time I really ever met him was when he would come to the law firm offices in the Littlefield Building to have conferences with Alvin Wirtz. I didn't do any work directly for him. But before the war I did do work as a member of the law firm--I had just finished law school--both for the oil companies and for the Lower Colorado Electric Co-op, working under John Rauhut for the oil company business and under Senator Wirtz and Sim Gideon for the co-op business. Senator Wirtz was general counsel for the Lower Colorado River Authority at that time.

My first cousin, Mary Rather, worked in the law firm as a secretary for John Rauhut. When Senator Wirtz was offered and accepted a position of under secretary of Interior under Harold L. Ickes, Senator Wirtz offered Mary Rather the position of being his secretary and going to Washington as a new experience. And she obtained the approval of my father and John Rauhut to take

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that job. So she went to Washington as his secretary.

The war came on, and I'm not sure just when it was that Alvin Wirtz left the under secretary job and returned to Austin. I've forgotten now whether something happened to Ickes or not. But in any event, after a year or so, Alvin Wirtz returned to Austin, and Mary Rather was offered a job of working as secretary to Lyndon Johnson, who was then in Congress, and remaining in Washington or returning to Austin. She decided she liked Washington, and so she stayed there.

As a result of my graduation from VMI, I had an ROTC commission in the Army. So I was called to active duty about six months before Pearl Harbor, at which time I was practicing with the law firm in Austin, and I also was teaching part-time in business law at the University of Texas. I was assigned to G-2 in the War Department because some of the professors that I had at VMI were in the War Department because General [George] Marshall was there as Chief of Staff of the Army, and they wanted somebody who went to VMI and who also had a law degree to come and work on certain classified plans, review those plans as submitted by different Corps Area Headquarters and Overseas Departments, and so forth. That's why I started in at the War Department. I was there, really, from six months before Pearl Harbor until the very end of 1945.

M: Did you see Mary?

P: During that period I saw Mary Rather from time to time. She worked all during that period for Lyndon. I would see Lyndon in the office every now and then when I would go to see Mary. But I really had no

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other relation with Lyndon, and of course, I had no relation to the law firm during those years.

Upon returning to Austin after approximately five years in the Army, I went back with the law firm. During the war Alvin Wirtz had become general counsel for Brown and Root, Inc. He desired me to work with him on the Brown and Root account and certain other accounts that he had, such as Texas Hydro and Briscoe Irrigation Company rather than have me continue with the oil clients, working under John Rauhut. I worked primarily after the war for Senator Wirtz clients, and more and more of my time was spent with Brown and Root, whose business was growing terrifically. Finally when Alvin Wirtz died in October 1951 of a heart attack during the Texas-Rice football game, I became General Counsel of Brown and Root in his place, although I continued to live in Austin, as he had done, and their headquarters was then in Houston.

In 1955, after Mr. Herman Brown had a serious lung operation, he decided to create a group of directors and an operating committee for the first time in his company and offered me the job as a vice president and director and member of the operating committee, if I would come down here to Houston and work full-time. At that time, I was spending about 80 to 90 per cent of my time, anyway, down here and living in Apartment 8F in the Lamar Hotel. That was not satisfactory. I had to either give that up or come down here, one or the other. I decided to come down here. I've lived in Houston now since 1955 and still have the same type of job with Brown and Root.

M: You mentioned before we turned the tape on that you had

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never worked for Lyndon Johnson, and it might be worthwhile to get this on tape.

P: Yes. I never have actually worked for him. Although many of the lawyers in our firm did work for him, particularly after the war, such as Larry Temple and Jim Wilson. Other secretaries other than Mary Rather moved to Washington from the law firm and worked for Lyndon. In fact, what's the name of this fellow that has the motion picture production association job?

M: Valenti?

P: Mrs. Jack Valenti [Mary Margaret Wiley] worked for our law firm and went up to Washington and worked for Lyndon. That's where she met Jack Valenti.

M: Did you ever get involved in any of the campaigns or anything like that?

P: Well, when I returned from World War II and worked in the office with Senator Wirtz directly, I ran into Lyndon Johnson many more times than before the war, because he was coming to see Alvin Wirtz regularly. He considered Alvin Wirtz, really, in my opinion, his primary mentor, guide, or person whose advice he could trust and whose advice he thought was accurate. So many a time he has come into Alvin Wirtz's office, and I was there, and I'd leave and go do something else, and they would talk for hours about different problems, political and otherwise.

M: What kind of man was Alvin Wirtz?

P: Alvin was a very, very good lawyer, a very intelligent man. He was

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a middle-of-the-road to progressive political outlook.

M: Did he have a sense of humor?

P: [He] had a good sense of humor. He did a thorough job without being overly meticulous. He had the confidence of many of the leaders in Texas due to his ability. He did not care to, nor did he act as a lobbyist in Austin with the legislature or otherwise, such as certain other lawyers were doing at the time; not because he wasn't capable of it, he just didn't believe in practicing law of that type.

M: Why did you think that Lyndon Johnson had so much respect for him? Now, certainly these qualities you've mentioned in a man would be a part of that.

P: I'd say that it was several things. First, Alvin Wirtz had faith in Lyndon from the very first and backed him from the start. And second, Lyndon felt that Alvin would tell him the truth and give him advice as he would his own son. Alvin had a daughter, but no sons. And third, I think he respected his intelligence and integrity and his know-how in political situations.

M: It must have been a blow to Lyndon Johnson to have this man die in 1951.

P: It was a real blow. I will never forget coming to our law firm, which was then in the Brown Building after the war. This was an hour or so after Alvin Wirtz had died in the hospital. He'd been taken there from the stadium. And John Connally was there, and Jim Wilson, and other people in the firm. Lyndon was really,

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really heartbroken at the loss of Alvin Wirtz who died really much sooner than you could have expected. We had no indication that he had any particular problem. I'll never forget this. He told me, "I don't see how your law firm can exist without Alvin Wirtz." We had at that time one of the best, largest, most successful law firms in Austin. I told Lyndon that, although Alvin was certainly a key man and brought in much of the business that the firm then enjoyed--although a very substantial part of it was business that my father brought in and the firm still has to this day--that the law firm would survive and be able to continue because it had such a solid foundation with capable people and satisfied clients, and I thought we could continue to satisfy them. The law firm was not built on any real political foundation of just influence. It was done with hard work and in fact the firm has continued and is larger today than it was at that time.

John Connally was working for the firm at that time, because Alvin Wirtz respected his ability. He did a good job with our firm, just like I'm sure he's going to do a good job with Judge Elkins' firm here in Houston. After Alvin Wirtz' death, John did leave the firm, possibly because he felt that he was then going to miss the guidance of Alvin Wirtz, which was one reason John came with our firm. John was only with our firm for a short period of time, and he was always a hard worker. John took a job in Fort Worth with the Sid Richardson group after Alvin Wirtz death.

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- M: Do you remember anything, or did you get involved in any way in that 1948 election which was so close between Lyndon Johnson and Coke Stevenson?
- P: I did not personally. Alvin Wirtz was involved, and my father was involved. They went to the Fort Worth Democratic convention where this thing was decided and worked together to help Lyndon in every way. Although my father represented Humble Oil and these various other major oil companies, he also was a good friend of Lyndon Johnson's at that time, and they recognized that.
- M: Did Alvin Wirtz and your father help Johnson become friends with people in Texas who could support him? Is that important in the relationship?
- P: I am sure that they did, although Lyndon Johnson was a person who would make his own friends. He was a terrifically hard worker, then as he always has been, as he is to this very day, even though he's sitting there trying to stay out of the limelight. He's got a terrific amount of drive, and he had that at that time.
- M: I was thinking about the friendship between Lyndon Johnson and, say, Herman Brown. I was wondering if Alvin Wirtz was the link between the two, or introduced them, or something like that.
- P: I would think it's probably true. I would think so. Because, Herman Brown had the same respect for Alvin Wirtz that Lyndon Johnson had. They both would go to Alvin with problems and had the

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utmost faith in his judgment. I've seen that many, many times on just business transactions between the Brown interests and other people who had no connection with the government whatsoever. If it's whether to lease a shipyard down here, Todd Shipyard, things like that, Alvin Wirtz' judgment was excellent.

M: Now, the question I'm about to ask you might be considered embarrassing, but I don't mean it that way.

P: No.

M: I would like to know if Lyndon Johnson in Washington, being a senator, or a congressman, or a vice president, has been helpful as a friend in Washington to clients or business connections in Texas? Is it helpful to have a man like that?

P: It is helpful to a company to have someone in Washington to whom they can go and discuss their problems and get their advice on what course they should take. Certainly Lyndon had positions in the government from the time he was in the Senate on where he knew Washington, and his advice was good. I have talked to him in his office on certain problems since the war. He would give advice as to what to do, but Lyndon Johnson was a man who would not go and apply pressure to any of the government agencies. He would tell you he thought you should go talk to this man or that man or you should do this, and if it was his problem, he would do this and that. But he would not go himself.

M: If, say, Brown and Root had problems with that government contract, he might give you advice.

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P: That's right. But he would not appear on the scene, and I don't believe he actually made any phone calls to follow it up. I might add that this is not true of certain other people in Congress. A very interesting person.

We've been accused many times at Brown and Root, due to the connection and friendship between Herman and George Brown and Lyndon, that our being, in our volume and our success, is wholly dependent on Lyndon, and once he was out of the picture, Brown and Root would fade gently into the background. Of course, the history here, some while after Lyndon announced a year ago that he wouldn't run, is quite to the contrary. Our volume has continued upward. Just like the law firm could continue without Alvin Wirtz' presence, Brown and Root continues on without Lyndon's influence. Actually, we have obtained more help when we need it with situations with the government from people other than Lyndon Johnson than we ever did from Lyndon. People won't believe this, but that is true.

M: The books that are written about this usually make some connection between Brown and Root and Lyndon and their rise together.

P: Right. Correct. You read many and many of those. He did advise what to do, as I've told you, advised Mr. Herman Brown or George Brown, me or anybody else--"thought you ought to do so and so." But he would not step in there and would not apply pressure to help you. And to my knowledge he never did.

M: There is a specific case that comes to mind that has been written about that you might have some reflection upon, and that's the case

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of the Manned Spacecraft Center.

P: That's right. Now let's talk about that a minute. The Manned Spacecraft Center was to be located in one of about three places towards the final months of consideration of a site. One was around Boston, with the Kennedys interested in that. Another, around Huntsville, Alabama, as sort of adjunct to the facilities already existing there. And the third [was] around Houston. Lyndon Johnson undoubtedly was interested in this being in his home state, so as to draw some of the R & D people from the West Coast to another part of the country, to his home state.

M: Sure.

P: But the man that really did the job of getting this facility here in Houston was Representative Albert Thomas. And Albert Thomas, as head of I think Ways and Means had the pressure; and he did not mind bringing it to bear on an objective that he thought was worthwhile; and he wanted this Manned Spacecraft Center near Houston. It really ought to be named after him.

M: (Laughter)

P: To me that is a good example of the difference between two people, both of whom are very capable. But if Albert Thomas wanted to help you, he would come right out there, and he would go with you to the agency involved. Lyndon would never do this. And the man that really helped Houston and Texas, to the extent they've been helped by the Manned Spacecraft Center, was Albert Thomas. So, no doubt Lyndon helped in the background and let it be known that he would like to see it in

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Texas. He may have gone to Kennedy and said, "Now, how about letting us have this?" But the man that fought it through Congress and all those hurdles and got out there all the way was Albert Thomas. It wouldn't be here without Albert Thomas. Albert was a Rhodes Scholar, and a very personable fellow, and very liberal. He was elected from a district in Houston where the labor unions and liberal elements elected him time after time. They now have Bob Eckhardt.

M: Again, this is a question that is sensitive, and it's the kind of question that comes up in books and so on, and I don't mean to embarrass you. But there have been accusations that Brown and Root made large campaign contributions to Lyndon Johnson. Do you have any comment on that sort of statement?

P: I don't have any. If there were any such, I never knew anything about it. I know my father contributed to his campaigns and Senator Wirtz contributed to his campaigns, just personal--

M: Just personal private things.

P: Right. As lawyers, in Austin, they were called on by Lyndon when he needed help, and they contributed to him back when things were rough, in the thirties and early forties. But Brown and Root's contributions, I don't know anything about. I'm sure that the Browns must have helped his campaign, just as my father and Senator Wirtz did. I'm sure that he called on them for contributions just as he called on many, many other people in Texas who he knew to help him.

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M: This exhausts the questions I have for you about Lyndon Johnson. I might ask you an open-ended question. Have you had any connections with him that haven't come up? Or any contact with him that you wish to make a comment about?

P: He has called me on certain occasions to help him with advice on certain labor relations problems he might have at his radio station in Austin.

M: This is his own private business?

P: Right. Yes. I've tried to give him the benefit of my advice and experience in those fields.

M: So you've been a legal counsel to him?

P: Yes. Just in the very, very fringe area.

Frankly, I always thought that he was one of the most hard-working men I ever knew. He had a great ability to get people to go along with his plan of action up until the last year or two in his presidency when it was very difficult for me to understand how he couldn't get either [J. William] Fulbright or [Wilbur] Mills in the adjoining state of Arkansas to go along with him on two very critical problems. Maybe it was impossible, but if I'd ever heard in the early years that he couldn't get those people to go along with him, I would have said, "That's crazy. He certainly can get them to go." But he couldn't do it in the last period, which was quite a change. Maybe the issues were too great.

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M: He was a personally persuasive man in direct confrontation between one person and another.

P: That's right. Correct. Very.

M: Have you ever seen him in operation like that?

P: Yes. I've seen him.

M: What is it that makes him so effective? I've heard that he is an effective personal contact.

P: He works at getting the facts together on any particular problem; he'll try to get as much opinion as he can on what the best answer is, then he'll try to sell somebody on doing just that. Often it's a compromise between two positions, because he thinks it's better to get something done than leave it stalemated. Often the advice he would give wouldn't really satisfy either side but it would get the problem behind you and you'd go to the next one. He's not as much of a theorist of saying, "Here's the pure answer and we can only have the pure answer." [He's] more of a person to say, "Well, here we've got two divergent views. There's no sense in fighting from here on. Let's get it worked out." And he'd take a position in between. I know from our side, we weren't satisfied many times with his recommendations on what was to be done. But it did solve the problem. And it was never so bad that it really adversely affected the situation. He's taken views on organized labor that we don't agree to many times. Brown and Root has operated open-shop.

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M: Is Johnson in favor of a unionized shop?

P: Many times while he was president, he backed bills that were desired by the building trades group that we did not agree with, which would increase the monopoly they have in certain phases of construction and broaden that which we were against.

M: When a bill like that would come up in Congress, what would Brown and Root do? Would Brown and Root ever lobby on something like that: Would they send letters?

P: We would. We would and still do try to send letters. [We] have as many of our people write letters to the congressmen involved, whether they're from Texas or Vermont or whatnot, the ones that are on this committee, and tell them that, for example, we do not believe in this common situs picketing bill whose sole purpose is to let the unions absolutely control any project where they control any one contractor and be able to set up a picket around the whole project. Whereas today you can have different construction gates for different contractors, and they have a full right to picket that contractor they are desiring to organize, but they can't picket the whole site. They can't picket the production workers there. What they want to do is to be able, if they have a fight against anybody, to shut the whole thing down until they come to their terms.

M: So when it comes to bills of this nature, Brown and Root would make their opinion known.

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P: Right. Write and say, "We don't think that's right," and so forth.

M: And give your reasons for it.

P: That's correct. "We appreciate your consideration." And we have a New Jersey congressman write back and say, "We think you're wrong. That's a good bill." Then others would say, "Yes, we're going to think about it." And others would say, "We agree with you." Anyway, that's the type of thing we did participate in. And a lot of this work is done through the Associated General Contractors who have a regular office in Washington and in Austin on the local level.

M: Do you have any other comments you wish to make about Lyndon Johnson? Talk about his personality?

P: No. I think he was a good friend of my family. He liked my father, and he likes my mother, and I think he thinks an awful lot of Cousin Mary Rather. We've had that type of relationship that we wouldn't have had otherwise. I've had dinner in his home in Washington before, not when he was in the White House, but when he was in Congress.

And I will say another thing: Lady Bird would just bend over backwards to go along with whatever schedule and way he thought it was best to operate. I know I've been at his home for dinner, and come in about nine at night from his office, and she would have Zephyr cooking, and have a regular meal at nine-thirty or ten o'clock at night, and not be hollering about it. (Laughter)
An amazing ability to fit in with whatever his schedule was in

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a nice way. She's a very extraordinary person really; been undoubtedly a great factor in his success.

M: I've heard this.

P: I don't think there's any doubt.

And had Alvin Wirtz lived, he would have continued to be a mainstay guiding him and would have been a good man for him. Alvin was a man of great ability and judgment.

M: Well, I thank you for your time, and I thank you for your comments.

P: I have here a letter from Lyndon just before he left.

M: Can you read it at this time?

P: Yes. I wrote him a letter thanking him for one of the books that he sent on his administration, he sent [it] out in the fall of 1968. I thanked him for that series of books and told him I thought he had done a mighty good job as president, under all the conditions. So I got this reply from the White House, dated January 7.

M: This is 1969.

P: It's 1969.

"The White House, Washington D.C.

Dear Ben,

Your very nice letter came in when I was down with the flu, as were most of the staff except Mary."--he's referring to Mary Rather--"I thank you for all the kind things you said. Now that our departure date has nearly arrived, I feel very nostalgic, especially for the Congress which I love so much and where I spent

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so many years. I want you to know and always remember, as will I, that I never could have made it during those early years without the support and guidance and help I received from your father, Senator Wirtz, and several of those fine young lawyers who would work a while for Powell-Wirtz and then for a while up here with me.

With all good wishes to you, Kitty, and your mother.

Sincerely,

Lyndon B. Johnson"

M: That's a fine letter.

P: I just regret that the Vietnam War culminated during his administration to such an extent as to create a very difficult problem for anybody. Having negotiated on construction contracts in Thailand and a lot of other places around the world with people such as the Vietnamese, I realize that it is a very, very difficult job. You often have to wait, and wait, and wait for them to come around to your position. In the meanwhile, all sorts of pressures can build up.

M: So you have some appreciation for the pressures on the President?

P: Yes. And also on Nixon today. I think Nixon personally has done a good job of not rocking the boat, keeping the thing sort of going along, trying to tune the situation up, as I see it. I hope that we can work something out without a major change in direction. I think it would be rather tragic when you consider the number of American dead over there now.

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M: I thank you for your time.

P: Thank you.

[End of Tape 1f of 1 and Interview I]

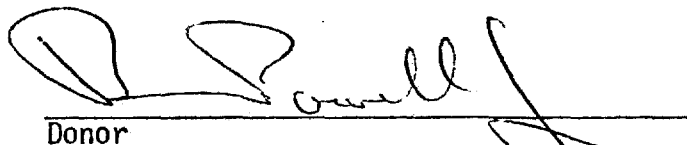
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