

INTERVIEWEE: HAROLD BAREFOOT SANDERS (Tape #3)

INTERVIEWER: JOE B. FRANTZ

November 3, 1969

F: This interview is number three with Harold Barefoot Sanders, Jr. in his office in Dallas on November 3, 1969. The interviewer is still Joe B. Frantz.

Barefoot, let's talk a little bit about the Civil Rights Act of 1968, which I presume is the first one you really worked on.

S: At the White House, that's right. Now, I worked on the Voting Rights Act of 1965 when I was at Justice Department, Joe.

F: Let's talk a little about that as a preliminary.

S: All right.

F: How did you get involved in it, how was it broached to you, and what in effect were you supposed to do?

S: At that time, I went up to Justice Department from Dallas the last of February 1965. So as you recall the Selma demonstrations took part in early March of 1965. At that time I was only vaguely aware, having only been there, say, a couple of weeks that there was under consideration in the Department--

F: You barely knew where the men's room was.

S: That's about right; it was all I could do to find my way. But that there was under consideration the Voting Rights Bill, but there was not the urgency behind it obviously. Other people would know about this better than I, but I think some instructions had been given in '64 about this. Then the Selma thing and the President's message to the Congress, his appearance before a joint session about March 15. And we sent the bill from the Justice Department to the Hill, I think it was probably the latter part of March or the first few

days of April in 1965. Now, my part in that was briefly this. I sat in on a great many conferences which we were having at Justice as to just how to word this bill.

F: Who came to the conferences: what level, what divisions of the department?

S: The conferences were primarily with either Ramsey's office (he was deputy), or Nick's office (he was Attorney General). There were representatives--by and large the Civil Rights Division--Steve Pollack, I remember very vividly; Dave Norman, Harold Green, a number of folks like that; representatives of the Office of Legal Counsel were there; Harold Reis, who was Katzenbach's Special Assistant, was there a good deal of the time. That's generally the kind of folks that came. I do not remember myself any conferences at the White House, but I would not have been apt to because I don't remember being included on them, and I'm sure Ramsey and Nick, one or both, were there.

My particular responsibility was working with Nick, and Ramsey wasn't on the Hill much. Nick had been on the Hill in '64, he loved working on the Hill--was working with the House Judiciary Committee, first on the hearings on the bill. This was Mr. [Emanuel] Celler's committee. And then on what's called the mark-up of the bill. I sat with the subcommittee in the mark-up of the bill, and just generally nursed it through.

F: Did you feel that Katzenbach had been pretty effective working on the Hill?

S: Well, they knew Nick, and he had been effective. I think Nick got hurt a little bit later on on some things, but at that particular juncture, he was still carrying a lot of the glow from the passage of the '64 civil rights bill. Everybody realized that had been a monumental thing. It wasn't only him; it was a lot of other people working on it. Of course, it was chiefly the President. They couldn't have done it without him. But Katzenbach had

worked and I think had been effective. I was in charge of the Justice Department's Congressional operation, but I was also pretty well working with and under Nick in this, although he more and more delegated things.

F: Was this operated somewhat in a Justice vacuum, or did you call in NAACP and other civil rights leaders, CORE, et cetera, et cetera, for conferences? How much outside work did you do?

S: In the passage of the bill, that is, working the Judiciary Committees and working the floor, we called in the NAACP, what's called the Leadership Conference, the church groups, and so on. I'm sorry, but I cannot remember any of them attending the conferences in the drafting of the bill. They may have. I just don't remember. I would be fairly sure, without saying it's any more than just a strong feeling, that at some point along the line in Justice before we made the final draft, we talked with these people and said, "This is what it looks like."

F: But of course the legalities were your primary responsibility.

S: That's our bailiwick. And the instruction, as I understood it, from the White House (I did not talk to the President directly on this, as I recall) was just "get a bill up there that will work," because what we had had wasn't working. That was very clear.

F: Why wasn't it working?

S: Because you had to litigate every lawsuit. What you had to have was something, a formula which would bypass the litigation in effect, which would put the presumption in favor of the voter; in other words, which would say that everybody can vote if he fulfills certain minimum requirements; if he's a resident, if he's old enough, and knock out these literacy tests instead of making--

F: Before that he had to sue for the right. How then they've got to sue to keep him from it in effect.

S: That would be oversimplifying it, but now the burden is on them. He can vote unless they can show some way to stop him.

F: Now, you've got a Judiciary Committee under James Eastland.

S: Right.

F: And I forget who you've got in the House, but undoubtedly--

S: Manny Celler from New York.

F: You didn't have any problem as far as the committee in the--

S: In the House. That's right.

F: What do you do to jack it out of the Senate, because you're flying in the face--regardless of Eastland's personal position, you're flying in the face of what he has to represent.

S: Oh, yes, that's right. Eastland's personal position as far as I have ever known is very strongly segregationist.

F: He's very strongly what he represents too.

S: Very strongly what he represents; there doesn't seem to any inconsistency about that.

You know, we brought that bill through the Senate first, which is a reverse of what you normally think of. We broke a filibuster with Dirksen's help.

F: Do you have any idea how you got Dirksen's help? Unfortunately, he died before I could get to that.

S: I don't remember. I know Nick did some--I'll tell you what we did. We worked with Dirksen's staff. I remember sitting--Burke Marshall was in on a lot of this too; Burke and Nick and Ramsey, several others--we'd sit down with Dirksen's staff and try to work out the bill to where Dirksen would buy it. And it would sometimes get to the point, it seemed to me, that instead of having paragraph

A, B, C, we'd just make paragraph C paragraph A and paragraph A paragraph B, just to let him put his mark on it. And we did a lot of changes like that; we never had to give up anything of substance.

F: Just paper changes really.

S: That's right. His staff people got to be real nit-pickers, it seemed to us, and it was very exasperating.

F: Now, were they--Did you have confidence that they could speak for the Senator? That they understood his thought processes in this and his necessities, so that when they suggested you went one way or another, they pretty well spoke for him?

S: Well, yes, we didn't ever think that they were there with carte blanche, but at the same time, we felt, and I think it was proven in the event, that whatever was worked out he would go for. He I think made some additional changes on his own, but these were sort of his--

F: But they weren't fundamental?

S: Not that I recall. What I can't remember, and it's a big gap in my memory right now, is how we got it out of Senate Judiciary--I don't remember.

F: Well, we can work on that again.

Whom on Dirksen's staff should I see that's most vital in this?

S: I've forgotten those fellows' names; there were two or three of them.

F: Was Gomien on his staff?

S: Gomien, but we didn't work with Gomien.

F: You didn't work with him on this?

S: I tell you--Steve Pollack can probably tell you those fellows' names. Burke Marshall, Ramsey, Charlie Ferris in the Senate, could say who was working for Dirksen on this kind of thing in '65.

F: The Senator and I just had gotten into civil rights when he departed this world, so I missed a good source there.

- S: Here is the thing that I think is really important about it. It was just assumed from the time we sent that bill that we had to have Dirksen to break the Senate filibuster, and that he could break it, and he could, and we got him.
- F: Was this based on the belief, not only that he could bring along the Republicans but that he could break the more or less South's solid state?
- S: No, just the Republicans; we never thought he could break the South.
- F: And that would be sufficient?
- S: Yes. Just enough Republicans to break the filibuster. He couldn't bring them all.
- F: Did you get the feeling that the South position on this was profound and fast-rooted, or that it felt that it historically had to defend its position and that they would go through the motions, then step aside?
- S: I think it's a combination of both. But you know, trying to judge people's motives is a dad-gum hard thing to do, Joe; and my own feeling was that, and I think the debates would show, that the Southern Senators--they could object in theory to the bill, and it was arbitrary in some ways. But so far as defending the practices which it was designed to abolish, they couldn't defend it. So I think it was both of the things that you're talking about, but they did not die easy.
- F: The Southern Senators, though, and Congressmen you dealt with had reached the point at least where you could, to use a modern cliché--you could have a dialogue with them on this. You could talk to them about it even though you might not--
- S: Yes, you could talk to them about it, but by and large it was wasted time. You're not going to get their vote. I don't mean to say we snubbed them. Everybody talked to them, but there's not much accomplished. Because even if you had convinced them, they weren't going to be with you and they couldn't. Ervin you remember, he was great in this.

F: North Carolina?

S: North Carolina, Sam Ervin took a great interest in the constitutionality of this, as he does all other things, but he wasn't going to be convinced. But it was a very agreeable relationship with Ervin. I remember him particularly on this.

F: It wasn't a case though where the Southern senator really got violent against the Administration?

S: I did not see it. I think they were not going to get violent against President Johnson.

F: Caught in the vise of history.

S: Yes, I think that's pretty much right. And you know, by and large President Johnson had a great relationship with those people, and that helps.

F: Do you know whether he intervened personally?

S: I do not. But I'd have to say that you couldn't have had Dirksen, as we had to have him, without the history of his relationship with Johnson; and as to what conversations and how many went on I just don't know.

F: Moving ahead to '68 when you see this from a different vantage point, how did that develop in your own experience?

S: Well in 1968, if you recall, we sent a '67 civil rights bill up at the beginning of that Congress which would have been the 90th Congress.

F: We must also put this in context--recall that in '67-'68 you did not have the sort of backlog of capital that you had in '64-'65 in the way of goodwill--the momentum.

S: Oh, I think that's fundamental. As a matter of fact, there are at least two aspects of that: One, as the President was fond of saying, his landslide in '64 created a reserve of capital which was to be spent and not conserved, and he spent it freely.

F: While he had it.

S: And effectively in '65-'66 with the 89th Congress. So the capital was depleted; the evidence that the capital was depleted was the fall election of 1966 when we lost forty-seven seats. And of course forty-seven seats in the House--I really don't remember the difference in the Senate; I think we may have picked up a little bit, certainly didn't get hurt. But the difference of forty-seven seats in the House is a difference of ninety-four on a vote, because the Republicans add forty-seven while you lose forty-seven. And so you close the gap by ninety-four on a count. This is a very important thing. It's not exactly ninety-four of course on civil rights, but that's generally the trend.

Now with that background, there was some discussion in the fall of '66 when the legislative program for '67 was being laid out. There was a good deal of discussion as to whether or not there should be a civil rights bill in 1967 at all. There were a lot of people who felt that there should not be; I can't tell you who because I just don't remember. I sort of felt there shouldn't be myself, that I remember. I'd been working on the Hill full-time for Justice since I got there in '65; and through '65 and '66 I really picked up the feeling, one, the civil rights groups were--they had spent their capital too, and that we'd accomplished a lot, and it was getting to be sort of a feeling that, "Well, you know, every Congress this Administration is going to offer a civil rights bill." So I felt that way, I had no strong feelings, but I remember speaking out to this effect. I think we had meetings at the Justice Department along about this time on a civil rights bill and what it should be in '67. There were also some meetings at the White House--I think those were in Califano's office.

F: As far as you know, did the President sort of share that feeling that every Congress should have its own civil rights bill, or did he feel more deeply the fact that there were still certain things to be done and we'd better get them?

S: I think he obviously had the feel that there were some more things to be done. And I never talked to him directly on this point; I was Assistant Deputy and heading up the Civil Division from November of '66 on, but still doing the Congressional work, so I was sitting in on all of those meetings. But I assumed-- you see, Ramsey was Acting from October '66 on--and I just assumed that we weren't working on that because the President was indefinite about it. And there was never any doubt but what we were going to have a civil rights bill in '67, so I just--

F: The push was going to come from the White House and not from Justice? Justice would move when the President gave the order.

S: That's right. In fact our instructions, if I recall, were to get a civil rights bill for the '67 session, and a civil rights message, and we did.

Now, we included in that bill in '67 open housing; a number of other things: court reform, federal jury reform so-called, what they call protection of federal rights from intimidation. We had had some problems under the Civil Rights Bill of '64 where intimidation had set in and you couldn't enforce those and do anything about it. And this bill as it came out of the House didn't have much in it; I don't guess I should say that, it's important that you protect these federal rights, and you surely had that. But we moved in the House first, and we passed that bill--I believe it was in August '67, but there was no open housing in it because it was stripped out in the House Judiciary Committee; and the reason it was stripped out in the House Judiciary Committee is, friendly though that committee had been, the hour for open housing somehow or other just had not struck, and we couldn't get it out. So we passed that bill out of the House--

F: Did Celler assent to this stripping?

S: Grudgingly.

F: Without trying to ascribe motive to him, you probably think that he didn't believe that the time had come yet to push hard on open housing?

S: I think that's about right. Celler was always there on anything civil rights, always strong, but he just couldn't carry this.

F: But he was a realist.

S: That's right. And while he's a very old gentleman, he's all there with everything.

So then the bill went over to the Senate, and I would never have thought that you could pass an open housing bill through the United States Senate.

I would have bet pretty heavy odds against it at the beginning of 1968.

F: I wouldn't have taken your bet.

S: I just think there are a lot of remarkable things done in the legislative field, but I think that has got to be one of the most remarkable things that has been done because there was no real public outcry for this bill. I mean, voting rights, yes, there was a public outcry; overdue Civil Rights Act of '64, surely--people felt it was long overdue. But not in '68 for open housing that I could notice. Besides that, you could see it--the civil rights groups which could fill the galleries in '64 and '65 and flood the Congress with letters just didn't have any muscle. There was one guy I'd have to give an awful lot of credit on this, and that was Clarence Mitchell. Clarence walked those halls morning, noon, and night; and he talked to Senators, and he talked again--all of this, I'm sure he wasn't by himself, but he believed, so he worked. And as you know--I forget now again procedurally how we did it--they had hearings, but we didn't report that bill as such out of Senate Judiciary Committee; it seems to me like we had held the House bill on the calendar from the fall of

'67 on, and Judiciary Committee went ahead and had all their hearings, and then the floor took it up at a date decided on.

F: Does the President ever talk to you about who should be consulted, what Congressman could help, or how to get around certain Congressmen?

S: Let me back up one minute, just to correct my memory. On one of those civil rights bills, I guess it must have been '66 that we did this, Joe, there was a filibuster in the Senate; we did involve open housing at that time as I recall, and we could not break that filibuster. I believe I'm right about that because we tried two or three times, and we never got anywhere close. I mention that because we'd had the try in '66 and never gotten it. Then we came to '68. Now, excuse me, what was your question?

F: The question was, did the President ever advise with you about how to handle certain people in Congress?

S: Oh, yes, he would a lot of the time. You know, he knew them all.

F: Can you give instances?

S: By and large, the only instances I would remember would be with the leadership themselves, you know. In the civil rights thing, which is what I'm trying to think of, I don't remember instances as such except to go say to the leadership or call up Mansfield and say, "Let's get that bill up," or ask McCormack when they were going to move that bill--this kind of thing.

F: Did he ever express himself to you on the quality of leadership of either Mansfield or McCormack?

S: Well, yes, he did. He was greatly disappointed in Mansfield so far as Mansfield's attitude on the war was concerned, and I think that he didn't think-- I'm speculating here, he didn't ever say this, but my net impression of all of his remarks, as fond as he was of Mansfield personally, he didn't think Mansfield

was as strong a leader as he ought to be. On McCormack, I think he genuinely appreciated McCormack's loyalty to him, which was 110 percent, but I think he realized McCormack's limitations because of age and the sort of generation gap with the House members. He realized, for instance--this is off the field of civil rights, that while Hale Boggs and he were good personal friends, that Hale was not an effective Whip in the House. I remember one time, said, "Don't ever take a count from Hale," and I never did. And it was darned good advice.

F: What about Russell Long?

S: I never heard him say one way or another about Russell, but the President's too shrewd a man not to have realized Russell's virtues and his limitations. I always felt that whether it was civil rights or whatever, and this is particularly true in the Senate or with the older House members, that his analysis of them and what would appeal and where their strengths and weaknesses lay was, you know, it held true. I'm sorry again I can't cite you chapter and verse.

F: From your observation post, did the President really feel keenly about open housing, or did he feel that the time had come that we at least ought to get the thing out in the open and people declare themselves? In other words, was this a kind of do-or-die situation with him?

S: I did not get the feeling that the President had this real strong feeling about open housing that he had had about voting rights and other things--the '64 bill. But at the same time I did not see his effort being any the less, so this was just an impression that I'm speaking of. And a part of this impression arises because he had a lot of other things like Viet Nam, to take the great example, that obviously were eating on him much more so than they had been in '64 or '65. So his attentions were diverted, I suppose I should say, and that may be the reason I don't have the same lasting impression of his dedication, but he did--

F: We'll take for granted you do not have a single-minded Presidential push on open housing; where did the thrust come from? From Ramsey or the Justice Department or--?

S: I don't mean to say that he didn't have the push on it. I don't mean to say that. You're asking me did he seem to really feel as deeply. I didn't think that he felt as deeply, but that didn't keep him from pushing just as much as he had on the other things. Now, how would that push be manifested?

F: Yes.

S: Every Tuesday morning we'd have a leadership breakfast. So far as I remember, except for the time when we were bothered with the Pueblo incident, you will recall, in early '68--a couple of breakfasts were devoted to that. But every time we would talk about the civil rights bill and when Mansfield was going to bring it out and what the count was going to be and could they break a filibuster and so on? So he was pushing about as hard as anybody could. Now, so far as his personal conversations with Mansfield about this over the phone, I don't know. I assume they were there. I assume that he talked to some Senators about it; we gave him a list of some Senators who were doubtful. And he was on a trip at the time we were trying to break the filibuster. He went to Texas--seems to me he went over to Puerto Rico or something like that--I remember talking down there, I didn't talk to the President, but to Jones or Temple or somebody, and I believe he made some calls from the plane or from Puerto Rico to doubtful Senators. So he was pushing.

F: How did you break the filibuster?

S: Well, we got Dirksen, but it wasn't just Dirksen. Dirksen's following diminished as time went on.

F: He too had a little generation gap problem.

S: He did, he really did. I would have to say that once you got past sixty votes to break that filibuster, and it seems to me like we broke it sixty-five to thirty-two, or sixty-six to thirty-two, something like that, it was a matter of just the NAACP through Clarence Mitchell working. Justice worked hard under the President's direction. The President, as I say, I know made some calls, but I just don't remember what they were. And it would always be on the basis, "Look, if you've got to vote against this bill, let's get it out on the floor; let's bring it up, and then you vote against it."

F: You get it out there, you're exposed.

S: Well, of course, these guys all know that game, but there are always enough of them who figure, "Well, I'm not for it, I'm in principle against open housing, but I'll vote to bring it out--break the filibuster, and I'll vote against the bill." Again, I couldn't tell you who did it, but I know there were some who did.

F: Is there any discernible difference between Katzenbach and Ramsey on the amount of effort that went into civil rights, so far as you could tell?

S: Well, I think Ramsey's effort was more focused on the enforcement and the administration of what we had, and I think that was by necessity. We had bills already, and he was dedicated to making them work and expanding the enforcement of them. I'm talking about voting rights in the '64 bill. Under open housing I think Ramsey went to meetings with the Senators just like Nick went to meetings with the Senators. I don't think he communicated with them quite as--I don't know that there was this rapport that Nick had had. I do think that overall he enjoyed at least the same respect from Senators that Nick had, maybe a little bit better. Because in '66 Nick had gotten scarred up by promising--I don't remember now what it was--he promised the people in the

House that if you pass this bill--we had open housing in that bill in '66, that's right--well, all right, the Senate will pass it. Well, he talked too fast, and a lot of guys walked the plank on that bill and they were bad-mouthing Nick pretty hard for a long time after that.

So, your question is, how did they work? Ramsey on the administrative enforcement end, very original, imaginative, very effective. Legislation was never Ramsey's strong point, but he would go to meetings with people whether it was morning, noon, or night, and he was very well briefed on it. When I say he didn't have the same rapport, I just don't think there was quite the ease of communication; that doesn't mean there was any lack of respect because I would say that by early '68, there was more good feeling toward Ramsey than Nick on the Hill.

F: Did the President consider any of the legal problems that were going to be raised by open housing, because you are opening up a whole new nest of possibilities?

S: He went over all of those when we first--I guess it must have been in '66, Joe. I don't remember going through them again after that, and while I don't remember any personal conference with him, I know he had to be satisfied.

F: That it would stand up?

S: Yes, that it would stand up.

F: From your observations of the President, was he always pretty careful from a legalistic standpoint or a litigious standpoint in that he wanted to be sure that rather than having the impact of something on the books that might be struck down by a court, he would prefer to have something that was right or nothing?

S: Well, again, I couldn't answer your question directly. I don't think the President was concerned so much with whether somebody might file a lawsuit, but I'm not trying to say that he was not concerned about the legality of

it. It's just that he wanted the big picture. And if he felt that you ought to have open housing, as he came to feel, and the legalities generally were satisfied, he wasn't going to worry about every little bitty part of it. In other words, he wasn't going to try to look at it like the most careful lawyer. Incidentally, he'd have made a hell of a lawyer, as you know.

F: A tremendous adversary.

S: Yes, he is.

F: Did you get a feeling that you did set up some kind of a white reaction on open housing?

S: I thought maybe we did, but I think the election results of '68 showed that that was not the fact. I think that was a bit exaggerated really. Now that's every man to his choice, but that's just the way I'd read those returns. I don't think--for instance, in the South, we didn't lose the South because of open housing; we lost the South because of everything that had gone on, maybe including that.

F: Probably going back to 1933.

S: Right.

F: Things have been building up.

S: There is one thing about the open housing fight, if you want to close it, and that is, there was a real critical time in this after the Senate passed the bill. The House had not passed open housing in August of '67, so it had to go back to the House for either a conference or for a concurrence. This was about the time of the Martin Luther King assassination, if you recall. This was a very difficult thing because the decision we came to--and on this, the President talked with me about it several times, and I'd try a research memo saying, "If we take a conference committee right here, the pros and cons; if we move

for concurrence--"Now, to concur, which is what we finally did, the very difficult thing about that was that we were saying to the House, "You didn't pass open housing. The Senate, your traditional rival, has. Now we want you to buy the Senate bill as they passed it; you don't do anything except stamp your approval on it. You're not going to be heard except by your vote."

Well, obviously this goes against the grain in the House. And I was personally very undecided about how to do this. The House leadership was quite undecided about it. The President's message to the House leadership simply was, he wanted a bill and he did not for a time try to say which was the best way to do it. The danger of the conference was that we could be delayed further, we could get bogged down in detail. We did go the concurrence route. Mitchell--I sat in with Albert and McCormack one afternoon, and I remember it very clearly because Albert and McCormack had indicated to me a few minutes before, they thought we should have a conference, and I saw Mitchell out in the hall and I said, "I sort of think we ought to have a conference myself, but I want you to know that that's what these guys want." And you know they're very much for civil rights, and they knew the President wanted a civil rights bill.

Well, without getting into too much detail, Clarence laid it on very strong and McCormack and Albert right there in the Speaker's office said, "We want to concur." So we got a rule to concur, which took a lot of work on the Rules Committee.

Now, the President was following this very closely. We had to have eight votes on the Rules Committee to bring it out under a rule to concur with no amendments, an hour's debate, and adopt--

F: By concur, you mean you just accept the previous--

S: Take the Senate bill as it was, and then we had a very hard count on the House floor, and the President followed that very closely. I had to report to him

nearly every day on how my count was coming. While this was going on, King was killed, and it was before we got out on the floor. I have always thought that while the impact of King's assassination played its part in the adoption of this bill, that it can be somewhat exaggerated because there were a great many folks in the House who were trying to say, "I'm not going to let this influence me. Everybody is saying it is, but it's not going to influence me." There were others of course who said, "Well, we've got to do this because of what has happened out here." So I sort of thought it cancelled out. I guess I'm a biased observer. Surely I am. But the President was the guy who was really in charge on this, you see, getting it done.

F: Did the fact that you're having now a really hellish burning and riot right there, not in your backyard, but in your front yard, make it easier or more difficult for Congress? I know there was talk of blackmail.

S: More difficult.

F: And did people then examine themselves more closely to be sure they weren't being blackmailed by the riots?

S: I thought they did. I think in the final analysis when it got down to voting, that they discarded that. But I was sure scared after that Washington riot which was in the aftermath of the King assassination that it would reverberate against us very badly. And there was a lot of talk. Jerry Ford--and Jerry is quite an adversary--and Jerry fought us on this. He spoke against it on the procedural point that you shouldn't do just what--you shouldn't rubberstamp the Senate.

F: Did the President ever express himself to you on Martin Luther King?

S: Not to me.

F: Were you involved at all in the April riots other than another concerned Washingtonian?

S: I was there at the White House. I think I made some calls at the President's request to various Congressmen to apprise them of the situation. I remember I was up in McCormack's office the afternoon that it was really breaking out. But so far as the planning and the handling, I don't believe I really was. I was in on a meeting with the President when he was thinking about calling a joint session--if you remember, he asked if we were going to have a joint session? And I met with him over in the bedroom. There were Christian and Temple and two or three others. It was a Saturday evening. He asked me about the joint session, and I said I really thought it was a good idea originally, but I'd changed my mind, and several other people had too.

F: Why?

S: Because we didn't have enough to say. What were we going to say? That was really the problem. We couldn't advocate any more laws.

F: You couldn't do much really except deplore?

S: That's right. What were we going to say to a joint session? So then he had me--that was on Saturday--he had Christian announce to the press that we would defer the joint session. We'd planned it originally for the following Monday or Tuesday. Then I went and talked to McCormack on it; I think Manatos might have talked to Mansfield about it. McCormack was okay. I talked to him about the request coming from him to postpone it, talked to him over there in the ground floor of the Washington Hotel where he lives. It was a pretty interesting conversation, because what I was saying was that, "We don't want to do this, and would you mind asking us not to do it?" And I don't remember just now what form it took, but it came pretty well that way.

F: He did it?

S: Oh, yes, he agreed. It was just a question of whether he should make the request. And as I remember, I think it ended up, the President just said

finally--it had first been said that we were going to postpone it, and then we said later we were just not going to do it, and he said, "That's a good idea."

F: Were you involved in the death of Robert Kennedy?

S: No.

F: That, you know, broke out pretty late Washington time.

S: Oh, yes, I remember, and I was called about it, but not to do anything. I don't even remember who called me. I just remember being waked up.

F: To get back to Justice, Ramsey was a target--a prime target among the anti-Johnson people. Did this give President Johnson any particular concern as far as you could tell, or did he just look on this as fortunes of war?

S: I think it gave him some concern, but I don't think it was a fundamental concern.

F: As far as you know, he didn't basically disagree with anything that Ramsey was enunciating?

S: Not basically. But I think he had some problems about it. I know that there were times when he would get somewhat irritated with Ramsey.

F: On pronouncements, or--?

S: Well, probably on pronouncements. Again, I can't give you chapter and verse. It wasn't anything in civil rights that I ever recall. I think that would be completely aside. It might be Ramsey's attitude, for instance, on an appointment. I know there were lots of arguments about this. I say a lot. There were a lot of appointments, so overall maybe one or two percent of them. And Ramsey would have one point of view and the President would have another. And the President would get unhappy when Ramsey wouldn't give way. On the other hand, I never knew a time when Ramsey didn't finally after saying his full piece play on the team.

- F: Did the President discuss with you in any way the appointment of Abe Fortas as Chief Justice?
- S: He mentioned to me over the phone one Sunday that I recall, that he had narrowed his prospects down to Fortas; he was thinking a little bit, and I never was sure how seriously, about Cy Vance. He threw it out in this way, said, "I'm thinking about Cy Vance, but really I just can't pull him out of Paris." I wasn't sure how serious that was. Somebody else, and he mentioned at that time--this was before the appointment went up--Thornberry, of course. He was pretty well centered on Thornberry, never heard any options about that. And there were probably other conversations, Joe, but I just happen to remember that because it came on a Sunday.
- F: After the appointment and when the fight broke out, did he ever express himself on that, or did you have any work to do in buttonholing anyone or trying to influence, or did he pretty well just throw it out and leave it?
- S: Oh, listen, he worked, worked, worked on that one as hard as anything I can ever remember. He went to it just in the way that only he can, and that is, you know--I don't know how many meetings at first we'd have that we'd take a Senate tally sheet and figure out where is Senator--who's the first one on the roll call?--Aiken or whoever, all the way down. And I would say that it's a remarkable thing, really, that from the very beginning and after, say, ten days or so, he kept saying, "You're going to lose." He doesn't say, "I'm going to--" He says, "You're going to lose this one" to everybody who was there. Now there were a bunch of people that would come in. They were kind of a task force on that. Ramsey and Christopher at Justice; Manatos, myself, Temple; and we involved everybody we could get to make calls.
- F: Well now, on somebody like Fortas, who is already a public figure and already a Justice--Associate Justice, would Justice Department have done the sort of

investigation on him that they would if they were picking you or me for a first appointment?

S: No, not on the Supreme Court appointment, we did not.

F: So he never felt any animus against the Justice Department for not making certain revelations known that later hurt the Fortas case?

S: Not that I heard of. I never ran across those at all. What Justice did--either Ramsey or Warren called Gossett, I believe it was, at the American Bar Association, or maybe it was Morris--I don't remember who was the head man at the time. But ABA came aboard. And Jenner, who was the head of the Judiciary Committee--the judicial selection--came aboard. But we did not send to them the name of Fortas for passing or whether he was qualified or not. We just said in effect that, "The President is going to appoint Fortas," or maybe it was, "He has appointed Fortas, and we want your approval." And philosophically I think this is right. I personally think we give the ABA, if anything, too big a voice in the selection of judicial appointees, but not in the Supreme Court, they don't play a big part.

F: You had no real problem with the ABA on this.

S: None.

F: I mean, they came through without any real cavil.

S: Yes, and either Ramsey or Christopher handled that. Temple may have been in on it a little bit, but I think it was primarily Justice. I don't remember any problems.

F: Did you work on gun control at all?

S: I did.

F: Tell me a little background on that.

S: Well, you know gun control was one of those bills sort of like the sun and the moon. It had been here forever, and nothing could ever get done on it.

Now, gun control got a lot of impetus from both the King and Kennedy assassinations, there's just no question about that, and the increasing tide of violence. The fact that we could get it passed is again one of the more remarkable things, considering that they had as good a lobby, I suppose, as I have ever seen; they were really quite good.

Now on this one I never saw that the President had a fundamental deep-seated feeling about that. He took the word of the Justice Department, as best as I could see, that this was needed, and had bought that point of view. He then went all out and my instructions were to go all out to get this bill passed. It was a hard bill--

F: Did you write any of the Presidential pronouncements on this? I'm thinking of the very eloquent statement he made following Robert Kennedy's assassination.

S: I did not.

F: You know, "My God, how long are we going to let this continue?"

S: I did not.

F: Go ahead.

S: The thing that made the Fortas thing so difficult and as it turned out in the event, impossible, it made gun control so difficult, but we did succeed, was the accelerating erosion of Presidential power on the Hill after March 31, and you could really see it. I'd just go up there--I was up there three times a week, let's say, and you could just feel it. There was just a difference. This meant, it seemed to me, that even though he wasn't coming back and they had nothing to fear from him really--and fear plays a part in any of this, fear in a very broad sense, they still were inclined to go with him on things. And gun control was an example of that. The Fortas thing got to be so celebrated--that was a public opinion deal that swung one way while gun control swung with

us. But you still couldn't have done it on gun control if you hadn't had the power of the White House; look what's happening now--they're trying to repeal half of it, and they've got the White House with them.

F: Did the President ever comment, or did you have to struggle at all with the provision of "my right to bear arms" as a citizen?

S: Yes, we had to struggle with that. We had a brief that Justice had prepared. In fact that brief had already been prepared in '65 when I went up there, and it just clearly is out--that constitutional ban does not apply here; that only is as to militia.

F: Did you have trouble selling that?

S: No, it didn't--I didn't really.

F: To me, that is something the National Rifle Association has sold rather well, it seems to me.

S: That's right.

F: They're infringing on my rights and--

S: I never ran across anybody whose vote was influenced one way or the other by that when it got right down to it, so I don't think it was a serious thing. It was a serious thing in the committee meetings, a lot of discussion about it, but when we finally got it out on the floor, no.

F: Were the technicalities of enforcement a serious problem?

S: Not as such. I tell you what was the most difficult problem was explaining what we were doing; that we were not taking guns away from people; that we were not requiring registration, which is what the National Rifle Association kept saying we were doing; that all we were simply trying to do was to say that, "You can't have mail order shipments, that private individuals can't sell guns unless they're licensed to do so, "and that was pretty much the

thrust of what we were trying to do, stop all of these things like submachine guns and bazookas and hand grenades and so on. So the enforcement was a great problem, Joe, in the sense--the technicalities were, in the sense that the toughest problem about it all was explaining what this bill did, and overcoming all the misinformation. And the President got concerned about that. He said, "What about all this junk that's being put out?" I remember we'd go through that every once in awhile. It just doesn't do it. Then as it wore on and he got to be more involved in it, he could see what was really proposed. He got kind of hot about it--so silly--the objections that were being made. And he'd say, "What about my twenty-two rifle I carry in my pickup truck? Are you going to stop me from doing that?" "No, we're not."

F: Among the myriad of rumors, there's one that the President somewhere in there gave up actual hunting.

S: I never heard about that. That's the first time I ever heard that, and I doubt that, but I don't know.

F: I don't know either. Were you involved in the decision to name a Commission on Causes and Prevention of Violence? Did the President discuss that with you? This was at the time of the death of Bobby Kennedy.

S: You know, we had two commissions.

F: You had one on crime.

S: That's right, that was back in '65. We had the Causes and Prevention of Violence that was after the Kennedy death--

F: This is the one that Milton Eisenhower heads.

S: Yes. I remember being asked by the President about one or two people who were proposed for that commission--I can't tell you now who they were, but so far as coming out with a list of sitting in on a meeting where the list was decided, no.

F: Or whether it was decided to have a commission.

S: I don't recall.

F: Did he ever express himself on the criticism that whenever a crisis comes up, Lyndon Johnson just names another commission?

S: I don't remember him so saying, but I have the feeling, and I think it's based on something, but I can't cite--that this was an argument he raised before he appointed that commission. And that is just that. But I can't tell you where it was or how it developed; he's a very practical person obviously. This was being said, and I know he said something about it, but I can't tell you when or where it was--it may have just been an aftermath of some meeting or as a part of it. I don't ever remember a meeting devoted to that subject.

F: Well now, as the legislative counsel you were supposed to keep in touch with Congressional liaison and to count noses and so on. Did the President ever seek out your true legal counsel on the validity of certain aspects, or did he have someone like DeVier Pierson handle that? How did that work?

S: Well, it worked like everything at the White House, that there was no exact channel or compartment. And he would ask me once in awhile on things; again, I can't tell you what. It seems to me like on gun control we went over that several times, and it may have been the same on open housing. But I know I did several times. DeVier did a lot of that, more and more as time went on. McPherson did a lot of it. Sometimes he'd pitch the problem to Larry Temple, and Larry would call Justice or do it himself. So there wasn't any exact compartment. And while I would get a little bit of this, so would others.

F: You were just likely to be an expert on things you didn't know anything about?

S: That's right. You know, you can stay there a long time. Still when the President calls you and says, "Say, what about the legality of such-and-such and so-and-so, you still get a little bit flustered unless you've got the book in front of you.

F: When he named you to the Appeals Court, how did he broach that to you?

S: Well, the President first broached it to me in June of '68 about going to the Fifth Circuit. I didn't say yes or say no. I appreciated it. And then he put it on the basis, said, of course, we'd have to get Yarborough's approval. Ramsey reported that Yarborough would not give his approval, and so far as I know Yarborough never did. Well, he didn't, so that part was gone.

F: Let's follow up with that for a moment. Why wouldn't he? You both have a liberal association back here in Texas.

S: You know, that's one of the great puzzles to me because in that particular thing, Yarborough had nobody else he wanted. Now, he had opposed me for an appointment to the District Court here in '66, and he had somebody else he wanted--Wade or Mack Taylor, and Mack Taylor was an excellent choice.

F: You mean Henry Wade?

S: Yes. Yarborough wanted Wade or Mack Taylor. In fact as I recall, he first wanted Wade and then he came to Mack Taylor.

F: Taylor eventually got that.

S: That's right, very well qualified. And I didn't worry particularly about that. This came in and Yarborough didn't have anybody that I remember; he wanted Sarah [Hughes] of course, but he couldn't have Sarah and he knew that, because she's overage.

F: She had had problems the first time around.

S: That's right. So he opposed me and the best--I didn't ever talk to Yarborough about this. Ramsey indicated it wouldn't do any good to go talk to Yarborough and I figured he'd do all--It's easier for another guy to blow your horn than it is for you. And he couldn't budge Yarborough. My own belief is that Yarborough just wasn't going to be for anybody who was close to Johnson. That's all I could figure.

F: You and Yarborough had worked together in the past on things?

S: Yarborough and I had never been close. I'd taken up for Yarborough in the legislature in '57, and I'd always refused to endorse his opponent around here when he ran against Shivers and when he ran against Daniel--I was always the holdout. I took up for him in '57. He opposed me in '61 for an appointment as U.S. Attorney. He felt that I had insulted him on the stage over here when Kennedy and Johnson were here, which is a bunch of junk. And so that was the first time I had ever had any problems with Yarborough, I'll put it this way. And the Fifth Circuit thing, he just wouldn't go.

So the President said, to bring it back to him--you see, this was also right in the middle of the Fortas fight, Yarborough was aboard on Fortas and he was aboard for Thornberry, but then the President made it very clear to me that he was not going to send my nomination up until Yarborough was aboard, and Yarborough never got aboard. So we dribbled on through July and into the August recess, into September, and then one night down in his office, he said to me, "Now, what about--" and Ramsey had mentioned to me about the D.C. Circuit, and I had told Ramsey--his wife and Jan and I had been up in the mountains over Labor Day--and I had told him that I really didn't think so. But I got to cogitating on it. It was obvious we weren't going to do anything on the Fifth Circuit, and the President had mentioned to me, let's say, it must have been the 10th or 12th of September, "What do you want to do about the D.C. Circuit?"

F: Well now, the D.C. Circuit would take you really out of Yarborough's bailiwick, wouldn't it?

S: That's right. And his approval would have to come.

F: It would be just a mere coincidence that you were also from Texas.

S: Well, we had to have his approval, and it came very readily on that one, very readily. He had no problems, thought it was great. And so as soon as we knew

we were reaching the end of the road on Fortas, the President sent the nomination. He didn't want it up there until he saw where he was going on Fortas.

F: The President could have sent Fortas' name in during a recess period when confirmation would not have been immediately necessary. Why did he choose the more direct line, and as it turned out, the hazardous line?

S: Well, for one thing, you see, we were looking--it had been 'way down the line. We sent Fortas up in June, as I remember. You'd have to figure the Congress wasn't going to recess until October, and he was going out, so Fortas would have had to have been resubmitted when a new administration came in; and I think the President probably figured several things, but mainly he wasn't going to leave a vacancy up there that long. There had been a lot of criticism about it. And I think he really figured, and all of us thought, that Fortas would go. I really did.

F: I thought he would.

S: But we never gained, we always lost. Started off with seventy or so, and we went down from there on.

F: Did he ever express himself on "your" losing Fortas' nomination? Was he bitter about it, or did he just consider it one of the pitfalls of going out of office?

S: I never heard him--You know the President, when you get him into a meeting he kind of flogs everybody around a little bit, wants you to do better and so-and-so; he gets very demanding. But after it was all over, no, I never heard him blame anybody. You know those revelations, so-called, on Fortas came toward the last, and we were losing anyway, but they just put the nails in the coffin. And there wasn't much anybody could say. There wasn't that much wrong with it, but public-opinion-wise, that really tipped it.

F: Was the President aware of the erosion that came from announcing he would not be a candidate.

S: He never told me this, but he must have known. I'm sure he knew. He did not let up in his efforts or allow us to. And I would kind of sidewise let him know this, I would always give him daily memos of what was going on on the Hill--you know, who had told me something and so on. He got this drift. He knew this.

F: As a rule of thumb--I know it varies, but how long does it take you to get a count in the House?

S: It just depended on the urgency of the thing and the kind of bill. There wasn't any magic figure, but to get a good count on a hard bill it would take you a week to ten days at best. But it varied. I could get a count--I felt I was organized enough that if I really had to have a count (and I ran two or three counts on the surcharge), I could get it in forty-eight hours. But it wasn't a real hard--

F: By yourself?

S: No. I had enough people assigned--I'd just take all the House membership--

F: Well now, on something like that--For example, I am a Johnson advocate in the House, I pretty well go down the line on Johnson, but you're coming up with something controversial and it's going to be a squeaker. Do you depend on me, or do you still come around and give me the hard count also?

S: Ask. Always ask.

F: You never take that you've got a hundred votes in the bag from some people, a hundred people who go down the line regardless?

S: I've had fellows do that to me, and it was just flat--

F: You mean, gave you a count on that basis?

S: That's right. And you can't count on it. We had a guy at the White House. Chuck Roche, who worked there--Chuck had the Northeast, and he would count on

that basis, and I finally just had other people count aside from Chuck, because the Northeasterners were getting mad. Because they said, "Nobody ever asks us." Well, they always voted with us, and they wanted to be asked.

F: It became a matter of pride.

S: Hell yes! It sure did! So I just had other people ask them. It took me a long time to learn that he wasn't asking.

F: Did Congressmen ever sort of shove you off whenever you came around looking for a count?

S: Once in awhile, but not very often. It was the exception rather than the rule.

F: There was never any feeling that "this is an intrusion on my right of privacy to make my own decisions?"

S: There were a few guys who felt this way who wouldn't talk, but they were very few. I'm trying to call to mind some of them, and they slip me right now. But they were the exceptions.

Now, it would happen often in this way. A guy will tell you he's for you or if he's against you, and he knows you're not going to bother him any more, and nobody else is going to bother him. And I think the longer people stay in the House and Senate, they learn to get that point of view. They make up their mind and they tell everybody, and then they're through; whereas if he says, "I really don't know what I'm going to do," then you've got to go talk to him, and you've got to find some other people to go talk to him.

F: So it's a time-saver to take the hard-and-fast position quick.

S: That's right. And most guys would stay hitched. You could always figure you'd be off in the House. If you had a real hard count, you wouldn't miss it more than two or three votes.

F: Did you work the Congress right up till almost January 20?

S: Yes. We did, right up to the Friday before; in fact, the Saturday before.

F: There was no slowing the pace?

S: He was very determined there wasn't going to be and as you look back on it, it was a very wise thing to do.

F: Why?

S: Because it kept everybody busy. They didn't feel sorry for themselves or worrying about their future. And it was a very good thing because people didn't have the time to start making plans for the future in great detail, which would have gotten the Administration and them in trouble. So we stayed at it right up--in fact, we were going to have a meeting at ten o'clock the morning of January 20 about something, I don't remember now what it was, and he cancelled it the night before. Thank goodness!

F: You drove the other question out of mind with that. Were you involved in those last days of disharmony between the President and Stewart Udall over the removal of land from public interest?

S: Yes, I was involved in one part of it. There were several parts of that, as you remember. There was the part about the Hawaiian oil imports zone; there was the part about the naming of the D.C. Stadium, and there was a part about the park lands. Sparky Matsunaga had always been very hot for a ruling from Interior about the oil import thing in Hawaii. I do not now remember the intricacies of that, but at one time I was very well briefed. Stew had indicated--and this had gone on all the time I was at the White House--

F: Let's go back--who's Matsunaga?

S: Matsunaga is a Congressman from Hawaii, and a very strong Johnson supporter. I mean, he was a guy who was just always there; and he pushed constantly from the time I can first ever remember meeting Sparky for this ruling. I do not

now remember why we couldn't give it to him, but as I say, I got well briefed just like you cram for an exam and now that time has gone, I can't remember.

But Sparky began to get more and more the idea that Udall was for it, and we were stopping it. Well, that may have been the fact; it probably was. But that's not up to Stewart Udall to indicate. Part of the name of this game is that the man down below takes the heat. You don't say, "I would like to do this for you, but that fellow upstairs or that so-and-so in the White House won't do it." You say, "I just can't do this, it's a bad idea," and then you take the heat because that's part of your job description. I think it's fundamental really.

Well, about the Thursday or Friday before the 20th, Sparky got word and called me--we'll construct this real well--But at any rate Udall had just flat told him he was going to do it. And I reported that to the President some way and he said, "You tell Udall that he isn't going to do it." And I talked to Udall about this. I remember now--it must have been a pretty inconclusive conversation because I don't remember it, but the fact of the matter was that Udall then went ahead and did it anyway. Somehow in that last seventy-two hours Udall just decided he was going to run his own show. He did all three of these things, which he wasn't supposed to do.

I wasn't directly involved with him on the park lands; I was working with DeVier on that. I know what it was on the park lands, you know, declaring--bringing so many millions of acres in.

F: Into the Park Service?

S: Right. The President said, "We'll do this, but you get the Congressmen aboard and the Senators." Well then, Stew produced a count in the sense of saying, "Here's what Aspinall said, here's what Ed Edmondson says," and so on down the

line. And they were for him. I don't remember whether the President suggested I do it, or I did it myself, but I started checking and it wasn't a fact.

They weren't for it. Well, the President is a man from the Hill, and he figured if you're going to do something that affects the Hill, they've got to be aboard, particularly when you're leaving. And so he just wasn't going to do it. And he didn't; that was his decision. He did part of it. We could have done that if Udall had played it straighter, in my opinion. This may come through very unclearly, but that's because my memory is hazy.

F: Do you think that Udall just didn't know how to count a House, or do you think that--?

S: No, I think Udall may not have known how to count, but I think on this Udall was just going to go ahead and do it. He was going to do it; it was something very important to him.

F: Well, now, the President had the right to do it?

S: That's right. In other words, Udall was so interested in getting it done that he was willing to--

F: This matter of counting the House was just a courtesy situation really?

S: That's right.

F: To keep an outcry from coming.

S: That's right, but if I remember it correctly, while the President could do it, the Congress could reverse it with legislation.

F: Yes, they can veto it.

S: They could veto it. And he wanted to be sure it was nailed in. And I know that he was very much inclined against the midnight-appointment kind of thing, the last-minute kind of thing; and this is what this smacked of. And I think he particularly resented the fact that the viewpoints of some of these people had really been misrepresented. And there's no excuse for it.

F: Did you find that some people really hadn't been notified at all?

S: I believe so. I say I believe so, I remember just particularly that they were reported wrong and whether they were reported opposite to what they had said or had reported what they hadn't even said--

F: Without quoting anyone, I feel reasonably sure that Aspinall, who was chairman of our House Interior Committee, probably had never been contacted on that.

S: That may have been the way it happened, because I checked Aspinall or had Irv Sprague do it, and it came back just exactly opposite from what Udall had said. I remember him very clearly, that he didn't come in the way that Stew had reported him. I don't remember now whether he said nobody had talked to him or not. I know what it was--the Speaker told me, because I talked to the Speaker.

F: McCormack?

S: Yes. He said "Aspinall never has been talked to on this." I said, "Well, Udall tells me he has." "Well," he said, "he hasn't been." I either checked him or had Sprague check him, and he hadn't been. That's right.

F: Did the President seem disappointed that he couldn't do this, or did he indicate?

S: I didn't talk to him about it.

F: You weren't mixed up at all in the D.C. situation--D.C. stadium?

S: No, I wasn't. That we just found--I don't know where in the world we got the news on that. I knew what had happened.

F: Probably just read it.

S: I think we just read it.

F: Did you work on home rule?

S: Yes. Sure did.

F: What happened?

S: The home rule thing was one of the first things I worked on when I got to the White House, the so-called D.C. Reorganization Plan. It was really a lot simpler--again, one of those things sort of like the Gun Bill that we had to overcome misinformation and a prejudice against home rule. I guess that was about the first really hard count I had. The President again, like he does on--I could figure out nine or ten things during the time I was at the White House that he just--you know, he just by God had to have. Hell was going to freeze if he didn't, and that was one of them. And my life got to be pretty miserable during the summer of 1967 till I could produce a count that would show we were going to make it. And we did!

Now, that was strictly House. You see, that was reorganization deal that could be vetoed either place. If the Senate voted on it, it was pro forma. We were okay. In the House we came out very handsomely, and it was sort of the same pattern that you went to the Democrats you needed; you went to the Republicans that you could get. Try to get some of them to work on their other buddies, because Republicans were awfully hard to canvass individually. The difficulty of doing that is that they come back and ask you for a quid pro quo, and you can't give it to them a lot of times. And the Texas delegation was pretty key in that. I worked every member of the Texas delegation. I think the fact that the President is from Texas obviously made one hell of a lot of difference. The Texas delegation voting record during the Johnson Administration I think could be something somebody could study, because it's a pretty conservative delegation; but in the crises and in the clinches they came through at least fifty-fifty. The D.C. reorganization, as I remember, was one of those things where they came through for us pretty well. And we narrowed the South. The name of that game was to press the South, because the South

was against it and it had overtones of civil rights. So we didn't get any votes out of the Carolinas, out of Virginia, North and South Carolina, Alabama, and Mississippi; maybe Georgia, maybe Louisiana, I don't recall.

F: Is there a certain vested interest there in view to the fact that Southerners do tend to be chairmen of committees and that any sort of--for want of a better word--freedom you give the District erodes their own authority?

S: I think that was surely true with John Dowdy, and that committee was Southern dominated at that time. That complexion has changed some since. No doubt the Southerners were rallying to--First, Dowdy and his Southerners wanted to control the District, and any threat to their prerogative by inference is a threat to other committee chairmen's prerogatives; and a great many of them are Southerners. And so they're going to stick together. But it does have the civil rights overtone too.

F: Within the Democratic Texas delegation was there sort of an anti-Johnson group, or did they tend to examine each piece of legislation ad hoc?

S: I never found any anti-Johnson feelings among the delegation, or any group.

F: He had an open pipeline to every Democrat in the delegation?

S: Yes, he really worked at it. You know, he'd be nice, he'd say he was going to keep on being nice to John Dowdy and to Clark Fisher and to Joe Pool, he didn't care how many times they voted against him, and he did. I thought it was pretty admirable myself. There were times when I couldn't feel that way at all. And I never saw any of that. Every once in awhile here's what would happen. A guy like Teague would come down here and make a speech, blasting the President about law and order, about Ramsey Clark, or about his liberal spending programs; but you get Teague with the President, there was never anything said like that and there was always an open communication. I remember

Teague doing that. Cabell was something the same way. The delegation realized that there were a few of them who were much closer to the President than the others were, and yet while there was obviously some jealousy about it, it never broke out. You know, Mahon, Brooks, and Pickle, Patman, you can figure out the six or seven who were really the buddies.

F: Now, the President and Wilbur Mills on legislation got at cross purposes, taxation particularly. Did this ever in any way cause deterioration in the relationship of the President and Wilbur Mills personally?

S: Well, it seemed to me that it did. But you see, I never had been there before, and so I had no previous experience to make the judgment on. But my judgment of Mills is that he had always kept his distance from the President or anybody else. He's a cautious fellow; he plays his cards very close, and that includes the President, so he never would open up with the President. The President felt that he had been misled. I remember one meeting very clearly when we were talking about how much a--if you recall on the tax surcharge and it came back and we were in conference, and the question was, "Are we going to cut expenditures \$4,000,000,000 or \$6,000,000,000, or \$5,000,000,000?" and we had a meeting in the Cabinet Room. And I would make oath until I asted away that Mills says, "I will buy \$4,000,000,000," and that was what the President wanted. But he didn't. He wasn't any sooner out of the house than he wasn't buying that. The President asked me later, said, "What did he say?" And I said, "He said he would go--if that's what everybody else wants, that's what I'll do." "Well," he said, "you didn't get it down, did you?" And I said, "No, I didn't get it down."

But your question--They were never close, in my opinion. I think the President obviously had a good deal of respect for Mills' ability, but Mills

was the kind of fellow--he didn't come to the White House to social functions; he's not a warm fellow; they never had a close relationship. I thought he mistreated the President myself, but I don't think the President felt that way very much.

F: To a certain extent then, he was a little bit of an obstacle in the President's program?

S: Oh, very much so. I will always think that we could have gotten a tax bill way before what we had it if it hadn't been for Wilbur Mills. But Mills is a man who wants it to appear--this is a harsh judgment on him--I think he wants it to appear that he's leading the troops; but the fact of the matter is he's so close to the troops that he's really following them a little bit. And that's the way he played the tax bill.

F: But he really wouldn't want to pass an Administration bill; he'd want to pass a Mills' bill.

S: That's right. More than anything else in the world, he's not going to the floor until he has got the votes. Now, he has got the easiest job of any committee chairman in the House with a bill on the floor, because he has got a closed rule. He doesn't have to take any amendments; they're out of order. He has got to pass the bill or kill the bill.

F: Take it or leave it.

S: That's right. And I think that's the best possible position. And he heads the most prestigious committee in the House; and he's head of the Committee on Committees for the Democratic Party. And I thought he could gamble with us a little bit. But that's me, I'm not the chairman, and he didn't think so. Because he wanted to keep his Republicans happy; he wanted to keep control of his committee. Now he started losing control of his committee, and that's when we got the surcharge.

F: They just felt he was in a sense gambling with the country's economic condition?

S: I think there was that. I think there was the fact that they knew the Administration felt, and every responsible person--not every, but most responsible people felt there had to be a tax bill. And he kept saying he was going to be for it, "but we've got to wait, we've got to get the temperature right, and the climate has got to be okay," and so on.

F: Back to the Texas delegation, did the President make any attempt at all to court the Republican members--Tower, Bush, Collins--or were they just outside the fraternity?

S: Well, they were outside. I think the President--particularly I think this would be more true of Mrs. Johnson as far as George Bush was concerned, that she found him to be--and the President too--a very personable fellow, an honorable fellow. So we had him to the White House a time or two, and I think they were particularly nice to him. I think he was interested in Mrs. Johnson's beautification, if I remember, and I think that helped a lot. I never heard the President say one way or another about Tower. I think he just figured Tower was on the other side and, you know, what do you do?

F: It's a fact of life and you live with it.

S: I think that's it. We never really hear--never any discussion about it. Once in awhile he'd raise the question with me about "What's Bush going to do on the vote?" Bush helped us, for instance, on civil rights.

F: Bush's Johnson voting record sometimes is more favorable than some of the Texas Democrats.

S: That's right. And Collins was too new up there and it never made any difference.

F: Ralph Yarborough, to put the different face on it, is volatile and sensitive.

Now then, was there any sort of mutual trust between the President and our

senior Senator from Texas, or did they always hold each other at sort of arms' length? Sometimes Yarborough went straight down the line for the President. Other times he beat him over the head.

S: Well, you know, there was this about Yarborough. He voted for us on domestic stuff; he really did. He was always there. And on the foreign thing--Viet Nam--at that time he had not come out against us. I'd say this for Yarborough. I think if Johnson hadn't been in the White House, he'd have been out against Viet Nam before. That's partially it and partially the climate of opinion at home. I think that played a part with Yarborough, to give him his due. I can't say that I ever saw the President personally say anything about--he'd never say anything bad about Yarborough. In fact he'd always say to me, "Look, he's the senior Senator from Texas." He'd say nice things about him, you know. It was really just like he should say. Now, I sometimes wondered, "Now do you really mean that?" Because Yarborough was very paranoid, in my opinion, about the President. I think he'd see boogeymen about him. And it all kind of sprung from the appointment situation. You go a little further back--a lot of the people that had been against Yarborough in the '50's were Johnson people; they were sort of Johnson and Shivers or Johnson and Daniel people.

F: And Johnson and Connally.

S: Oh, that was a big thing of course in the '60's.

F: Did you get involved in the so-called Yarborough-Connally feud?

S: Not really.

F: You wouldn't be able to give citations as to its validity?

S: No. I accepted that it was surely there, but I don't ever remember anything about that. I don't remember the President--I know he has talked about this, but not in my presence.

F: Did the President ever express himself on the fact that his very close friend and former associate and former Cabinet officer and so forth, John Connally, sometimes tended to lead Texas in directions away from Johnson programs?

S: Yes, I've heard him say, but I'm dadgummed if I can remember when it was.

F: It never impaired their personal friendship?

S: No. I can remember him saying on at least one occasion and maybe more that John Connally in effect was a hell of a lot more conservative than he thought he ought to be or needed to be. But he obviously thought a whole lot of John Connally, and he continued to feel this way. And I sort of, as I look back on it, would attribute that to the irritation of the moment about some program or another. For instance, Connally fought us on the--we passed this bill about law enforcement assistance administration, getting federal funds to the States, and there was a question of whether there ought to be a governor's veto. We didn't think so; still don't think so. But it came through with the States having the main say-so. Connally wanted that; he worked the Texas delegation. And on that thing, he was close to public opinion at home. I mentioned it to the President, and he didn't react one way or the other.

F: Same way with some of your poverty programs.

S: That's right, same thing. The President knew this, but I never heard him say, "Old Connally is a so-and-so." He might say, "Connally's a lot more conservative than he needs to be." I never knew that he talked to him or didn't.

F: Can you think of anything else we ought to cover this afternoon?

S: I think that's it.

F: Thank you.

S: Thank you.

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

Gift of Personal Statement

By BAREFOOT SANDERS

to the

LYNDON BAINES JOHNSON LIBRARY

In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, BAREFOOT SANDERS, hereinafter referred to as the Donor, hereby give, donate, and convey to the United States of America for eventual deposit in the proposed Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

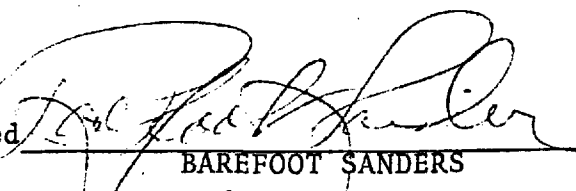
1. Title to the material transferred hereunder, and all literary property rights, will pass to the United States as of the date of the delivery of this material into the physical custody of the Archivist of the United States.

2. It is the donor's wish to make the material donated to the United States of America by the terms of the instrument available for research in the Lyndon Baines Johnson Library. At the same time, it is his wish to guard against the possibility of its contents being used to embarrass, damage, injure, or harass anyone. Therefore, in pursuance of this objective, and in accordance with the provisions of Sec. 507(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) this material shall not, for a period of ten (10) years (that is, until April 6, 1983), be available for examination by anyone except persons who have received my express written authorization to examine it.

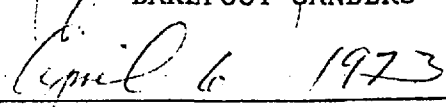
3. A revision of this stipulation governing access to the material for research may be entered into between the donor and the Archivist of the United States, or his designee, if it appears desirable.

4. The material donated to the United States pursuant to the foregoing shall be kept intact permanently in the Lyndon Baines Johnson Library.

Signed


BAREFOOT SANDERS

Date


April 6, 1973

Accepted


Archivist of the United States

Date

March 11, 1975