INTERVIEW I

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INTERVIEWEE: MERRELL F. SMALL

INTERVIEWER: Michael L. Gillette

PLACE: Mr. Small's residence, Sacramento, California

Tape 1 of 2, Side 1

G: Let's start with your going to work for Senator [Thomas] Kuchel.

S: Well, Eisenhower was elected in 1952, and Nixon was elected vice president. He was senator and was completing his first two years of a six-year term, and [Earl] Warren appointed Tom Kuchel in December of 1952 for two years. That's our law. He could only appoint until the next general election. So Kuchel was running like a congressman for two elections, every two years instead of every six years, which was a little difficult. He had asked me to go back there as his administrative assistant. I turned him down, but it was quite a show that they put on when Warren announced the appointment. We had a lot of reporters there, and I think actually a little television although it was pretty youthful in those days. Anyway, the room was full, and so the old fire horse started to breath smoke. Kuchel lived right around the corner from me here, and I brought him home in my car.

"Oh," he said--I had used as one reason for not going back my mother was getting very old and I didn't want to leave her; she wasn't living here, but I did want to be reasonably close--"I'm going to be leaving my mother, too, and, damn it, you've got to do your share," and so forth. So we had a twelve-year-old daughter, and we hadn't told her about this at all, but that night at the table I brought up the subject with her present and,

hell, she wanted to pack and get going for Washington right now. So we decided we would go. Warren had told me that he didn't--no, he was in his third term, and I knew that that was going to be it. I was on several civil service lists, and I could have gotten a job with the state, but, in any case, we went back.

Well, we got back there just as the tidelands fight was starting, and California had a proprietary interest in that, of course, and so did Texas. Well, this brought our boys together a little bit. Well, let's see. Kuchel went back in January. The man named Ewing Hass, who would ordinarily be someone you should talk to, but he's had a stroke and he's--

G: I did see him when I was here before.

S: Oh, fine. Oh, fine.

Anyway, I got back there on the twenty-eighth of April and had breakfast with Tom, this was Sunday, in the Senate dining room, and Wayne Morse was there, recovering from his record-breaking filibuster against the tidelands legislation. He was pooped. Kuchel introduced me to him, although I had met him before. But during the filibuster keeping these guys up all night, Kuchel, although one of the baby senators, was appointed acting majority leader and Price Daniel was appointed acting minority leader. About three o'clock in the morning, Price came over to Tom, and he said, "Tom, I can't take it. Will you serve as acting minority leader while I get some sleep?"--and also, of course, as majority leader. Kuchel used to say, "Boy, I sure had the country by the throat. I could have introduced a 5000 per cent pay increase for my job and put it through." It wouldn't have held up, but I mean, he thought that was quite funny. But this rather threw Kuchel together with the Texas people straight off because that legislation

was pending so early, don't you see? Well, I think that tells the story of that piece. It was eventually passed, you know, with a change in the legislation to retain continental shelf rights for the United States, but the coastal states had jurisdiction over--I think it's the three-mile limit oil resources. We get royalties at Long Beach, for instance. It's quite a factor in the state's finances, or it was.

G: Yes. Anything on Johnson's role in the tidelands case?

S: No, I don't remember. I don't remember that. I'm sure he was [involved]. This little anecdote about Price Daniel is just a happenstance. Of course, he and I'm sure Johnson, too, no doubt debated on behalf of the legislation as did Kuchel.

G: I wanted to ask you about patronage with Kuchel and [William] Knowland, the Republican senators, and Nixon also from California as vice president. Did this present a problem with regard to presidential appointments for California?

S: No. Eisenhower, of course, was the Republican president. The principal appointments in which Kuchel and Knowland were involved were, of course, federal judges. The cabinet had already been appointed when Kuchel got back there, selected in any case. Incidentally, Warren was offered secretary of labor and secretary of the interior, I think, and turned it down. In the meantime, Eisenhower told him that he wanted to talk to him about the first opening on the Court, and I'll tell that story a little bit later, maybe. Anyway, we were involved in the appointment of a lot of postmasters because many of our districts, about a little less than half, were Democrat at that time, much more now, and in those districts, it became the senator's privilege--if you can call it that, I don't--to recommend a postmaster. In the districts represented by a Republican, of course, he did the job, but it was no big deal, I don't think. Kuchel did not get along with--who was the

postmaster general? [Arthur Summerfield]. He was a Chevrolet dealer from Detroit. He called a meeting with the Republican senators and announced that he was going to get rid of every Democrat postmaster, and Kuchel stood right up against him in that meeting and told him he was going to leave Ken Hammaker alone, the postmaster in Sacramento, who was a very prominent Democrat. He said, "You'll ruin my vote if you can him." Anyway, the guy didn't like Kuchel from that time on, and Kuchel wouldn't talk to him. When he had to talk to us, why, he had to talk to me.

G: Let me ask you to elaborate on the political strengths in California and the factions of Knowland's and Kuchel's and Nixon's. How did--?

S: Well, at this time, we had the nonpartisan election system where a candidate could file on all the tickets. When Warren ran for attorney general in 1938, he was nominated by the Republican, Democrat, and Progressive Parties; he had no opposition in November. In 1948, the first campaign that I worked for him, he was nominated for governor--and this is the only time it ever happened in our history--by both the Republican and Democrat Parties. A very likable fellow named [Robert] Kenny, who was attorney general, was put forward by the Democrats, but he lost to Warren and was tickled to death; he didn't want to be governor.

But Knowland, of course, was much more the conservative wing of the party. Kuchel started out as an ultraconservative. He came from Orange County, which is the John Birch county in the state, but he developed quite a lot in Sacramento. He was a member of the assembly; he got his law degree in 1932, and he was elected to the assembly in 1936, to the Senate in 1940, went to war, came back in his uniform--first time I ever saw him, I was a reporter for the United Press at that time before I went with

Warren--and was re-elected in 1944 in absentia. He was on military duty, and the people of Orange County re-elected him. He leaned toward the conservative. He opposed Warren, for instance, on health insurance, which was a very radical idea when Warren first proposed it. Kuchel was once--he was only thirty years old--state chairman of the Republican Party. Knowland, of course, was of the newspaper family in Oakland, his father had been congressman way back in about 1910, and they had this very fine newspaper, the *Tribune*, which has gone downhill afterwards.

Warren got out of the army in 1919, and he had sixty bucks in his pocket, which was a soldier's uniform. He didn't even have any clothes. He met a law school classmate--you'll have to pardon me for not being able to remember all the names I should, I think his name was [Leon] Gray--on the street one day and said he wanted to get on with a law firm. He had been with one before he went in the army, and he wanted to talk to him about it. Gray said, "Come on up to Sacramento. I'll get you a job on one of the committees up there"--he was an assemblyman--"to tide you over until you locate."

Well, Warren came up here, and he made a great hit with the district attorney of Alameda County in a bill hearing. Oh, I could remember the details of that, too, if I tried, but anyway, this man had an opening on his staff, and he said, "I can't give that to you, but I can get you over to the city attorney." And Warren went to work for him and ultimately he became a member of the staff of this district attorney and ultimately succeeded him by appointment. He had no intention of leading a life of public service. He thought, "I'll work in the district attorney's office here for a couple of years and get on to all the tricks of prosecution. Then I'll hang out my shingle as a defense attorney and

make myself some dough." But he got interested and involved, and some of the cases became important, and he became important in that field.

He was, I think, appointed in 1923 and elected in 1924, and in 1938 he ran for attorney general, and that's when he got these three nominations, incidentally. And there again, he intended to stay in that job, but Culbert Olson, a Democrat, was governor. Warren, when the war came along, or before, 1940, as attorney general was, under the statute, automatically chairman of the state civil defense council, and Olson gave him a bad time with appropriations and statements and criticism and so forth. And Warren went home one night in 1942, I guess, and told his wife, "Nina, sit down. I've got to tell you something." And she expected a death announcement. He said, "I'm going to run for governor!" She didn't want him to, but she went along, of course, and, by golly, he defeated Olson [by] 330,000 votes that year, and then, of course, he ran for the third time in 1952.

But he came up here looked upon as a Herbert Hoover Republican. He had a man on his staff named [William T.] Sweigert, who became a federal judge, who was progressive. He was a Democrat, and he was progressive, and he counseled with Warren. As they went into this campaign, Sweigert developed a lot of position papers, and one of them was on health insurance then. He said, "We protect the worker on everything except his medical problems," and Warren let that sleep for a while, for three years, before he brought it into the legislature. But, anyway, he came up here, and the first thing he did was to raise the amount of old age assistance, which was twenty bucks, and he raised it to thirty a month. As he faced these problems, he developed, he broadened, he became a great humanitarian and, more than that, he was interested in everything. We

used to walk through the park a great deal, and one day he said, "You know, I think I've taken care of something for every agency of the state." I said, "Yes, starting with agriculture down to youth authority, you have." He was constructive, he wanted to--well, in any case, what I'm trying to say is, he became progressive. He grew to the point where, as you know, the John Birch Society tried to impeach him, and he was a very liberal justice.

G: What was responsible for Kuchel's shift to the left?

G: Well, Warren admired Tom Kuchel. Kuchel was not considered an administration's legislator necessarily. He was with them on many things, but he opposed them, as I say, on health insurance and some other things. But Warren had sized him up as a fellow of great integrity and intelligence, and I told him one day coming back from the airplane from Los Angeles, "You know, Tom Kuchel is going to run for governor someday." He said, "Fine!" I thought he'd say, "The hell with him! He can't have my job!" But no. He said, "Gee, I hope he does. He'd make a fine governor."

Well, in 1946, the state controller, a man named Harry [B.] Riley, died very suddenly, and there were a lot of aspirants for the position. It was not a hell of a job; it only paid five thousand dollars at that time, it was raised to ten thousand later. Anyway, he appointed Kuchel, and this amazed a lot of people. Hell, he hadn't been regarded as a Warren favorite at all, but Warren just picked him because he thought he had the qualities. And then in 1952 when Nixon was elected vice president and that vacancy occurred, there were about thirty active solicitors for the job: Ed [S.] Shattuck and Gordon Richmond and, oh, I don't know, a lot of pretty big men. Warren kept it right to his vest. He didn't say a damn thing. He didn't indicate who he was going to appoint.

All the time, he knew it was going to be Kuchel. And he did. He did announce it on the twenty-first of December of 1952.

He was disappointed in Kuchel on one occasion, and that was the [Joseph] McCarthy censure. Kuchel was beholden to--he had some great friends in Los Angeles, who were ultraconservative. One of his classmates at USC [the University of Southern California], Buster Newcombe [?], was a very right-wing guy, and he hounded Kuchel often, called him on the phone a lot and talked to him. Kuchel was a little in awe of him. He was a brand-new senator when this damn thing happened. And then there were a couple of others. Jack Kurtz [?] was one, and I don't know the rest of them, but anyway, he rationalized his vote against the censure of McCarthy on the grounds that it was up to the people of Wisconsin to say whether McCarthy was [inaudible]. He loathed McCarthy. He loathed him as most people did back then. He was a drunken boor, and his conduct in those army hearings was reprehensible. But anyway, Warren didn't like that a damn bit. But Tom grew.

My job in the Governor's office--I was called departmental secretary--I was traveling secretary and speech writer for three years. And then in 1948 after [Thomas] Dewey and Warren were defeated--and that's an interesting story, too, but we get off into a lot of tracks here--anyway, he appointed me departmental secretary. I was the liaison between the departments and the Governor. If they couldn't see him, they saw me, and we tried to work things out. If we couldn't, why, eventually I would take them up with Warren and get the signals. But I did a hell of a lot of things that Warren never did know about. I grew very confident of what he wanted, and I just went ahead and did things. I said, "What the hell! Why bother him?"

Well, anyway, in this process, I got acquainted with a lot of labor leaders, state labor bosses. They'd have a problem and they'd come see me. The Forest Service, the division of forestry, was building a guard station down in the mountains with kids, and we had a definite agreement of some kind that these jobs were to go out to contract and the contractor was to employ union labor. Well, I worked that; that was easy. I just called up the state forester and told him to "get off the dime." Well, anyway, in the process, I got pretty well acquainted with a lot of labor people. Kuchel didn't--oh, he knew a few of them, but mostly on a bowing basis.

In 1954, the Building Trades Council had its annual legislative conference: three thousand Building and Trades Union agents from around the country, with about 130 of them from California. Kuchel, in the meantime, had voted--this was where he worked with the Democrats. Albert Gore introduced the first defense highway legislation, and Kuchel was a co-author. About the second or third go-around, the bill was tabled or put in abeyance for two or three sessions. The bill was being marked up one day. The committee consisted of seventeen senators, and they were all there except Kuchel. And the legislation as written by Gore, and Daniel may have been in on this, provided that a section of the bill should be the Davis-Bacon Act. This required the employment of union labor at prevailing union wages on any federal project, but Davis-Bacon had to be specified in any enactment for a project, including the defense highway bill. And they had just voted to toss that out. Norris Cotton of New Hampshire moved to strike Davis-Bacon from the bill, and the vote was eight to eight. Kuchel came in the room, and Gore quickly explained what was going on. Kuchel said, "It makes sense to me. I'll vote no against Cotton's resolution." The next day he had a call from the Secretary of the

California Federation of Labor, [Cornelius J.] Neil Haggerty. "Mr. Kuchel, you are our hero." And Kuchel said, "Who, me?" He didn't even realize what a significant vote he had cast.

Well, anyway, he was invited then to this legislative conference in 1954, and I went with him, and I introduced him to my friend Al Koeppel [?], and Allan Nevers [?], and Dan McDonald, *et cetera*, *et cetera*. It was all very formal. They were very polite, and Kuchel delivered his speech on Davis-Bacon, which he had been invited to do. He had bad luck on that; he followed Hubert Humphrey, who had them sitting on the edge of their chair, and Kuchel gets up with this dry, statistical speech, see, and it bombed. But they were polite to him, and I think we went to a cocktail party that night. The next year they came back with another legislative conference, and these guys came up to Kuchel and put their arms around him and called him Tommy. And he was off and running as far as his relationships with labor were concerned. And this had a hell of an impact on Kuchel's consciousness, his political attitude. This one thing made him a liberal, actually. You became interested in a lot of things that otherwise you might have passed over, don't you know?

I have wandered to beat hell here, Mike. Get me back on the track.

G: Oh, I was going to ask you, did Nixon and Knowland have the same political base?

S: Nixon was a loner. He was a vicious person. He ran against Jerry Voorhis, who was a damn good congressman, and accused him of being a Communist, and it was a hell of a dirty campaign. So he became a congressman. I think he had two terms. Then he ran against Helen Gahagan Douglas, who was a great woman, and he had a very dirty campaign against her. She was a congresswoman, and his publicity was that she had

voted with Victor [Vito] Marcantonio of New York, who was damn near a Communist, on 60 per cent of the votes in the House. And of course, she did. My God, they were the confirmation of postmasters and stuff like that, routine appropriation bills. Of course, she voted the same as he did.

But I mean, Warren didn't like him at all. When Nixon ran for senator in 1950, he came up to see Warren. We are sure he was fishing for Warren to endorse him publicly, but Warren wasn't endorsing any body. Warren ran very loner campaigns. He would call up some old college schoolmate in Stanislaus County: "Bob, get a campaign up for me. Get a little money together and put some ads in the paper, and get a committee together, and I'll come down and talk to you." He didn't work with central committees at all. We ignored--I didn't--when I went back to Washington, and they started talking about the "party," I thought they were talking about the Communist Party, and they were talking about the Republican Party. That's how little contact I had with--I was a maverick myself. My father was practically a socialist, and I grew up in that kind of a house. But, anyway, Warren was a very independent fellow.

Nixon and Knowland, I think they were personally somewhat friendly, but Knowland was a very cold individual. He didn't have any warm friends at all. He worked like hell. He'd go down to that Senate Office Building at seven-thirty in the morning and get out of there at eleven o'clock at night. He was not a warm person at all. We worked with Knowland's office, of course, on flood control projects and things like that. I don't think Kuchel campaigned for Knowland. I don't know as Knowland asked him to or needed him to. Of course, Knowland decided in 1956 to run for governor. He thought that would be a great basis to run for the presidency, and he got the hell kicked

out of him. Pat Brown defeated him by a million and a hundred thousand votes, and Clair Engle ran for the Senate job and was elected over Goody [Goodwin] Knight.

This was the big switch. Goody didn't want to run for senator, but the Southern California money people said, "You're going to run for senator or you don't get any dough!" If Knight had gone on radio--we didn't have television for this in those days--and asked the people to send him five bucks apiece, he'd have raised all the money he needed and would have been re-elected governor, but he didn't have the guts. And he was defeated, and he died two or three years later, practically of a heartbreak. But, again, I wander.

What you want to know is the relationship between those three men: Kuchel, Knowland, and Nixon. We didn't need to have too much to do with the Nixon office, I don't think. As I say, we did cooperate with Knowland, but we were pretty much on our own.

G: Okay. You discussed briefly the McCarthy censure and Kuchel's vote there. Apparently, Johnson named the Democrats on that committee, on the censure committee, and then Knowland, as majority leader, would name the Republicans, Arthur [Watkins]--

S: No, the minority, it would be at this point. See, we were in the majority only for two years.

G: Yes, but the censure committee was named, I think, while Knowland was still--

S: Majority leader?

G: Wasn't he?

S: I thought the censure was in about 1955 or 1956.

G: No, it--well, the committee was established in, I think--we'll check it. We'll check the date [August 1954], but Arthur Watkins was the chairman, and he was a Republican from Utah. Do you have any idea how Knowland decided to name the members of the committee?

S: No. No.

G: Do you have any idea if Johnson played any role in suggesting potential choices to Knowland?

S: Well, the censure vote was very highly partisan, as you know. I don't know how many Republicans voted against it, but most of them did. They stayed with McCarthy, but I think every Democrat voted for censure. I don't think there was a single--well, it's in this material here.

G: That's right, yes. Okay.

Now, the other matter that you discussed that I wanted you to talk a little more about was the highway legislation. First of all, the difference in philosophies on how to fund them, pay-as-you-go or--

S: Yes, bond or pay-as-you-go. Yes. Eisenhower, of course, was very lukewarm, if not actually opposed. He was certainly indifferent to this program although he eventually got all the credit, or a great deal of the credit for it. Kuchel was strong for it, not only because he felt that there was a great need for the system, but the employment factor. He worked ardently for it. He and Albert Gore were very good friends. Kuchel had a lot of friends. Scoop [Henry] Jackson and he were buddies, and a number of the younger Democrat senators particularly. There were, I would say, a half a dozen Republicans who had liberal leanings. Old George Aiken was the greatest, but [Frank] Carlson of

Kansas, and, oh, three or four others. Cliff Case of New Jersey was a fine liberal Republican. And these were the people that Kuchel consociated with.

G: There was also the question of controlling outdoor advertising along the highway?

S: Yes, billboards.

G: Do you recall that issue?

S: Yes, I--no, I don't think I can tell you much about that. I know I was personally hot as a pistol for it. I wanted to get rid of every billboard in the country. I think Kuchel was pretty much in a compromising attitude on it.

G: Was there any sort of assurance that the highways would be fairly evenly divided among the states, or was there a fear that they might be built in--?

S: No, I think this was definitely intent. For instance, under the old federal highway system, Nevada has always been assisted a great deal because at that time, before Las Vegas, their resources were so limited that they couldn't participate in the federal aid highway system, and California and New York and Michigan could, and so most highways, the original highways in Nevada were practically funded by the government. No, I think it was intent to--of course, the emphasis was on defense, that, "We must have this system in case of a major war. We've avoided being involved in the United States in our own territory, but if we ever were, we'd sure need this system." There was a lot of patriotism attached to the approach.

G: You mentioned LBJ and Knowland and the differences in operational--let me ask you to contrast them in a little more detail, if you will, how they differed in their leadership.

S: Knowland was ponderous. Johnson was quick. In fact, he was often accused of being a slicker. We used to have the privilege of going into the Senate Chamber and sitting

in--they had davenports all around the periphery, and the administrative assistants would go in there and observe, the legislative assistants and some other staff people--until old [John] Stennis put an end to it. He didn't like this. It used to irritate the hell out of him to see the audience down there watching him so closely, and he put through the rule that only two members of a staff could be present in the Senate Chamber at one time, and they both had to have passes, and we had to sign in, and it became very formal. Often when I sat in the chamber, I observed Knowland and Johnson. They seemed to be very warmly friendly. They talked together a great deal on the floor, standing up. But in case of an issue, Johnson, you could see him just coming up on Knowland's blind side and making a monkey out of him. He was so shrewd. I couldn't cite chapter and verse on it, but I did realize it at the time that Johnson was just so much ahead of Knowland. Knowland, as I say, was a very ponderous individual.

G: How would Johnson do this? How would he outmaneuver Knowland?

S: In a kind of a playful mood. I wish I could give you a real analysis of a specific bill as it moved through the Senate and how he would position his forces and eventually get what he wanted, either passage or defeat over Knowland's opposition. His understanding and manipulation of the rules was so much more astute. That's a generalization, but it's the best I can do now.

G: Yes. Did it depend on Johnson being able to deliver the Democratic Party in unanimity?

S: I can give you one example there. I forget the bill; that's not important anyhow. But there was a bill about to come up for a vote, and Johnson, oh, he tallied before every [vote], he knew exactly how many votes he was going to get on every bill before it went to a vote. But this bill, he had ascertained that probably it would be an even split, an

absolute horse race. Scoop Jackson was out in Washington making a speech, a campaign speech of some kind, and he was coming back from Washington. Johnson called up Dulles Airport. He had the flight number and the arrival time, and he was informed that Dulles was stacked with at least a hundred planes up there. Johnson called up the control tower. He said, "You bring plane number so-and-so from Spokane down uno numero!" And he did, and he had a car waiting for Scoop and got him over there in time to vote. Oh, hell, he was an operator.

G: How did he extract information from Kuchel's office about, say, how Kuchel was going to vote?

S: Well, of course, I don't know whether he tallied the Republicans. He knew exactly how many--I couldn't tell you. Maybe he did. Yes, come to think about it, on some debatable or uncertain bills, I'm sure he did.

G: Did you ever hear him or see him persuade Kuchel to vote with him on a [inaudible]--?

S: I've seen him talking very ardently on that floor to Tom as he did to others. Yes, come to think about it, sure. Of course, Kuchel became assistant minority leader, you know, under [Everett] Dirksen, and, actually, pretty much the acting minority leader because Dirksen's health was not good and he spent a lot of time on his farm in Winchester, Virginia. When Johnson was president, I was back here, of course, by then, but Kuchel, as acting minority leader and assistant minority leader, either one or both, attended a great many meetings in the White House. Kuchel was a kind of an ebullient individual. He was happy, and he liked people. He liked people to like him. He liked to get along with people. He didn't like to quarrel.

G: Sure. Did the Republicans consider Johnson a partisan in terms of--?

S: Oh, sure. Very much so. Yes.

G: Any examples of how he worked to the benefit of the Democratic Party and the detriment of the Republican Party while he was Democratic leader in the Senate?

S: Well, in a campaign way, I'm sure--no, I wouldn't be able to specify to what extent he may have engaged in campaign finance or in public appearances. I don't remember. He may have campaigned for doubtful Senate candidates. I don't remember whether he used to get out in that respect. We're talking about thirty or thirty-five years ago, you know.

G: Yes. Yes. The relationship with Knowland again. Apparently there was one occasion when Knowland was still in the majority where Johnson actually adjourned the Senate out from under him. Do you recall that one?

S: No. No. I may have known about it at the time. I did watch things pretty carefully, and I had my legislative secretary talk to me about what was going on, because much of the mail--my primary job besides running the office and managing the staff was handling a great deal of Kuchel's correspondence and forging his signature and letting him sign his own. So I kept pretty much informed but in a general way, nothing in detail. I've heard--incidentally, have you ever talked to Howard Schmidt?

G: No.

S: You must. He was legislative assistant at the beginning of Kuchel's service--

G: Where is he?

S: --in 1953, and he left after about two years, but he was a very efficient, German-descent, meticulously careful operator. He took his damn dictating machine home every night, and he wrote beautiful letters. The constituents who got his letters were bound to be pleased with the extent that he informed them. But he then was appointed judge by

Goody Knight, a Superior Court judge--this is our upper-level state before the appellate level; it's the top trial court level--and he served for many years. He's been retired now for possibly half a dozen years, but you'd find no difficulty in locating him in Los Angeles. Oh, you must talk to him. He can answer a lot of the questions you've asked me.

Of course, Kuchel was all for it, for both. The big joke in that thing, and it's a pretty good one, is Dr. [Ernest] Gruening, who eventually became one of the first of the two senators from Alaska, buttonholed Lyndon one day and said--Lyndon was against statehood, you know, both Alaska and Hawaii--"Lyndon, if you don't come around on this, we're going to become a state, and then I'm going to bring in legislation to divide Alaska into two states, and then you'll be the third largest state." Had you heard that one?

G: No, I hadn't. (Laughter)

S: Of course, Texas was then the largest--

G: That's right.

S: --and Alaska was more than twice as big. He said, "You'll be the third largest state." But Kuchel was all for it, and eventually, of course, it was enacted.

G: Was there, do you think, a question of balancing the admission of these two states so that--?

S: Johnson may have been afraid that both states would have elected from one to four Republicans. Yes, I think that was a factor.

G: How did they get around that? Do you recall?

S: They elected Democrats.

G: We were talking about Johnson and Knowland. Let me ask you. Apparently Johnson supported the administration a good deal, even at times--

S: Oh, that's a good point. Johnson did cooperate with Eisenhower. Here we had a Democratic Congress, both houses, and a Republican president. Eisenhower was not an ardently partisan man himself, you know. But there was a very good feeling about Johnson's spirit of cooperation with Eisenhower on matters that he could cooperate on. I mean, I suppose there were some things he just had to part with him, but, no, there was a good feeling there. That was part of the atmosphere in Washington at the time.

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G: Was this particularly evident in foreign policy where Knowland was known as an isolationist?

S: Well, let me think about that. Of course, [Arthur] Vandenberg was still there, and the partisanship-ends-at-the-shore spirit was prevalent. I forget how long Vandenberg was around. He died not too long after we went back there. [Pat] McNamara took his place. Oh, let's see, the U-2--I can't help you any.

G: Okay. Let me ask you to discuss in general Johnson's relationship with the White House. He had several cabinet officers under Eisenhower that he was close to, Oveta Culp Hobby and Bob Anderson, and he had--

S: I think Mitchell--[James?]

G: Yes, people at the White House like Bryce Harlow and Jerry Persons.

S: Well, as I say, Eisenhower was not a terribly parti[san]--he had a time making up his mind whether he was a Democrat or a Republican. The Democrats wanted to nominate

him in 1948, you know, when Dewey-Warren ran, and Truman insisted on another term--on running.

G: Anything else on Johnson's interaction with the White House, his ways of getting things that he wanted from the White House?

S: No. You'd better talk to Walter Jenkins.

Can I divert here another--? This has something to do with the Kuchel-Johnson relationship. Mrs. Kuchel, Kuchel's eighty-year-old mother, came back to Washington in about 1958. I don't know why she held off so long to come back and see her boy, but Tom called me up from the Senate and told me that he was sending Mother Kuchel over, and please introduce her to the staff, and do everything you can to make her happy, and call Johnson's office and see if she can go down and see Lyndon because she was born in Texas, and she wanted to meet this Texas great man. And so she came over, and I got Jenkins on the phone and told him what we wanted, and he said, "I'll call you back." God, I hadn't got the phone on the cradle, and the door burst open, and here was Lyndon. "I ain't going to let no southern lady walk all the way down a flight of stairs to see me. I'm coming up to see her." Well, I had a Speed Graphic camera. We used to take pictures of constituents and then send them a print, and they'd put it up on the wall. It was a better than a billboard, particularly if it was a labor guy.

G: Sure.

S: So I dragged out my camera, and I took a picture with Lyndon with his arm around this little bit of a woman--she was only five feet high--and she had that picture on her mantel until she died. But, I mean, the fact that Tom wanted his mother to see Lyndon, I think, is a little bit of an indication, minor.

Poor old Jenkins. Is he still in Texas?

G: Yes.

S: How is he getting along?

(Interruption)

S: Okay. Of course, all the Democrats were violently opposed to that [the Bricker Amendment], and here again was a case of Kuchel caving in to his conservative Los Angeles friends. I don't think he had any really strong feeling about the thing, that it wouldn't mean an awful lot, but he voted for the amendment, which was lost by one vote, as you know. Knowland, of course, was very ardent for the thing along with John Bricker.

G: Senator [Walter] George introduced a substitute.

S: There was a great man. That was one of the best speakers on the floor. There were a few orators: [Eugene] Milliken of Colorado and George of Georgia. Most of them were pretty dull. The Senate Chamber used to empty when Wayne Morse took the floor. He knew his stuff, and he had a lot to say, but it was such a boring delivery. Paul Douglas was a fine speaker, and people enjoyed--

G: Yes. How about Bob Kerr?

S: Very good but more a pragmatic type. He was not a--strictly business. He was a good speaker, very forceful. A very forceful senator and a very wealthy senator, a successful senator.

G: We were talking about the Bricker Amendment. Let me ask you about the China Lobby and--

S: Knowland.

G: Knowland, yes.

S: Well, he was called the "Senator from Formosa," you know.

G: (Laughter) Did the same influence that was exerted on Knowland attempt to exert itself on Kuchel?

S: Well, he voted for the defense of Quemoy and that other--

G: Matsu.

S: --small island. Yes. Well, he was with him on that, and I think that was a divided issue with the Democrats and the Republicans, as I remember.

G: Why did the Republicans seem more supportive of the China Lobby than the Democrats?

S: They had a very high opinion of Chiang Kai-shek and were supporting him. Well, there was a feeling of communist threat, that if they got those islands, then they would move on Formosa and maybe farther into the Pacific. No, it was fear of communism, Chinese communism.

G: Was this a source of campaign funds? Did the China Lobby financially support the Republican senators who felt that way?

S: I don't know. I know we always had a hard time financing our campaigns. They talk about these twenty-five million dollar Senate [campaign] budgets. The last time Kuchel ran--not the last time but in 1962--I think our total expenditure was about $360,000 for primary and general. Of course, we didn't have television. We weren't spending on television. That's your big cost nowadays, and it's bad, I think. I would like to see the same rules here as they have in Britain--limited, donated time. None of this damned commercial stuff! I don't think they change a vote. They're so phony on the face of it. Well, that's another subject.

G: That's an interesting point. Do you remember the [Dennis] Chavez-[Patrick] Hurley controversy over the Senate race in New Mexico?

S: New Mexico.

G: That's a case where Kuchel did vote for the Democrat rather than the Republican.

S: Yes. Well, then. Let's see. You're scratching my memory, but that's about all. Yes, I do. He was quite a good friend of Clinton Anderson, and Kuchel is quite fluent in Spanish, and he used to jabber with Chavez.

G: Let me ask you about LBJ and some of the other Republicans. [William] Langer and [George] Malone, for example. He used to--

S: Well, of course, poor old Molly Malone was a phony, and nobody had any respect for him. He was one that would empty the chamber--

G: Really?

S: --right now!

G: But Johnson seems to have been able to get Malone to vote with the Democrats on very narrow partisan divisions.

S: Probably took him to dinner.

G: You think that would have done it?

S: Oh, it could have been. Malone was not a man of stature or principle.

G: What about Langer? How would he get Langer's vote?

S: Oh, Langer from South Dakota. Bill Langer. Well, the principal memory I have of him is he held up Warren's confirmation for chief justice, because Eisenhower had not appointed any South Dakotan constituents to the Supreme Court or cabinet. Langer was

another one who I would call pretty much a phony. I don't think he had any great--I don't think he was a statesman by a hell of a sight. I know Malone wasn't.

G: Yes. How about Margaret Chase Smith? How did Johnson appeal to her?

S: I think he admired her because she was a very independent person. She was the first woman to take the floor against McCarthy, as you know. I think she respected Johnson, and I am sure he did her. She was a very strong character. Boy, nobody pushed her around! Maggie had her own--and she didn't like to be called Maggie, incidentally.

G: She voted against Lewis Strauss' nomination, and--

S: Yes. Secretary of commerce, wasn't it?

G: Yes. Was this something that Johnson persuaded her to do, do you think?

S: I think she arrived at most of her decisions on the basis of strictly independent judgment.

G: Were there any other Republicans that tended to vote with Johnson on occasion? Surprised you?

S: Well, he got some votes. As I say, I mentioned a few: people like Cliff Case. There, incidentally, is a damn good contact--would be Sam Zagoria, who was with Cliff Case as administrative assistant for years and a very brilliant man, a Jewish boy from--lives over across the border in Maryland. Sam Zagoria. Z-A-G-O-R-I-A. Zagoria. He is with the *Washington Post*. He is ombudsman on the *Washington Post* and a hell of a guy. I'm sure his memory would be a lot better than mine.

G: Have any recollections of Johnson's relationships with Styles Bridges?

S: Well, of course, Styles was only there a little while after we went back. I think four years at the most. I think he just retired. I don't think he was defeated, and is that when [Norris] Cotton came in? Well, anyway, there again, I don't really--Styles Bridges was

pretty much of a wheeler-dealer. He played with the lobbies an awful lot, and I think he fattened his personal bank account a little bit besides his salary.

G: Was he close to the China Lobby?

S: Yes, I think so. He and Knowland were together on that. Oh, cloture. Kuchel was pretty much with the Democrats on--wait a minute--Johnson was against limiting the debate. Kuchel was very much for limiting. Now, let's see. Who were the bellwethers in that one? But Kuchel parted company--this was one of his first votes--with Knowland on that issue.

G: Johnson's ties to the South seem to have asserted themselves.

S: Oh, yes. They did, I think, to quite an extent to people like Stennis--I mentioned him--and I know he was a great admirer of Walter George. Spessard Holland was a pretty important senator. He was a little bit more of an independent nature. He wasn't too southern a southern senator.

G: Yes.

S: He was a semi-Republican. Let me see. Oh, I think definitely that Johnson was influenced.

G: Richard Russell was considered close to Johnson.

S: Yes.

G: Any recollection of Johnson and Russell together?

S: No. I know that Russell was a very important member of the Senate. He was very active on the floor and a bachelor with mistresses in about three parts of town. This was the common gossip. I shouldn't be talking like this. I forgot I was on the air.

G: Let me ask you about Johnson's legislative assistants, the people like Bobby Baker that helped him count noses. How did that operation work, do you think?

S: Well, Baker was on the floor a great deal, and he was very astute. He is the guy that used to count the noses, and he knew exactly where everybody stood, no question about it. Very bright. A very bright guy. Very important to Johnson. No question about it.

G: Were enticements ever offered to get a senator to vote with the leadership? Did Johnson ever say, "I can help get your project through" or "Do this"?

S: No, I don't think that there was any negotiation like that.

G: Horse-trading?

S: Kuchel used to call himself the super-congressman because he was always handling flood control legislation. Knowland pretty much left--and this was an important matter in California. We have a lot of projects in this state as you know. Shasta's the major one. But Trinity was a big one, and the San Luis Dam, and many small, relatively small, projects. I think Kuchel just handled those on a mundane basis. He just worked on them and got good assistance from the army engineers in terms of testimony. I don't think there was any particular logrolling *vis-à-vis* Johnson and Kuchel on those matters. I think those bills just stood on their own.

G: Yes. Okay. How about Johnson's association with Nixon? What was their relationship like?

S: Well, of course, Nixon was the presiding officer, and did preside to some extent. Well, of course, Johnson worked like hell for [Hubert] Humphrey when Nixon and Humphrey were opponents. I don't think there was any sense of admiration on Johnson's part for

Nixon. I think Nixon realized that Johnson was a very efficient operator, and I don't think he crossed him.

G: Okay. Johnson and Dirksen?

S: Well, they were pretty good friends. Dirksen was a bumbling, kind of a happy-go-lucky guy who liked to set up his cocktail hour every afternoon in the minority leader's office, which was well-attended incidentally. I was in on it a couple of times, and I don't think Dirksen ever had to buy a quart of whisky, I think it was all forthcoming, but I think they were very good personal friends. It was hard not to like Dirksen. He was not a great statesman, but he was a very likable guy.

G: Yes.

S: And I think they cooperated pretty well on the floor.

G: Later on, when Kuchel became the assistant leader and Dirksen the minority leader, Johnson had two opponents in the opposing party's leadership that he was rather close to, I gather.

S: Yes. I would say that. I think that's a good statement. On a personal basis; no question about it.

G: But Kuchel didn't support Goldwater in 1964, did he?

S: Well, let me go back to that campaign. In California. Of course, this is what made Reagan famous, is that speech he made for [Barry] Goldwater. I think you could best say that Kuchel was pretty neutral in relation to Goldwater. I don't know as he voted for Lyndon, but I don't think he--well, he and Barry were pretty good personal friends. Barry used to worry about Tom a great deal. I know he buttonholed me one time when the Hells Canyon was up, and there was a bill in there for a federal project in Hells Canyon,

and he said, "Gee, I sure hope we don't lose him on this one." Because Kuchel had been voting for public power in California particularly. The Trinity was a public power project and San Luis, major public power projects. In both cases, PG&E [Pacific Gas and Electric] tried to take it away from the government, and Kuchel, that was part of the reason that he lost out in 1968. These interests went out for him, and, in the meantime, California had become increasingly conservative. The Republican Party had once been the party of progress under Hiram Johnson and under Earl Warren, but the right-wing people took it over. They put forward this fellow [Max] Rafferty, who was our state superintendent of public schools and a demagogue and a hell of an orator. Boy! He was a spellbinder! No question about this. This is what got him the nomination, and a lot of us just went to work for Alan Cranston and defeated Rafferty. It was a matter of revenge to an extent, of course, but, no, I couldn't see Rafferty back in the United States Senate. He was a demagogue of the first water.

G: So the party allegiances were somewhat fluid?

S: Fluid. You took the word out of my mouth. Yes. They were in this state. As I say, our nonpartisanship election law was a pretty good one. We produced some pretty good people. We had a state senate--this was before reapportionment, and that's an interesting angle on Earl Warren, how he switched on that one--but we voted on the federal system for the state senate. No senator could have more than three counties, and no county could have more than one senator. Los Angeles has sixteen of our senators now. The tail wags the dog. We don't amount to a thing up here in the state senate anymore, but this produced some pretty good people.

G: Yes. Farm legislation. We haven't talked about that.

S: No.

G: Got an agricultural state here?

S: Yes. In fact, I think I made a note of that myself. I don't know. I can't do anything for you on that one.

G: Anything on the question of flexible parity as opposed to ninety per cent parity?

S: No. I can talk about Medicare. That's a good subject.

G: Good.

S: Kuchel was for it, and he caught the devil out here, but, of course, the Democrats, this was part of Johnson's Great Society legislation, and Kuchel supported it. He was denounced by the John Birch people, and, incidentally, he made a number of speeches on the floor defending Earl Warren against the John Birch people. And this was part of the reason--this is what led up to Kuchel's defeat in the primary. If Kuchel had changed his registration as Wayne Morse did and become a Democrat, he would still be in the Senate. But he's better off not in the Senate. He did sixteen years, and he had a heart attack right after he got out of the thing. If he'd had that heart attack while he was still senator, it might have been a fatal heart attack, because he was under pressure. He got out and went into law practice, and he's now a multi-millionaire. He joined a big Beverly Hills firm, headed by the state chairman of the Democratic Party. I got a couple of lousy letters on that. One woman wrote, "What's Tom Kuchel doing going with Gene Wyman? Doesn't he know he was chairman of the state Democratic Party?" And I wrote back and told her, "Well, it's just a case of working both sides of the street."

G: California was very interested in public works as you noticed. In the late 1950s, Kuchel voted to override Ike's veto on a big public works bill. Do you remember that?

S: I don't remember that one, but I remember he was the first Republican senator to vote against Eisenhower's veto of the first postal pay bill. Now, of course, Kuchel is down in the middle of the alphabet. Eventually--what was the name of the senator from [Pennsylvania]? [James] Duff--Duff of Pennsylvania voted against it. [Homer E.] Capehart of Indiana voted against it. There were, I think, five Republican senators [who] voted to override Eisenhower. Kuchel was the first one. The others passed until they got down to him. He was the first one, and he got quite a ride in the papers on that one back here. Yes, I think I do recollect a little bit about that. Eisenhower was a very cautious guy in starting anything new. Well, he wasn't very warm to the defense highway system, and I think he did oppose other public works legislation. The one you mentioned is vague with me.

G: Yes. Later on Kuchel opposed [Stewart] Udall's notions of the Imperial Valley. Do you remember that legislation?

S: Well, that, of course, was after I came back here.

G: Yes, but you were out here so I thought maybe--

S: Yes. I did a little bit more than read about that in the papers. I think Kuchel, incidentally, in personal matters thought quite a lot of both Stew and Morris. I know he did of Stew Udall.

G: Anything else on Lyndon Johnson that we haven't talked about that you recall? Have you got your list?

S: School aid. This is another one where Kuchel was on the liberal side, and we [were] widely criticized. By this time, I had the office here for the last three years before I retired, and I had a lot of phone calls from angry Republican women and others that he

was supporting federal aid to schools. They had no business in that field. This again was a Kuchel liberal attitude. Tidelands we talked about. Postal pay. I think Kuchel incurred a little bit of unhappiness from the Johnson people over the Colorado River project. We have always been pretty dependent in the Imperial Valley on Colorado River water--about to lose a good part of that to Mexico, and they don't know just how they're going to cope with it, but I'm sure that was where Kuchel didn't go along with Johnson.

G: How about the natural gas legislation in the mid-1950s; do you remember that?

S: I think Kuchel was for regulation. He had an investment interest in oil. He and some of his friends in Los Angeles. I think he owned a well or some damn thing like that. Maybe for the depreciation benefits.

I wish I could get on to some of that. I'm threatened right now with an audit. I do my own income tax, and I take standard deduction because we own the house. We don't pay out any interest, and standard deduction is more than itemized deductions would be, but I got a piece of literature from the president of IRS yesterday which indicates they're about to--my wife is a free-lance photographer. That's her work under that book there, those magazine covers, and she writes, of course. So she takes in a few bucks every year, and she also writes off a lot because every time she takes a trip or buys new cameras and film, why, that's deductible. I'm not too astute in the matter of figuring our depreciation on equipment, and so they sent me this booklet on depreciation, and I think I'll probably get a letter from them, maybe today. I don't keep very good records. I've never cheated. I've reported every nickel of interest I ever [got] long before people were doing that, you know, when they weren't catching--now they can catch you with computer--but from the very beginning. We own this house; we don't pay rent, and that money has gone into

savings that we would have been pouring out in rent. This tiny little house. And that's part of our income is the interest on these savings, and I've got to pay a tax on the damn thing because I don't know how to--oh, I could go out and buy tax exempt bonds, but I'm not going to live long enough to cash in on them, so--

G: Yes. How about public housing? Any recollections there?

S: Kuchel was for it. Let's see. Who was the FHA [Federal Housing Administration] administrator at that time? He had good relations with him in the Eisenhower Administration. I know I did a lot of business with those people in terms of putting Californians in touch with the right individual in the agency. Kuchel had a very strict rule on this: that whenever we asked an agency to see a constituent we made a disclaimer in the presence usually--if the constituent was sitting at the desk. I did it once--you've heard of Murray Chotiner--

G: Yes.

S: --Nixon's hatchet-man? Well, Chotiner, when Nixon was senator, had the freedom of the office, and he thought he was going to have it with us. I didn't go back there until April, and he'd been in the office when Hass was there for those first few months, but he moved in on me. He wanted an appointment with the Federal Communications Commission, and this is a very touchy agency. There's a lot of, I think, money handed out by applicants to legislators on that one. Anyway, Chotiner was standing across my desk, and I quoted this disclaimer on the telephone. He was madder than hell, and he never came back. We got rid of him. I said, "Mr. Chotiner is on his own. We have no interest in this matter. We will appreciate any courtesy that you can extend to him, but we have

absolutely no interest in the matter which he wants to discuss with you." He never came back.

I kicked out another constituent one time, a big farmer named Salzer [?], down below Fresno, a big cotton farmer, and he came back to oppose the construction of the navy air base in the valley, which is interior from the mountains and part of our defense setup. It had already been half constructed. They had taken a lot of land out of cultivation down there, including cotton land, and they came back to get Kuchel to stop the thing. Well, Kuchel wasn't available; I don't think he was even in town. He was brought in by a man named Gordon [Hickman] Garland, who is a big lobbyist here, and they sat at my desk. Salzer, who had a very peculiar--this eye looked this way, and this eye looked this way, and then it would switch like this--he looked up there and he saw my picture of Earl Warren on the wall back of my desk, and he took off, "Oh, this communist! This awful judge! This bad man!" and so forth. And I banged the table. Oh, he was using vile language, too, and these Senate offices are full of--we were all integrated; women right under your nose, and he used vile language. I pounded the desk and told him he couldn't talk like that and particularly about my friend, the Chief Justice of the United States. Oh, he also mentioned Eisenhower in the same bracket. And he banged the table right back and stalked out of the office, and I said to Garland, "Who is that man I just kicked out of the office?" And he said, "Your biggest contributor in Kings County." Well, I found out it was three hundred bucks, and I told Kuchel what I'd done, and he said, "You should have grabbed him by the nape of his neck. You shouldn't have just ordered him out. You should have done something physical to him!" I thought I was going to get fired.

G: Yes. You were going to talk about Ike's appointment of Warren to the Supreme Court.

S: Oh, yes. That's very interesting. It's not entirely clear. I take one position, and some of these other people that have written about it [take another]. I've got all the books in my den in there. Warren appointed Kuchel, and I agreed with Kuchel that I'd go back with him. I said to Tom when we decided this, "Well, I'll speak to the Governor." And he said, "No, I'll talk to him." So he got an appointment. He sat down at the desk, and Warren said, "What do you have in mind, Tom?" "I've been looking covetously at one of your staff." Well, Warren knew who it was because he knew that Kuchel and I are very close friends, but he said, "Who, Tom?" "Pop Small." Well, Kuchel said, "Warren looked at me with those blue eyes for a long minute without a flicker. He just looked right through me." He finally said, "Can I keep him until June, the end of the session?" He said, "I owed it to the memory of my blessed father to give him back what he gave me." He said, "I looked right at him, right through him. It was an effort, but I did it, and I pulled out a package of cigarettes, still looking at him, and lit a cigarette. I was just going to show he couldn't do that to me." And Tom finally said, "Well, if it has to be that way, yes." I said, "Well--" Let's see. What was your question?

G: Ike's appointment of Warren.

S: Oh, yes. All right. Tom got back there and Ewing Hass went with him but only stayed a month. He set up the office and came home, and Tom was without an administrative assistant. He called me up about the tenth of March, and he said, "You'll either have to get back here, or I'll have to get somebody else. I need an assistant." But this time I wanted to go.

So I went in to see Warren, and he said, "Let's go to lunch." We went to the Senate Club, and he said, "If I were going to be around here, I'd advise you to stay with me. You won't like Washington. But you'd better go. I'm not going to run for another term. I think I'm going to go on the Supreme Court." And this was all very confidential on our Masonic oath and all this kind of stuff. He said, "I had a call"--and he quoted the date as September 15, this is just burned in my memory, it turned out later it was November--"from Mr. Eisenhower from Denver." It turned out to be it was in November from Virginia. "But," he said, "Eisenhower said to me, 'I know, Earl, that you've been offered a cabinet post in my administration, and I understand why you can't take it. The salary isn't enough to support your family,' and so forth. He said, 'But there's one position I would like to talk to you about if it opens up.'" "And what's that?" "'A vacancy on the Supreme Court.'" Warren said, "You can talk to me about that one! I'd like to talk to you about it."

So time went on and in the last part of September, [Fred] Vinson had a heart attack in his apartment working on a case at two o'clock in the morning and died instantly. The Chief Justice. Warren at Chicago, the 1952 convention, had supported the Eisenhower delegation from Texas and Alabama, was it? The two states that were in conflict with the [Robert] Taft-Eisenhower delegates. Warren went for the Eisenhower delegates. He knew he was spoiling his chances of being a compromise candidate in case of a deadlock. In case there would have been and there might have been a deadlock if Taft had had those two delegations. It would have been that close, and then Warren might have emerged as the compromise candidate. And he knew that by supporting Eisenhower and giving him more delegates than he needed, that was the end of the road

as far as the presidency was concerned. He was the first man after the nomination to get over to the Blackstone Hotel to talk to Eisenhower, to congratulate him and to offer his assistance and so forth. When he came out of the room incidentally, Nixon was out in the hall waiting--

G: Oh, really.

S: --and, of course, they were thinking then of him being the vice presidential candidate, and, of course, there's quite a story on that, too, Nixon's supposed betrayal of Warren on the train going back to the convention and his dealing with Eisenhower to get that nomination. But, anyway, Warren also campaigned for Eisenhower in 1952 in the western states. He went up into Idaho and Utah and San Francisco and campaigned for him, so Eisenhower did have a certain amount of obligation, although he never recognized it as major. Anyway, here was a vacancy. Warren knew that Eisenhower had virtually promised to talk to him about a vacancy, but the chief justiceship had never been considered. So there was a dilemma. Eisenhower offered it to [John Foster] Dulles, who wasn't interested. He offered it to Dewey, who wasn't interested. He considered a federal judge in Denver and one in New Jersey. Who was the attorney general? [Herbert] Brownell, of course, reported that they were both over seventy years old, and Eisenhower had already put a ceiling of sixty-five, and Warren was just under that on that, so my version of the story--oh, let me get back to our conversation--anyway, my version of the story is that Warren felt that he had an inside track for whatever appointment, chief justice or otherwise. Warren always denied that. I think that it was because he didn't want to seem to be greedy.

He escaped to the Channel Islands to get away from the press and any form of communication. The only way they could communicate with him over there--he went over there hunting deer with a couple of his boys--was through a Fish and Game Patrol boat in the channel between Santa Barbara and the islands, and they did eventually get him. Brownell sent word he was coming out and wanted to see Warren, so Warren came ashore, and they met out at McClellan Air Force Base here in the skipper's office for about two or three hours. Well, now, I believe that Warren may not have insisted on being appointed chief justice, but I'm sure he made the point that it would be a proper appointment. Why did Brownell come out here if Warren had already been offered a spot? To repeat the offer? I mean, that doesn't make sense, but anyway, Eisenhower, more or less reluctantly, made the appointment effective the first of October. He eventually said it was the worst damn fool mistake he had ever made. Actually, it's one of the things he's going to be remembered for.

Warren, I'm sure, made the point that the chief justiceship was not simply a judicial responsibility but an administrative responsibility, and "I am an administrator." And he sure as hell was. He's responsible for the courts all the way down to the district level, you know, through their procedure. But anyway, Warren just was in the right place at the right time.

G: Yes. Do you have any recollections of Warren's appointment to head the Warren Commission investigation?

S: Warren was not at all eager for that. Lyndon talked him into that. This was, I think, a classic example of Lyndon's ability, persuasive ability, that it was a duty--"Your prestige is absolutely necessary in this investigation."

G: Did you ever discuss this area with Warren [inaudible]--?

S: Yes. He was absolutely convinced that this--what was his name?--[Lee Harvey] Oswald was a loner, at least partially a mental case. I never could get an opinion from him for why [Jack] Ruby killed Oswald, and I just still don't understand that, but Warren was sure it was a--and he was somewhat convinced that Oswald was actually after--what was your Governor's name?

G: [John] Connally.

S: Yes, and hit--

Tape 2 of 2, Side 1

G: In later years, did Warren ever have any doubts about the findings of the commission?

S: None at all. Absolutely none. He was convinced that he was right. Many of these later attempts to solve the mystery have been a matter of trying to capitalize on the sensational.

G: Yes. Warren's resignation as chief justice was written in such a way that it allowed him to stay on the Court until a successor was named; he didn't just resign.

S: Yes. This was the [Abe] Fortas incident, yes.

G: Yes. Did you ever talk to Warren about that whole area?

S: Well, he thought that Fortas was a particularly able fellow, and he was pretty sad when the information came out about Fortas taking that fee. He thought he would have made a great chief justice. I think his timing was to beat Nixon to the punch. I don't think there was any question about that, and it didn't work out because, of course, Nixon was able to appoint [Warren] Burger.

G: Yes. Did Warren himself have a choice for a successor, do you think?

S: I don't know as he had a choice, but he had absolutely no respect for Burger.

G: Is that right?

S: No, he thought he was a very poor choice.

G: Why did he think that, do you know?

S: Well, he didn't think he had the ability, the legal mind with the administrative grasp.

G: One of the points that came out during the Fortas controversy was a breach of the separation of powers when Johnson was president [inaudible]--

S: Because he would go down to see Lyndon, yes.

G: Exactly.

S: This was after he was on the Court.

G: That's right.

S: As an associate justice.

G: That's right. Working on legislation and things of this nature.

S: He was very indiscreet. Fortas was, I think, just a little bit too--we don't use that word "gay" anymore, but he was, in the proper sense, kind of a gay fellow.

G: Yes. Was Warren aware of this--

S: Yes.

G: --problem? Did he perceive it as a problem?

S: I think he did, and I think he was quite disturbed. Maybe *ex post facto* after--I'm not sure he realized it was going on before it became a public property. But I know he was very sad; he regretted it because, as I say, he thought that Fortas would have made a great chief justice. I think he would have, too.

G: Did Warren himself have a closeness to Eisenhower while he was president?

S: No!

G: Did he step over that line?

S: Oh, no. He went to the formal banquet once a year and posed for the pictures. But, no. You know, Eisenhower made this crack fairly early on. I think after the segregation decision that "This is the worst damn fool mistake I ever made!" It was very demeaning, I think, for him to do that. No. The first Supreme Court dinner at the White House Warren didn't have access to an automobile. He eventually got Congress to allow a limousine to the chief justice after he had been back there about two years, but this first one, he had Mrs. Warren telephone to a limousine rental agency to provide a car to take him to the White House, and the damn fools sent out one with a great big lettering on both sides of the damn thing, "So-and-So Limousine Service." There was nothing he could do about it because they were due, and they had to go down there, but he made them park out near the gate, and he walked from there into the entrance of the White House.

Incidentally, Jimmy Roosevelt ran against Warren in 1952, and it was not too friendly a campaign, but Roosevelt later was elected to Congress, and he was the fellow that handled all of the Supreme Court housekeeping legislation for Warren after he--they became very good friends, but we beat the hell out of Roosevelt.

G: Let me stop this now, I think.

End of Tape 2 of 2 and Interview I

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MERRELL "POP" SMALL

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Will Farnham Small, of Lincoln, California, do hereby give, donate, and convey to the United States of America all my rights, title, and interest in the tape recording and transcript of the personal interview conducted with my father, Merrell "Pop" Small, on August 20, 1985, in Sacramento, California, and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

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(2) The tape recording may be made available to those researchers who have access to the transcript.

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Will Farnham Small — Feb. 7, 2008
Donor — Date

Sharon Tavcett — 4-15-2008
Assistant Archivist for Presidential Libraries — Date