INTERVIEW III

INTERVIEWEE: LEE WHITE

INTERVIEWER: JOE B. FRANTZ

March 2, 1971

Tape 1 of 1

F: This is interview number three with Mr. Lee C. White on March 2, 1971 in his office in Washington. The interviewer is Joe B. Frantz --again.

We were just about to talk about staff meetings the last time we broke up, and I'd like a little sort of assay of what they were like.

W: It's a little difficult to dredge this out of mind. It's not one of those things that normally stick very deep. I don't think we had any staff meetings under President Kennedy, at least none that I recall. The first day that we were sworn in we all got herded into Sherman Adams' old office and took the oath together, and that was the last time, I think, we ever got in the same room.

President Johnson, I think, tried to get things a little better organized in the sense that everybody in the staff would meet occasionally, and he even himself would meet. As I remember, it was Moyers who sort of was the ringmaster most of the time. They were not, if I recall correctly, morning meetings such as I read in the paper that the Nixon Administration White House has.

F: There was nothing routine about these--every Tuesday or every second Tuesday or something like that?

W: I think every once in awhile there was an effort to set them up on some sort of a schedule, but it always seemed to me to dissipate. I believe that there were routine and periodic, probably daily, meetings

of some of the people who had to coordinate their efforts. For example, I would assume that Moyers and Reedy and Valenti, maybe Busby or Jenkins, while he was there, would have gotten together. But I did not detect any kind of a basic method of operation. I think more often they were used--if Marvin Watson, for example, wanted to crack down on expenditures or the President wanted to make it clear that he wanted everybody not to talk to newsmen or whatever. If there were some sort of ad hoc special problem, there would be an occasional staff meeting. And occasionally the President would call them just to see them all gathered.

F: Just to do a little review and forecast?

W: Either that, or else pass out assignments. If, for example, the Beautification Bill were coming along and get almost everybody who was involved and try to get them all doing whatever they can, calling a group of congressmen if it happened to be in the House, or figuring out how they could be of assistance, that was more or less my view, oriented to a specific problem or assignment the President wanted to focus on.

F: Did you get a feeling that you sometimes got in on assignments that were really none of your business or concern?

W: Not often, but occasionally. I remember, for example, one that had to do with international trade. I had had a little bit of familiarity with international trade problems, and quite clearly that's the type of problem where there is a domestic side as well as an international side. I remember sitting around with a bunch of fellows I had hardly ever seen before. The President I think was either trying me out or just giving me a little exposure, or maybe it was a mistake. Every

once in awhile certain things happen that you--

F: The wrong man shows up.

W: --you search for the hidden Machiavellian meaning and all it was was a simple error. But that was all part of the game and part of the fun of it. I must say I can see some benefit of the people on the domestic side being closely exposed to working with some of the people on the international affairs end of the operation.

F: Did the President ever sort of accuse the members of the staff of being too narrowly focused in what they were doing and not aware of what were other people were doing, other issues, and their comparative place in the whole panoply?

W: I don't remember hearing such an observation by the President.

F: You were named as liaison in the summer of 1964 between the White House and other interested executive departments in an intensive counter-narcotics effort. Did that amount to anything?

W: That was really more of a reaffirmation or confirmation of an assignment I had had ever since the early days under President Kennedy. There had been an Interagency Committee for Narcotics. President Kennedy had convened in probably 1962 a Commission on Narcotics and Drug Abuse. The head of it--I don't remember who the hell the head of it was, but, you know, this guy Roger Egburg, who is now the Assistant Secretary of HEW, was on it; and a guy from one of those schools in Ohio. Defiance?

F: There is one at Defiance and Alliance.

W: And a guy by the name of Dumphy from New York City. There were seven or eight fellows, all pretty knowledgeable and pretty decent. I know who the chairman was--Judge Barrett Prettyman, a retired federal

judge for the Court of Appeals for the District of Columbia circuit. The interagency committee had been in existence before President Kennedy so it wasn't a creation of the Kennedy world. It included people from HEW, from Justice, and most importantly from the Bureau of Narcotics within the Treasury Department. Mr. Anslinger had been the strong man. He left shortly after Kennedy took over, maybe within a year. His deputy became head of the Bureau of Narcotics, a guy by the name of Guardino. Anyhow, there was simply not the same attention focused on narcotics as has been true in the last four or five years when the problem has taken a big leap forward.

That particular assignment, I think, did stem from a formal release by the White House. Unfortunately, since my memory is kind of hazy on it I don't recall that there was anything dramatic that should have flowed from it or that did flow from it. It may well have been because of my own preoccupation with other matters or failure to give it quite the leadership that it required.

But in part, some of these were defensive. It's extremely difficult to pull out at this long, late date of what had gone on, although I do, for example, remember my reaction last week when I read that President Nixon had appointed a new guy, the Assistant Attorney General in charge of the Civil Rights Division, a fellow named Leonard from Wisconsin, to head up the Law Enforcement Assistance Agency. I remember that concept of the federal government becoming involved with crime through some sort of law enforcement assistance program. I remember that when it was just a memorandum put together--I don't know whether it sprang out of my mind or whose, but I remember writing the memo to President Johnson in a whole series

of things that he would be focusing on. It may have even been the year before while President Kennedy was still alive. In any event, it was illustrative of how an idea or a concept or approach does ultimately make its way through the process. Legislation was drafted, enacted, and after some false starts I think now some money is being pumped into it. I don't know for sure, but I have reason to be hopeful that this will be doing something constructive and useful.

F: The White House role in this is in a sense one of keeping pressure on, keeping enough coordination until something gets done. You're not really an activist yourself.

W: It depends on what the problem is and what the particular package of personal interest happened to be for the President. For example, under President Kennedy--I may have touched on this previously--mental retardation was a very big thing, and simply, very understandably, because his sister had that difficulty. And his other sister, Mrs. Shriver, said that it's something we ought to be able to do, and if the President has got a personal interest, it makes a difference. It did. More money was put into it and the people who were working on those programs from the National Institutes of Health were frequently seen around the White House. The President wanted it done and there was just never any mistake about that.

That picture up there of the White House staff appeared in Holiday--no, it didn't appear in Holiday; it appeared in Esquire. It was destined to appear in Holiday, but then the assassination came along. The President is not shown on that color photograph, but there is another one--black and white--where he stuck his head out the door and said, "Where the hell is all my high-powered help?" Going on

in the room immediately adjoining those windows that can be seen from this photograph in the Cabinet Room was a meeting on mental retardation, and he wanted Mike Feldman, who was out there posing for a candid shot, to be in that meeting. It just demonstrates the difference between--I just can't believe that under President Johnson or President Nixon there's a meeting held in the White House Cabinet Room, one of a series, dealing with mental retardation.

President Johnson, on the other hand, had selected among other things--and I believe in large measure Mrs. Johnson is credited for this--beautification. And he used to joke--he read the stories about how every damned time he'd go into the White House he'd fall over a whole bunch of flower planters. It makes a difference, the personal interest. The President and his family and his official family are limited in what they can do personally, but it can make a difference in terms of the way a staff functions.

I remember clearly telling Doug Cater when he first came on the Johnson staff that it was too easy to get sucked into the day-to-day operations and that it seemed to me that what the administration and the President could stand was somebody who had, as I believe Cater does have, the good mind, good feel for history and experience and the way the political process functions, to be able to hang back and be somewhat reflective and didn't have to do something every day. If he were simply able to assimilate information and thoughts and begin to shape them, this would be a very valuable contribution. I know he figured that was sound advice, and I also know that within a matter of weeks he was up to his eyeballs in specifics about the Department of Health, Education and Welfare. My God, a guy can get

sucked into that in no time at all and work his fanny off thirty days in a month and see very little in the way of concrete accomplishments.

F: Did President Johnson at all appreciate the meditative sort of person who did spend some time in reflection, in effect, with his feet on the desk looking out the window getting an idea--which so many people cannot do when they're running top speed in just operations.

W: I don't know the answer to that. I guess the best way to find out is to ask the President. But my guess is that he would like that if whatever this contemplative person produced made sense to the President. I don't think the President ever tried to palm himself off as a very profound intellectual analyzer of great trends. He prided himself in being a man of accomplishment, to do things. He had pretty fast and normally pretty good instincts. And on that instinctual basis, I must say, with all the negatives that are in President Johnson's fantastic personality, I always thought he had excellent instincts in trying to do the right thing almost always for the right reason. So I would guess that anybody who produced a thoughtful, contemplative, analytical session--a piece of paper, document--would find him at least interested. I think that he had a tendency at least at times to scoff and make fun of all the intellectual longhairs, but that was just, in my view, his style. I don't think he really has any deep disdain for the intellectual type. I think he has to pick and choose and do what he has to do. In terms of his own intelligence, I think he was just undoubtedly a brilliant man. The guy could take a whole host of things and put them together. I think, therefore, that it's not surprising that he would be willing to contemplate other's ideas.

F: You have a lawyer's training; and therefore, presumably a lawyer's

mind. I realize we're dealing in sort of broad statements there since there must be a million lawyers' minds. But you can see the subtleties and legalities presumably. Did you have any trouble making the President see things that were complicated? In other words, could he cut through the complications to see where you were trying to aim, or did the legalities tend to obfuscate the eventualities, in a sense? If you can make sense of that sentence, you're doing well!

W: Yes, that's a hard one of course for me to handle. I would say that as I conceived the role and played it, it was more of a generalist on the staff than as a lawyer. First of all, without putting on the old modest bit, the Justice Department was the legal arm of the government and should be, and there was some superb legal talent. I rarely pitted my meager legal skills against that of some of the best legal minds we were able to put together. More often than not we would start with their assumption.

I think the President, like any other client, is not interested in lawyers telling him why he can't do something, but how he can. I don't fault him on that. That was one of our assignments and efforts, and I think most of the time we were able to find ways and means of carrying out what he wanted to carry out. I don't think we ever ran roughshod over the Constitution or over statutes. I don't think ever once did the President come close to anything like President Truman with the takeover of the steel industry, or the attempted takeover, where constitutional issues were sharply and clearly drawn.

And then, too, you see--I'm sure you've somewhere bumped into the extra staff advice that the President used to get. He retained a

close and lasting personal relationship with, for example, Abe Fortas. I believe--incidentally I believed then--I don't think I'm on a record so it isn't quite that strong--but I think it was a mistake for the President to ask Abe after he became a member of the Supreme Court to continue to counsel with him. And I think it was a mistake for Abe that first time after he was sworn in when he knew very well that he was walking on a very slippery path to have acceded to the President's wishes. But you'd be surprised how strong our minds are in retrospect and hindsight. I think that was not a difficult one, and I just think that both goofed up. But he did have available that kind of legal skills. And of course Clark Clifford who I would not put in the same class with Fortas in terms of his legal acuity and ability, but he was available and he had available to him some people that he could call on--plus, as I say, the first-rate Justice Department.

F: When, at the beginning of 1965, you were named special counsel, did this make any particular difference in your duties, or was this a titular change really?

W: It made a little difference in my duties. That was a time when Mike Feldman, another holdover from President Kennedy, was leaving the White House. I had indicated that I wanted to leave on the grounds that four years was quite enough and I had my own personal clock set at three and a half years. I'd never held a job for over three and a half years. In the case of the White House assignment I had broken it down into two different presidencies so as to preserve my record. But I did want to leave, partly because I think that it's better for the principal if his staff is a rolling one, a moving

one. I don't think everybody ought to leave all at the same time. There ought to be some new ideas. It's a wearing job. And besides, it's a staff job. Even though it might be one of the best staff jobs in the world, I was kind of anxious to get out from under that kind of a role and the way I played the staff role, not necessarily with a passion for anonymity but as everything being judged from the eyes and from the shoes of the principal.

Anyhow, President Johnson said to me,"If you stick for another year, it will help me because Feldman is leaving," and he did leave. He said, "I will probably give you a promotion and probably give you a little more exposure and a little broader assignment. I think the year would be beneficial to you." I had not any commitment to go anywhere, and so I stayed for the year and he did exactly what he said he would do. In fact, he never once told me that he would do anything that he didn't do.

The job did change a little bit in the sense that I inherited a few of Mike Feldman's responsibilities, some of them were parcelled elsewhere. And then immediately we began--this again with the President's, not only his awareness, but I think it was probably his idea--he decided that Harry McPherson would come into the White House staff and that when I left, Harry would fall heir to that particular assignment and to some of the functions. And it worked that way. Harry did come in, and Harry did learn the ropes, so to speak. I must say by the time I left the President asked me if Harry in my view was ready, and I said, "My God, he's so ready. He's just great!" And he was.

But there were additional assignments. Just to give you one

specific, the passing on the international air cases that had required presidential approval. All domestic air matters are assigned to the CAB, but whenever they involve international matters there is in the statute a provision for review by the President to take into account any international considerations that may be in his mind and not in the minds of the CAB, which is, after all, not an international policy making mechanism. Mike had done that job and it fell to my lot to do so. So there was one specific where I was doing something different at that time than I was before.

And the President did include me in his group of assistants who were getting the top salary and took occasion to say kind things about me to the press whenever he was talking about the staff. So it worked out exactly as he said it would.

F: Do these international air cases sometimes turn out to be as tricky as they look?

W: Yes. They do.

F: Do you have to keep in consideration the other countries involved, or can you pretty well settle it from a domestic viewpoint?

W: Each has its own problems. Some of them are simply bilateral--United States-Canada, for example. And there are always a whole host of ballgames going on in addition to landing rights in Toronto or Windsor or Montreal or Detroit. One of the pieces of, if you will, puffing that the President engaged in was in a Newsweek article about the staff. I think it was a cover story on Moyers. The President was bragging on all of the talented people that he had working for him, and probably saying it was the best aggregation ever put together. Well, discounting the hyperbole there, he used as an illustration

about what a hell of an able and perceptive and loyal and devoted and conscientious and incisive fellow I was--a memorandum on the United States-Canadian air problem, in which he said something like, "Here in a matter of four or five pages were all of the salient arguments, together with a recommendation but with no suggestion that if it didn't go this way that I was going to pick up my marbles and leave." I don't think the memo was quite all that good, but it did indicate that in the President's mind this was the type of staff work that he wanted. There are a whole host of people who make recommendations there, including the Budget Bureau which is now the Office of Management and Budget that had sort of a clearing process. They hear from all of the interested departments and agencies and then the problem goes to some guy on the White House staff.

I have a tendency to believe that the whole thing was abused in the sense that lobbyists for airlines used to make their way into the White House to argue as to why the President ought to modify or stand with the CAB.

F: By used to, do you mean used to 1965 or used to pre-Johnson?

W: Both. Before President Johnson and during President Johnson's time. I think I read recently where President Nixon has at least tried--I don't know if this is accurate or not, but the story that I read said that he has tried to keep all of the representations from the airlines industry outside of the White House, and that if there are international factors that ought to be taken into account, that he can get the best advice from the State Department and other government agencies. I don't know whether that is window dressing or whether it's true. I'm inclined to think it's more likely to be window dressing. The

airlines are fairly sophisticated operators; they've all grown up with regulations. And even though they're having hard times now--in fact, maybe even because they're having hard times now, they play a hard game, and they're pretty good political contributors probably on both sides of the aisle. I hope and believe that during the brief period I was handling that particular assignment that it was possible not to get all swept up as to which airline it was and whether it was a friendly fellow who had an open zipper on his pocketbook during campaign time or not.

Fortunately my life in the White House was basically a sheltered one. In almost every situation I got to start off approaching a problem on the basis of how should it be handled without regard to what was achievable politically and practically. And it was in that sort of happy halcyon way that I enjoyed life. I knew that adjustments and compromises and adaptions had to be made and we even would participate in them, but at least we didn't start off that way. We started off about as pure as the driven snow, trying to match solutions to problems and trying to be as creative and helpful and imaginative as we knew how in putting together a presidential program. Frequently that carried over in terms of the implementing and the policy implications that flowed from the various programs. If I were picking a piece of the action, that is the one I would have picked as being the most appealing to me personally and one where my own skills, whatever they are, would have been best put to use. So I was just as happy as a damned clam with that sort of an assignment.

And when it came to, for example, evaluating what turned out to be a monstrous damned thing--the Trans-Pacific Case, which is still

going--on, no, I guess we finished the Trans-Atlantic when I was there. The Trans-Pacific had just started and somebody else took over that big fat headache.

I think it worked out reasonably well. You never know about these things. In a later life when I was a regulator full-time, I began to ponder over how do you measure the success or failure of the period of the time as a regulator! It's pretty tough. The standards aren't quite the same as in some other arenas of activity.

F: Sitting in on the final disposition of the Trans-Atlantic Case and the initiation of Trans-Pacific, did politics play a big role in those decisions, or could you work this thing out pretty much economically and from a standpoint of service?

W: When you say politically, I think you had in mind domestic airline politics.

F: Yes.

W: So if I can change the definition to include international politics, country-to-country, there I think it was going on. I don't think we had quite, but I assumed later when we got to such things as the attitude of a various country on Vietnam, President Johnson probably pretty damned well had that in mind when he was deciding what kind of reaction he would have to a recommendation that some country like Sweden be given air rights in the United States. I pick that out only as illustrative. I don't know that that was ever a part of the equation. But in that sense there was of course the natural international political role, and I think that was the reason that the Civil Aeronautics Act vested these responsibilities in the President for review because he is responsible for implementing our nation's

foreign policy. It would have been a mistake to allow some independent mechanism to operate in a fashion that he would have regarded as detrimental to our international interests.

But the answer is, most of the time these were issues that divided people at the CAB. They were not always unanimous--in fact, frequently were divided. And the different government agencies had differing views, some of them even predictable. Somebody had to cut through and the power was the President's, and he used to rely on staff not totally and exclusively, and when I got reversed, what the hell, that's all right with me. I didn't mind being turned around. I figured my job was to do as good a job as I could in analyzing the problem, breaking it into understandable pieces. This may have been where this little digression began. The President had no problem following a complicated argument, and certainly had no problem in breaking difficult and intricate problems into their component pieces and understanding them.

F: Did the President have countries that he just did not trust?

W: I think the answer is yes, but if you follow that up and ask me which ones I wouldn't know. I would assume, as I said, on the case of Sweden, which at least--

F: But not to the point that he wouldn't negotiate?

W: It depends upon what we wanted. It would color his attitude and most of the time he had the impression that an awful lot of the countries were taking us for a buggy ride; and that our domestic people were not being fairly treated. For example, in Ireland, as I remember, they were just giving our carriers a hell of a tough time. Pan Am couldn't land even though the rights had been negotiated years before,

and this was extremely exasperating to everybody. But it just sort of wove its way into a mosaic and somehow or another these things had to be evolved and worked out, and for the most part they seemed to go reasonably well.

But the difficulty is the one that I alluded to earlier, and that is measuring how successful these things are. There are those who talk about the difficulties that the airline industry is in today, saying that maybe everything didn't go all right. To me it seemed like the process was functioning in a totally satisfactory fashion, but the results are the test, at least over some period of time. And that, I think, is legitimately open to question of whether we were operating in the right fashion. I don't come to the view that we were not simply because there are some results today--the airlines--many of them are on their back. Pan Am is in demanding or asking that it be given domestic rights, or at least the opportunity to merge with domestic lines. I remember some of those arguments being heard before, and they did not fall on sympathetic ears. Maybe they should have; I don't know.

F: All during 1965 you continued as the White House man on civil rights.

W: Yes, I think that's right, although you will remember my earlier caveat that with a problem of that character there is no one man who is it.

F: But you're the contact man when there's trouble.

W: Yes.

F: Tell me a little bit about your involvement with Watts.

W: That was an interesting story. It happened on a Saturday, as I remember--late Friday night. I got to the office and just about

that time a bright, brash young man by the name of Joseph A. Califano, Jr. came into the White House staff. I don't think anybody quite knew what Joe's role was to be. I had worked with him previously on the Selma march and some of the others, so that I knew him. Moyers had moved over to the press secretary's spot. It kind of looked like Califano might be a hotshot type, and I was strong in recommending, I don't think directly to the President but to the President through Moyers, "Califano's a hell of an able guy."

I don't think he had been there more than a couple of days when this thing broke. I was in my office on the second floor. He at that time was in the basement in an office newly remodeled probably for him. He took over the dispensary. I think hewas the first one in there. Subsequently Reedy occupied it, and then a couple of other guys--Cater for awhile.

Anyhow, Califano brought his things up to my office and we began sort of wheeling and dealing on the telephone. I was the first one to hear about it and I called Califano because it seemed to me clearly that something big was going on. There had already been a number of deaths, and they were unfortunately piling up. It looked to me like we were going to need military help. Joe of course had come from the Secretary of Defense's Office and we kind of in tandem. It was clear as we were talking--the President was in Texas; we were talking with the President--that Joe had an aggressive way about him. He was properly under those circumstances kind of a take-charge guy. And before I knew it Joe was kind of on the telephone with the President much more than I was, which didn't really disturb me very much at all.

We knew we had a very bad situation as it began to unfold. There was so much confusion, so little organization. And as you indicated at the outset, Governor Brown was not in the country. The Lieutenant Governor was having a little trouble figuring out what the hell to do. I've forgotten his name, Anderson?

F: I don't remember myself.

W: Finally the President did kind of get into it and began to make some decisions. One of the decisions was to get Leroy Collins, who was under secretary of commerce at the time but also either the head of, or about to become the head of, the Community Relations Service. Maybe he was head of the Community Relations Service and then he became under secretary. I think that's the way it went. The big problem was to find him. He was out either fishing or swimming some damned place in Florida. But when that White House switchboard gets rolling--they found him, and we got a Florida State Patrol to drag him out of wherever the hell he was and stick him in a car and go to a jet airport and a jet came by. I guess I flew up to LaGuardia and he flew up independently. We met there with Governor Brown.

I believe, in all candor, that this was a little of the famous Lyndon B. Johnson staging. Whatever little I had to tell, and it was really a summary of reports that had been obtained by the telephone--

F: What did you do--go into some kind of VIP room at LaGuardia?

W: Oh yes, with newsmen all around and stories being part of the news story of the Watts thing. And it was, as I say, a Johnsonian device to let it be known that the federal government was responding and doing a lot of things, even though if you took a line and drew it

underneath, you might have a little trouble finding where the substance was and where the fluff was. But at least we were doing more than anybody else at the moment.

Governor Brown, who seemed to soak up the information, decided that he'd be able to do a hell of a lot of things on his way back to California and get things organized, and I believe that he did. He was far more decisive--it may well be because enough time had rolled by--than the Lieutenant Governor--this was, after all, the first big one--and didn't know what the hell to do.

F: Did you work at all directly with Mayor Yorty?

W: We had some telephone contact with Mayor Yorty. I don't remember very much of it. He has never been one of my favorites anyhow. You know, he's a fellow former-Nebraskan. I really don't have a very high regard for him and his conduct in the 1960 campaign. I stuck him right at the bottom of one list and the top of another list, as far as I was concerned. But I think we did work with the city officials and some of the police. Parker, who was the chief of police, had a terrible reputation in terms of his relationships with the black community. I think he was, nevertheless, fairly efficient. Things kind of groped through.

Then I guess it was conversations that I and Califano had with the President that he decided that it made sense for Ramsey Clark, who was then I believe deputy attorney general, to head a team--and Roger Wilkins went out there, and a few others.

By the way, that Wilkins-Clark relationship which started there still persists to this very day, and is very damned close. There might have been a dozen other ways that they would have been thrown

together, but this is the one way where it did happen.

And Ramsey, I think, did a fine job out there.

F: There wasn't much you could do in Washington except to just receive and disseminate?

W: Not much, although I believe we did get the troops rolling--the federal troops to assist. That wasn't too difficult in the light of the way these deaths were mounting. Ultimately I think there were twenty-three that were killed.

F: Do you think the President had any intuition that this was a start of a phase?

W: Yes, I think so. I think that was a fair assumption on his part.

F: Did you take any defensive measures in the days ahead to try to prevent other outbreaks, other than just trying to get better legislation?

W: There were efforts made on the whole spectrum of functions, certainly to try to get this Community Relations Service functioning not only to solve problems or to help solve problems, but also as an intelligence mechanism network--and to work with the military in establishing procedures and techniques for responding. This was the treatment of the symptoms rather than the treatment of the basic problems. But on the basic problems, too, there was a quickened interest in that. I think the President looked pretty good, in my recollections--a little dim now in terms of not taking an absolutely vindictive attitude, but trying to truly understand what in the world this was all about and why and how do you go about adopting practices and programs without ever wanting to, or intending to, or appearing to condone violence and death and destruction. I think it gave rise to a number of specific programs. And, of course, as you

know, the President is very skillful at using events, some of which are totally unrelated, to achieving, for example, a legislative goal.

The Selma march and the problems that were associated with that, for example, I think very clearly made it possible to pass the Voting Rights Act of 1965. That may well prove to be one of the most significant pieces of civil rights legislation ever put on the books.

I don't quite remember right now what it was that Watts was used to accomplish, but the President was extraordinarily adroit, and it was in my view one of the techniques that he used for achieving the tremendous legislative record that he did. He had, I like to call it, a shooting gallery approach. He always kept a primary target right in front of him. And if six civil rights leaders came to talk to him about Selma, if they happened to come in to talk to him at a time when within two weeks there was going to be a vote on an education bill, everyone of them would leave with an assignment to call at least fifteen congressmen and explain to them that if they ever wanted to see the black people in the country come into their own "they've got to get that goddamned education bill enacted." Frequently these guys would walk out the door and they'd practically run to their assignment, almost forgetting what they came in for, because the President had skillfully, not in any invidious or venal way but very skillfully and adroitly, told them that if they wanted to do something, here's what they could do because he's got a problem. He's not unsympathetic to theirs, but he has got to do what he can do, and one of the things he can do is get that education

bill enacted. They'd run out and they'd call their damned congressmen and tell them that the most important thing in their world was for them to vote right on that education bill.

That's an easy one, but just about anyone else who would walk into his office on just about any other subject during that time when he had his eye on that one prime objective right in front of him in great big bold relief is how every effort is turned to that.

F: Did he ever express himself on Selma as to whether this was a healthy manifestation of kind of an upward bound people, or whether this was communist oriented?

W: Like all the rest of us, I think he had some problem of sorting out the motives. For example, it was at least fairly common gossip that if you knew a little bit about the budget cycle for the Southern Christian Leadership Conference you could tell when there was going to be something happening. Men's motives get terribly intertwined and complicated and inextricably bound together. I don't think that you can really indulge yourself too much in the luxury of trying to sort the damned things out and figure out what was dominant. It was important enough that when that kind of confrontation arose between King and Leroy Collins, on the one hand, and Governor Wallace's people on the other that the federal government really had no choice. It had to act. I think in the privacy of his own thoughts, and maybe even in his own office, the President would have a few salty things to say about various players on this great national stage.

F: Did you ever work directly with Dr. King?

W: Oh, yes.

F: Was he a man that you could work with man-to-man?

W: I thought so, although he had a little bit of the leadership problem that he wasn't sure that I was important enough and he had to talk to the President directly. But that wasn't a serious problem. I just mention that as one of the types of problems. But I sat in a number of meetings with the President with King alone, or with Mrs. King or with Abernathy, or Mrs. Johnson.

I think there was a pretty good relationship that existed between President Johnson and King. King was always a little astonished, as so many of us were, that Johnson, whose accent and whose whole background and everything else was so unlikely, was doing so damned much. But when it came to the results department, he was awfully good--awfully strong, and, in my view, very successful.

I don't know what the history book is going to say thirty years from now, but after sort of dumping all over the President because of Vietnam, I have a hunch that they'll say that at least it was during the Kennedy-Johnson--and I think they'll be melded together --the Kennedy-Johnson Administration was the one that at long last faced up to, whether it was because circumstances just made it inevitable or whether it was because our own attitudes made it possible and hospitable for the movement to surge forward, but at least this is when we, a couple of hundred years late, began to solve a problem we should have solved a hell of a long time ago.

F: Let's shift. How did you get with the Federal Power Commission?

W: As you will remember, I told you that in the beginning of 1965 I was going to leave. President Johnson said if I stuck around for a year he'd do great things for me. Well, the year went, and like

he said, "he done great things for me." I told him, "Remember, that year is about up, and I think I ought to be shoving off."

He said, "Well, I did tell you that. Is Harry all ready?"

"Yes, Harry's awful fine and awful ready. In fact, you won't miss me any longer than the hole will last when you take your hand out of a bucket of water."

The chairman's term of the Federal Power Commission expired in June. Johnson asked him to stay on while he was trying to find a successor. This was a very difficult spot for the President to fill because of his Texas background. And Joe Swidler, who was the chairman, was himself a tough, proud kind of an hombre.

In my view he would have been willing to remain as chairman if Johnson had asked him. He was, also, however, fearful that Johnson would not ask him. So rather than run the risk and let his term go through June, he told me as the closest personal friend he had on the White House staff--he should have been; he was my first boss when I left law school--in May that he did not want to be reappointed, which I dutifully reported to the President and John Macy.

So the search began to find somebody. It was kind of tough, and the President asked him to stay on. He was due to leave about the tenth of November or something like that, or the fifteenth, and lo and behold we had that big goddamned blackout up in the Northeast on November 9, 1965. So he asked him if he'd stay on just a little bit further until that thing could kind of be taken care of. He did. Then all of a sudden he was gone.

I had been sounded out about that job by Moyers and by Macy and I told both of them, "No." I had just about decided to join a law

firm. In fact, I had about decided which one I would join. Somewhere around January 1, 2, 3, the President called me down to his office, and gave me the old pitch about taking over the FPC job.

Lyndon Johnson was at his very best, in my view, unabashed, straightforward, persuasive as hell, taking every single positive point that occurred to him and fondling it and treating it, you know, running it past you. As far as he was concerned, there wasn't a single negative involved. Hell, those never got mentioned--certainly not by him.

F: Do you get the feeling he enjoys this selling job?

W: Oh, yes.

F: I've watched him do that a few times.

W: He's a master at it. He's a master at it on any one-to-one situation. Add to it the mantle of the presidency, and then stick the Goddamned thing inside the Oval Room, and then besides he's such a giant and I'm such a midget. Christ, it's unfair.

F: It's a mismatch from the beginning.

W: It's a mismatch from the beginning. But I'd kind of steeled myself. I knew I was not going to tell him "yes" on that. But this--as far as I know, hardly anybody knows this--but he said, "You don't have to promise to stay the full term. It is a tough one for me. You would be doing me a favor."

I said to him, "Mr. President, I can't tell you 'no' now. Obviously, as you can tell from what I've said, I've thought about this and I've concluded up to now the answer ought to be 'no'. In fairness to you, I will certainly give it a very fair and careful evaluation. I'll discuss it with my wife, and I'll let you know

within a week."

I walked out of the office, and he called in Marvin Watson. He said: "Tell Macy to get some more goddamned names. That son-of-a-bitch isn't going to take it." Which made me feel good because I think I had it either way: that it was a free choice; that he had made it just as flat and asked me. And I always believed that if I could get onto one of those jobs it would be a fine job. But I never wanted to get onto one and be somebody else's man. So I knew that at least if I went there, it was exactly the right way to go. It was without anybody in the industry ever having smoothed my way. They couldn't even in good conscience tell me that they had, because just in the light of that unusual and personal way in which that particular job was offered, it added to its attractiveness.

My wife and I did go through a very difficult period. I was topsy-turvy--six of one and half-a-dozen of the other. And I'd just about said "no" a time or two--there's no suspense in the story because you know I decided to take it.

F: Did you know in that period about what he'd said to Marvin?

W: Yes, which was fine. That's exactly the way I wanted it. I didn't want him to believe that he'd snowed me, because I really thought my answer was going to be 'no'.

F: What decided you to take it?

W: About a year later--maybe it was less than a year later--I was being somewhat reflective about the job and kind of went over the checklist of the advantages and disadvantages. I have to say that in that little period when my wife and I were batting this thing around there weren't very many points that I had thought about where

we were wrong. I knew I was going to be unhappy getting off into an obscure remote area of the world, after having had a diet of the front pages of the press. I knew too that, if you go fairly deep into it, I don't think I ever succumbed to Johnson's pitch that, you know, "If you just go to the Federal Power Commission and be chairman of it, your whole fortune is absolutely made. You won't be able to handle all the business that will come your way." That never really occurred to me, and I think our subsequent experience demonstrates that that was just a little Johnsonian salesmanship. But he was a master at it and doing it, again, I believed, for the right reasons. He just never bothered me.

The fact of the matter is there were an awful lot of questions in minds of many people as to whether he was pushing levers and making suggestions, but he never did. He never did. The fact of the matter, he sort of treated me a little bit like I had leprosy, because I think he was fearful that it would appear, even if he weren't, that he would get the worst of all worlds--he would be accused of it without having the benefits of pushing me around.

F: Did you get the feeling that because he was from particularly an oil producing state that perhaps he almost bent over backwards to keep hands off? Did he appear sensitive on this?

W: Yes, right, that was the point I was getting at. I don't know if he had anything to do with Johnny Crooker over at the CAB other than to call Johnny up and say, "For Christ's sake, you always give me all these crummy things. Why don't you ask me before you send them over here and I'll tell you what I want?" I don't know whether that happened or not. There's no reason to believe that it did. But I

do know that I was left alone in splendid isolation. Not only that, I was treated very well by him. It may be a matter of interest to you that five years ago today I was sworn in, by the President making a beautiful statement in the East Room in front of all of my friends and relatives. That's pretty heady stuff for a kid from Nebraska.

F: It's the sort of thing that you hope they will all remember as well as you do.

W: Yes.

F: Okay. Now, you ran into immediately one of the problems, and that is--you're more conscious of it maybe than someone coming from the outside and we've got to put ourselves back to 1966 because this has grown in the meanwhile until it's second nature with us--but that is the problem of pollution, which the Federal Power Commission has to concern itself with.

W: Yes, it sure does. The first big case at the commission involved a dispute between some of the giant utilities in this country. There were competing applications to serve the very rich Southern California gas markets. One proposal was called Gulf Pacific. It was made up of Humble, Tennessee Gas, who was going to transport that gas that Humble owned, and Humble was going to sell to Southern California Edison and the Los Angeles Department of Water and Power. Humble, which is one of the two or three largest petroleum companies; Tennessee, which was at that time the largest pipeline; Southern California Edison, which is about the third largest privately owned utility; and Los Angeles, which is easily the largest municipally owned system were all on one side of this damned thing.

On the other side was El Paso [Natural Gas], which was probably

the second largest pipeline at the time; and Pacific Lighting and Gas, which is the largest gas distribution company in the country. One side had one proposal and the other had another comparative or competitive proposal before the Federal Power Commission.

The allegation on the part of the Gulf Pacific crowd was that as a result of the movement on the part of the County of Los Angeles to impose pollutant limitations, they had to have all this gas directly from the fields in Texas transported out by a first-rate pipeline that Gulf Pacific set up as a subsidiary of Tennessee, and that Southern California Edison would own that gas as soon as it bought it in place and it was just a transportation deal.

The other was a more conventional pipeline application where a pipeline said it could buy all the gas it needed; it would transport it out there; and it would sell it to the distribution company who would be delighted to sell some of it to California Edison if it needed, and to Los Angeles and to its own customers.

In July of 1966--and I got there on March 2, I was sworn in on March 2, which was a Friday. March 13, I believe, oral argument had been scheduled. The hearing examiner had made a recommendation, and then because it was the commission's practice on a major case to have oral argument by the parties who appealed from the examiner's decision, the question was whether to postpone that.

I walked into the office of a guy who analyzed these cases and looked at the transcript--thirty-thousand goddamned pages. It covered the whole table. And that was just the transcript. The briefs and the exhibits covered another table.

F: A lifetime of reading.

W: A lifetime. This case had dragged on. And the first decision that I had to face was whether or not to postpone the oral argument. And knowing a little bit about my own propensities, decided, "There is no point in putting this thing off. Let's just mush on through with it."

And in July we came out with a decision--a split decision, four-to-one, which made me feel not too bad.

What pained me, and I guess that's what made me think about this whole fascinating first chapter, was the--don't forget now, this was 1966, and the big issue raised by the Gulf Pacific crowd was air pollution. We, the majority--and I wrote the opinion--in other words, the opinion had my name on it. I didn't draft it all but at least supervised it or had some extra responsibility because it did have my name. We did not choose to certificate the Gulf Pacific proposal, the one that rested in part on an air pollution argument. In that opinion--it was a hell of a lengthy one--we took apart the air pollution issue. I think the analysis was fine. I can't tell you how nervous I was. This was the first big decision. And even back then, it didn't take a genius to figure out that, boy, that's a tough thing to go against. Obviously, we believed in our own minds and hearts that the issue was not properly based on air pollution because there were alternatives that were equally attractive. But I even got so damned nervous I remember telling the other members of the commission that we ought to do something; we ought to demonstrate our concern for it even as we're rejecting the Gulf Pacific proposal--like, for example, setting up an air pollution unit within the Federal Power Commission. At that time there wasn't

anybody. One of our members, Charlie Ross, had already proposed that we create a division. The others said, "No, this is the wrong time, it'll look defensive. I thought you were supposed to be so goddamned courageous. Just forget about it!" So I tried to swallow my concern and panic and everything worked out just fine and dandy. I believed then and I believe now that the decision we made was the right one. It was my first foray into it.

I remember being at a convention of gas people, and some guy came up to me and I didn't know who he was. He said, "Boy, that was a beautifully written opinion, clear, lengthy, but just right, right on the target, and handled each of the issues nicely in an orderly and logical fashion. Boy, this guy must be a genius."

He walked away and I said, "Who is that guy?"

"Don't you recognize him? He's the president of Pacific Lighting." He thought I'd really reached a fine decision, and had written it beautifully.

F: In 1967 President Johnson in his State of the Union Message called for greater pipeline safety. Did he call on you to help him with this?

W: No, the other way around. Joe Califano sent out memos all around the government saying, "What have you got, especially in the consumer field?" I came up with both pipeline safety and the electric reliability and stuck it in there, and it worked out just fine again.

F: You were implemented about three days after the State of the Union Message by having a suburban pipeline in Jamaica blow up, one in New York destroying and damaging seventeen homes.

W: Yes, that's right.

F: Does the FPC in a case like this behave like the CAB in a crash? Do you get in there and see what happens?

W: No, because that was a distribution system, and the jurisdiction is by a state regulatory body. In fact, the then chairman of the New York Public Service Commission, a guy by the name of Jim Lundine --I called him partly because I wanted to know what was going on, and partly to offer help, and partly to be able to respond to any questions I had about what had happened.

He said, "Oh, those stories were exaggerated. There weren't any seventeen homes destroyed, only nine."

I said, "Jim for God's sake, if you have any sense I don't think you'd ever say only nine were destroyed. You'd better plan a different handle to that particular problem."

If you remember the circumstances, it was just absolutely fortuitous. A couple of cops happened to be cruising by and saw a manhole explode or something, and just really it was almost miraculous. They sensed instantly what had happened and not only had they sensed it, but they did something about it. They went around and they roused people. Otherwise, there would have been a dozen people killed, at least.

F: About this same time Ralph Nader indicated he was going to look into pipeline safety, and as far as I can tell he never followed through. Do you have any idea what happened to that?

W: I don't know. I think part of it was because the Congress acted. You know, Ralph Nader had become a pretty important force in that period of time. I think the first dramatic thing was the Federal Trade Commission report by a bunch of students. I am told by some

who have gone into it in greater detail that the students had an awful lot of legitimate stuff, but they also found a bunch of inconsequential material and also found a bunch of distortion.

F: They just loaded the package.

W: Yes. They'd sort of corrupted and destroyed a bit of their credibility. But the basic thrust was so strong and powerful that it made a tremendous impact, and those of us who knew Rand Dixon weren't surprised. Rand's kind of a nice, good hearted, elephantine character, and he wasn't really too skillful at handling this kind of a problem, and he made the damned thing considerably worse by his actions and response.

Anyhow, being somewhat political, public relations conscious--and also wanting to do a good job--I called in my executive director and said, "I read this damned report and I don't have any idea whether this stuff is true, but it's sure a great checklist. Why don't we here, before somebody else comes and tears us apart, why don't we tear ourselves apart with a little introspection!"

I had a fine executive director, a tough hombre, and he said, "Great." So he called in all of these guys, the heads of the various offices and bureaus, and said: "Take this report and come back and tell me where are we deficient."

So the guys all sent him a memo in about two days, saying, "Not us, boss, everything's fine and dandy."

And he really got mad. He said, "I don't think you guys understood. I just can't believe it. Now, if you won't do it, I'll be glad to go and look in your own place. It's probably my own job anyhow."

So then they got the impression we were kind of serious about it.

We did find not so much that anybody thought we ought to resign or that we had to fire anybody, but there were some shortcomings and some deficiencies. I regarded that as a standard management tool to use.

Then the rumor hit me through one of the trade press reporters that Ralph Nader was going to look at the Federal Power Commission. I said, "Oh, Joe, listen, do me a favor. Go tell him that I hope he comes right away, because I know how useful it can be just to prepare for somebody." I remember those dirty bastards when I was in OCS having one o'clock inspection on Saturday, and I'd get all ready for them and they wouldn't inspect. But I thought about it and--

F: You'd be cleaner than you would sometimes.

W: So "I don't care whether he comes or not; we're going to pretend like he's coming." I sort of suspected too that word went back that way, that if he would be welcome, we weren't going to be nearly as attractive an agency to come visit as one that would fuss with him and give him an extra story because of the lack of cooperation. Besides I think the damned thing is right.

I had a little trouble with some of our people when Ralph Nader did send a guy in to check on a certain point. If the guy asked for something, they'd go out and produce it. I said, "Well, for God's sake, we want to be cooperative, but we've got to use a little common sense. If it's going to cost umpteen thousand of our dollars to prepare something for him, I want to know what it is, because maybe it's not worth it. And I'd just as soon tell him we don't have it rather than just because some outside group with a pointed tongue

has come to look us over that we've got to take every request as though it were handed down from Mt. Sinai."

But I think Nader, and I know him well enough--we're not intimates, but well enough--felt that there were other people that he'd rather get after and he was at that time limited. I don't know how good a job we did, but I had an impression that if we made mistakes it was mistakes of substance--

F: In your opinion could the pipeline people have withstood a thorough investigation?

W: You mean the pipeline industry?

F: Yes. On safety?

W: No. Because in the hearings that Senator Hartke conducted there were some dissident union people who came in with terrible stories, for example, about St. Louis--the Laclede Pipeline Company. I don't know whether they were hoked up or not, but they were just unbelievable.

In part the difficulty was the industry--you've got to be careful how you talk about it--the industry that was most concerned was the interstate pipeline. And where the problems rested in large measure were in the local distribution companies, especially in the Eastern Seaboard, where their plants are very old. They were put in, for example, in Philadelphia when they were using man-made gas eighty years ago--seventy years ago. While they operated at lower pressures and the problems are different than interstate, but it was clear to us that there had to be some type of improved federal or state regulations. And in telling the people in the White House--I didn't tell President Johnson personally but to Califano and Larry Levinson, who worked with him--I said, "This is a legitimate problem. But

more importantly, you just know damned well there are going to be some explosions, and you fellows will look an awful lot better if the President has asked for something, you can always blame the damned Congress." You've already put your finger on it. They accused me of having gone out and blown up that thing in Long Island just to make my own prediction look good. It did come much faster than I would have expected, but it fit exactly what I remember telling those guys.

F: It was a punctuation mark to the sentence that had just been uttered really.

W: It was.

F: Exclamation!

W: Exclamation. I don't know whether President Johnson fully got this, but I think one time he did sort of twit me as though I had put that up, but he knew I didn't and probably figured I was a Goddamned genius for having picked that thing out and saved him from having to scurry around.

F: You, or at least the FPC, released the details of a new process of improved pipeline design using computers in 1968.

W: Yes, sir.

F: Now, hopefully it would save consumers millions. Has it lived up to expectations?

W: That's an interesting way to phrase that. I don't think it's lived up to its expectations in saving millions but for a simple reason. There just hasn't been that much pipeline construction out in the Gulf. And the system of network analysis, as put together by a team of whiz kids--mathematicians, for the most part, from big prestige

schools--has withstood the test. It is now being used by pipeline companies who are designing their own systems and will be used by the Federal Power Commission to evaluate the various design proposals that are submitted for approval.

On the question of how much money would be saved, I think you'll find that there was a little goof-up there. Senator Kennedy's staff heard about this process through the same way we had, anyway--at a cocktail party--and they got all excited about the potential saving. And at a meeting held at the Power Commission representative of Senator Kennedy's came down with a press release all worked out in which he congratulated the commission for its initiative and foresight and claimed that it was going to save hundreds of millions of dollars. I told the guy he was out of his damned mind. Nobody was able to make that kind of prediction. By this time the release was already ready and had even distributed to a few people, so they let it go. But conceptually it has lived up to its promise.

There was another little period where I was somewhat nervous. I remember going down to a meeting of the Pipeline Association. I wasn't scheduled to be on the program, but this thing had broken in late summer. They were meeting in September, and I wanted to tell them about it. I remember just as clear as a bell a guy from one of the pipeline trade magazines saying to me--and it was somewhat gleefully--he said: "Old buddy, you've finally stuck your foot right smack in it. You come down here to tell these people all about the use of computers as though you've just discovered something. We've been using computers in pipeline design for ten years."

I said, "Yes, but in a different way. You've been using computers

to check a design made by a man. The way these guys have done it, they have taken the parameters of the problem, stuck it onto the machine, pushed a button and said, 'Oh, wonderful computer, give us the ideal design.' And then the thing whirs and spins and grunts and snorts and out comes a design. Now that design is supposed to be the optimum, not just one that a guy on the basis of experience has put together. And that itself is capable of being checked the way you've been checking those others for ten years. But you don't have a machine that you can push and say now give me the best design."

He said, "You don't know what you're talking about."

I began to get worried, maybe I didn't know what I was talking about. Even though I've oversimplified it, that's the way I understood the whole damned thing, and it turns out that that is exactly right. The old, grizzled, gnarled, design engineers who've been doing this for fifteen and twenty years for a living pooh-poohed it until they came and they talked to these kids. And there's nothing more demoralizing than a bunch of real experts, guys who've made a living at it including Federal Power Commission staff, sitting there and seeing about ten snot-nosed kids, most of them with scrawny beards, who three months before never even knew what a pipeline was, and just because they have these conceptual arrangements and are able to use mathematics and formulas and the like, my God, you ought to see what they could do to a blackboard with sigmas and gammas and arrows and every other damned thing. The first thing you know they have made believers out of these old fellows who've been doing it out of their heads for years and just knew intuitively what ought to be done. Well, their intuition sometimes

was right, but most of the time it was not the optimum arrangement.

There was a very interesting byplay. I wanted then-Governor Daniel, who was head of the OEP and who put the team together to help them, to--we didn't want to hog all the credit for this great accomplishment. He didn't think it was so great though, and his people told him, "You'd better treat it like it had a little leprosy in it." So I couldn't even get him over there, and it became an FPC undertaking. I was just pleased and proud and went around telling everybody who'd listen about what a great thing we had done by sticking these kids on a problem. And it's a happy story.

F: Shortly after he was elected Nixon came out with a letter in which he told the securities industry that there was going to be an end to the heavy-handed regulation of industry.

W: Not after he was elected, before he was elected.

F: You answered after he was elected. You answered in November. How come you to be the man who answered, and what kind of reaction did you get from that?

W: I don't think that's right. I don't remember having--

F: You made the statement--it was good enough to make the Times--that you foresaw little possibility of change in government regulation.

W: Oh, I see. I know what you mean. Well, that's because Eileen Shanahan from the New York Times, who covers that sort of stuff, thinks of Nixon as pretty bad. She's an old buddy of mine, so she called me, I suppose, to say, "What the hell is this all about," and I think I explained to her that during the campaign an awful lot of people say an awful lot of things, and they use the candidate's name rather carefully or uncarefully or promiscuously or casually.

But here it was terribly difficult to know. First of all, presidents are always different from candidates; and, secondly, the people that they appoint turn out to be different than they thought they were going to be. There might be some movement in that direction, but by and large I didn't foresee a great trend. And it kind of worked that way. It's a basic problem of government; the system does kind of grab you a little bit and you can steer it somewhat and do things, but it's pretty strong in its own right.

And another reason that I think I said that is because I believe I heard from Manny Cohen, he was then the chairman of the SEC, that he was advised by somebody from the Nixon campaign crowd that he shouldn't really pay too much attention to that.

F: Why did you resign?

W: A number of reasons, not the least of which was that there had been a history at the Federal Power Commission of awkwardness. When President Kennedy came in he appointed Joe Swidler from Tennessee to a vacancy and said he was going to designate him chairman. The guy who was then chairman, Jerry Kuykendall, appointed by President Eisenhower, said, "My lawyers tell me it's not all that damned clear that the President gets to designate the chairman of the FPC. Everything operates by statute and the way the reorganization plan set this up, I don't think you've got the right, Mr. President."

Well, the first thing that happened is that everybody tried to get under the table. The President wanted to know who the hell was giving him all this good, goddamned advice about appointing guys when he didn't even have the authority. The Assistant Attorney General in charge of the Office of Legal Counsel, a guy by the name

of Katzenbach, looked at it and came up and said, "Well, look, we think the Supreme Court will probably confirm you, but you're going to have trouble in the lower court."

Swidler, who's a prima donna, a very able guy--boy, he's just perfect, he's a guy to come in and turn that agency around--wanted to be chairman. He didn't want to not be chairman. He didn't want to wait. The battle lines were drawn. We were even talking about how we could get the GSA to move the old chairman out in the dark of night, and we had visions of Sewell Avery being carried out on a chair. And at the last minute the senator from Ooze, the guy with the oil can, Senator Dirksen, came in and smoothed it all out. He worked out a deal whereby Chairman Kuykendall would resign from the commission after three months, and that satisfied everybody. Swidler went on as a member. Three months later Kuykendall left and he assumed the chairmanship.

I believed back in 1961, and I had to believe in 1969, that the President really ought to have the right to designate. Just because it was unclear I don't think I ought to stand on that, especially since I participated in the other side of that.

Then I went to a couple of meetings that I thought were legitimate for me to go to. I was on the Oil Import Task Force as an observer, and I thought it was appropriate for the chairman of the Federal Power Commission to be there. But I wasn't very goddamned comfortable when I was there. Here were a bunch of Nixon appointees talking about matters, as they should, on a political basis, and I didn't want to inhibit them. By the same token I was scared to death if anything leaked out of there they would figure I was the only logical weak

link--and besides I didn't like the way they were going, although they wound up in the right place in my view. But it just made it clear to me that that's the reason the President ought to have his own damned chairman. I could have stayed as a member and let him designate some other member, but this way I felt I would at least give him--he wouldn't be limited to the members who were on that commission. He'd have a wider range. Besides, I thought it was time to leave. My three and a half year period had about come to an end.

F: Was there any essential difference in the commission under President Nixon and what it had been under the latter days of Johnson?

W: Yes. I must say, I wouldn't give President Johnson great marks for his appointments. Obviously, I figured he did a great job when he appointed me but since nobody can comment on himself--. There were a couple of things that I suggested that he did do, so I think those were fine. There were a couple that I suggested that he do that he didn't do, and I don't know why. I in my own mind speculated that they had to do with the Chief Justice fight with Abe Fortas when he was throwing every damned piece of blue chip he had on the table and some of the whites and the reds and a couple of the FPC spots thrown out on the table. Of course, the President lost the damned game anyhow. I don't know--this is sheer speculation--I don't know whether or not he did that that way, but I have reason to believe that. It's reasonable

That goes to the whole basic question of appointment to these regulatory bodies, and I think by and large the President tried to be pretty good about it. He didn't always succeed in my view, and he sometimes had to succumb to pressures, especially from Dirksen,

who was a very hard bargainer, and I have a hunch he stole Johnson's pants a few times. And a few times it went the other way.

We're going to hear more about this now because of the Ashe Council recommendations that we do away with these commissions, and we'll have some sharp discussions.

F: Did you get the feeling that in the past, as has been charged, at least in the so-called liberal press which I don't quite agree is a good designation, that the FPC has been a captive of the power companies.

W: It's said about both the power companies and the gas industry--I wouldn't want to leave them out. Now, there is a terribly strong tug in that direction, and it goes back to what I said to you earlier, and that is, how do you measure your success. You see, by and large, if rates are kept low but all the companies are going bankrupt, I don't think you're doing a good job. Or, if they're all making a hell of a lot of money and their earnings couldn't be better, is that a good job! It's hard, therefore, to come to objective standards by which you measure. One of the best is the health and the strength of the industry. So, the guys who are spending their full time worrying about these problems tend to begin to look at them through somewhat similar eyes and objectives, as do the people in the industry. Then too there's the more basic pandering to a guy's personal need to be liked and revered and respected and loved and sort of held up on a pedestal. These guys are personable, these guys are big business. Hell, they can afford to have a whole bunch of glamor to glad-hand and to make life happy and pleasant. They aren't all a bunch of crooks and even those who do it that way, I don't think there's

anything evil in it necessarily. But viewed from the standpoint of the guy who is in the regulator's role, he'd be well advised to treat them as though there are great suspicions, great suspect, and go very, very carefully on the amount of exposure he has to them.

When I was in the White House I worked together with John Macy on a code of ethics. The President was nervous as hell about putting it out. He was scared to dredge up all the Bobby Baker stuff, and he'd say, "Christ, they'll say, me of all people to be telling these other guys how to do this." But we stuck with it and persevered, and by God he--

[End of Tape 1 of 1 and Interview III]

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Lee C. White
Donor

March 29, 1979
Date

acting James E. O'Neill
Archivist of the United States

July 16, 1979
Date