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LAWRENCE E. (LARRY) LEVINSON ORAL HISTORY, INTERVIEW II
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LAWRENCE E. LEVINSON

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INTERVIEW II

DATE: March 18, 1969

INTERVIEWEE: LAWRENCE E. LEVINSON

INTERVIEWER: Paige E. Mulhollan

PLACE: Mr. Levinson's office, New York City

Tape 1 of 1

M: I think most of the things about the staff we talked about on the first tape, but one thing we didn't mention was whether or not the staff engaged in any political activity as opposed to issue-oriented activity.

L: When you say political activity, do you mean actually engaging in a campaign or going up to the Congress and trying to get legislation passed?

M: I suppose both, taken in order perhaps. Any of the party politics type activities?

L: Our responsibility was largely in the area of substantive preparation of the program. From time to time, we engaged in trying to educate people in Congress about the various aspects of the program. But the day-to-day contacts on the Hill in terms of moving the programs along were done by our legislative staff, that is, Barefoot Sanders. When I first came to the White House, Larry O'Brien was generally in charge of both the Senate and the House operations, with Mike Manatos doing the Senate operations with Henry Wilson, and David Bunn and Chuck Roche doing the House. Then when Henry Wilson left to become president of the Chicago Board of Trade, Barefoot Sanders came in and did basically what Henry had done for the House. Then when Larry O'Brien left, Barefoot kind of got to be in charge of really the whole operation, but Mike Manatos who

had been there for so long, through two administrations as the Senate contact, sort of operated the Senate within his own sphere. So I guess we looked to Barefoot both to the House and the Senate, but we also looked at Mike to the Senate, and the line of jurisdiction between the two once Larry left wasn't very clear.

M: No one really replaced Larry in exactly the same sense?

L: Yes, although I do believe the President looked to Barefoot, not only for the taking care of the House but also the whole legislative operation. What Barefoot did--and I know you will get it firsthand from him, of course--was to prepare items like the agenda for the leadership meeting which we used to hold on Tuesdays or every other Tuesday, where we met with the leaders of the Senate and the House to discuss the progress of the legislative program. Barefoot would be in charge of the agenda for that meeting which was a critical piece of paper in terms of the progress of the various legislative items and those things which we felt the President would want to emphasize and bring to the attention of Mansfield and Long at the time, or McCormack or Carl Albert or Hale Boggs at the time.

So that as far as politicking on the Hill was concerned, we were available to answer substantive questions. I remember particularly in connection with the Department of Transportation legislation when I went up to visit with Chairman [Chet] Holifield of the Government Operations Committee who was in charge of guiding the transportation bill through the House. At that time the bill was under great siege from the maritime interests who did not want to have the Maritime Administration included within the Department of Transportation. [They] had sent telegrams to every congressman signed by George Meany saying that the inclusion of the Maritime Administration in the

Transportation Department would be a death blow to the organized labor in this country and would compromise its independence and that labor was against such an inclusion. With the might and power of labor lobbying against that inclusion, the House yielded, although I recall that Chairman Holifield was very exercised about the telegrams and vowed to fight this as a matter of principle, saying that he had been elected for over two decades and was not afraid of a labor movement even though he thought they were out to get him.

M: Holifield's record was not in any trouble with labor, though, overall.

L: That's right. Holifield had tremendous pride in his leadership ability and in his desire to set up the Transportation Department in a rational way that it did make every bit of sense to include Maritime within Transportation just as we had included rails, highways, aviation, and mass transit at the time. Mass transit actually was later transferred from HUD to Transportation, and not to include Maritime. It seemed that if we wanted to rationalize the transportation system in this country, then all of its components had to fit in, and it was absurd not to have the Maritime Administration within the Transportation Department but acting still within the Commerce Department. So I do remember in the height of the fight that Charlie Zwick, then the assistant director of the budget, and I had spent time with Chairman Holifield in preparing his positions to defend the inclusion of the Maritime Administration in the Transportation Department. That kind of politicking on the Hill we did when it was obviously in connection with one of the President's programs. I don't know whether--

(Interruption)

Also, since we are discussing the subject of politicking, it may be of interest at some future time to dwell for a minute on the kind of organization that we were beginning to assemble in the White House some time after January of 1968 with respect to the eventuality or the possibility that the President would run for re-election. At that time and before March 31 when the President announced that he had decided that he was not going to run, I imagine, and to preserve the option if he decided to change his mind and run, in February or March--I guess it was probably early February--we began to assemble the record of the Lyndon Johnson Administration for the purpose of presenting that record as a record of the Democratic Party to the American people. Now at that point I assumed that there were a couple of reasons for doing this. One was that if the President in some way decided that he was going to run, there would be a source of information or an information bank for him to rely on in the event that he would go on campaign swings and so forth. But if the President decided he wasn't going to run, obviously the Democrats would have to put up a candidate and the candidate would have to be running on the record of the last four years as well as the Kennedy Administration. So it became important at that time even though we were in the process of getting ready for another legislative year also to begin to assemble facts and data on the domestic accomplishments of President Johnson. We then set up a small task force--

M: Of White House people?

L: --of White House people. We did bring over from the Transportation Department John Robson who was in charge of the effort of collecting material from the agencies and from the Bureau of the Budget so that we could list in the major areas of domestic concerns,

such as health, education, or cities, or farming, and the like, in very simple form just what the problem was when the President took office in 1963, what the response was to that problem, what the Republican record was in voting against or trying to nullify some of the Great Society legislation. [We were also interested in] showing what the future problems in the field were likely to be and that the Democrats were attuned to the problem and with the facts and figures of how much money was going into the programs, how many people were reached in the areas that the program touched, that we would have assembled a good information bank of material which speech writers could use in terms of preparing whistle-stop speeches or what have you. The whole effort was designed to be compressed into a couple of notebooks which would really be a sort of informational bible for a political campaign one way or the other.

I must say that on March 31, 1968, I was in the Virgin Islands because we had already sent up that legislative program for the year and I had gone down there for a week of rest. We were getting ready to gin up again for the next year's program when we tuned into the President's speech and were stunned and surprised to hear that announcement that he wasn't going to run, which is something I'm sure that he did not let many people onto until the very end.

M: Had he ordered any of this? Or was this on somebody else's initiatives?

L: I think Marvin Watson was running it at that time and was in charge of various phases of an operation which was very inchoate in its stage; in other words, it gave you the option to either expand it or to cut it back depending upon the President's decision. I think the record ought to be clear that at no time had we ever known in fact that the President was

going to run just as we did not that he was not going to run. But this was done to keep his options open. In the event that he decided to run, there would be material available for use in a campaign.

M: What happened then to it after March 31?

L: Well, I was going to relate further the story that in Joe Califano's office on March 31 the two people who were working around the clock literally to put this material together John Robson--and I hope that when somebody interviews him, they raise this point--and Jim Gaither of our staff, were both in there working to meet the deadline of getting this book together. At that time they had turned on the television set and heard the President say he wasn't going to run and were at this point stunned because here they were, having spent the last ten days working around the clock to put the information together for a campaign book and now that effort would have to find another source. I remember that Califano had a bottle of Cutty Sark, and I think they celebrated that night by finishing off whatever was left because that effort was going to be used in other ways.

What eventually did happen to it was that all of that material was turned over to the Democratic National Committee for use by Vice President Humphrey in his campaign. We updated the material and delivered it to Senator Muskie who then used it as a basis for his own speeches, for the Vice President's speeches, and for handout cards that were based off that book for the Democratic candidates running for office. So the effort was not wasted. It was used in the campaign and it exists today as a research item and a resource item for those that are interested in that period of accomplishment. So to the extent of politicking, it didn't get wasted. I also remember that Joe Califano went up

to New York to make a speech sometime in the middle of March to try to quiet down liberal fears about Vietnam. We had sent Jim Gaither out to California to work with Warren Christopher, our deputy attorney general, and Irvine Sprague, who was our legislative liaison who was from California, to also build up a--

M: People on the domestic staff doing Vietnam chores here?

L: Well, the Sprague/Christopher/Gaither operation was not necessarily Vietnam, but was really to try to tie in with the California political structure, with people that were friendly with the President, to try to build together an organization out in California at the time in the event that it was needed. The Califano speech about Vietnam got a lot of publicity at the time in New York circles. I think that was probably one of the only instances that I recall where we actually had gone out to do some real politicking as distinguished from performing the substantive role of laying out the program and providing program alternatives for the President. That handles the politicking part of it.

M: Another issue that I think is interesting and I think important, too, is the matter of staff and its public exposure, which seems to have increased perhaps under Johnson, perhaps beginning with Kennedy, or at some earlier time. How, for example, do things on the staff get written? This Patrick Anderson book, for example, what role does the staff play here? Is this extracurricular or is this part of the direction of the office to get the public educated or what?

L: Well, on Pat Anderson--in particular Anderson wrote, as I recall, a profile of Califano for the *New York Times Magazine* which we believed would be of great benefit to the President because it would show the way in which the President decided his options in

the domestic area and how the legislation moved by direction of the President from phase to phase through the Congress and how the President was totally attentive to the end result of getting the legislation passed in the time that he had allotted to him. And at the time that Anderson was putting together the material for the *New York Times* article, which was a profile of Joe Califano, he also indicated that he was writing a book about the White House staff going all the way back to Roosevelt and maybe a little bit before that and asked whether or not we would cooperate in giving him some materials for the book. So what Anderson did was he set up appointments with various people on the staff. If you look in the back of Anderson's book, you will see that there is a section called "People Interviewed," and on the White House staff there were under President Johnson at least eight to ten names. I spent some time with Anderson talking about Califano and the Transportation Department which was the centerpiece of the *New York Times* article and also the main part of Anderson's profile of Califano in his book, *The President's Men*. Our feeling was that the book would serve the educational function of showing just how people respond to the President, having to work closely with him. I think we did it largely to show that the President was not only attentive to the problems of the staff but that the staff really very much tried to help the President.

M: What did the President, for example, think about this kind of exposure for the staff? Did he ever indicate, for example, how much you should or should not talk to the press, period?

L: Well, I think he believed firmly and for good reason that the staff should be as Louis Brownlow has said, or as Roosevelt has said, men with a passion for anonymity. He

went by that *credo*. On the other hand, it seemed to me that when articles appeared about the staff that were favorable about the staff it tended to reflect well on the President. So for that reason we thought that some of these things were very beneficial. The Anderson book, I must say I thought, was more caricature than real. There were some very unfortunate parts of it about Jack Valenti, for example, and which I thought were overdrawn and unnecessarily dramatic and didn't really reflect Valenti's relationship to the President in its proper perspective. There was a little too much of a hero-worshipping when it came to Bill Moyers' part. By and large when the public can see the operation of the White House and its interworkings, it is an educational process. I don't know whether Anderson's book will ever go down as a best-seller. It was more of a gossipy kind of a book which scholars may find to be of some general anecdotal benefit, but whether it really probed in depth to these things, I think was beyond the scope of that book.

M: The President, of course, has always thought, I think, that the press treated him unfairly but generally you are talking about Vietnam when you are talking about that. What about on the domestic side, as far as the substantive parts of the program? Did the press generally, do you think, accord the administration fair or reasonable treatment?

L: I don't believe it did in the following aspects although--and I think the *New York Times* editorials were perhaps typical of the reaction of the press. They would always say, "This is a marvelous beginning or a marvelous program, but"--and then when you got to the word "but" you really put the dagger into the heart of some of these programs. The major objection was that these programs, while they were innovative and while they were new and while they may have had historical lineage that was reshaped to meet the

immediate need, were seriously underfunded and that the underfunding was a result of the war in Vietnam which was draining off money that otherwise could be used for domestic programs.

If there was one criticism of the domestic programs, it seemed to me to be twofold. One is that the rhetoric that launched these programs was inflated, and now, for example, the famous statement about "that we here and now declare an unconditional war against poverty" has been ridiculed by the intellectual left. They are saying that it wasn't a war, it was only a skirmish, and it was ridiculed by the right which said that nobody is going to wipe out poverty. In between somewhere it got lost in the sense of not funding the programs at the levels that people thought were the required levels. But in that connection one must always bear in mind the following: number one, it takes a long time to really get a program off to a good start. And most of the programs in the domestic area were programs which had to flow through states and cities, so that merely signing the bill was not the beginning of the program because counterpart bureaucracies had to be established at the state and local levels. In other words, if we were dealing with a series of health programs, they would undoubtedly require counterpart constituencies of the public health organizations of the states and cities. If we are dealing with an education program, then there would have to be corresponding adjustments and buildups at the state and local level.

M: But you didn't even begin until the act was signed?

L: Yes, so the first stage was to get the act signed and the second was to begin to create a structure through which the money could be profitably used and delivered to the people

who are in need. So simply signing the act was only the beginning because you did need the channel, the infrastructure, so to speak, of state and local governments in operation to take this money and to begin to deploy it where it would do the most good. So that was always a limiting factor. In other words, it would do little good to appropriate a vast sum of money, say, for a cities program if you didn't have the organization at the state and local levels ready to receive the money and ready to put it to use.

The second was also one of technique. In a lot of cases, having started the program, there was a lot that we still had to learn about the program. In a lot of these things we were treading on new ground, and before we shot massive doses of funds in, we would have to try and learn and experiment and innovate before we were really sure that substantial sums would be invested so that when you connect the need for an infrastructure at the state and local levels and the need to use the money intelligently, then you finally get to the question of how much. It is usually always put the other way. They say that instead of having one billion for poverty, we ought to have ten billion. Well, the question is, if you have that money, what would you really do with it? Would the state and local governments be able to handle those sums of money? Would they have the technique or the know-how to use that money effectively? So one must expect although there were in absolute and relative terms substantial increases in all of the domestic programs--I'm sure you are familiar with those figures in terms of, you know, the health budget--the health appropriations, going up from something like four billion to sixteen billion in five years, and education going up from something like three billion to twelve billion, and where we had really drastically and dramatically increased domestic

spending for the domestic programs. I think the figure is something like 120 per cent increase in these domestic areas over the last five years--more than we have spent for these domestic programs in all the years of this country. One has to take the absolute numbers into account. But one also has to take the fact that, as I mentioned before, there was still a great need to be sure that we could use the money intelligently and that we had the proper structure through which the money could flow.

M: So what you are saying is that the rhetoric was not overblown if you take the end result that you are aiming for?

L: Yes. I do think we were guilty of some overstatement, but I think that the overstatement was more rhetorical than real and that the overstatement, if it could be called that, was really designed to be a call for action.

(Interruption)

M: I think the thing to do is turn to these pieces of legislation. The six you had listed on this Outstanding Legislative Record that we got at the beginning of this project are--I'll give them to you, and you can take them in any order that is convenient to you--Model Cities, Safe Streets, Department of Transportation, Auto Safety Act, Revenue Act of 1968, and Truth in Packaging. So, in each of these instances--now, I might say for getting it on this tape, too--there are legislative histories in the sense of all the documents being brought together for all of these things in existence and they will be in the Johnson Library, too. So, what you are going to say, and this is as much for whomever is reading this tape as for our conversation here, are things that you might think would add dimension to what you know is in those records because you are the one who pulled them together very

largely.

L: Right. Let me talk about Model Cities first. That is a fascinating history of presidential persistence, some great swirling controversy on the White House staff, and a legislative miracle all wrapped into one.

M: Sounds like a drama.

L: In a way. It is very revealing for a number of reasons. So let me start at the beginning. Most of this I don't believe you will find reflected in the documents. This might serve to humanize some of the things that went on. Now my recollection is not totally distinct about the dates.

M: That's all right. That will be part of the record.

L: When I came to the White House in July and we were beginning to block out legislative programs--

M: 1965?

L: July of 1965, the legislative program. We had taken a look at the field of housing in this country and the government programs for housing and found that they were largely centered on urban renewal which was not really a housing program for poor people, but was basically an area redevelopment program where the government would pay the difference between the condemnation costs of properties in the intercity and the sale of those properties to developers at low costs, so-called urban renewal write-down, if developers would then proceed to build where there was once a slum area a modern center core of office buildings and property which would return a higher rate of return for the investor, so that in the process poor people who were living in those areas were

displaced without adequate provisions being made for where they would be housed. So that at a point in time in the program, urban renewal was labeled as Negro removal and we were very conscious of that in early 1965, although changes had been made.

Number two, we also discovered that we really had no housing department at that time, that housing and urban problems in the government were being handled by a congeries of different agencies including HHFA, FHA, and the like, and that as the time came we realized that we had to organize the government properly for coping with the city problems. That resulted, as I think you know, in the passage of the Housing and Urban Development Cabinet Department legislation which had been sought for many years and certainly as early as 1961 by Kennedy and before that. We also saw that public housing in this country was really the relic of a New Deal program which was basically an innovative or experimental program begun in the late thirties. Because of certain constitutional problems at the time the decision of a conservative Supreme Court was left to a local bureaucracy known as the Local Housing Authorities which would work in conjunction with government agencies to build houses for poor people. We found that the public housing--one, its volume was far below what was really needed to solve the problem of the housing shortage, decent housing for poor people. Number two, not only was it low in volume but it was very slow in production because of the involvement of so many details of a local housing authority and of the department. We didn't find anything on a massive scale and a concerted scale that was really coping with this problem. As a matter of fact, when we asked how many substandard units were there in the country, we really couldn't get a decent answer because nobody knew.

M: Nobody was charged with--

L: Nobody was charged with it and we couldn't find out. We had some estimates that there were four million, and others said it was six, others said there were three and a half, and so forth. We also found that the problem of people was not so much the problem of where they would live but that even if they lived in decent housing, would they have adequate schools? Would they have adequate jobs? Would they have adequate community facilities and open spaces? Remember that the President was particularly proud of the fact that as a young congressman he was responsible for some of the earlier housing legislation of which a first or early project was built in Austin, Texas. But the problem was that the housing and development of the intercity was not being carried out in a concerted enough or imaginative enough or large scale enough basis to make a dent in the problem.

I remember a very early memo to the President maybe in August a month after we had gotten there when we were outlining the scope of the program; we mentioned that something very large would be needed for the cities. We weren't really quite aware of the dimensions of the problem in the sense of what ultimately would be needed, but we did know that a lot of money would be needed, a lot of know-how would be needed, and some new approaches would be needed that went beyond the brick and mortar approach of public housing and the lengthy process of urban renewal which ended up not building enough houses for poor people but building office buildings, shopping centers, and what have you. We prepared a memo which said that among other things we believe you need to have a Marshall Plan for the cities. We used those words "Marshall Plan for the

cities," and I think that some of the earlier memos around August and September would reflect that concept. We asked the Department of HHFA at the time to give us their ideas. They produced by Labor Day of 1965 a task force report which was inadequate, and if the cities were to be a major plank in the 1966 program we needed to do something more. Walter Reuther had been in to see the President sometime in September and had presented a very rough outline of a demonstration cities project which would not only result in more housing, but with a whole array of community facilities, such as schools and housing and open spaces, police protection, fire protection. He left with the President this outline, this scheme. The President then sent it back to us saying, "Follow through on it. This looks pretty interesting." We followed through and we set up a task force headed by Professor Wood of M.I.T.

M: This man later became--

L: Became under secretary and then in the last month acting secretary, Professor Haar of Harvard who is one of the nation's leading experts in land use planning, Walter Reuther, Kermit Gordon, Senator Ribicoff. It was unusual because this was the first time that I can remember that we had a member of Congress on one of our task forces. Some people with practical experience in city development like Bill Rafsky who was responsible for some of the better work in Philadelphia.

We charged that task force with the responsibility of coming up with a large dimension program for the cities. And in two months the task force developed the idea of Model Cities or Demonstration Cities actually. The program as initially conceived of was a demonstration program to test the concept of focusing into certain target areas of

the city where you had a high illiteracy rate, a high crime rate, a high disease rate, programs that would rebuild the whole area using where possible labor from that area and focusing all of the various federal programs into the area which would provide or place on the city the initiative for coming up with an intelligent plan where they would really be forced to look at all the programs that would be available to them and present their proposal on the basis of how they could weave the programs together. For doing that the government would pay a bonus or a grant or award a grant for the planning of the program, and if the plan was successful it would then pay an extra grant or a supplementary grant for the execution of the program; that is, extra money over and above the normal grant money that would normally be used in those programs.

That task force concept was then weaved into the program for 1966. It was mentioned in the State of the Union in 1966 as a program to rebuild on a large scale entire slum areas in the slum neighborhoods. As I say, the co-author of that program, Professor Wood, ended up as under secretary to HUD, to run the program which he himself had helped to develop. Charlie Haar, who also was on it, then became assistant secretary for metropolitan planning, not quite in this program. We drafted a bill and a message on the cities; we highlighted the bill as the centerpiece of the message. The President went on television that night the day the message went up and talked about this new approach to the cities through the Demonstration Cities route which had an unfortunate name to it which was later changed to Model Cities. We put a price tag of \$2.3 billion for five years which included planning money for the first two years.

With all of the prestige of the President and with all of the documents of state that

once could bring to bear to launch such a program, the program was sent up to the Congress where it promptly fell into disuse and disfavor and began to wither because there was not sufficient support. Now the problem of support was a crucial problem. In the Senate this bill was referred to the Senate Housing Subcommittee of the Banking and Currency Committee. The chairman of that committee was Senator Sparkman of Alabama, who was not particularly enthusiastic about that bill. We had no power base in the Senate, and as a result of the lack of a power base on a Senate committee the bill was being held in limbo. In the House there were people who thought it was too ambitious an undertaking, who would have preferred to see only planning and not the full program, who were concerned about the amount of money that we requested, \$2.3 billion, as being unfeasible. Remember, this was over a five-year period. As a result the *New York Times*, as I recall in an editorial sometime in July, said that despite all the fine promise of the program the Congress in its summer inertia was not acting on it and that as far as they were concerned the Model Cities was dead or was dying. We then had a meeting as a result of our review of the legislative program finding that this, certainly one of the five top items, was going nowhere. We had a series of meetings at the White House. There were some people on the staff--I'll mention the names--Milt Semer for one, who had been an official of HHFA, in fact he had been deputy administrator of HHFA.

M: What was he doing on the staff?

L: He was brought in as a counsel to the President. [He] believed that we should settle for a planning approach only and that we would never get the large scale bill that we hoped to get because of the mood of the House. Secretary Weaver at this point and with all the

controversy swirling around the bill was prepared to redraft the bill to some considerable extent and renaming it, I recall, the American Cities Bill instead of the Model or Demonstration Cities Bill--he had even gone to the extent of naming it--and providing for considerably more money to the small towns in order to derive more support from the smaller towns.

M: Some people might be more interested in a small town.

L: Yes. What it in effect meant was that virtually an entire new piece of legislation would have to be sent up as a substitute for what we had originally sent up. So we had those who thought we ought to have only planning, we had those who thought we ought to really reorient the concept of the bill. We had those who said we ought to fight it out and that this administration had never pulled a bill back and that we were determined to move this bill forward and try to build a power base or a base of support in the Senate and the House. Taking that position of moving forward without relenting was Larry O'Brien, who got up at one very dramatic moment and pounded the table and said that we can't be quitters on this bill, and we can't let the President down or our whole credibility in the Congress will be destroyed if we start pulling the bill back like this. So at that meeting or at a meeting thereafter it was decided that we had to build a power base in the Senate to try to move this bill through. And after looking at the composition of that committee, we decided that Senator Muskie of Maine would be the man around which this bill could revolve and he would be the champion and a hero of that bill if we could get him interested in it.

The first step was to send Secretary Wood and Secretary Haar up to see Muskie.

Muskie was not taken with the bill at all and had many reservations about it. His primary reservation was that the way the formula was structured, the grant formula was structured, some of the money would flow out of the intercity into general administrative expenses of the city hall such as the payment of salaries for secretaries and so forth. His second objection was that the key to the bill was the coordination within the federal government. That is, that although HUD was nominally in charge of it, the way the bill would have to become a success is that if the Secretary of HEW and OEO and of the Labor Department all were able to work closely together so that these programs could be focused into the Model Cities area. His main concern was that without much stronger language in the bill about the sense of Congress being that the government agencies must cooperate and work together, that as a practical matter the bill would not be successful. And he had a series of other objections.

Once we could get him to talk about the objections and once we were willing to meet him with respect to those objections, we began to open up a dialogue with him. I think it was around July 4 of 1966 that Califano and O'Brien went up to see Muskie during the Fourth of July recess in Maine at his summer home in Kennebunkport, to talk about Model Cities, get more of the Senator's objections and difficulties with our proposal, and to see whether a compromise could be worked out within the framework of the original bill. He agreed to do that. And the more he began to get into the details of the bill, the more we could get him to talk about what he thought was wrong about it, the more we found that he was pretty enthusiastic about it. He assigned his staff man who had been with him for some time and whom we trusted very much, a fellow named Don

Nicoll, to work with me and to work with Phil Hanna at the Bureau of the Budget, to sit down and to take all of these various technical objections and to redraft the bill, still virtually adhering to the original concept and framework of the bill.

While we were proceeding in the Senate, Larry O'Brien in one of the great force [majeures] of his life, I think, managed to get the bill out of the House subcommittee by a personal call to the chairman of the housing committee, Bill Barrett of Philadelphia. I was in the room when O'Brien made the call, and the call went something like this: "Bill, we want that bill out next week." While not being able to hear the other end of the conversation, it was quite clear that Barrett was saying, "We can't do it. It is impossible." Then O'Brien said, "The President wants this bill out next week." There was more conversation at the other end. And then O'Brien finally pounded his fists on the table and said, "Bill, this bill is a must. The President wants you to deliver on this bill, and that is right from the President." The bill was reported out.

M: The original bill?

L: Right, or a variety of it. But we finally got movement. It was that direct contact with Barrett in the name of the President with Larry O'Brien in a very strong tone of voice saying that the bill must be reported out. Once we got a little bit of movement in the House, Muskie then when we finally finished, that is, Hanna, Nicoll and myself with the help of Wood and a technician from HUD who was very active in putting together the technical aspects of the bill, the deputy general counsel at that time, Ashley Foard, began as one of the unknown bureaucrats of the government who are devoted and who are experts in their field, and Foard, who was with the Department of Housing and its

predecessors for two decades, came through and was a great help to us in putting this bill together.

The bill was redone to meet Muskie's objections. It was strengthened by putting in requirements for intergovernmental cooperation and coordination. It was strengthened by listing clearly the criteria against which the cities would have to file their applications. It was clarified by making certain that the supplementary or the bonus funds were used for the model cities and not used elsewhere. It was strengthened by permitting some of the money to be used for general purpose expenses in the target area--that is, that if there were no federal programs for which the money could be used to pay part of the local share, the local government could use the money for whatever innovative purpose they wanted to as long as it related to the purpose of improving the quality of life in the inter-area, which was the first concept of what we call the bloc grant, that is, a grant to a municipality for general purpose use as long as it is somehow related to the purpose, germane to the purpose, of improving the quality of life in the intercity.

M: As opposed to general administrative expenses.

L: Yes. Or as opposed to specific categorical items like the building of a sewer or the building of a fire hydrant or the building of a low-income housing project. Muskie then sometime at the end of August did his work, got the bill reported out of the committee and then made a powerful speech on the floor of the Senate in which he championed the bill.

Our compromise with Muskie was again on the dollars. He felt he could not sell the bill with a \$2.3 billion dollar price tag over five years. He felt that in view of the

demands for economy that most people in Congress were beginning to voice then in the summer of 1966, that \$2.3 billion was too high a figure. So we compromised on that by having \$400 million the first year, \$500 million the second year, a total of \$900 million for two years which was roughly the progression of the \$2.3 billion. But instead of the five-year \$2.3 billion program, our compromise in the fiscal aspect of it was really to split it kind of in half, on a \$900 million two-year program.

The bill passed the Senate through Muskie's leadership, it passed the House, and the President upon his return from his trip to Asia in October of 1966 that morning, the morning after he returned, was a great legislative day for him. In addition to the Truth in Packaging and several others he did sign the Clean Rivers bill, he did sign the Model Cities bill at that time which we considered to be a very high point of his presidency and of his legislative achievements, crystallizing at that moment on the day after his return from his trip to Southeast Asia. That in a nutshell is--

M: That's the kind of thing that adds the dimension that the box of documents that you all pulled together just doesn't have, though. And that's the whole purpose for our doing it.

(Interruption)

L: Safe Streets was a program that was rather late in maturing only because we had so much in 1966 that we really weren't quite ready for the crime program. Although if you look at the President's crime messages of 1965 and 1966, anti-crime messages, you find that they stressed things like gun control, they stressed things like the fact that the government and the local authorities had to work together, that the fact is that the system of criminal justice in this country was interlocking and that not only did you need better police forces

but you also needed better courts and correctional systems and that you needed more research into the problem of crime and criminology.

The Safe Streets Act really begins back in early 1965 when for the first time we began an intelligent approach to the problem of finding out a little bit about what causes crime in America, who are the criminals, what are the costs of the criminal justice system, what are some of the remedies that one might interpose. In 1965 the crime issue was not a burning--it was an issue during the 1964 campaign, you recall that Goldwater had made some issue out of it. When we came to the White House in July, there had already been legislation passed just at about the time of establishing a National Crime Commission which was composed of police chiefs, men of practical experience, educators, sociologists, who then undertook a most comprehensive study of the phenomenal crime in this country. There was no sense in proposing legislation until we really had a solid base of knowing the area which needed attention.

M: Katzenbach was chairman of that.

L: Right. The executive director was Jim Vorenburg, a professor at Harvard University; Katzenbach was the executive director [?]. We believe that although we could propose in 1965 the kind of boiler-plate anti-crime legislation where we talked about organized crime, immunity statutes, gun control, what we really didn't have even then was a really coordinated interlocking look at the crime problem in America because the crime issue got to be more and more of a critical issue. The Crime Commission rendered its report, "The Challenge of Crime in a Free Society." The history of the Crime Commission is a fascinating history unto itself, and I hope that those who, if they have not talked to

Katzenbach yet, [talk to him] certainly raise this with him because of the great controversy that raged on that commission with respect to the use of wiretap. I hope that gets to be a subject that Katzenbach would cover. I don't want to get into that at this point.

But at any event, based on the findings of the National Crime Commission we asked the Justice Department to develop a program for crime control. Having once been stung by having inartful and inadequate labels in our bills such as Demonstration Cities which I mentioned before and having learned that it's somehow very difficult for a congressman to vote against Safe Streets or vote against Truth in Lending or Truth in Packaging, we spent some time considering what we ought to call this bit of legislation, that omnibus legislation, and Safe Streets seemed to be a natural. So we christened that program which was readied and packaged by the 1967 legislative season and which was one of the high points of the legislative seasons, the Safe Streets and the Crime Control Acts.

Now, one of the things that the Crime Commission pointed out was that police departments in this country were woefully understaffed and ill-trained and ill-educated and that the only way you ever got to be the police chief was to really work your way up through the ranks. The ladder of entry at higher levels through college or through other professional backgrounds was virtually nonexistent, that the police were using antiquated methods, that there were many things that science and technology could be used to apply some of the modern advances to police and criminal detection, criminology. So the first major prop for the Safe Streets bill was a program of grant-in-aids to city police

departments for research, for the procurement for the purpose of hardware, for the building of police stations, running the whole gamut from planning all the way to the actual construction of facilities, detention houses, better precinct houses, the theory being that the government would, just as it helps a city build a school and just as it helps a city fight a disease and just as it helps a city through local housing authorities build houses, so by now it came time to help a city improve its police department.

Our major concern at the time was that we should not just give this money away and that the states in order to qualify for this money ought to at least show an increase in the level of their efforts over their prior year. In other words, we would try to construct the formula to reward those cities which were actually making a good faith attempt to increase their budget for crime detection and prevention. So beginning with the assistance to the police in what we call another type of grant just the way we would make grants for housing and sewers, education, and so forth, we would do the same thing for law enforcement.

We also recognized that even the strongest police department would be of little avail if criminals, when they are apprehended, were waiting a long time to be tried and that the court system would be inadequate. So we then proposed in addition that there would be funds available for improving the court systems. Then again we realized in terms of this interlocking approach to many of these problems that it also did you little good to have good detection, good prevention, good court systems, if still the pipeline was being fed again by criminals who had come out of the correction system not really rehabilitated and still not fit for a role in society would turn again to crime. So another

part of the program was to improve the correctional system of this country, so that we really put much greater stress on human rehabilitation rather than just punishment for punishment's sake. Now, we realized that crime had many, many deep-seated causes, that we were really treating crime in its most obvious way through the Safe Streets Act, but then in all of our other programs such as housing, education, health, and so forth. We were trying to create the kind of climate and the kind of condition of human life in America so that people wouldn't turn to criminal acts.

M: They were crime acts in a sense themselves.

L: That's right. The narcotics problem we also dealt with although as a separate part of the problem. Now, we sent the legislation up in February of 1967, and the legislation took seventeen months to pass despite the tremendous rising opposition and fear in this country about crime in the streets. Yet it's ironic to note that although the President used every opportunity he could to urge the Congress to pass the Safe Streets Act, the Safe Streets Act began to bog down for a lot of reasons. It began to bog down first because once the Safe Streets Act got to move into legislative channels there was serious concern that the money should not go to cities but should go to the states instead. The other concern, which was a very difficult concern, was that the Supreme Court was responsible for encouraging the rising tide of crime in this country. So once the bill in our form began to go through Congress and began to get loaded and weighed down with everybody's version of what was required to reduce the menace of crime in our society....

Had we been able to keep other parts of wiretapping and of the confessions rules away from this bill which were added on by amendment, we think that we could have

gotten that bill much sooner. But the bill was in the hands of two very powerful committees, particularly the Senate Judiciary Committee headed by Senator McClellan. Senator McClellan believed that wiretapping should be used as a strong instrument against organized crime and not limited to national security cases. Others believed that the money should not go to the mayors but should go to the governors. Others believed that there ought to be confessional rules of law written into the Safe Streets Act which would repudiate the Supreme Court, and what you got caught up with was a rising tide of conflicting issues in which the Supreme Court was involved and which the Fortas nomination helped to exacerbate. So we had no bill.

Finally the Safe Streets Act was passed, but with all kinds of things attached to it which posed a very difficult problem for the President, particularly when he was on record as favoring the use of wiretapping only in national security cases and not indiscriminately or not without the most stringent safeguards where the rules of admissibility of evidence and the attempts to neutralize the Supreme Court's decision in the Miranda case turned out to be of dubious legality. I must say this, that the Safe Streets Act posed really one of the most difficult problems for the President in terms of whether he should sign the bill or whether he should veto the bill. There were good parts in the bill and there were bad parts in the bill. But we spent at the White House staff--the Constitution gives you something like ten days to take action on a bill once it is sent up. The President took action virtually on the last day although from the very moment the Safe Streets Act arrived at the White House, the press was asking what the President would do about it. We had initial recommendations from the Attorney General that the

bill be vetoed. The dilemma we found ourselves in was that having crime being such a huge issue in the country and having most of our aid to local governments in the bill although the states predominated and the grants to states won out over the grants to mayors. Despite the good features of the bill, the dilemma for the President was there is so much bad in it that it made bad law.

M: The title came back to haunt him here. It's hard to veto a Safe Streets Act just like it is hard to vote against it in Congress, I guess.

L: Right.

M: You talked about the conflicting interests during the passage. Now in the press at least there was considerable discussion about the difference--was it between the Justice Department and the Crime Commission? Did this make it difficult in Congress, this bureaucratic difference?

L: I don't think there was much difference between the Justice Department and the Crime Commission except perhaps in the wiretap issue. I don't think that was significant. The Justice Department was primarily concerned with the Safe Streets Act for a number of reasons. One was that they didn't like the sections dealing with the admissibility of evidence in the federal courts and the warnings of the confession rules. They did not like the wiretapping provisions which would have granted large authority to state and local governments to do tapping for a variety of offenses which went way beyond the original concept of limiting wiretapping to only national security. And you recall that the administration itself had submitted a bill in 1967 called the Right to Privacy Act which was one of the most stringent anti-wiretapping bills ever prepared and sent to the

Congress, which would have strictly limited wiretapping to national security cases.

So with the administration having sent up a Right to Privacy bill and having the Congress then engraft a bill which provided for extensive wiretapping although there were safeguards even within what the Congress had proposed with the notion of the Congress, with some people in the Congress, that the Supreme Court was really at fault and was one of the reasons that the crime rate is spiraling which we obviously knew not to be the case and to be the wrong way of judging the issue. You notice that Nixon in his campaign made that initial analysis and you see forty or sixty days later he's very silent about the Supreme Court. In any event we felt that, and the Justice Department felt, the bill was bad law in many respects. We had the recommendations--and you can check that from the Bureau of the Budget clearance sheet--of sixteen agencies of the government on the Safe Streets bill. Every agency of the government recommended after the Justice Department reconsidered their position that the President sign the bill.

The President did sign the bill stating that there was more good than bad and for each of the bad elements he had a counterpoint. For example, on wiretapping although it did indicate that there was authority to go beyond national security cases the President said that by administrative regulation he would stick to the policy that he had announced in June of 1965 that wiretapping within the federal government would be limited only to national security cases and then only with the approval of the attorney general and he was not going to use additional authority, that nobody in the federal government would use the additional authority that the Congress had given in that bill. So by that he tended to neutralize the wiretap provisions although clearly some of those rules have now been

changed under the new administration. With respect to the Supreme Court decisions and the new rules of confession, the Justice Department, after very carefully studying the words, found the words in the bill to be discretionary rather than mandatory, and rationalized in a rather lengthy opinion that this simply was more of a sense of the Congress rather than the direction of the Congress. Having pointed that out in the signing statement, the President then went on, while expressing some regret about the fact that the grants would be to states instead of the cities as he originally proposed, he went on and signed the bill. At that time I recall the bill was signed at something like 4:32 in the afternoon, and we went out to brief the press a minute later taking them through the statement. The man who was most heroic in all of this was Warren Christopher, the deputy attorney general, who in endless sessions with Senator McClellan tried to reason with the Senator and tried to get him to modify some of his positions.

But in the end the bill was passed. We had asked for \$100 million funding the first year. The Congress in the economy mood granted only \$68 million. The program we still believe has all of the elements of a major successful program, and we hope that in the years ahead it will be funded properly at the levels which could reach approximately \$500 million or half a billion dollars.

M: But the framework is there?

L: The framework is clearly there by its recognition of the interlocking relationships of the criminal justice system in America.

End of Tape 1 of 1 and Interview II