

LYNDON BAINES JOHNSON LIBRARY ORAL HISTORY COLLECTION

The LBJ Library Oral History Collection is composed primarily of interviews conducted for the Library by the University of Texas Oral History Project and the LBJ Library Oral History Project. In addition, some interviews were done for the Library under the auspices of the National Archives and the White House during the Johnson administration.

Some of the Library's many oral history transcripts are available on the INTERNET. Individuals whose interviews appear on the INTERNET may have other interviews available on paper at the LBJ Library. Transcripts of oral history interviews may be consulted at the Library or lending copies may be borrowed by writing to the Interlibrary Loan Archivist, LBJ Library, 2313 Red River Street, Austin, Texas, 78705.

HARRY MCPHERSON ORAL HISTORY INTERVIEW X

PREFERRED CITATION

For Internet Copy:

Transcript, Harry McPherson Oral History Interview X, 5/13/86, by Michael L. Gillette,
Internet Copy, LBJ Library.

For Electronic Copy on Diskette from the LBJ Library:

Transcript, Harry McPherson Oral History Interview X, 5/13/86, by Michael L. Gillette,
Electronic Copy, LBJ Library.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
LYNDON BAINES JOHNSON LIBRARY

Legal Agreement Pertaining to the Oral History Interviews
of
HARRY MCPHERSON

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, HARRY MCPHERSON, of Washington, D. C., do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of the personal interviews conducted on May 16, September 19, and November 20, 1985 and February 7, and May 13, 1986, and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

- (1) The transcripts shall be available for use by researchers as soon as they have been deposited in the Lyndon Baines Johnson Library.
- (2) The tape recordings shall be available to those researchers who have access to the transcripts.
- (3) I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.
- (4) Copies of the transcripts and tape recordings may be provided by the Library to researchers upon request.
- (5) Copies of the transcripts and tape recordings may be deposited in or loaned to institutions other than the Lyndon Baines Johnson Library.

Signed by Harry McPherson on August 8, 1997

Accepted by John Carlin, Archivist of the United States on September 5, 1997

Original Deed of Gift on File at the Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705

ACCESSION NUMBER 97-7

BIOGRAPHIC INFORMATION: HARRY MCPHERSON

Lawyer; b. Tyler, Tex., Aug. 22, 1929; B.A., U. South, 1949; D.C.I. (hon), 1965; student Columbia, 1949-50; LL.B., U. Tex., 1956; admitted to Texas bar, 1955; asst. gen. counsel Democratic policy com., U.S. Senate, 1956-59; asso. counsel, 1959-61; gen. counsel, 1961-63; dep. under sec. internat. affairs Dept. Army, 1963-64; asst. sec. state ednl. and cultural affairs, 1964-65; spl. asst. and counsel to Pres. Johnson, 1965-66; spl. counsel to Pres. Johnson, 1966-69; private practice law, Washington, 1969-.

INTERVIEW X

DATE: May 13, 1986

INTERVIEWEE: HARRY McPHERSON

INTERVIEWER: Michael L. Gillette

PLACE: Mr. McPherson's office, Washington, D.C.

Tape 1 of 1, Side 1

G: At the beginning of 1960, you had one of the annual fights over the one-man rule issue, and LBJ agreed to call meetings of the Democratic caucus at the request of any senator. Do you recall that?

M: Yes. Johnson was paying the price for being a very powerful, one-man band for several years, and of the Democratic victory in 1958. It was a good deal easier for him to manage the Democratic Party in the Senate when it was in a two-vote majority than when it was a huge, twelve- or fourteen-vote majority and it could, so many Democrats thought, do as it wished. When he continued to play a very cautious line and when he continued to listen to the voices of the establishment, the club, the committee chairmen, that annoyed many of the liberals, who thought they now had the horsepower, had the numbers to write their own ticket. Many of them asked for the caucuses, because that was the arena in which they thought those numbers could be felt, [to] come out from behind the closed door where the Policy Committee meets, and the Steering Committee and the rest, and before God and everybody let's be a true Democratic Party, and let's let the voices of the many be heard.

So he fought that at first, and then he rolled completely to the other side and said, "We'll have one at anybody's instance." That was in order, I think, to wear people out, to make them see that that wasn't any way to run a party.

G: Was there a danger if they did have frequent caucuses that these issues would surface and divisions would surface and--?

M: Well, always. My supposition is that there was always in the back of Johnson's mind, and indeed in the front of his mind, the fear that, as he put it, Richard Russell would walk across the aisle and embrace Everett Dirksen. And that would happen as a result of the powerful, aggravated urging of civil rights legislation. That is almost bound to happen; civil rights-tainted legislation, as well as the legislation itself; education legislation that was tainted by civil rights, by the so-called [Adam Clayton] Powell amendment, that would deny federal funds for any federal program that supported discrimination, any kind of medical care that might also be subject to civil rights. In fact, the whole laundry list of

liberal legislation, that Lyndon Johnson later made his name for passing, was the fearful material that might be brought before a caucus and might become the subject of votes, might become, quote, "Democratic policy." And once you had something called Democratic policy that Russell and [Harry] Byrd and [John] Stennis and [Allen] Ellender and those fellows could not support, then you really broke the Democratic Party and began to have three parties in the Senate: Republicans, National Democrats and the Southern Democrats, and that would be the end.

So Johnson was constantly trying to avoid that, and he thought the way to do it was to have a minimum number of big meetings. What you did was meet in the Policy Committee, and you had somebody that you could deal with, like Hubert Humphrey, in there. Or you could meet with Hubert privately and say, "Why don't you go tell Paul Douglas or Joe Clark, these guys, tell them that we can't get X through, but we can get half X, or two-thirds X."

G: After LBJ's announcement in January--I guess it was on the seventh--were there frequent meetings? Did any of these senators, like Joe Clark or--?

M: I think there were. I believe the chronology says that Johnson at one point was getting tired of them. Yes. He was trying to wear out the liberals; he may well have been wearing out himself.

G: Okay. Senator [Theodore] Green announced his retirement. There were a lot of indications that he had been failing for some time mentally. How did this affect the Foreign Relations Committee?

M: Johnson had effective control of that committee through Green and through Carl Marcy, the staff director, who became in later years a very strong antiwar figure in Washington, but was very helpful to Johnson, told Johnson a lot that was going on in the committee, so Johnson was able to play a major role without ever serving on the committee. [William] Fulbright was a good friend of Johnson's in those days, and I believe Johnson was able and looking forward to having Senator Green retire and leave the committee so that Fulbright could become the chairman. The Fulbrights and the Johnsons were personally and socially close, and this was long before, as we know, Vietnam.

G: Yet I have the impression that Johnson did not at all try to hasten Green's departure.

M: No, that's right. He had a compliant, pleasant chairman, someone whom he had held in esteem and fondness and saw no reason to push hard on him.

G: There was a clean-elections bill on January 25 that passed the Senate but died in the House. Do you remember that? This was one where Russell Long introduced an amendment to require all states to hold a primary election.

M: No.

G: Kennedy introduced essentially a Medicare program that year that would be financed by an increase in Social Security taxes. Do you remember that?

M: Well, I remember Johnson and [Robert] Kerr cooperating on some kind of a Medicare program that was very much less than what Kennedy had introduced and than the traditional Social Security-Medicare program. That is a politics that I was not privy to. I was aware that it was going on; there were a lot of newspaper stories, but I was not asked my judgment about it. It's one that's very much worth, I'd say a master's [degree] paper, how we finally got Medicare legislation and what the Kerr-Mills bill was all about.

G: Presumably there was a metamorphosis in Johnson's own thinking, to a more comprehensive approach.

M: Yes. And he may have--there would be a question in my mind today, without knowing, but I think something that you ought to pursue, would be whether he simply wanted to stop a Kennedy-sponsored Medicare bill.

G: One thing I'm curious about: the sit-down strikes in Marshall. There were sit-down strikes all over the country that year, and there were some in Texas, in Marshall, East Texas. And I notice that LBJ even met with Mrs. Johnson and Bill Moyers about that. Any recollections of--?

M: No, I don't.

G: Okay. Did he react at all to this phase of the civil rights struggle?

M: I'm just trying to remember. In mid-February, on the fifteenth, he brought up the--I don't see it referred to here, but I believe it was the Stella School District bill. It was a bill to provide some aid--it was in effect a private claim bill for the Stella School District in Missouri. I believe that was its name. And it was chosen--it was a bill from the Judiciary Committee; it had passed the House. I think that was what it was; I think it came over from the House and a procedure was adopted which most people just never thought of being adopted. A bill just the other day went this route, and it fooled me. I told a client who was interested in the bill that after it had passed the House it had surely gone to the Senate Labor Committee, but an objection was made to its second reading.

The rules say that [when] a bill comes over from the House to the Senate, it's read twice and referred to committee. If you object to the second reading, the bill is put in the back of the calendar in a peculiar status, and on the next legislative day an effort may be made to read it again. If objection is made then, the bill is placed on the Senate calendar. So you completely avoid the committee process, and I think that was done in the case of the Stella School District bill. It doesn't make any sense to me that you could bypass the Senate committee system by these objections, but Johnson did object to the bill, or had someone object; I'm not sure which was done. He had announced in 1959, when there

was a lot of pressure on to bring up a civil rights bill, that he would bring one up by or on, I'm not sure, February 15 of 1960. And, boy, it got down to that day. The southerners were all ready for some kind of a trick deal where Johnson would suddenly introduce a bill or permit somebody to introduce a bill. What he did was to block the Stella School District bill and cause it to go to the calendar. And then, as he did that that day, he announced that the Stella School District bill would be, in effect, the pack horse on which civil rights would be loaded.

The civil rights issue of the day, the biggest issue, the one that had the punch behind it, was a bill that would send voting registrars into the South. The 1957 bill had been weak. Its only claim to fame was that it was the first civil rights bill to have passed in eighty years, and the 1960 bill was to make the procedure that was created by the 1957 bill much stronger. So that was what Russell and these people were complaining about, that it was a trick, it was a "legislative lynching," I see it's called here. I remember all that. This was a wonderfully rich period. There was a filibuster at one point on this bill, and Dick Russell stuck his head in the back door--I'm sure you've heard this story before--

G: No.

M: --one time about three o'clock in the morning while the filibuster was going on. He just wanted to be sure that Lyndon Johnson was not about to do something and wanted to be sure that the speaker, whoever the southern filibusterer was, didn't fall asleep in the middle of speaking and Lyndon Johnson, primed by some aide, dash on the floor and move that the bill proceed to third reading and final passage. And so the story is--this may be a slight exaggeration, but if it is, it isn't much of one--that as Russell put his head in the back door to check on Johnson, Johnson put his head in the side door to check on Russell, and the two of them looked at each other across the almost-empty chamber, where there was just a sleepy southern senator making a long and boring historical speech about civil rights.

G: Let me ask you to describe the physical situation there with their actually spending the night in the Senate. They set up cots, I understand.

M: Yes, had cots.

G: Tell me what you remember about where they were, and--

M: I never saw them. Luckily, I didn't stay, didn't have to stay. I stayed one night, but I spent all my time up in the Democratic Policy Room sleeping on a couch. But the cots were, I guess, somewhere in Skeeter [Felton] Johnston's office, the secretary of the Senate's office, somewhere in the Cloak Room, I guess.

G: Do you think they were actually cots, army cots?

M: Yes, oh, indeed. Sure.

- G: And Johnson's purpose was to actually fatigue the southerners to such a degree that they would have to break the filibuster?
- M: Drive it, just drive it, until finally they would have exhausted themselves and wouldn't speak any more. That's right.
- G: Did he insist that others stay with him? I assume that some other senators had to stay, but what about staff?
- M: Well, not much. The only staff that I remember were just doorkeepers and errand runners.
- G: I notice that he did meet with Dirksen and Russell during this period, during the time of the filibuster, and spoke with them on the phone. Do you have any idea what these meetings would have been about?
- M: No. I'm sure it was full of appeals to Russell to understand the situation that he was in, that he had to have some kind of bill.
- G: There was a good deal of criticism from the southern press that Johnson had tricked the South in this way.
- M: Yes, with his announcing that this bill that had been blocked would be the vehicle. You see, that took away one of the motions. In the filibusterer's arsenal there are two weapons. One comes on the motion to take up a bill. That can be filibustered. Once it's taken up, then you can filibuster the bill. So you have two. If you announce that a bill already motioned up and [that has] already [been] before the House--that's what happened. In addition to blocking it, Johnson motioned up the Stella bill and made it the pending business, and once it was the pending business, he said, "Okay. This is the pack horse." So he had finessed the first filibuster. The only thing he was filibustering was the amendment, which was the civil rights amendment.
- G: Was Johnson at all sensitive to the southern criticism that he got?
- M: No, see here, I was just reading that [on] February 29 he notes that his diary said that--the LBJ diary; that'd be Lady Bird's diary?
- G: No, that would have been his daily log.
- M: Well, he notes that LBJ said today that he did not know when the Senate would get a vote on the bill and that "the civil rights issue would destroy me." When asked if Russell knew that, LBJ replied, "He doesn't care." He also said that "history will record this, that this was my greatest tactical error," and said he should have had someone else motion up the bill.

Now Jim Rowe, I think at that time, and a lot of other people were telling him,

"You don't have a chance of being nominated president unless you get a civil rights bill through." You've seen that Jim Rowe memorandum. It talks about "this foolish issue," or something like that, "we've got to get this foolish issue behind us."

G: Did you hear Johnson echo these views that you've just read, that this was a big mistake, it was tactical--?

M: No, I mean, he was as restive and as full of asperity and hot temper as he could be, and the whole thing was irritating the hell out of him. He'd made the southerners mad. Here he was, going to Los Angeles as a nominee, probably, or if he did go, he would go as the southern nominee. And he had to have some civil rights credentials in order to be acceptable to a large part of the North, but he also had to be the South's candidate. He couldn't abandon the South. And I think he thought that he had overstepped the line, and the South thought that he had abandoned them.

G: You've described this almost exclusively in electoral terms, in terms of justification for the bill. Do you think he actually believed that another bill was needed on the merits, politics aside?

M: Oh yes, sure. I mean, you couldn't help it, there were so many stories about the shafting of blacks in the South trying to register. Everybody knew that that's what was being done.

Lyndon Johnson was the sort of guy who would tell southerners that he was outraged, mortified, embarrassed, and depressed by the fact that the South was such a harsh and bigoted area. And he would tell northern liberals that they just didn't understand and that it was just going to take a lot of time. Nobody was right; I mean, he would tell the southerners that they were wrong and embarrassing, and he would tell the northerners that they were wrong and intemperate. And that was the way he approached the issue.

G: The liberals were trying to push through a cloture resolution during the middle of this over the opposition of LBJ and Dirksen, and it failed. Do you remember that tactic at all?

M: Not very well, no, I don't.

G: What was Dirksen doing during this time? Was he supportive; was he in opposition?

M: I think Dirksen became a civil rights fan in 1964 when he said, "This is an idea whose time has come." I don't think he--I don't know. He was probably embarrassed by the whole thing. He probably wanted to reach out and tell Dick Russell, "Come on over here," and at the same time the politics of the Eisenhower Administration was to be friendly to civil rights. So he couldn't very well abandon that administration policy.

G: One of the articles, I'm sure there were others, commented on how well organized the southern forces were, that they had three teams and would relieve each other with military precision. Do you remember being impressed by the degree of organization in the Senate?

- M: I remember they were certainly willing and able and determined to carry out their filibuster. I don't remember anything like military precision.
- G: Apparently the Senate abandoned its bill and referred the House-passed bill to the Judiciary Committee with instructions that it come out.
- M: Yes, I vaguely remember that was the deal that was finally worked out, that there was going to be a bill, but the southerners insisted that as a matter of orderly procedure that the Judiciary Committee have an opportunity to look at the bill. And since the northerners, the pro- civil rights forces, had the advantage, they had the bill on the floor and it was being debated, they were in a position to say, "Okay, we'll let you do that, but for a specific amount of time. We'll take the bill down; we'll send the House bill into the committee and then it'll be reported back out. You'll have a chance to amend it in the committee, but the bill will come back up in time for us to consider it and pass it."
- G: So this was purely a compromise on the procedure and not necessarily on the substance of it.
- M: I think that's right. There could have been that in the Judiciary Committee, somebody might come up with some different language. And I forget whether there was or not.
- G: Did Johnson see this as a defeat or a compromise?
- M: No, no, I don't think so. I'm sure he had a lot to do with working it out, at least to my recollection.
- G: This presumably ended the filibuster and set a timetable for passing the legislation.
- M: That's right.
- G: What was Johnson's reaction to the 1960 bill? Did he feel that it was a good bill or--?
- M: No, you know, it was something more--and I can't remember at which point, and this is something you might want to ask David Brodie [?], or--you can't ask Clarence Mitchell now. Brodie--and I don't think Joe Rauh's too dependable on this period. He says I'm not either. He may be right.

But on one of these bills, when the pro-civil rights people came in and said, "God, after all this, we really haven't got very much, do we?" Johnson is said to have said, "Stick with me and I commit to you, I promise to you, that we will have a series of bills, that we will deal regularly with the civil rights issue. There'll be other bills in future Congresses, and we'll keep at it until we get it done." Which would be an important thing to know.

- G: It did pass the Senate on April 8, I believe.

- M: He says he signed it on--well, yes, I guess that must be right. Yes.
- G: He did meet with you and Russell on March 4, I assume it was in connection with this, I don't know that it was. This is at the top of page 9. He held a press conference and then he met with you and Russell at five-thirty. This was a Friday afternoon.
- M: I don't know.
- G: Tommy Corcoran was accused of trying to influence FPC members in favor of his clients. Do you remember this--?
- M: FTC?
- G: I believe it was FPC, I believe it was the power commission.
- M: The power commission. I remember later that he went in to see Hugo Black, went to see him on the Supreme Court.
- G: Did he really?
- M: Yes, he asked him to reverse a decision in the Fifth Circuit on El Paso Natural Gas. It's astounding.
- G: Did LBJ reprimand him or put distance between them or--?
- M: I have no idea; I don't know anything about the Johnson-Tommy Corcoran relationship.
- G: On March 28, page 12--I don't know whether you have any recollection of this, but this is an issue regarding, apparently, a milk byproduct of casein. It was an import question of whether or not it would compete with U.S. products.
- M: I don't know.
- G: That doesn't ring a bell?
- M: No. No, this is tedious in the extreme, and I wish if there are any broad-brush things I could do, [I could do that]. I just haven't got time to go over this.

I remember telling Johnson one time, I forget with what response, about a story I'd heard about Will Rogers, who was flown by the Trinity River Association down over the river all the way from Dallas to Galveston, where there was a big dinner. And he was supposed to celebrate the virtues of the river and of making it navigable up to Dallas. And he made a funny, Will Rogers speech, and at the very end somebody whispered, "What about the Trinity River?" And he said, "Oh, the river. Listen, I think you all ought to go

right ahead and pave it."

(Laughter)

And I really can't remember what Johnson's [view was]. That was my view of it. I thought the Trinity--in a lot of places is about as wide as this room.

G: Was Johnson instrumental in promoting that project over the years, do you think?

M: I don't know; there seems to be something--it seems to me he was not. Now why, I don't know. I know he was never as involved, as aggressive, as Kerr was on the Arkansas River. He never did that.

G: And perhaps Price Daniel may have been more involved in [inaudible].

M: Well, the Trinity really does go back to the dawn of time practically, that Dallas has been seeking to be a port for a very long time. But I don't know whether it was Johnson--I just can't imagine. He was close to Dale Miller, I believe, who was the Gulf Intracoastal Waterways Association lobbyist in Washington. And what connection that was with the Trinity, I don't know. But I think it was not a high priority for Johnson. Could be wrong.

G: How about LBJ's reaction to the U-2 incident? Anything on that?

M: I don't remember it. I don't remember what he said or did.

(Interruption)

It was fatal to Johnson, because Humphrey was the only guy out there to stop the juggernaut. That at least was the view, and I wrote about this in my book. I remember a bunch of correspondents all circling around Johnson's desk, trying to get him to say something about it, and he was mumbling like brm-brm-brm; you just couldn't hear him. He was saying it didn't matter; he didn't really know anything about that, he was just going to run the Senate and we had some legislation that was very important. I forget what it was, some minor bill that--he used to turn to Johnson and say, "I wonder if the distinguished Senator from Texas has checked with his leader?" knowing that that just grated under Johnson's skin.

G: You were saying that the session had been called largely to--

M: Totally.

G: --support Johnson as the nominee and--

M: The whole notion of the session was to hold out the promise of benefits and the fear of retribution to various groups of Democrats as they went into convention. "We're going to go have a session after this convention, and God knows what'll happen. If I'm the nominee, wonderful things may happen. If I'm not the nominee, terrible things may happen." That was really the message that everybody understood; that was what was being conveyed. And Congress being Johnson's platform, it would be a wonderful way to

spend that month before the campaign really began and launch off the Congress into the campaign.

G: Did Johnson succeed in getting any delegate support on the basis of that, do you recall?

M: No, I'm sure he didn't.

End of Tape 1 of 1 and Interview X