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LAWRENCE F. O'BRIEN ORAL HISTORY, INTERVIEW XI

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ACCESSION NUMBER 92-22

INTERVIEW XI

DATE: July 24, 1986

INTERVIEWEE: LAWRENCE F. O'BRIEN

INTERVIEWER: Michael L. Gillette

PLACE: Mr. O'Brien's office, New York City

Tape 1 of 4, Side 1

G: Okay, why don't we begin 1965? You talked briefly last time about the impact that the election had on the Congress and the large majorities.

O: Yes. Well, of course, we struck it rich in terms of that election, and I think I had projected to the President that we would pick up seventeen, twenty or something House seats. We actually picked up double that, around thirty-eight, I guess, [and] picked up a couple of seats in the Senate. I projected two or three. The end result was we had two-to-one Democratic majorities in the House and Senate moving into the Eighty-Ninth Congress, the largest Democratic majority, I guess, in twenty, twenty-five years or more. So the stage was set and a lot of the problems that had existed over those early years perhaps would dissipate if we handled things properly. And in that context we felt that at long last we probably could finalize the break that we had been looking for in the southern Democrat-Republican coalition. That was a troublesome matter and had been for many Congresses.

So, of course, the first item that you would focus on under those circumstances was Medicare. Medicare was pre-eminent in our efforts and had been from 1961. We had worked arduously to try to move Medicare in every way we could. We had a considerable amount of support from Clint Anderson and others on the Senate side. We couldn't budge Wilbur Mills. There had been strong opposition from the AMA and others over a period of years and it had been effective. But now it was conceivable that you could bring about a change in Wilbur Mills' view. Attempts to tack Medicare on in conference had failed. Other attempts to act on Medicare had failed and it was a very frustrating situation. We anticipated a very fruitful Eighty-Ninth Congress, the first session, particularly. Underscoring that the movement on Medicare, HR 1 and S 1, which started immediately and culminated in, at long last, victory.

Of course, it was not confined solely to Medicare. We had been frustrated also in our attempt to enact education legislation, elementary, secondary. We had the religious problem crop up on a number of occasions that stymied action in this area. Part of our 1965 challenge was to creatively come up with a proposal that could bridge these problems and bring about effective action in that area.

And then of course we had any number of legislative proposals in mind. We were going to finalize the New Frontier program and launch the Great society program. And there were a lot of innovative programs that Lyndon Johnson had in mind that would be the focus for the Great Society. So we had a full plate. Our optimism was based on the election and that we had in place what we felt was an effective congressional relations program in which most of us involved, and certainly that applied to the President, had been through legislative struggles. We were not, as we had been in 1961, attempting to build a procedure. Spearheading all of this was the Medicare effort.

The fact is the first session of the Eighty-Ninth was most productive in the history of the country. It brought comparisons with Roosevelt's first hundred days. It wasn't a valid comparison. The Supreme Court had knocked out most of the Roosevelt proposals that were enacted to attack a tremendous problem, the Depression, he had inherited as president. And with us, I think it was somewhat different. A commitment that had been made by the Democratic Party and by us in the Kennedy-Johnson period had not been fulfilled. Go back to the five-vote margin to expand the Rules Committee. There was further change in procedure in subsequent years, but he moved from that to very close calls in a number of roll calls in the House, pretty good luck in the Senate. It seemed the switch of thirty-eight House seats in the 1964 election would give you just that additional elbowroom that could make the difference, and it did make the difference. It was a very productive session of Congress, it impacted on the vast majority of American people.

Medicare was pre-eminent in that regard. Of course you had voting rights, you had higher education, you had the whole field of medical research and--oh, you can name it. At the end of that session, of eighty-eight proposals that had been made to the Congress we had succeeded in eighty-four, which was just miraculous. It was unbelievable. Nothing like that had ever occurred in terms of depth and impact. And of the four we failed on, one of them was the old Taft-Hartley 14(b) and another was home rule for the District of Columbia, and there were a couple of other matters. But when you look at that record in one session of Congress, it's just phenomenal.

G: In terms of your own operation in the congressional relations office, was there a change from 1964 to 1965?

O: The congressional relations function was in place, the people involved were knowledgeable, experienced. There was in existence--it had been growing over the years--a relationship [between] the White House and most of the members of Congress. And that included the other side of the aisle. And that was there. You have the departures of some who in a few instances were troublesome for us. We didn't inaugurate any procedures, it was more of the same with more to work with. That didn't mean that you could just sit and it would all happen. But if you could enact Medicare, for example, which had been a commitment of the Democratic Party back to Congressman Aime Forand from Rhode Island and from 1961 now into 1965. If you could accomplish this twenty-year goal that went back even to attempts of Harry Truman to secure action, if you had nothing else, the first session of the Eighty-Ninth Congress would have been, I think,

historic.

G: Was Congress itself changing, not in terms of the proportions you've already indicated?

O: Yes, it was changing in terms that I keep referring to--this so-called coalition in the House. It existed in the Senate, too, but in the House it had greater impact. It was an alliance, really, of southern Democrats and the Republicans who [had] effectively blocked, over many years, social legislation, civil rights. So the numerical advantage of the Democratic Party in the House was a phantom. It just wasn't there. In order for us to realistically count the House, we had to count perhaps ninety southern Democratic members along with the Republicans and say, "This is just about even. Anything you can accomplish, you're going to accomplish with a five- or six-vote margin or lose it by that." This had been an extremely effective procedure that went to the Democratic Party nationally. The difficulties in bridging the varying views in the Democratic Party had been in existence for some time. It became a matter of intense involvement with the advent of civil rights legislation. The Democratic Party platforms over a number of presidential elections advocated equal rights. It never faced reality, but you could mouth these platitudes.

A southern Democrat could recognize it for what it was. He would just maintain his historic position. Any time there was an effort congressionally, that effort was stymied, so the Democratic Party went on with this patchwork quilt, a supposed national party. If you analyze the House of Representatives--I don't intend to focus on the House exclusively; [it existed in] the Senate too, obviously, in filibusters--you had a two-party House. You had Democrats and then you had a southern Democrat-Republican side of the House. We had worked arduously to try to break that one on one, from the time that we went into the White House in 1961, and we had some degree of success. Sometimes it was success that was not really clear on the record. Some southern Democrats, to help Kennedy,or Johnson later, would do a little behind-the-scenes maneuvering, agree to move legislation they might oppose in a roll call, that sort of thing. That was breaking down.

We approached the 1964 election feeling that we had reduced the southern Democratic opposition to "liberal legislation" from ninety-plus to sixty or lower. There were some indications in roll calls we had cut it even further. That was primarily because of the intensive effort that was undertaken by the White House, by President Kennedy, Vice President Johnson, and later President Johnson. And it was really one on one. People like George Mahon and Al Thomas and Carl Vinson and any number of rather senior southern Democrats were anxious to be of some help if they could.

Now you have an unfinished agenda, the New Frontier; several New Frontier proposals had not been enacted. You have the advent of a broadly based Great Society program of President Johnson. Now you have a two-pronged objective.

But you have that elbowroom. Eighty-four out of eighty-eight legislative

proposals made by the White House were enacted into law. I've tried to impress upon people in discussions the human element in all of this, that it isn't a cold statistic. This guy or gal has been elected to represent a district or state reflecting the attitude of his or her constituency. That person has no desire to embarrass or demean the president. Progress was made inch by inch or often was due to human relations. People wanted to be helpful with respect to the office of the presidency, rather than on the substance or merits of the legislative proposal. If it didn't have merit it wasn't going anywhere anyway.

But to have people say, "This is tough for me. But I want to help. I don't have strong opposition, I'm just trying to protect myself politically. Maybe I can take an extra step, because I do want to be helpful." Better those kinds of discussions than, "I don't like section so-and-so of the bill, if it is adjusted then perhaps I might have a change of view." Of course, you go through all of that, but a lot had to do with the relations the President had with the individual members of Congress, not only the leadership, but across the board, and the maintenance of a great degree of one-on-one contact in every way conceivable to ensure that. This human relationship that I talk about was in existence, was growing, was improving, as time went on.

You had more to work with starting in January 1965, but people have the feeling that the president of the United States can work his will with the Congress. When the president is successful, then the press says, well, the Congress is a rubber stamp. When the president isn't successful, well, he can't seem to provide leadership, and the Congress would follow his leadership if he were a strong leader.

The fact is that you could have had, in 1965, the same statistical breakdown of the Congress and a president in the White House, Democratic president, and have not succeeded as President Johnson did during that first session. You just can't get away from that. There is nothing automatic. It requires a strong president who has leadership qualities and is fully committed to the nitty-gritty of legislative progress. And a lot of it was nitty-gritty, consuming the president's time, involving him in a lot of things the president probably should not be involved in.

G: Is there, then, by implication the fact that the members of Congress would support a piece of legislation advanced by a president of their own party whereas they might not support it if it were put forward by the other--?

O: I think you start with that concept, then you have a starting point. But our role, working for the President re the Congress, had to be in focus. Our position re the Congress should be understood. We should remind ourselves constantly that no one downtown has been elected to office except the president of the United States and everyone we were dealing with on the Hill had been elected to office. We should be conscious of that at all times and understanding of it. And while we should do what we could to bring about accomplishment, we should never overlook the desire of every member of Congress to survive politically.

A member was not prepared to commit political hara-kiri in our interests. In that context keep working arduously in the interests of the president's program. Too little attention, too little organized effort by the White House with the Congress is disastrous, and overplaying your hand would be equally disastrous.

It took a long time to establish this relationship between the executive and legislative branches and it was always potentially touchy. There was always the possibility that you could go too far and it could be counterproductive. Yet, you had broken some barriers. The separation of powers didn't suggest you couldn't communicate. The degree of communication was the important aspect and maximizing communication is the approach in any activity in life. It wasn't a great discovery; it was always there but there had been a great hesitancy on the part of the White House, historically, to move too close to that line. And there was a view in Congress that the White House must stay a distance from the line. As time went on, all that had occurred placed us in a good working position as we launched the Great Society program.

G: You received and depended to some extent on the support of a number of Republicans who were sympathetic to the substance of some of the legislation issues.

O: Yes. That's true. As a statistic, the basic head count you'd undertake in the House and Senate on all legislative proposals--let's stay with the House again--of the four hundred and thirty-five members, three hundred or more of them were almost automatically up front.

That doesn't mean that you're not going to have some degree of communication with them, but you are not going to, [in] an allocation of time and effort, place a great deal into this category.

Now you've got a hundred, a hundred and fifty, depending on the issue. This is where this is going to be decided. Many times you wouldn't have nearly that many question marks in a head count. So your area of concentration was reduced, not overlooking anything, hopefully.

Now how do you convert, bring into support, to accomplish the end result? One on one personal contact. My recollection is that President Johnson got 61 per cent of the popular vote, something like that. It was two or three percentage points higher than a conservative guesser like me would have envisioned. That can make a difference and it did. There were thirty-eight switches in the House.

To stick with Medicare for a minute, a proposal of the Democratic Party platforms for decades. There had been advocacy on the part of Democratic presidents; Harry Truman was the first. It clearly was a commitment made by the party, and we all recognize the party platform probably isn't worth the reading most of the time, and I don't think many people ever read a party platform anyway after a convention.

So, with a two-to-one margin in the House, with evidence that you had succeeded in breaking down the coalition, you go for a program that was so broad in its elements that it spoke to every Democratic Party position leading with Medicare. In 1961 we avoided the conflict that would take place with little hope of success in civil rights in order to get some meaningful legislation without a complete war on the Hill at the beginning and eased into the major legislative commitments, civil rights, in due course down the road. The contrast is obvious in 1965. You would approach it by saying, "I'm going to propose legislation in every area of challenge that exists today and has existed over time--everything that I, the President of the United States, feel is in the national interest." And that's exactly what happened. There was one goal, 100 per cent success, not any ifs or maybes, just "we'll go for it." President Johnson, without hesitancy, made that decision and we went for it. And he was right. It worked. And you can't overlook the additional members in the House and the two additional seats in the Senate.

That traditional House roadblock began to disappear. The power of key Republicans and southern Democrats in terms of a coalition dissipated. And by the end of 1965 we weren't using the phrase, "southern Democrat-Republican coalition," because it no longer existed. And that brought about a fantastic result. Everything that was occurring, every signing ceremony was impacting as we saw it, for good on the nation as a whole. It was fulfilling the role of the federal government.

We thought we might run out of pens to distribute at signing ceremonies. We had a heavy schedule of signing ceremonies and we weren't immediately focusing on the implementation of all of this. How could you assure proper implementation, administration, grassroots productivity in these programs? That came later, and certainly some of the adverse comment about some of these proposals that became law had to do with not the substance, not the purpose, not the goals, but the administrative aspects, which were faulty in many areas and still are to some extent. But that's beside the point in terms of what our objectives were then.

Tape 1 of 4, Side 2

G: Let me ask you to talk a minute, though, about dealing with the Republicans that supported you. Naturally any of your legislative victories accrued to the advantage of the President and his party, and it was almost in effect a partisan victory, and yet you did have some Republicans who supported you. How did you keep them from resenting, or in fact did they resent the credit that the President and the Democratic Party would take? This seems like a universal problem regardless of which party is in the White House. How do you deal with a situation like this?

O: There were about twenty Republican congressmen who represented what might be called Democratic districts: northern districts for the most part, northeastern districts, a John Lindsay-type of district. Those people didn't feel that the accomplishments of Lyndon Johnson were necessarily adverse to their political futures. A [Jacob] Javits from New York in the Senate, for example, was not a traditional Republican.

On the House side, Charlie Halleck, the minority leader during my first years of involvement and intensely partisan, held no animosity. Charlie Halleck wasn't going to deviate from his established position. The one deviation we discussed in the civil rights legislation, where he was extremely helpful. What are you going to do with a guy who is pleasant personally and his opposition is total--he'll do everything he can to block you, but there is no venom? You meet, you have a drink, which I did on occasions.

Little incidents would crop up from time to time, but overall, whether it was Ev Dirksen--my recollections of Ev Dirksen are all pleasant and really I enjoyed his company, it was a pleasant experience--there were occasions here and there when Ev Dirksen was willing to be helpful. Jerry Ford replaced Halleck as we launched into the Eighty-Ninth Congress. I have no recollection of Jerry being nasty or mean in waging the legislative battles. I recall Ford, Les Arends, and others on the House side and other Republicans in addition to Dirksen, George Aiken, as fine human beings. They had their very strong views, which didn't coincide with our views. But it was never personalized, and I think that is a factor which existed to the degree it did in our years because of the progress that was made in person-to-person, individual contacts, social contacts. You weren't strangers to each other and there was mutual respect and understanding.

I certainly never thought that the day would come when I, or indeed, the President of the United States could change Charlie Halleck's views on our legislative proposals. But that certainly didn't mean that you would build a barrier between Charlie and you, that you couldn't act in a courteous manner as you fought vigorously. If you were an extremely conservative Republican member of the House or Senate, you were in total opposition to the proposals of Democratic presidents. Generally speaking, you could bet that reflected his constituency and you understood that.

If you're going to launch a program across the board, i.e., education, elementary, secondary, higher education; if you're going to get into Appalachia, into voting rights, into highway beautification; [if] you want to move vigorously in the field of medicine, research and development, heart, stroke and cancer; that meant a significant involvement in people's lives. Opponents would say it was an encroachment on their rights. That was under the guise of opposition to social progress. You were not impressed with that argument.

G: How did Ford's succession of Halleck as minority leader change the Republican opposition?

O: There was a contrast in personalities.

G: How so?

O: Halleck had the reputation, and deservedly so, of being heavy-handed in his approach to the battles while Ford was much less of a wild-eyed opponent. There was a difference in

personalities but Ford and Mel Laird, as they moved into leadership positions, functioned basically as Halleck had functioned. There was a vigorous effort to maintain party loyalty on their part. I had a lot of kidding around with Halleck--as I said before, Halleck for some reason insisted on calling me O'Toole as a nickname. And with Halleck, on a roll call, you'd make a token bet on whether you'd win or lose. You didn't have those discussions with Ford, that wasn't his nature.

G: He was just more reserved?

O: Yes, a different style, but the same basic approach and the same efforts were expended. Ford had a more serious problem, than Halleck, going back to the election statistics.

G: Was one more skillful than the other?

O: Halleck was of the old school. He emphasized party loyalty to a greater degree than Ford. Ford would try to focus more on the substance rather than the partisan black-and-white and there-is-no-middle-road approach of Charlie. I am not sure that in the final analysis there was much difference. They had their aggravations. Charlie had them and Jerry had them with that twenty or so--we might have gotten twenty-two Republican votes on some proposals. That was frustrating to them; they did have Republicans they couldn't keep in line. But after all, we were more frustrated, over the early years at least, with the number of Democrats that we were unable to bring into line.

G: Lyndon Johnson has been quoted as very colorfully questioning Ford's abilities. Was this--?

O: Well, I think that Ford--well, let's go to Halleck and Dirksen.

G: The Ev and Charlie show?

O: Yes, Ev and Charlie never really bothered us. We saw humor in it because these two guys in tandem in the public arena were not effective, and they were subjected to a lot of ridicule by the press.

With Jerry--it's not fair to say that Charlie was colorful and Jerry was bland. Charlie was colorful in his own way, and he'd have some of these quotable quotes once in a while. Jerry on the other hand seemed to pretty much fulfill his task in a workmanlike way. But I don't recall Jerry as overly effective in presenting the Republican point of view in the public arena. His leadership was reasonably effective. I don't recall any Republican insurrections concerning his leadership. When Jerry Ford became President [there were] stories of supposed ineptness, stumbling off planes or hitting some spectator with a golf ball. People would say, "Jerry didn't wear his helmet when he played football," that sort of thing. I think Jerry took it in pretty good style. I liked him. He was a nice guy. It sounds strange, I guess; you would think that if you spend years working on legislative programs you're probably engaged in a war, that all kinds of viciousness takes place.

I enjoyed those people; even when they frustrated me. I didn't take it personally. President Johnson probably articulated what some of us privately said from time to time regarding Jerry Ford, but it wasn't personal. I don't think President Johnson considered Ford a strong adversary. For him and for Halleck, once those southern Democrats start to disappear from your side, you were placed in a difficult position to try to stop the Johnson steamroller.

G: Of the Republican leaders, who was the most intelligent and the most skillful?

O: A fellow who impressed me on the Republican side was Mel Laird. I think Mel Laird probably was as skillful and as intelligent as any of the Republicans. On the Senate side I was impressed with George Aiken, maybe because of his style, but he was respected, listened to, and had impact on the Republican side of the aisle. Laird was in that position in the House. And there were a few others.

G: Ford announced the formation of a House Republican planning and research committee headed by Charles Goodell to formulate long-term policies. What was the effect of this group?

O: I don't recall any particular effect.

G: Really? None?

O: I suppose it's not right to say none without researching it. Goodell is bright and not in the category of conservative Republican. But my only recollection of Ford's action in that area was, "It's just a matter of forming another committee." That's my best recollection of it.

G: On the Democratic side, Russell Long was elected to succeed Hubert Humphrey as Democratic whip. What was the significance here?

O: Well, you had two different personalities to start with. Russell Long would reflect southern interests that Hubert Humphrey didn't reflect. Russell Long was considered a smart operator. But we felt that he was an excellent behind-the-scenes manipulator. He had a kit of tools that he used effectively at one stage and that was the chairmanship of the Senate Campaign Committee.

Russell Long had the ability to do significant fund-raising. Russell Long and Hubert obviously shared a keen desire to have a large majority of Democrats. While Russell Long and Paul Douglas would not see eye to eye on many legislative proposals, he made sure that he was able to provide financial assistance to Paul Douglas in his re-election campaign because Russell Long would never think that it was better to have a Republican from Illinois in the Senate than Paul Douglas. Long was a realist, very much a pol. So there was a great contrast between Humphrey and Long, in their personalities,

their general approach to dealing with people. Obviously Russell Long had some strong regional interests which Humphrey didn't share.

G: Long defeated [John] Pastore and [Mike] Monroney for the post. How did that happen?

O: Well, it was a split vote, a three-way split. We avoided direct involvement in organizing the Congress. There were times when we tried in our own way to bring about committee assignments, but we were very circumspect in that regard. In that contest, it was a matter of Mike Monroney and Pastore splitting a constituency.

G: Of more liberal or moderate constituents?

O: Yes, they were splitting the liberal members between them.

G: Did the White House have a preference in that race?

O: If we did, we didn't enunciate it.

G: I guess all three of them had been friends of Johnson's.

O: Yes, yes. When you say the White House, I don't recall the President expressing any serious interest or any concern.

G: The Steering Committee was enlarged with Eugene McCarthy and Pat McNamara going on this committee.

O: That was reflecting the change in the makeup of the Senate. There were two liberal senators added to the Steering Committee which better reflected the Democratic membership as a whole.

G: Did the White House have a role here?

O: I don't recall any role.

G: Now, the fact that the Senate Democrats had about a two-to-one majority meant that the committee ratios had to be changed and this was done except in the Finance Committee, apparently.

O: Yes, but Long objected to Mansfield's proposal and blocked it.

G: Why would Long object?

O: Long was content with the numerical breakdown that existed. From his own point of view, he felt that he had a reasonable degree of control and he wasn't going to take on the additional burden of a couple of liberals who might make it more difficult for him. That

was the surprise factor, that Long would actually oppose the Majority Leader. It is a reflection again of the hard-hitting approach of Long, and his great attention to the politics and maneuvering in the Senate.

G: Do you think his position was designed to protect something like the oil depletion allowance or--?

O: I'm sure that wasn't overlooked. No one ever would suggest that Russell Long couldn't count, and the Mansfield proposal would have affected his count in his own mind. His ability to protect the interests of his constituents would be a matter to which he would be very attentive. For example, Russell Long was able through his fund-raising activities to provide financial assistance to Paul Douglas, but that wouldn't necessarily mean that Russell Long would look forward to Paul Douglas being added to his committee.

G: Wasn't [Harry] Byrd, [Sr.], still chairman of Finance?

O: Yes.

G: It seems like that Long is exercising more control over the committee than perhaps would be normal if he were not the chairman. How do you explain that?

O: You explain it by just taking another hard look at Russell Long. Russell Long worked that floor and his colleagues extremely well. There was nothing passive about Russell Long. As we're talking, he is still very, very much the activist even though he is about to leave the Senate.

G: Now, in the House Mendel Rivers succeeded Carl Vinson as chairman of the Armed Services Committee. How did this change affect--?

O: A Rose Garden walk that Vinson notwithstanding--we had developed a comfortable relationship with Carl Vinson. We had great respect for him as everyone did. I remember Carl Vinson trying to be helpful in such things as minimum wage. He was a statesman in the House, widely recognized.

Mendel was a rather mercurial guy who had the capacity at times to get his name in print on some offbeat activities. He was an entirely different kind of fellow, but there was a unique aspect to Mendel Rivers. It was his relationship with John McCormack which always intrigued me, because he would proudly proclaim he was a "McCormacrat." It didn't seem to reflect itself in his voting record, but he was a staunch supporter of McCormack's leadership positions through the years. It was brought to my attention on a number of occasions, in meetings in the Speaker's office, meetings when he was the majority leader. Mendel Rivers would react to a McCormack request, not fully--John McCormack couldn't say, "Mendel, I want you to vote for X legislation." But he might say to Mendel, "Maybe I can get a pair from you or you could remain quiet on this, or take a walk." So in replacing Vinson we were dealing with a very different type of fellow,

but we didn't envision that it would be detrimental to our activities in the committee.

G: There were also some changes in the Rules Committee that were designed to make it easier for the speaker to bring legislation to the floor.

O: You know the history of the Rules Committee over those years going back to the original rules fight in 1961. The minimum requirement to open the door for consideration of legislation was to increase the membership of the Rules Committee, and the proposal assured us of a bare majority. But that didn't occur when we got to education legislation.

Now you had additional changes in the Rules Committee. You get the twenty-one day rule to bring a bill to the floor. With those changes, the hands-at-the-throat Rules Committee situation was eliminated. And that was real progress. We wouldn't have succeeded in 1961. We were lucky to get what we did.

You think back on that body and the power of that Rules Committee, which the committee used effectively over the years, to block progressive legislation time after time. Just in that brief few years that power had been taken from the committee.

G: Did the administration or the White House play a role--

O: Oh, yes.

G: --in advancing these changes or initiating them?

O: We weren't interfering in terms of assignments to a committee. That can get pretty sticky and could be counterproductive. In this, we were in total accord with what was being attempted and we had no reticence about expressing our view and applauding it when it was accomplished.

G: Who initiated these changes?

O: It evolved from general discussions that we had with the leadership, reflecting on the election returns.

You have to remember the leaders had their frustrations. Sam Rayburn and McCormack and [Carl] Albert and [Hale] Boggs, along with Democratic members, had a great feeling of frustration regarding the Rules Committee. [Howard] Smith of Virginia was a key figure for a long time, and was a very key guy in the coalition.

Tape 2 of 4, Side 1

G: Were these changes in the Rules Committee advanced with the idea of promoting a specific piece of legislation?

O: I'm sure at that early stage, as reflected by S 1 and HR 1, you were focusing on Medicare, but you were looking beyond Medicare. The leadership, incidentally, probably felt as strong or stronger than we did about the change.

G: Oh, really?

O: You're with McCormack as speaker; Albert, majority leader; Boggs as whip. You have three leaders that are pretty darn liberal leaders and totally committed to our programs. So if they can significantly reduce or eliminate the frustrating aspect of the machinations of the Rules Committee, that is very much in their interest in moving the program along.

G: Another change I wanted to ask you about. Of course, with the expansion or the change in the ratio as you added more Democrats to Ways and Means in particular, three more Democrats came on, three Democrats who were favorably disposed toward Medicare. Did you have a role in that particular--?

O: Not in picking them specifically, but with Wilbur Mills, he'd obviously have great influence over the new additions to the committee, in fact probably have total control. His willingness to add those members with their positions on Medicare and their general liberal approach was an indication that Mills' change of heart was ongoing.

G: Before we get into the specific legislative measures of this year, I wanted to ask you a little about your own personal situation and the transition that took place within the administration, of many of the Kennedy appointees leaving the executive branch and going back to some other pursuit.

O: Yes, that was--

G: Let me ask you to describe the process in general first.

O: Through the period from Dallas through November of 1964, there had been this unusual staff situation in the White House. It had little or no impact on me because of my role, but it did have on others. The President's intentions after Dallas to retain the Kennedy staff and add to the staff key people of his had moved along, but clearly--and this was my personal point of view--there had to be a change of direction.

It was all right to function with President Johnson through that year, but he certainly should launch his own administration, elected on his own as president, with that intimate, important staff reflecting exactly the kind of a staff he felt he should have, and certainly I agreed. You recognized that this probably presented some problems to the President. How was he going to work this out in his best interests?

There was no doubt in my mind that the proper and appropriate thing to do was to work arduously in President Johnson's interests through his election and then, to ensure that he had the fullest degree of comfort, to submit your resignation to him following the

election. That view was shared by a couple of other fellows on the White House staff: Ken O'Donnell and Dave Powers. Dave's situation was a very personal relationship he had with Jack Kennedy rather than a particular role he had in the White House. With Ken O'Donnell it was, again, a very close relationship with Jack Kennedy and his area of assignment, appointments secretary. The nature of the assignment called for you to be at the right hand of the president every day.

With me, obviously I was in the White House because of a long association I had with Jack Kennedy. So Ken and I discussed it. It wasn't a matter of debating the issue, it was appropriately how to terminate our activities with the President and not have the President conceivably have concern toward us. It was a simple and obvious approach.

So when the election was over, I thought that a presentation in written form to the President of resignation at the earliest moment following the election was appropriate. And interestingly, I drafted my letter of resignation. My secretary, Phyllis Maddock, typed it, and obviously you wanted to keep it confidential. Ken asked me if he could utilize Phyllis' services to draft his letter, and I believe also that included Powers. And that's what happened. The letters were typed by Phyllis, basically the same content, I guess, and they probably had the same date on them, I don't recall.

The President came back to Washington. And my best recollection is that I went in to him the day he returned, as soon as I could see him for a few minutes. I said, "I want to formally terminate"--I felt very comfortable with him. The relationship I had with him had been very rewarding. The President said that he didn't want to accept a resignation from me at that time. He wanted to discuss it further. I don't recall whether this discussion took place at that first rather brief meeting; it probably didn't, but probably within a few days.

I assume O'Donnell talked to him directly--his resignation was accepted. Similarly, Powers' resignation was accepted. And the President promptly launched into a long discussion with me, and it was a difficult situation for me in personal terms.

G: Why do you say that?

O: Because Ken and I had been very close and had worked in tandem. Ken joined me all the way back in 1952 when I was directing the organization of the Kennedy Senate campaign. Ken was new to politics and came to the campaign headquarters. We worked together and had been together throughout. There was a tendency on the part of the press occasionally to refer to the Irish Mafia.

Other Kennedy people--[Theodore] Sorensen and [McGeorge] Bundy, I guess, and maybe [Arthur] Schlesinger, there were three or four other Kennedy people--had taken their own steps to close out their White House activities. I had no plans for the future, in fact I'm sure I hadn't given the future any thought. My focus was on doing the right thing at the right time in the right circumstances with the President, with a

handshake. It turned out in Ken's case that he had plans, which I was not aware of at that time--to go back to Massachusetts and run for governor.

It had been suggested to me that I run for the Senate. In fact, Teddy Kennedy had talked to me about it. I can't say that I had given it serious thought. At a later stage--it might have been a matter of days, certainly before Christmas--I learned indirectly of Ken's intentions. And obviously if I had ever given serious thought to the Senate it would have made no sense at all; if Ken was running for governor the voters of Massachusetts would not take kindly to two guys deciding to come home and take the two highest offices in the state. I wasn't aware of the Ken O'Donnell contemplated action, and I was not seriously thinking about the Senate in any event.

G: It seems odd that O'Donnell wouldn't have consulted with you.

O: I never understood it, but anyway, it happened.

G: Well, what do you think you would have done--?

O: If I had left?

G: Yes.

O: I have no idea. And that's not unusual for me in life.

G: Do you think you would have gone back to Massachusetts?

O: I really don't know. I hadn't focused on it. The only subject of discussion had been this Senate situation, which I did not seriously consider. I am sure I would not have run for the Senate.

So the Johnson procedure and style came into play, and we had a long conversation which really was sort of one-sided.

G: What did he talk about?

O: Well, the President presented one, "We now have the opportunity to enact the New Frontier program. In addition, we have other objectives in mind, I do, the Great Society and so forth. Larry, you're going to leave here and foreclose the opportunity to see the New Frontier program come to fruition, something that you worked hard on over the years, and in memory of your close friend and long-time associate, Jack Kennedy. It's hard for me to believe now that you would just walk away from this."

That was the basic thrust. Clearly, overridingly, I wanted to see that program enacted. I wasn't accepting President Johnson's contention that I was a key to its enactment. I'd say it was a typical discussion with the President in terms of the length of

the discussion and the President's position. This whole matter was ultimately resolved by the President and I agreeing that I would stay until the end of the first session of the Eighty-Ninth Congress; b) we would not at any future time have further discussion regarding this matter, that my departure would be automatic at the end of the session. We couldn't establish a date certain; we didn't have a date certain for the end of the session, obviously. But that would be the conclusion of my activities and that was agreed to. C) I pointed out to him that it seemed in my best interests that my resignation and the specifics of my staying be on the public record. That was agreed to, and he adhered to that. He later diverted to another direction, but I could never accuse him of violating the agreement. He pointed out to me that when that agreement was made it didn't foreclose him from coming up with other ideas that had nothing to do with staying in congressional relations.

There was a public statement made by the President confirming this so that the record would be clear--I contacted Ken immediately and advised him of this agreement I had reached with the President. He made no comment that I recall, but I got the impression he was disappointed that I wasn't leaving. At this time, of course, I'm not aware of Ken's future plans. Some of those associated with us in the campaign or campaigns seemed to have an anti-Johnson feeling. Somehow or other, there was some responsibility on the part of Johnson for the departure of Jack Kennedy from the presidency, or a resentment that didn't reflect good sense or good judgment, resentment toward the Johnson presidency. In any event, there it was and I am going to pursue without interruption activities with the Eighty-Ninth Congress.

There were a couple of interesting sidebars to that. Bob Kennedy urged me to stay. He said, "If the President wants you to stay I think you certainly should stay. I'd love to see the Kennedy program enacted and you can make a contribution to that." But there were others that weren't pleased. My administrative assistant who had been with me for years, Claude Desautels, was subjected to some rough comments on the part of some of the old Kennedy people as a result of my action, because Claude was staying with me, obviously. I was disturbed about that; I thought it was grossly unfair to Claude. If they had the guts they could take it up with me. But nobody got around to that.

But it left a lasting feeling on the part of two or three people who were not significant in the administration. Ken and I never had bad words. There was a going-away party at Duke Ziebert's for Ken O'Donnell. Bob Kennedy asked me if I would join him in going to the party, which I did. Then Ken ran for governor and lost the nomination by a very close margin. He and I had discussions during that campaign and I was helpful to him, so there was never any personal animosity on my part and I don't think on his. He carved out his own career and I continued what I was doing. The principals can accommodate to a situation that has some sensitivity, but those on the periphery are not apt to handle it well. I've seen that happen in other instances.

But it was totally unanticipated by me. I envisioned going to the President to formalize the parting, so I was totally taken aback. I must say he was extremely

persuasive. If I didn't do it, I would have regretted it years later because I would have felt that I didn't measure up to responsibility and challenge. But that's how I happened to be there for that great first session of the Eighty-Ninth in 1965.

G: But it seems like if you really intended not to stay that you would have had some idea in your mind about what you were going to do.

O: Well, you don't, any more than I had any idea when I entered the White House I could establish congressional relations. I had never met my predecessor, Bryce Harlow. Why? Because I was otherwise engaged. I was engaged to inauguration, trying to ensure the proper handling of all the key people in the country who had contributed to the election. I had no time, even though I had the assignment, to focus on it. In fact, I think it was probably within forty-eight hours of going in the White House that I located two staff people to assign, Mike Manatos and Henry Hall Wilson. I never was in the White House, never had a briefing from Bryce Harlow. My assistant, a good, long-time associate, Phyllis Maddock, went over and met with Harlow. In retrospect I wondered how Harlow reacted to that, but that was the extent of it.

So now we've just gone through the election. I've never had a long-term program in life and I'm glad I didn't, because I probably wouldn't have had the experiences I had. So what you would do in the future was something you would think about after the holidays. No pressure, no hurry.

So if the handshake had not taken place that day, my family and I would have gone through Christmas and the holidays and then probably thought, "Well, let's see what we'll do next." What we would do next I had no thoughts nor any concerns. Not a very intelligent approach and not untypical of my approach to life, but I would not suggest it to anybody else.

G: Do you think that the fact that LBJ persuaded you to stay and presumably made no effort to persuade Ken O'Donnell to stay reflected his view of the loyalty to him of each man?

O: I don't know. No, I don't think so. I really think that the President sincerely believed that I could make a contribution to the legislative progress, and he had mentioned on occasions his appreciation for the job I was doing. We had a close relationship over that year and he had even gotten to raising my salary, making me the highest-salaried on the staff, which I think was his way of indicating to you that he approved of your work. And I think it was simply, "I want O'Brien to stay around here. I don't want to disrupt congressional relations. I'm satisfied the way it is now." He didn't need Ken's continuity as appointments secretary; it wouldn't mesh. And Dave Powers really had a non-role. I thought he showed considerable sensitivity toward Dave.

G: What did he do?

O: Jack Valenti came to visit me in my office and said that the President wanted to be helpful

to Dave. Jack said the President wanted to see what could be worked out that would be helpful to Dave Powers. He had had a lot of years with Jack Kennedy. The President came up with the idea of Dave's placement in the Kennedy Library, which I thought was a marvelous idea. He wanted Jack to discuss it with me and get my reaction because I might have some reason this wasn't the right approach. I remember saying to Jack, "That is just a great idea. I think Dave would love it and it would certainly take care of his future." And that's what happened.

G: Was O'Donnell actually working as appointments secretary when he left?

O: He was at the desk--I think probably some of that was shared by others. In fairness to Ken, I was in an entirely different position. I had one area of responsibility. I had a staff. It was firmly in place. It was an ongoing, uninterrupted area of activity from Dallas on. I could devote all my time and attention to that, and I was not involved with any actual or potential conflicts of overlapping of staff or anything else. In fact it was the reverse. Johnson's position was that everybody in the White House, all his people were informally on my staff. Everybody was to get in the act and anything that I wanted by way of support was there.

Now with Ken, that's an entirely different role he had. It was a very sensitive, close proximity, hour-by-hour, day-by-day role. And I know that it couldn't work out over the long haul, nor did Ken ever have any idea that it could. Obviously he had given a lot of thought to his own future. I don't think that Ken O'Donnell concluded that the President was unfair because he accepted his resignation and didn't accept mine.

G: But O'Donnell did resent it, is that right? He did harbor some animosity?

O: Not that I have knowledge of.

G: Really?

O: As I said, I think the two principals, can accommodate and that probably is not necessarily the case with some on the periphery. O'Donnell and I never had a word about this. His sort of noncommittal reaction to my notifying him immediately--he was the first one to know I was staying--indicated that he was taken aback, but it was never reflected, to my knowledge, by anything he said or did in subsequent years. We saw a good deal of each other as the years went on, and it was never a subject of discussion.

G: Did your wife have any opinion about whether you should stay or leave?

O: She certainly was in accord with my decision, but never did we discuss any possibility of being there after the first of January. It wasn't in the cards and it wasn't something you'd think about. My concern was that I closed out with the President in a gentlemanly manner, and that he would know I appreciated the way he had treated me, because I was appreciative. It would never enter your mind that you would get into a discussion about

extension. I was flabbergasted. For whatever reasons, he felt it was important. I can tell you that I thought afterwards I certainly exhibited a high degree of arrogance in saying to the President of the United States, "Let's have the record clear I resigned and you persuaded me to stay for a period of one session of Congress, and you and I will never discuss the subject again."

I think what amazed me more than his action was my action. Who am I to be setting down the rules to the president of the United States? But he took it in good spirits and fulfilled the agreement. We can get into some other time [as] to how he found another road to travel.

G: That's amazing.

Tape 2 of 4, Side 2

G: Well, let's start in with Medicare. Was there any accommodation between Russell Long's success in his effort to be leader and his support of Medicare?

O: Accommodation?

G: Well, or association. Do you think that some of the support for him as whip hinged on his willingness to go along with Medicare?

O: I don't know as that was significant. It's an internal family matter. It's conceivable that Pastore or Monroney--I don't remember what the vote was--could have made a real contest out of it and prevailed over Long. But, as far as we were concerned, I don't think there was any real focus on the impact the whip would have on Medicare, whoever the whip might be. I don't think that was important to those voting. The candidates' colleagues would be making their judgments on the service aspect--the role of the whip.

G: Why did [George] Smathers change?

O: I don't recall.

G: Let me ask you to talk a little about the opposition to Medicare, particularly in terms of the AMA. What sort of lobbying mechanism did they use in the Congress?

O: There has been this suggestion that the medical fraternity represents the least political group in the country; they normally are not political activists. They got into this, which they considered an attack on them and their careers. They felt Medicare had the earmarks of socialism, indeed I guess [for] some of them, even communism. This issue brought doctors into a lobbying position as an organization.

They were able to heavily finance their activities. There was no give on the part of the doctors; there was no feeling of social responsibility. This was total opposition to the

concept of Medicare.

In addition, the spokesman for the AMA was articulate, aggressive, hard-hitting. He attained national prominence during those years, particularly from 1961 through 1965. The doctors at the grassroots level were used very effectively. Of course, doctors traditionally have been in a prominent position in the areas in which they practice, well respected and therefore potentially very effective. They were a potent force in opposition. It's hard to envision now, I suppose, but at that time, and certainly in the earlier stages before the sixties, this concept was downright repugnant to large numbers of people.

You combine that with the aggressive position of the medical fraternity, and support for Medicare to a great extent emanated from the traditional social security advocates: organized groups of the elderly. It's hard to believe that it took that long, however, for something so obvious in terms of the role of government in our society and that the opposition would for two decades effectively block enactment of legislation of this nature. But that was the case.

The Democratic Party historically had stated its strong support for Medicare, and yet it never came about. Kerr-Mills was spearheaded by two conservative members of Congress, Bob Kerr and Wilbur Mills, in an attempt--and a successful one for a time--to head off Medicare. The contention historically was this is a private-sector role. We agree that there is an area of responsibility, but it has to be developed through voluntary participation and private-sector activities.

I'm sure if you went back to the beginning of the debate on social security you probably heard the same comments. You could extract some of the speeches that were made in opposition to social security and substitute Medicare and have the same thought process. I had a particular interest because of my family experience where my father had had a prolonged illness. The modest resources of the O'Brien family went into the financial support necessary. We did have some modest resources and we were able to see it through until the time my father died. Most people didn't have resources and it was devastating. How anybody could suggest that Medicare not become law was beyond my comprehension.

In any event, that is the history of Medicare, and we had reached 1965 and the Eighty-Ninth Congress without succeeding. Through history this sort of governmental activity took a long time. It probably goes back to the feeling on the part of many that even though there was a law that allowed you to go into bankruptcy--I remember my father, that's the last thing in the world, he would have died first than to go into bankruptcy during the Depression. And yet that's now an accepted procedure and I think that welfare in this country is the same.

In the early stages of welfare, I know that the people who I was associated with in our neighborhood would move heaven and earth to avoid going on the welfare rolls. Three days a week of make-work on the WPA was accepted because at least it was

earning what you received from the government. So you got fifteen or eighteen dollars a week for working three days a week. But that wasn't handed to you; you were out raking leaves or whatever to earn that check.

It's like social security; people say, "Social security should be peeled back to ensure that anyone receiving the benefits of social security should have an economic need." The concept was, this is an insurance policy and there should not be any criteria of need. So again, the views of some of these programs are quite interesting, because in Medicare you have the same situation.

To have the mass of people in this country without any guarantee of medical care at some stage of their lives, and have the opposition so effective it takes decades to bring about a program is hard to conceive. That's why in the context of this battle over Medicare, you wonder why all that effort had to be expended over those decades to bring about what should have been accepted as a direly needed program at the federal level. But that was the case.

Now, civil rights has a different connotation. For a hundred years this was a racial issue that aroused passions, but when you're talking about social security and Medicare, that's a different category. It wasn't quite as difficult to bring about Medicare and social security, but you didn't have the racial issue. Maybe people felt social security had some racial aspects to it, or Medicare. But if there were any views of that nature they were senseless. So we were talking in 1965 about doing something that should have been part of the American scene at least two decades earlier.

G: Was there an alliance between the AMA and the tobacco industry? The AMA seemed very reluctant to affirm any link between smoking and cancer even though individual doctors certainly recognized it, and I'm just wondering if this was a trade-off for Medicare.

O: I couldn't say that it was, but I'll say this, that in the effort of the AMA to block this legislation would have been the avoidance of incurring enmity which might result in having some anti-position develop. But as far as formal alliance, I don't recall that.

How could a couple of hundred thousand doctors block for two decades this obvious approach to social progress? It was the conservative view regarding government involvement. "That is not," they said, "the role of the federal government. It is an imposition on the rights of individual citizens, in this case doctors. Wherever there can be assistance rendered to those in dire need, the private sector must handle it." But in any event, that was the reason why it was blocked so effectively for so long.

G: One of the arguments that the AMA used in promoting their own Elder Care [program] was that Medicare didn't go far enough, that it wouldn't really take care of a lot of the problems. And then Wilbur Mills turned around and tacked on this additional voluntary provision. In fact, [it] simply incorporated additional measures into the single bill so that some of the wind was taken out of the opposition's sails.

O: Yes, that wasn't our advocacy.

G: Tell me how that evolved.

O: Again it's a matter of accommodation. After all, you would not suggest to Wilbur Mills that Kerr-Mills was not effective legislation. And secondly, not only the pride of authorship, but there were some strong feelings that Kerr-Mills was doing a good job. We recognized that Kerr-Mills existed as an effective block to the Medicare concept. So when you get to Medicare and Wilbur Mills is going to lead the parade, you knew you had the most effective guy in the Congress to lead a parade.

From Wilbur Mills' point of view, "I'm going to change my view regarding the concept of Medicare, but I'm also going to retain my long-held views as expressed in Kerr-Mills--incorporate a package under the heading of Medicare which extends beyond the administration's proposal." This heads off some of the objections of the AMA, but we're sitting in the White House pleased with everything as it unfolded.

G: Wilbur Cohen was quoted as saying something to the effect that Mills' maneuver was one of the most skillful political maneuvers he'd seen in thirty years.

O: It didn't eliminate opposition, but suddenly you're looking at a piece of legislation that effectively rebutted these claims made over the years of ineffectiveness. I agree with Wilbur, as I've stated before, there was no one more effective in handling legislation than Wilbur Mills.

Wilbur Mills was conservative in his approach to legislation. He was one fellow who, in my dealings with him, wanted to be fully assured that a bill, once it reached the floor, would pass. The last thing Wilbur Mills would allow to happen is to bring something to the floor that would be defeated. Secondly, he always wanted to be in a position to have a closed rule when it came to the floor so it could not be decimated by amendment. Once he was in that position, you could be very comfortable about the end result.

So two things had to happen: one, Wilbur Mills have a change of view regarding the concept of Medicare; and two--as important if not more so--full and total assurance that it would pass. He incorporated the elements of the overall Medicare bill. As Wilbur Cohen said, "You talk about taking out an insurance policy on a Medicare program or any program and a guarantee built into it that once you push the button, there's no way it's going to be stopped." He had basically guaranteed that, in his committee and then in the bill.

I must say that sitting in the White House, you reflect on legislative struggles over those years. But if you were presenting awards for contributions made to social progress, you'd have to strike an award to Wilbur Cohen for his contribution to Medicare

legislation.

G: What did Cohen do, specifically, in this instance?

O: I don't know what he didn't do. I don't know as he slept at any time; he was a ball of fire who had the advantage of knowing the subject intimately and, consequently, having the opposition arguments equaling Wilbur Mills'. He had the ability to communicate with the Congress. He also had the knowledge so you could feel comfortable in a meeting discussing strategy or substance. He made one significant contribution to this struggle.

G: In bringing Mills around to this position, was any other legislation involved? Were there any projects in Arkansas or any--

O: No.

G: --other pieces of legislation that he was interested in?

O: No. Let me tell you, anything to do with Arkansas Mills was in a stronger position than the White House. I remember that we had a ceremony dedicating a project in Arkansas that encompassed about everybody in the administration from the President on down. Wilbur Mills had the capacity to pick up the phone and request the appearance of a key member of the administration and have that request fulfilled promptly. Anything the White House could do to accommodate Wilbur Mills was done. But as far as projects into Arkansas, Wilbur Mills didn't need the White House.

G: Let's go to the Senate. You had a situation where there was no guarantee that you could get Harry Byrd to hold hearings on it and move it along. And the President called some House members and senators to the White House; Byrd was one of them. Let me ask you to go through this episode and give me as much background as you can.

O: Byrd was a problem. Visits to his apple festival were part of the attempt to soften Harry Byrd. Harry Byrd was in concrete on an item such as this. His objection to a federal role of this nature was a position he held from the beginning of his political career. As pleasant as he was and as nice a human being as he was, you weren't going to shake Harry Byrd. But how were you going to get around that obstacle in the Senate?

I don't think any of us were sitting around envisioning that Harry Byrd would take any leadership position in this area. So finally the President in his own inimitable way conceived of having a little session on Medicare involving some of the key senators. Harry Byrd had the capacity to avoid commitments or controversy and would not be available if he suspected what you might have in mind by way of attempt to persuade him.

He was asked to come in for this meeting which was presented to him as an extremely important, very sensitive meeting with the President.

G: Did you send a White House car to pick him up?

O: Transportation was arranged, yes. Harry Byrd did arrive without any knowledge that he was going to be involved in a Medicare discussion. I thought the President was at his best. You had Clint Anderson and others, you had advocates and Senator Byrd walking into this trap, stunned to discover the subject matter and further stunned when he recognized that he was going to be on the public record as a participant in the discussion.

G: Were you there when this happened?

O: I was there through part of it. I do remember that I was a little stunned myself the way the President handled this. There was a record of the President indicating that Senator Byrd had agreed to have prompt hearings, to which Senator Byrd had no alternative but to acquiesce in front of witnesses.

G: Well, it was on national television, wasn't it?

O: Yes. (Laughter) It was all staged and planned.

Tape 3 of 4, Side 1

O: It did fulfill this commitment to have hearings and did contribute, obviously, to moving the legislation on the Senate side. But I must say that they talk about substance, but that human element enters into it. In this instance it was a very sharp president who knew just how far he could go to get a commitment on the part of the key guy. Position him on the record before the nation.

G: You say it was all staged and planned. Whose idea was it to get Byrd to make this concession on television?

O: It was the President's idea to have the meeting. I'm sure when we discussed the meeting, inherent was how do you get Byrd to the meeting?

G: Who decided that? How was that decided?

O: We were going to use a subterfuge. We weren't going to be lying to him--Byrd doesn't know the subject matter and yet he's impressed with the President's keen desire that he show up. But then I think the President played it by ear. The President waited minute by minute and made a judgment as to how far he was going to take Harry. He took him the full distance, because you would have just blown the whole thing if you said that the Senator has committed to support Medicare. (Laughter) The Senator was very gracious. After all, the President wasn't talking about whether Byrd was going to support Medicare or not. "The Senator is cooperating, he's assured me--haven't you, Harry? Is that right, Harry?" I think Senator Byrd made the comment, "If I had known all this was going to

happen I would have dressed more formally," or something like that.

G: "Dressed more formally."

O: Yes, "dressed more formally." I can see that little smile on his face now, "Oh boy, have I been taken."

(Laughter)

G: How was he maneuvered from the meeting to the television area? Did you go out to the--?

O: Yes. Sort of just took him by the elbow. It was great.

G: What was LBJ's reaction to this episode?

O: He enjoyed it thoroughly.

G: Did he?

O: Enjoyed it thoroughly.

G: Tell me what he said about it.

O: Well, when it was over he had the biggest smile you ever saw on his face.

(Laughter)

(Interruption)

I guess the only way to describe it was that it was like a fellow who just finished a beautiful steak dinner. He was very satisfied and relaxed.

G: Was there any fallout to this at all?

O: No, interestingly enough, if Senator Byrd had any ill feeling I never came across it in any comments he ever made. He was enough of a pro himself to recognize a pro in action, and probably admired it a little bit. (Laughter)

G: Now, Russell Long was a peculiar ally in this fight for Medicare because he had his own plan, his own amendments that he introduced in committee. Do you remember, he had some proxies, Fulbright's and I think Gore's, that apparently were misused in one fashion or another?

O: Yes, I do recall that.

G: Apparently he had a proxy from Fulbright for something else.

O: Yes. There was a cute ploy. It didn't work, but it was a setback at the moment. There were two. Gore was the other proxy that was misused. But there was a new vote taken. And as we've said earlier about Russell, he's an aggressive in-fighter, and in this instance it backfired. We had to work on it and of course you had Fulbright and Gore protesting vigorously.

G: Was this fairly common, to have a dispute over proxies like that?

O: No, it wasn't. I don't recall a similar incident. It would be uncommon because you're really taking a risk. It would be a rarity to have a misuse of a proxy.

G: There is also an indication in one of your memos of the need to work on Smathers and [Herman] Talmadge as being wavering or in opposition.

O: In Talmadge and Smathers you're talking about conservative senators breaking with their traditional positions. Whether either were vigorous opponents over a long period I don't recall, but they were in an uneasy situation and we were uneasy consequently. This battle, as it came to its conclusion, was going to represent a breakthrough after years of effort, and you couldn't bring it to its appropriate conclusion without some new support that hadn't existed in the past. And you pinpointed Talmadge and Smathers because they were potential supporters, and they were potential opponents, depending on the AMA and what effort they could expend.

G: Now, you had the peculiar situation of Long, as floor manager for the bill, actually in some respects opposing it. How did this arrangement develop?

O: The Majority Leader was great for accommodation, avoidance of controversy and always sought consensus. Mike Mansfield's approach on controversial matters would be to bring together the key committee people, whoever he thought was appropriate to luncheon in his private dining room. It was not unusual for Mike to introduce a subject, make brief comment and then turn it over to me for further comment and discussion, the persuasion side of it. You would therefore gamble on Russell Long not being floor manager while he was trying to gut the bill. So you weigh that against suggesting you could take some other step in terms of floor management. So that's what it came to, you'd feel more comfortable with Russell Long floor managing the bill than Russell Long in committee using proxies. (Laughter) Our head count at that stage was pretty firm. And even with all that it wasn't that easy. It wasn't that simple.

G: You had Nelson Cruikshank, Andy Biemiller, and Elizabeth Wickenden. Do you recall the role of each of those three in supporting the legislation?

O: Well, Cruikshank had been the point man, or one of them, in the senior citizen concept.

Andy Biemiller would be in his traditional role with the AFL-CIO, and they were very strong supporters of this program.

G: Elizabeth Wickenden, Wicky Goldschmidt.

O: There was a classic example of utilizing the executive branch, the department, the White House. Then what do you have in the private sector? You had a well-organized senior citizens' group across the country. You had the AFL-CIO and you brought that into the team effort. This would be a good example of the utilization of administration effort and private-sector effort.

This was always our attempt. How can you bring in the private sector, and what's available out there in any organized manner to complement the administration's effort? Then you're maximizing the effort, too, by assignment of members for lobbying purposes and joint head counts you conduct. We could be approaching a senator, and labor and senior citizens had certain assignments, and they might be going to the same senator. You might have Andy [go] to that senator, you might have Nelson, you might have others.

It was a coordinated effort. We'd compare notes and sometimes you found some interesting reactions. The reaction reported back on a member might vary if three different people had talked to him. You still might find you were in a gray area. One person might report, "I'm now convinced he's all right." Another person might say, "I'm convinced that he's not going to be all right," or in between.

You remember we discussed at one time the attempt to utilize the senior citizens to put pressure on Mills. It was decided that there would be a series of rallies around the country and there was a misconception of how you impacted on Wilbur Mills. Having a rally in Madison Square Garden could harden Mills' position. He had no accountability to a group of people in Madison Square Garden.

But now what do you have? You have Mills. You have, on the Senate side, Russell Long, floor manager. The support area is broadened and diversified. Forget what degree of support or the underlying reason for support, it's there. Now you've really got a ball game going. The chances are good that where labor could make an impact on a Medicare vote, that vote may already be there. Where the senior citizen group could make an impact, that wouldn't necessarily be a vote already there. Andy would probably be reinforcing support among people who were already basically supporting him. But Cruikshank and the others in the senior citizens' group could make a contribution altering or shoring up a weak vote.

So when you add it all up--the Congress, the leadership, the committee, the White House, the administration, the department primarily responsible, the private sector elements--if you've done it in a well-organized way, that's the best you can do and the best assurance you have of success. And this is a good example of how it works.

G: In the conference committee Wilbur Mills prevailed on a provision that allowed doctors to charge reasonable charges rather than setting up some sort of rate structure. This element has, I guess, been criticized more than any other aspect of the bill, the fact that it apparently did result in increasing the doctors' fees dramatically.

O: It was unfortunate that was in the final bill. You have doctors persuaded they were going to be destroyed economically. I think that it has proven in implementation to have been unfortunate. I think that some of those very doctors who were going to be driven into the poorhouse because of this legislation found a bonanza. I don't know of a doctor that lost financially by virtue of Medicare.

G: If the administration had been more vigilant, could Mills have been defeated on this?

O: It's a good question. I think that at no time, right up to the end of the road on Medicare, did we feel we could take on Wilbur Mills and try to override him. So we swallowed the pill in our mind by saying, "Somehow that'll be corrected down the road, but we've got a major breakthrough." Why take [on] Wilbur Mills in conference when Wilbur Mills obviously controls every conferee on the House side--there was nobody in that conference who was going to buck Wilbur Mills on the House side and probably there was little appetite to buck him on the Senate side either. And this sounded kind of reasonable. Why? Because oh, well, all doctors are reasonable, aren't they? (Laughter) You know, they are going to be fair and reasonable in fees.

It was unfortunate, but I don't think we seriously considered undertaking an effort to override him in conference or block him in conference. If we had we wouldn't have succeeded.

G: You would have had to have had a new bill, is that--?

O: God knows what might have happened. It could have unwound a lot of things.

G: Did Johnson ever reflect on that aspect of the bill?

O: I don't recall.

G: Aside from the celebrated television exchange with Harry Byrd, what else did LBJ do to advance this Medicare bill?

O: He made repeated public statements. He introduced strong references to it at every opportunity throughout this period. He was alert to the ebb and flow from day one until the conclusion. He was totally immersed in it. I don't recall his injection directly into individual vote-getting. On the strategy side, when he was able to position Harry Byrd, that was awfully significant.

His direct relationship with Wilbur Mills was in evidence throughout. There was

presidential contact with Mills in a variety of ways. Mills was in the White House a good deal during that period. There were private visits on two or three occasions in the White House, not on the record.

G: Did you sit in on any of these meetings?

O: Yes, my contact with Wilbur Mills throughout, including any involvement in presidential contact, was detailed. Actually, from day one there was so much important legislation in Ways and Means, as there is traditionally. It is a very key committee. The personal relationship with Wilbur Mills was something that I focused on right from the beginning of my assignment in congressional relations.

Wilbur Mills and his wife, Polly, and Elva and I became close friends, and we saw each other often. He was on the Sequoia with us on a number of occasions. He and his wife would be at our brunches at our home on Sunday, which became rather traditional as we tried to develop relationships. And the relationship became so close that to this day we exchange Christmas cards and notes. I communicated with him during his travail--he and Polly both--which I think cemented our friendship.

Through this whole period you'd never suggest, even in a backgrounder with the press, that Wilbur Mills had a change of view, that somehow or other we had switched Wilbur Mills. You always low-keyed this. Wilbur Mills has always had a deep concern in this area. He had a different approach than we had; we've worked together and we have a mutual interest and mutual concern. It's a matter of how you get it done. We are of course pleased that he felt our view is a reasonably acceptable one. Never allow someone to write that Lyndon Johnson had put the hammer on Wilbur Mills and had forced him into a change of view.

That not only applied to Wilbur Mills. We tried like the devil at all times to avoid public comments claiming credit for legislative progress. An example of that was the efforts we made in one instance. We decided to have a party for the Congress, have them come down to the White House so that the President could personally thank them for this marvelous legislative record, which was their doing and not ours. We were involved in late night legislation and the party faltered because--I think we were on Beautification.

G: Yes, Beautification.

O: And the President had a personal setback, I think, physically at that same time.

G: He entered the hospital for that gall bladder operation.

O: Yes, that's right, because I remember that evening. We were torn because we were going to have the party; it's going to go forward anyway, and it got to ten or eleven o'clock at night and a few drifted in. Our reaction was, "What are you doing down here? You should have stayed up on the Hill." And they, in turn, were concerned because they had

been invited and they thought it was an insult not to come.

Beautification was another success story for the Johnson program and the Great Society. But I mention that only because you began to run out of ways that you could indicate your appreciation, your pleasure with the movement of the Congress and the movement of the program.

G: Were there any specifics, though, that Johnson brought Mills around on during some of those meetings that you attended?

O: To sum up Wilbur Mills, you're not going to impress Wilbur Mills by having rallies demanding action on Medicare. You are not going to ever persuade Mills by being overly aggressive or demanding or taking any action adverse to his interests. When Wilbur Mills ultimately supports you, he has done it on two counts. One, he has finally decided that he's in a reasonably comfortable position to be helpful, and two, that he has every assurance in his own mind that it will succeed. You've got to remember that Wilbur Mills' opposition to Medicare and substitution to Kerr-Mills to a great extent had to do with Wilbur Mills' great ability to count heads. He wasn't going to take on a crusade that was doomed to failure.

What used to bother me was when you began to read press stories about a rubber-stamp Congress and how Johnson had twisted everybody's arm, forced them against the wall and they had no alternative but to succumb. That's the last thing you wanted by way of image. Throughout all of this, to be able to walk that tightrope, you had to resist overaggressiveness.

G: You wanted the legislation, of course.

O: Yes. We could have exhibited arrogance in January of 1965 and point to the increase in support in the House and increase in the Senate and start all that in public. You can begin to get perilously close to "You better do this or else," and you've destroyed everything you've worked arduously [for] over a long period of time to establish.

Just focusing on Wilbur Mills for another moment, you go to Wilbur Mills' district. You go to his home, a little cottage on the railroad tracks. I've been there. His background, coming North to go to Harvard and, as he told me, he wasn't happy there, he didn't feel comfortable there. He was out of his element. He didn't know the Northeast; he had no involvement as a young fellow in big cities. To know that he was a baseball fanatic was a point of discussion to open up general conversation, to lead to something more serious. Wilbur Mills could fulfill the responsibility of his key role as chairman of that Ways and Means Committee as he saw fit, without any concern about backlash from his constituents at home.

If you have some envisionment that you can fix somebody's clock politically, particularly somebody in the position of Wilbur Mills, you're not being sensible,

particularly if you're trying to work behind the scenes to force him, through supposed public clamor, into changing a position.

In every congressional election, you break down four hundred and thirty-five seats in the House, and I can tell you it's a little difficult to come up with ninety seats that are in contest. That's why a sweep of thirty-eight seats, for example, is a fantastic sweep, because that means [in] about one out of three that were in contest, you were able to reverse the process.

The majority of the House of Representatives, redistricting notwithstanding, are basically locked in unless they shoot somebody or something like that. That's the factor which can be frustrating when you're dealing with a legislative program. But that's the reality you face. So what's your alternative to that? You've just got to get to him on a personal basis.

G: George Smathers, when he was asked why he changed his vote on Medicare said, "Because Lyndon Johnson told me to."

O: It's a simplistic response, but it's not nonfactual because he'd feel a very strong tug to be supportive of the President in this area. It may not have been simply "President Johnson told me to switch my vote," but certainly President Johnson and the relationship he had with Smathers would be a significant factor in Smathers making a decision on a vote in which the President was tremendously interested.

G: Anything in particular that he might have done to--?

O: No. If he did I don't know.

G: There was fear of an AMA boycott of Medicare. What did you do to prevent this from happening?

O: That fear is exaggerated. I don't recall any overriding fear.

G: Anything on the signing ceremony in Independence?

O: It was a marvelous setting for the signing ceremony. I probably recall that one as much if not more than any signing ceremony I ever participated in.

G: How was it decided to have it in Independence?

O: That was decided by the President.

G: Really?

O: Yes.

G: Why did he want to do it, do you know?

O: For obvious reasons. Harry Truman, the record showed, had been the first advocate of some form of Medicare. So it was appropriate. It was an opportunity for Johnson to pay homage to him. It just fit. There was a mutual interest on the part of the former President and the President, the library was there, it afforded an opportunity for a visit, and it was appropriate.

Incidentally, on the AMA boycott, I can't believe that we took it as seriously as some people in the AMA did. It would seem to me to be a boycott of a program widely accepted by the public. It would have been an expression of arrogance beyond belief and would have tarred the AMA for years to come.

G: Johnson did meet with a group from the AMA after the bill was passed. Do you recall that?

O: No, I don't recall a specific meeting. I'm not trying to denigrate the AMA or the good works they are undoubtedly engaged [in] and have been, but the fact of the matter is just the cold political reality of the situation indicated that. . . . They had gotten one hang of a break in that bill, in the Mills action in the conference. I don't know as they recognized it then, but the record will show that--

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O: I thought the AMA should be very thankful [that] they didn't wind up with a program similar to the British program.

G: Anything on Johnson's reaction to passage or his own reflection on the significance of the act?

O: His involvement had to represent one of the real high points of his administration and would remain such. The self-satisfaction in bringing this about made a real impact on him. I remember out at the Truman Library he was just exuberant.

G: Was he?

O: It was an extremely pleasant occasion and he was at his best.

G: Can you remember anything that he said?

O: The general climate and the conversations with President Truman and Bess Truman and other people present. I treasure a picture I have of that because he did rather stun me. He called me over to present a pen in a separate little one-minute ceremony rather than the usual handing out of a pen. I concluded from that that he was making a point of saying,

"You had a real involvement in this."

G: If you were going to assess your own role in this particular bill, where was your activity or your influence the greatest in it?

O: I don't claim any particular influence on it. I think that the contribution I made was tenacity throughout from the beginning in 1961, and staying through 1965. My dedication to the effort to a great extent, as I stated earlier, flowed from my own personal experience in my family. So there was that additional element in my commitment. I would never suggest that Medicare would not have been enacted in 1965 if Larry O'Brien hadn't stayed in the White House. It's part of a team effort as it was in any legislation over the years.

My reaction to successes legislatively was somewhat different. I was extremely pleased in instance after instance being present and involved. I was thankful to have that experience rather than try to determine whether my involvement made any impact or not.

G: Anything else on Medicare that we haven't talked about, this year?

O: No, that sums it up. The summation is that years of frustration terminated with success, a commitment to the American people had been fulfilled, a president had found a way.

G: Let's go on to the Voting Rights Act, another significant piece of legislation. Let me ask you to just trace the background of this legislation if you can.

O: Again, this was based on need. Of course there was demand, but there was need, there was obvious gross unfairness and inequity in so many areas of the country. In the South particularly, the battle that was being waged for voting rights by Martin Luther King and others, the Selma situation, all of this built up evidence for the need and [of] the gross unfairness. I would say that President Johnson in this instance was not reacting solely to this evidence of mistreatment of protesters.

G: He wasn't?

O: He was up front in determining that action take place in this area and he was absolutely committed to bringing about change. There was no need for the President to be made aware of this by any citizen activities. We welcomed those activities because they helped build a fire to bring about legislative action, but the President was committed up front to the fullest.

G: Do you think that there would have been a voting rights bill without the Selma march?

O: Perhaps not. It was a major factor. How do you bring into focus a challenge and a need? We just talked about Medicare. Probably the best implement you have to focus public attention and direct concern is to cite what is easily assimilated by the individual citizen. Regarding Medicare, you could cite case after case of terrible tragedies incurred because

of the lack of this legislation. People will be giving it attention [by] citing that sort of example rather than statistical presentations.

I've always felt strongly that to communicate, keep it simple, be repetitive, and ultimately you'll make an impact. And voting rights legislation, sure, you could cite all the statistics on blacks registered re the population in a given state in the South to white registration re the white population. And you could cite the difficulty of people being able to register and participate in the voting process.

But to Selma you get to the marches. Now, that makes a significant contribution to focusing attention and arousing concern about an inequitable and unfair situation. That is a significant contributing factor. That is where people are concerned for their fellow man. It's the emphasizing of specific instances. And you do it by case citations. That often took place during the debate on Medicare. Or you do it by pointing to the gross unfairness, and now people are reading about it because there was a march, not because of the statistics. Then the march finally leads to an absorption of the statistics and the gross unfairness.

So that's why I said that Lyndon Johnson didn't need to have that focus in order to be committed to voting rights. He was basically and fundamentally committed to voting rights, just as he was committed to civil rights, just as he was committed to home rule for the District of Columbia, while some of the liberals in the Democratic Party were disbelieving along the route. I don't have to justify his actions or his record--his record speaks for itself. But it isn't a matter of pointing with pride or anything. This man was not fully understood by American media generally for his inherent early-on commitment to fairness and equity and equality for all citizens.

There was so much evidence of that. Maybe it was his style, his personality, or where he came from which caused--and that's where I faulted some of my liberal friends--cynicism or disbelief. But I think if you go to his background, to the New Deal days and his activities in New Deal programs, his commitment to the Roosevelt program. . . . I guess what I'm saying is there was a lack of objectivity on the part of some of the American media through the Johnson period, and I'm talking about the domestic side of it now, which was not justified. If some of those people took the pains to look into Johnson's career, positions he had taken on a number of occasions--it's long overdue.

G: What was the impact of the television sequences of the marches at Selma and the [inaudible]?

O: It was a considerable force for movement, legislatively. It was extremely helpful in moving the legislation--this aspect of the Great Society program.

G: But how did it have an impact? Did it have an impact because it influenced senators and congressmen or did it have an impact because it influenced their constituents and they in turn influenced--?

O: I don't think it's that simple, that it influenced constituents who in turn influenced them. You have the politician, the member of Congress, beginning to note that his constituency has an awareness and a growing interest in this problem due to mass media. You can understand a march; you can see some cop belting some poor black guy. That has a greater impact than citing a lot of statistics.

And so, did that help? Of course, like the civil rights marches on civil rights legislation. And the reverse of this, I think, American media made a significant contribution to destroying whatever hope we had of success in Vietnam.

G: How so?

O: Because they destroyed America's support for the effort.

G: By?

O: By every night showing those terrible Americans killing Vietnamese, the horror stories of jungle warfare aroused the youth of America, not all but some. Some were aroused because they wanted to avoid being part of it. It was a sad, sorry aspect of national support for a cause that was embraced early on as a national cause. I'm not talking about the failures of the military, and they were significant failures. I'm not talking about Lyndon B. Johnson having to fight public opinion while he was undermined by the military and others in the administration who were giving him poor or false information. I'm talking about how does a nation wage war without the support of the populace? That's what brings countries down.

Now, you can talk about the damn war and its unfairness and escalation. But you go to the heart of the Vietnam experience which started out as an attempt to build and maintain a democracy in South Vietnam, to prevent it becoming communist, and to give the Vietnamese an opportunity to have a democratic form of government. Before it was over we were a bunch of pigs or worse who had gone thousands of miles for one purpose--to kill as many people as we could in every way we could and destroy a nation. You had Americans traveling in North Vietnam to congratulate them. American media contributed significantly. Because it's the old story, which we still have--not in anything as meaningful as Vietnam perhaps at the moment--but the power of television, I think, still eludes us. And they can talk until hell freezes over about the evening news and how even-handed it is, that there is no editorializing.

The fact is there are editors of the editorial pages of newspapers sitting making determinations on presentation of their point of view. That doesn't concern me nearly as much--the editorial page of newspapers is the point of view of a couple of guys in the newspaper office. It's the written word; it doesn't have the impact of the visual. There is a tendency not to read editorial pages anyway.

Now, television is entirely different. A majority of Americans get their news exclusively from television. That is one tremendously important area of communication and that's the kind of impact that television makes. It broke this country apart. And I don't think to this day it has been truly unified since Vietnam. It was devastating to a whole generation of Americans, whether they were in Vietnam or they ducked Vietnam. And I think what was lost as time went on was, what was the purpose? What was the objective? What was the original intent? But to get millions of Americans convinced that we were dastardly, foul people who purposely went out to use our military resources to destroy people for pure pleasure--I thought it was devastating.

I therefore had a degree of understanding, when Grenada was invaded, of the decision of the administration not to have the media there. I think that in any actions in the future, any administration ought to be very, very cautious about people who are looking for headlines and their ratings and have no sense of responsibility in a medium by license of the people of the United States. It's not their airwaves. They are making millions on licenses granted by the government on behalf of the citizens and taxpayers. And they just don't seem to have any concept of what their responsibility is in terms of evenhanded, objective reporting, the avoidance of sensationalism for the sake of ratings. And I think it may become a more serious matter as time goes on.

So anyway, to get back to voting rights, where television as a medium can be effective and is extremely effective on two counts. One, the presentation of, really objectively, what is occurring in Selma, Alabama, and that is going to impact on the American people and open their eyes and their minds and their hearts. Then the responsibility, which the medium fulfills--television--on reporting visually. It's more effective than print media. But I do get concerned when some guy is sitting in some corporate seat, deciding whether he will allow the president of the United States on television. The British are doing it better.

Who are these people in the recesses of Black Rock at CBS or somewhere else to be making these decisions on what I am to be exposed to? They can devote five mornings to some wedding in London--that's entertainment. They're in the entertainment business, and that's fine with me, but when they start molding public opinion as they see it should be molded, then that's dangerous.

G: But the press has been doing that for hundreds of years.

O: I know it. They've been doing it for hundreds of years and, as I say, this, unfortunately or fortunately, I don't know, has a far greater impact. The press have been doing it so long that any person with a modicum of intelligence can take all of that with a grain of salt. He or she can read a paper that presents the point of view that the reader shares, you can decide to read tabloids and not the ***New York Times***, or whatever. But when you're talking about sixty to ninety million Americans being given twenty-three minutes of news and that's it, and the judgments that have to be made as to what is presented and what isn't--

I don't have confidence in the people making the judgments. And now you say, well, you have public television. Well, you do. And maybe you can build up public television so it plays an equal role with commercial television. I guess that's pie in the sky.

G: But how does it differ from newspapers, other than scale?

O: Well, I do think there is an understanding that newspapers aren't just reporting news; they are in their news columns but their editorials reflect a point of view of the newspaper ownership. You can take it or leave it. But I think television is entirely different.

G: Well, getting back to the Selma marches, did any legislators, lawmakers seem shocked by what they saw on television? What was Lyndon Johnson's reaction to the televised encounters?

O: As I said earlier, you had a president committed to voting rights legislation and dedicated to accomplishing that. Impetus on the legislative process certainly was greater because of the visual aids that resulted from Selma and other actions of a similar nature. The greater awareness and concern which results from exposure of these inequities, the better opportunity to have a favorable result. But I don't recall specifically any reaction on the part of the President. I think probably it's easier to just point out that in my judgment the President was not pushed into voting rights advocacy because of actions in the streets of Alabama.

G: Jim Eastland charged that the bill had been drafted specifically to exclude Texas from coming under the--

O: Yes.

G: Do you recall this argument?

O: No. Why? Do you think that Jim Eastland was anxious to include Texas? (Laughter)

G: Well--

O: No, I'm being facetious.

G: Of course the position was that it was being applied in a discriminating manner to some southern states which had discriminated, and indeed there was a Republican measure which would have applied it more broadly.

O: Eastland obviously was claiming that the President was avoiding his home state to avoid, in turn, any political conflicts with his old colleagues from Texas. If there is any validity to that argument I'm not aware of it.

G: One of the controversial elements of this legislation was a poll tax ban which the administration opposed.

O: That was the most controversial.

G: Let me ask you to go into this provision.

O: It had elements of the controversy in the civil rights legislation, where liberals could oppose the civil rights bill in the House Judiciary Committee because it was not strong enough, and southern Democrats and Republicans therefore had additional support to block civil rights legislation. In this, some of the liberals--as I recall specifically Ted Kennedy among others--were, and understandably so, strongly opposed to any poll tax concept under any circumstance. They were insistent that this be part of the bill. You're always faced with weighing factors, weighing possibilities, weighing probabilities. Can you get meaningful voting rights legislation or are you going to wind up in a big hullabaloo with purists, which could be counterproductive to legislating? As I remember, we took a position up front in opposition to this proposal, and it did become the most controversial aspect of the debate. That was anticipated as it would be obviously the number-one controversial aspect. So you were left in a difficult position, because, "What's the matter with you, you want voting rights legislation but you're compromising," you know.

This was waged each step of the way and was fairly handily defeated. I think that's correct. I'm trying to weigh that in trying to recall how deeply concerned we became by virtue of this poll tax aspect. I don't recall it reached dimensions where we felt that the legislation could be derailed.

G: The administration's position was that the poll tax repealing provision could render the legislation unconstitutional.

O: Yes, that's right.

G: But apparently Johnson made some commitment to civil rights advocates to deal with the poll tax another way. Do you recall?

O: He was directly involved and clearly wanted the record to show a commitment to the future. It was in the interest of meaningful voting rights legislation that we not take this to the mountain top, all or nothing.

I guess you could suggest maybe that was a ploy. You wonder about the validity of that argument anyway. Let's assume that it was determined unconstitutional; would that affect the entire voting rights program?

G: I guess it just depends on how it was drafted.

O: Yes.

G: And how the Court ruled on it.

O: Yes, that's right.

G: [Nicholas] Katzenbach, [the] attorney general, produced a letter recounting a conversation he had with Martin Luther King, Jr., who apparently endorsed the Senate version, the version without the poll tax repealing provision. Do you recall that facet of it?

O: I recall the letter, but not the specifics of the conversation that Katzenbach had with King; I was not privy to it.

G: You mentioned earlier the fact that whenever you had these kinds of successes, Congress was accused of being a rubber stamp. Do you feel that members of the House and Senate were being pressured to show independence from the White House at this time, if not on one piece of legislation then another, so they could defend themselves against these kinds of charges at home?

O: I don't know as they were being pressured. I think that in the minds of some of them, it might be best not to have a 100 per cent voting record. You like to give it a little balance. I'd like to pick a spot here and there where I could show that I resisted the entreaties of the President and the White House and therefore I have independence. But that's very natural and normal in the world of politics. I think the difficulty of these fellows is, where could they pick? Because so much of this was truly major legislation, it was awesome in its scope. What are you going to say? "Well, I voted against Highway Beautification"--you might pick something like that--"but I did vote for Voting Rights and Medicare." I don't think the constituency is going to be awfully impressed with that.

It's always a difficult situation, but the fact of the matter was, however, that there was a turnover in the off-year election. I believe the state of Iowa was the prime example--that in the Johnson sweep of 1964, there was a switch of probably five seats in Iowa. I would have to go back in the record, but there was a significant switch. And there was a switch back two years later. I remember a long-time associate of mine. We've remained close friends. He was a one-term congressman from Iowa: Stan Greigg. Stan came into the Congress with the Johnson sweep and proceeded to be totally supportive of the Great Society program, without deviation, then sought re-election and was thrown out. And I guess you could conclude that the argument of his opponent, which I'm sure was part of his campaign--that Stan was but a rubber stamp for Johnson--may have made some impact on the voters.

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G: You were able to get the votes of thirty-three southern Democrats on the Voting Rights Bill, which was quite a bit.

O: That's evidence of the changing pattern. It reflected constituency change. From the 1964 election, the sweep of it, into 1965 you had civil rights legislation, you're in the midst of voting rights legislation, you're in the midst of Medicare, you're in the midst of all of these liberal programs, and I think there was a comfort factor.

Southern Democrats felt more at ease, more comfortable supporting voting rights than they would have two to four years earlier. But it had to be some reflection of constituent attitude. Maybe the attitude wasn't advocacy of voting rights, but it might have changed to where there wasn't the intense opposition to that type of legislation which had existed heretofore. Therefore, in their judgment, they felt they could with some degree of political comfort support voting rights, which would have been a red flag two to four years earlier.

G: Let's look at D.C. home rule. This was one of the few defeats, at least this year.

O: It was one of the few defeats; on the other hand, it was one of the most intriguing battles.

G: Let me ask you to recount this battle in as much detail as you can. You were saying that this battle was one of the most interesting, even though you were not successful in 1965.

O: Yes, I was referring to the discharge petition in the House, the effort that was expended and the President's involvement in soliciting signatures for the petition. That made it a very interesting exercise, as it turned out to be not much more than that for that session.

An interesting aspect of the discharge petition was the conclusion reached during the attempt to secure the necessary signatures. Liberal supporters gave up on the effort. I remember people like Joe Rauh and others who had been combing the Hill--and we had been working with them--felt that it had become impossible. The problem of course with a discharge petition is that people can remove their names. And that cat-and-mouse game was being played.

Finally I went to the President and showed him a list of twenty-two members who should be on that discharge petition and were not. It wasn't my intention to have the President do what he promptly decided to do. We were in the office off the Oval Office. He was appalled at some of the names on the list and he proceeded to pick up the phone and instruct the White House switchboard to contact all of these. My recollection is that it was twenty-two, it was in that vicinity at least. He wanted to talk to each one of these personally. I sat through part of this. It was in the evening and some of them weren't immediately available or couldn't be located; others were located and he proceeded to plead and cajole and argue with each one of them.

I remember Edna Kelly in particular because she was a congresswoman from New York, from a liberal district. I don't recall what reason Edna presented for not having signed by then, but probably something to the effect she was still thinking about it. I

remember distinctly the President was very strong in his advocacy, repeatedly saying, "Edna, I can't understand it. I can't understand. I hear what you're saying but I just can't understand. You of all people and the district you represent and the voting record you have." This went on until finally Edna agreed that she was going to capitulate and sign the petition.

Well, there were probably six or seven more calls of that nature before that little session broke up. All the calls had been placed and I don't know just how many of them were ultimately completed, but it was a great example of Johnson in action. The result of it [was] that the necessary number of signatures finally appeared on the discharge petition. And it was a source of pleasure to me to see this occur because not only had the President succeeded in getting this over to the top of the mountain, but that was in the midst of total abdication on the part of leading liberals. I think some of my liberal friends needed that evidence of the Johnson commitment in this general area. And it epitomized to me just the degree of commitment he had in this general area.

G: Wayne Hays moved to strike the enacting clause and his motion carried 144 to 140 on a teller vote, but was later rejected on a roll-call vote. Do you remember that?

O: A teller vote moves quickly and this was close, but it certainly called for a roll call. Sometimes teller votes can be so overwhelming that it's not feasible to pursue it at that time, but in this instance we went to roll call.

G: Apparently the biggest problem with home rule was the fact that the House didn't hold hearings for a long time, that you didn't really get it moving until the discharge petition.

O: Yes. Well, you know on a national level, home rule would not percolate to the surface as a major piece of legislation. It had some parochial elements to it, obviously. It was nothing that would overly excite the Congress. Those who were engaged in the home rule struggle would have difficulty bringing to bear any constituent interest on the part of colleagues. You have to recall the lowest level of committee assignment was on the District of Columbia committees. This was where freshmen congressmen generally found themselves. It was recognized on the Hill as a committee of minimal importance at the bottom of the list of committee interest. In that parochial, localized situation it was difficult to arouse a broadly based constituency in support of Home Rule.

By the same token, sometimes members on those District of Columbia committees became prominent in the District of Columbia and received a great deal of Washington press and television attention. And I suppose some of them probably rather enjoyed playing the role of mayor. The mayor was appointed by the president, his name was Walter Washington. He was credible in his role but there was dependence on the Congress for the administration and financing of the affairs of the District of Columbia. So it was still too soon, even in the climate of 1965 on the Hill, to bring this about.

And that was the extent of it. As I said, any time the subject is brought up I reflect

on the Johnson role on the discharge petition. That seemed to be the highlight of that year's activity in that area.

G: Do you remember anyone else specifically whom he called?

O: No, this was a special list because we had carefully selected those you had every reason to believe should or could sign. These were people who had no political problems with signing. These were people representing districts where there would be no negative fallout. They were obvious potential signers about whom we felt frustrated. In every instance, obviously, we had pressed them to sign. The ADA and others had pressed them to sign, and for whatever reasons, they hadn't gotten around to it and I felt very frustrated.

This was not a legislative proposal that had national interest, and yet he proceeded to work individually to accomplish the result.

G: Okay, let's go on to the Elementary and Secondary Education Act.

O: Well, as you know, this was a frustrating area for us from the time Kennedy went into the White House in 1961. We were anxious to move on Elementary/Secondary. We felt we had a fine proposal and we worked arduously at it. And we finally got to the Rules Committee. The problem of public and private schools, the separation of church, had been the frustration. We felt there was no area of compromise that would include aid to private schools in any form. We had a Catholic president who was very sensitive to this and obviously in a difficult, indeed impossible, position to suggest aid to private schools.

So we went the direct route, stating that any deviation in this proposal which would include private schools was not contemplated initially by us and would be unconstitutional in any event. We had not anticipated that we would be foreclosed from House action by the votes of staunch supporters of the New Frontier program and President Kennedy, but that's what occurred.

The two members of the Rules Committee who stymied us were Congressman [James] Delaney of New York and Congressman [Thomas "Tip"] O'Neill of Massachusetts. It turned out to be an impossible situation. I remember distinctly the President and I meeting with Delaney and O'Neill in the White House, and we were extremely impressed with Delaney's adamancy because he articulated it at great length and great detail and turned the President down flatly. Now you move to the Eighty-Ninth first session in 1965. Obviously there was intense interest in getting legislation.

How were you going to bring this about? Is there any conceivable approach to it that might somehow alleviate this adamancy on the part of the private school adherents and allow us to move forward? Even with the increase in Democratic membership, we could anticipate that we would run into the same difficult situation. President Johnson, of course, was in a much more comfortable position to accept, if it were possible, some form of private school assistance. He wouldn't be faced with accusations directed to him

because of his religion, so that aspect was clear. But it was how do you go about this, how do you bring about legislation? By determining need without reference to public or private seemed to afford a vehicle that might bring about a broad base of support. That was the approach and it turned out to be effective.

We pursued the effort in my office with a group [which] brought together the administration, our congressional relations people, and representatives of the NEA and the National Catholic Welfare Conference in the same room for head count purposes and for assignments where it was most appropriate for each group represented to lobby on behalf of the legislation. It certainly was a pleasant experience when you consider the great void that existed that had stymied any meaningful efforts in this area in the past.

G: Did you have the lobbyists for each organization?

O: Yes, the representatives of each organization which would be the lobbyists.

G: Who were they, do you know?

O: I don't recall their names.

G: Were they effective?

O: Yes, they were effective and incidentally, it wasn't only that meeting, but as this moved on and as we became more intensively involved and the head counts progressed, the cooperative effort of all concerned was impressive.

I recall that Hugh Carey was a member of the committee in the House. We were talking about textbooks in my office one evening--Wilbur Cohen and Hugh and whoever else--trying to brainstorm. Hugh came up with the concept to work out some provision to loan textbooks to private schools.

I believe we sat there rather stunned, and thought, "What a creative idea." It's an example of people of good will, focusing on the dire need for meaningful legislation and groping for some way, practically and realistically, to avoid the major pitfall that would kill the legislation.

Now on the other side of the coin, there were those in the Congress who fought this legislation vigorously. The concept of the allocations of funds on the basis of need without reference to specific types of education caused some to be very concerned and disturbed. So it did not eliminate this sensitivity. But the sensitivity focused on those who were opponents of any direct or indirect assistance to private schools, rather than the sensitivity of those who were advocates of assistance to private schools and therefore objecting to legislation because it didn't contain a provision of that nature.

G: To what extent was the 1964 Civil Rights [Act] an aid in passing this education bill,

because you didn't have the old segregation question and aid to segregated schools? That had already been outlawed by the provision of the 1964 bill.

O: That helped pave the way, but I don't think I can overlook the strong opposition of the Catholic church and some private institutions to educational legislation that did not recognize private education in some way. Delaney and O'Neill were not alone in that regard, and the National Catholic Welfare Conference, the representative of the Catholic church nationally, would have enlisted, as in the past, national Catholic resistance to legislation. That view would have been shared by elements of private education beyond Catholic education.

If you had not pursued that course, an aroused Catholic church would have impeded and I think blocked legislation regardless of the new strength you had in the Congress. They would have made it a major issue and you would have had all kinds of pressures.

This was a rather modest recognition of private education in a very indirect manner, [yet] the reaction to it was quite enthusiastic support for the program, even though it wasn't that meaningful. The reaction was--at least you recognize we exist and you recognize that we do play a role in education.

That meeting between Tip O'Neill and Delaney and the President and I was probably needed because I don't think Kennedy or I really had focused on the depth of feeling. When they left the office we realized this is an area that you can't compromise because we're not prepared to have any recognition of private education.

G: Adam Clayton Powell canceled the markup session and moved it after the House was voting on the funds for his staff expenses. Do you recall that?

O: Sure. (Laughter)

G: Was there a message in that?

O: Oh, certainly there was a message. Adam enjoyed that sort of activity. He loved it. I don't think Adam, at any time in his public career, failed to enjoy taking actions that would be disruptive for the moment but get his job done. In addition to that, he was the most difficult chairman on the Hill to get to call his committee into action and handle the business at hand. His absenteeism was notorious; his free spirit [and] lackadaisical attitude were frustrating to his colleagues. Adam had an office that was unique on the Hill, with the dim lighting and Muzak and the very charming staff members. He very much enjoyed, in his earlier days, the concern of some of his southern colleagues about his presence. He had a facility to antagonize them in all kinds of ways, make his presence known and never allow them to forget he was around.

He would have a keen interest that his office was funded to the fullest. It was a

little in jest, but nevertheless he wanted to be sure that the funding was all in order, because he was always concerned about some of those colleagues who didn't enjoy his humor taking advantage of him to cut his perks in some way, or lessen his importance.

G: In this case there are virtually no amendments accepted, and critics were charging that the bill was just being stampeded through without any serious hearings or discussions or not tolerating any--

O: They were half right, or right. It was rather remarkable, even as I reflect on it now. We had established a broad base of support in the world of education and once you had the NEA and NCWC in tandem working with you, you reach the point where you weren't going to be very tolerant of diminishment of what you were trying to do. So you moved as rapidly as you could and you would not engage in negotiations that would water down the legislation. There were times when you did engage in those kinds of negotiations because you felt the need to, but in this instance we were moving well.

G: Was this resistance to amendments primarily designed to keep from upsetting that parochial school/private school balance?

O: That's right.

G: How did you get your sponsors like Wayne Morse and Adam Clayton Powell to agree to this, to not adding on amendments?

O: There was a sensitivity on the part of both of them to this effort. You should be awfully cautious about doing anything or even allowing extensive debate on amendments that might be disruptive. While the commitment was there, it obviously was tenuous and could fall apart. Both of them fulfilled their role as chairmen in that regard. They were sensitive to it, also.

G: They didn't feel that they were sacrificing any of their own prerogatives in shaping legislation?

O: No, because overridingly it's this sensitive [subject] that nobody really wants to get into--the religious connotation, the private schools aspect. In the final analysis [they] wanted to see meaningful education legislation. It didn't seem to be a constitutional problem, it was very creative. The end result is very significant in terms of elementary and secondary education in this country. There was a general attitude on the Hill of let's get on with this; it looks like we've found a way, and we need this legislation.

G: There were some questions raised by liberals, in some cases, as to whether the money would actually find its way into the poverty-stricken families and the schools rather than just the school system in general. Did you have any assurance that it was really--?

O: Those concerns were valid; I could understand. You're now talking about implementation

and those were valid concerns. And all we could do was assure that everything possible would be done to fulfill the intent of Congress. We didn't feel this was an attempt on the part of the liberals to destroy this legislative concept. "What assurances do we have that the desired result will be accomplished in terms of the flow of money?" The fact is you were going to do the best you could, but you couldn't give an ironclad guarantee that there wouldn't be some problems in the administration of this program as it unfolded.

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G: The legislation was described as a poverty measure, in the sense that it was designed to aid educationally deprived schools and students.

O: The aid would be forthcoming and this was built in an attempt to bridge a major problem. With the concept, the political reality was that it would impact on about 95 per cent of the school districts in the country to some degree. There was something in it for just about everybody and that was important.

G: Ensured a broad base of support.

O: Sure. Sounds a little callous but it's part of the legislative process.

G: There was also the argument that since some of the data showed that the time to really influence a child's education was at the preschool level, the Republicans, [Albert] Quie I think in particular, introduced an amendment to target the preschool [ages], three to seven, let's say. Should more attention have been directed here?

O: By the time this became a matter for Quie and others to express an interest in, our fear of anything that would disrupt this was overriding. And some of us might have questioned Quie's motivation. This appears to be meritorious but this is an attempt of Quie to unwind the basic proposal. We chose not to entertain that and hoped that we wouldn't get into that area at that time. I think it's an indication of how sensitive we were to anything that might shake this house of cards we had built.

G: Anything else on ESEA?

O: This was extremely important legislation. It was a significant element of the Great Society program, and we were able to pass the hurdle. Some people suggested we used a gimmick. We didn't construe it as a gimmick at all. We thought it was very innovative and that it got the job done. It was one of the highlights, certainly, of that legislative session.

G: The bill was signed at LBJ's former one-room schoolhouse near Stonewall.

O: Yes. In this era of photo opportunities some of them are very innovative. We were attempting to be innovative in our day. It was the growth of photo opportunity and, as we

discussed earlier in a different context, the tremendous impact of visuals and television. That was the motivating factor, as it remains to this day. That forty-five to ninety seconds on television can have far greater impact than thousands of printed words.

G: Were you there at [Stonewall]?

O: I was there for all signing ceremonies, whether it was at the Statue of Liberty or at the Truman Library, but I think I missed that one.

End of Tape 4 of 4 and Interview XI