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McPherson, Harry oral history interview

Don Nicoll

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Interview with Harry McPherson by Don Nicoll

Summary Sheet and Transcript

Interviewee

McPherson, Harry

Interviewer

Nicoll, Don

Date

May 3, 2002

Place

Washington, D.C.

ID Number

MOH 343

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Biographical Note

Harry Cummings McPherson, Jr. was born in Tyler, Texas in August of 1929. An only child, McPherson graduated from high school at the age of 15 and began college at Southern Methodist University. McPherson eventually completed his undergraduate work at Sewanee University. He obtained his master's degree from Columbia University, but shortly after was enlisted into the Air Force. Upon returning home, McPherson went to the University of Texas Law School. McPherson began his involvement in politics after he got out of law school and went to work for Texas Senator Lyndon B. Johnson as an assistant. McPherson worked on the Senate Democratic Policy Committee as well and encountered many politicians including Senator Edmund Muskie.

Scope and Content Note

Interview includes discussions of: educational background; family background; growing up in Tyler, Texas; working for Lyndon B. Johnson; working in Washington, D.C.; first recollection of Edmund Muskie; description of Phil Hart; young Senators in Washington in the 1960s; descriptions of Edmund Muskie and Eugene McCarthy; story about Frank Coffin being appointed as a federal judge; and a story about Muskie's call for Nixon's impeachment.

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Transcript

Don Nicoll: It is Friday, the 3rd day of May, the year 2002. We are in the law offices of Harry McPherson in Washington, D.C., and the interviewer is Don Nicoll. Harry, would you state your full name, date, place of birth, and the names of your parents?

Harry McPherson: Harry McPherson, Harry Cummings McPherson, Jr., and I was born in Tyler, Texas in August of 1929. My parents were Harry Cummings McPherson and Nan Hite McPherson.

DN: Had your family lived in that area for some time?

HM: They had, my mother was born in Tyler in 1900. My grandfather, her father, and mother had moved to Tyler in the late 1870s. My father had been born in Dallas and had lived in Tyler since the early twenties. So they married in 1927, and I was born in '29.

DN: Did you have brothers and sisters?

HM: None, I was an only child.

DN: Join the club. And you grew up in Tyler?

HM: I grew up in Tyler, public schools, graduated from high school too soon, I think, I was fifteen. It was one of those periods when Texas had only eleven grades, and I skipped a grade, so I found myself in college just as I was turning sixteen. And went to SMU, where I did frightfully, I became a party boy even at sixteen, took myself back to Tyler to the junior college in my sophomore year, and then went off to the University of The South, Sewanee, Tennessee in my junior year and finished the last two years there, a place I loved and have stayed connected with to some degree ever since.

Then, having graduated at nineteen from Sewanee, I went to Columbia University to study English. I wanted to be a writer and I thought I'd probably need to keep myself in fish and chips by teaching. So I took my master's exams and was writing a thesis and was quite mystified about what I would do with myself. I just knew that I wouldn't be a good teacher, but I didn't know what else I could do. And to my great relief, a war came along, the Korean War, and I was invited to join the military by the president, and I did go into the Air Force for what turned out to be three years. It would have been more, but when Eisenhower was elected president, he and the secretary of defense said you can get out if you want to, if you're a reservist.

So after three years I left. By that time I was married, I was living in Germany in the Air Force, and I had to decide once again what to do with myself, and by this time how to provide for myself and my wife. I had a great interest in politics and in, not so much electoral politics as political trends and events. I was extremely upset about Senator Joe McCarthy, and I decided that I probably ought to go to law school and become a trial lawyer so I could defend people against what I thought was going to be a wave of semi-Fascist investigations and persecutions by the likes of Joe McCarthy.

Now, this was in August of 1953, and I had, suddenly I'd been released from the Air Force. And I applied to Harvard Law School and they said, "Well, too late this year but maybe next year." So I needed something to do, and I applied to the University of Texas Law School where, as the old saying goes, home is where they have to take you in, and they did. But that's a lot of talk,

you probably, I've probably run through many questions you've already, bypassed them I mean.

DN: You suggested some. One is what was your father's occupation?

HM: My dad was a salesman, fundamentally. And in the early thirties, he borrowed some money from my wife's father who was, headed up a bank, the main bank in Tyler. He was a wonderful man named Clay Hite. He loaned my father the money to buy a little tobacco shop very close to the bank, and dad had ideas about it, about what to do with that shop. He bought, in time, he bought the shop next to it, put them together, and created a sporting goods store. I used to enjoy talking with Hubert Humphrey about small businesses, small stores, because of course his father had been a pharmacist, and I had the same experiences growing up with a father who worked twelve hours a day, or at least was at the, left home and came back twelve hours later. He managed to play golf most afternoons, but he and one other fellow, a wonderful man named Paul Brown, ran that store, and it became rather a legendary store in east Texas.

It was a place where the oil men of the area, and this was a part of Texas that was surrounded by oil fields, none in Tyler, but they were all around it. And people lived in Tyler who had made money, many of them very simple people who had simply lucked into an oil field. (*Tape glitch.*) . . . a lot of these people who had lucked out and made some money out of oil would come in my dad's store and buy some pretty pricey stuff, rifle shotguns, fishing tackle, and some of the usual expensive casual clothes that go with it.

So it was a successful store, and a wonderful place to hear people talk about politics and business and life in general. (*Tape glitch.*) . . . was a success, and dad finally sold it when the equivalent of WalMart came into Tyler. His great bread and butter was the high school, where he could sell football equipment and track and the rest of it, and that, of course that was just inhaled by the big warehouse kind of store, and he gave it up and went into another business. But by that time I was off to college.

DN: Now, you mentioned enjoying hearing the folks in Tyler who came into your dad's store talking. Did they talk much about politics?

HM: Oh yeah, and as time went on the talk became more and more conservative. Not so much, not as conservative as it did become not long after I left. Tyler was Democratic, capital 'D', when I was there, but so was everything else in Texas. The congressman was a very, very much a populist, a guy named Linley Beckworth who was able to stay in office forever. One of those fellows who took care of grandma and discharges from the military, and never failed to answer letters and all of that. Linley was really quite a character. And he, it was his personality that probably concealed the change in political ideology that was going on in Tyler.

My godfather, a wonderful man named Abe Pounds, was the president of another bank in town, and while I loved him very much, as I got to political consciousness I realized that he was extremely conservative, and in fact he was one of the leaders of what was known as the Texas Regular Movement, which was a group of very conservative Democrats who resisted FDR's fourth term in 1944. So in my, in the main bank, in the largest bank in town, the one that my grandfather was I guess the president of, there was over the vault when I was a kid,

unforgettably, there was a, I would think four by six foot photograph of FDR, over the vault. And the message was, your money's okay because Franklin Roosevelt is the president and he is, you know, he, it was a big smiling picture of Roosevelt, and very confidence giving to people.

So Tyler, it's a rather wealthy town in part, and it's wealthy part became more and more conservative, and finally when it became legitimate to be a Republican people really split off and began to vote Republican. Their congressman for years has been Ralph Hall, who is the most conservative Democrat in the Texas delegation, votes with, well it would have been Reagan, probably eighty percent of the time.

DN: But retains the Democratic label.

HM: Retains the Democratic label, which, you know, when you're just counting votes and hoping to be speaker, it's okay with Dick Gephardt if he's -

DN: As long as he votes with the caucus.

HM: Yeah, right.

DN: Now, in that environment you still emerged after your military service as someone who was concerned by Joe McCarthy and you were going to do something about it.

HM: That's right, and I went to law school where I learned to my astonishment that law was about mortgages, and creditor's rights, and liability, and for torts and such things, and not about First Amendment rights. So it took me a while to get used to law and to do adequately in law school. I went right straight through during the summer, and my wife and I lived in a, in veteran's housing at the University of Texas. In those days, that meant we lived in one fourth of a barracks. There were probably fifty barracks buildings that had been turned over by the military and the university cut them into four apartments. And we had a bedroom and a living room/dining room, and a kitchen, and a bathroom; that was it. Cost twenty-five dollars a month, all utilities paid.

And she taught school in a little town about twenty miles from Austin which was, had been founded by German farmers, called, I want to say Schulenburg, something like that, in which her classes in the third grade were made up during part of the year of migrant worker's children. And I went to school on the G.I. Bill, on her teacher's pay, and on occasional small gifts from my father. But we made it through okay.

I began to look around, as law students do at the end of their time, to be interviewed by law firms, assuming that's where I would go, and had about decided to go back to my hometown, Tyler, with about the brightest student in our class, a guy named Dick Hall from the area down near Corpus Christi, Texas, on the coast, and Dick and I were going to go back and start a law firm. And I got a call from my cousin, Jack Hite, who was working for Lyndon Johnson, in Johnson's office up here, and he said, "I don't know what you're going to do when you get out of law school, but the boss has told Jerry Siegel, his counsel on the Democratic Policy Committee in the Senate, that he can have an assistant, so long as he's from Texas." Jerry was an extremely

bright lawyer, Yale trained, who had been on the staff of the chairman of the SEC, the Securities and Exchange Commission, and that man, Don Cook, who later became chairman of American Electric Power Company, very close friend of Johnson's, was seconded by Johnson to come up in the evenings after working as chairman of the SEC to help Johnson run the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

I've heard of many stories in the Roosevelt days of people who did, who changed jobs three times in a year just because there was something more interesting and they got asked if they would like to do it. Jim Rowe, a great friend of Johnson's, and Franklin Roosevelt's first special assistant in 1935, Oliver Wendell Holmes last law clerk in 1933. Between '33 and '35, Jim Rowe had probably five jobs. He'd be at a party and some fellow would say, "What are you doing?" And he'd say, "Well I'm working in the Interior Department as a lawyer," and we're doing so and so. And the guy said, "Well, that doesn't sound like worth a damn. I'm going out tomorrow morning to try cases against the utilities in the Midwest on behalf of the Rural Electrification Administration. Why don't you come with me?" And Jim would say, well I've got this, what do I do about my job, and he said, I'll take care of that. I forget who this was that got him to do it, but then the next morning Jim was on a train to Chicago to try cases. There was a much eas-, much more fluid, flexible idea about government service. If you were smart and able, and interested in government service in those days, people didn't really tell you you had to go through this routine or that routine, you know, you just went, people signed you up.

DN: No months of clearances.

HM: No months of clearances. So Don Cook, the chairman of the SEC would go over and help Lyndon Johnson run the Preparedness Investigating Subcommittee. They'd have hearings into the rubber industry, into the steel industry, and finding out whether the military was being abused by monopolies, whether the military was being given short shrift by companies that were just making a big buck. And Don Cook was extremely smart, knew a lot about corporations. That's why he was head of the SEC, and Johnson just said, "Well, you know, come on and help me." So he did. And he brought Jerry Siegel along with him, his very bright, young lawyer. Well the next thing he knew, Johnson said, "I want Jerry." And Don Cook said, "Okay."

Well, he took him, put him on as his lawyer on the, when Johnson became the majority leader he converted the Senate Democratic Policy Committee from something that sort of just kept numbers about bills, I mean it really wasn't much of a policy committee, Johnson kind of converted it into a committee of what he would call the whales in the Senate, I mean the big, the strong figures in the Senate. And they would go over all the legislation that had been reported out of committees and decide what was okay to schedule. Jerry became his lawyer for that, and a lot of other things, and began to be worked to a frazzle and he said, "Can I have somebody to help me?" And Johnson said, "All right, but get somebody out of Texas."

So I, about the same time that I heard this from my cousin, the dean of the law school, a wonderful man named Page Keaton, spoke to me in the hall one day, he said, you know, "Lyndon Johnson, Senator Johnson, whom I didn't know at all, is looking for somebody to go up and I know you have an interest in political matters. Would you be interested?" And it's curious that the two things came together. So I applied, and a couple people came down from

Washington to interview me, and obviously to work in the Austin office, at the Johnson -

DN: Did he have just the one office in Texas then?

HM: I think just one, just the one in Austin, yeah. And so I got hired, and I remember, I thought well, I'm working for the government, I know they don't pay as much as some people do, but I'll see what I can get out of it. I said, "What's my pay?" And they said, "We'll get back to you on that." And when they did, it was four thousand, six hundred dollars a year. And I said, "Well that doesn't seem like very much, I think some of my colleagues are going off to law firms making quite a lot more." And they said, "Well, Senator Johnson doesn't like to pay people a lot to start, but if you're really good then he'll give you a raise." And I thought, okay. So my wife and I -

DN: This was what year, by the way?

HM: This was in, at the very end of 1955 we drove up here in, at the very end of January, 1956. If you'll stop that just for a second, I'll get -. (*Pause*) So, I came up and I found myself, astonishingly, shown to an office on the third floor of the Capitol, looking out on the mall, down the mall to the Washington Monument. And I started to work. I mean, I didn't know what to do, I didn't know Johnson. I met him on the floor after a week or so. I was introduced to him and he said, "Come to work, are you?" And I said, "Yes sir." And he said, he looked at me and said, "Well, do your best." So I (*unintelligible phrase*) with no more than that from my leader.

One of the jobs of the counsel to the Democratic, Senate Democratic Policy Committee, was to read every report of every bill that was reported out of committee. I kept a book, huge notebook, that had the bill and the report, except for giant things like appropriations bills, I wouldn't put those in there. But every, this was in days when the, I think this is not done this way any more, but it was a time when the private claims bills, some citizen, for the relief of some citizen who had been injured by the government in some way, in a way that couldn't be remedied by litigation, would be compensated. Immigration bills, private immigration, single persons, people who had been denied entry for some reason and these bills gave them that entry. And then modest general bills, and occasionally some fairly large bills were considered on what was called the calendar call. That day, when that day happened, it was very exciting, I would, I became the counsel of the calendar committee so that Jerry Siegel, my boss, could go off and do more important things.

I would meet on the morning of the calendar call in the Senate Democratic cloakroom with my committee. It was a committee that the leader, Johnson, chose, and it was composed of able people, I must say, there were no dummies in my time as counsel of the calendar committee. And sometimes there would be a very peculiar pairing, Joe Clark, a liberal senator from Pennsylvania, former mayor of Philadelphia, very liberal, very internationalist, was one member. The other was Herman Talmadge of Georgia, very conservative. But they worked together quite well, and I got to be known very well by both of them. I would take, I'd go through these bills and I'd tell them whatever, you know, we'd spend a couple of hours in the cloakroom going through them, and I would report the objections that I had received from other Senate offices. This was an objection to passage by unanimous consent. Didn't necessarily mean that somebody

was going to make a huge fight about it if it was motioned up, but this was, the calendar call was done by unanimous consent so that the clerk would read the title, the number and the title, and if nobody objected the bill was passed. And it just, so you'd pass, you could pass a hundred and fifty, two hundred bills in the course of several hours. The call would end about three or four in the afternoon and I'd have an absolute mountain of paper all around me. Sometimes people would come up and whisper and hand me something, it would be an amendment, and so a bill could pass by unanimous consent if this amendment, which, and I'd just have to judge and would tell them, one of the senators, that I think this is okay, I don't think it abuses the bill, and we can pass it. The purpose was to try to pass legislation and clear out the calendar so you didn't have a great big thick thing, and we'd do it every couple of weeks.

In 1958, there was a huge recession in the country. Very high unemployment, the worst since the Depression. This was midway through the second Eisenhower term. Eisenhower and his Secretary of the Treasury, George Humphrey, were very conservative about government response to this. There was an argument on the Democratic side about, and we had a majority of about, I think about four seats, it was like 52 to 48, something like that. There was an argument on the Democratic side between those who wanted to cut taxes and stimulate the economy, that was Paul [Howard] Douglas and some liberals, some people who followed him as a rather liberal economist. A (*unintelligible word*) approach, cut taxes and stimulate. Or, to spend our way out of it through public works. This is when the Interstate Highway System Bill came along, in 1958, and that was embraced by both parties because it was both something that was needed, something that the truckers wanted, and something that would put a lot of people, construction money out there, employ a lot of people.

An extremely bright man, maybe the brightest man in the Senate, Senator Bob Kerr of Oklahoma, was on the Finance Committee and on the Public Works Committee, and he was the engine driving the spending part, as Douglass was the proponent of the tax cut part. Johnson went with Kerr, and the Democrats spent a lot of money. I vetoed bills, issued warnings about overspending, and essentially the Republicans were put in the position by some very skillful Democrats, particularly Johnson, but others as well, of being do-nothing, of really not wanting to respond to this very bad recession. I mean, really quite a lot of people, something like twelve percent unemployment. We hadn't had anything like that in a very, very long time. The result of all that was an apocalypse at the poll. The Democrats won something like fourteen seats, fourteen new, picked up fourteen seats in the Senate. We went to, maybe it wasn't fourteen, twelve, we went to something like 64 to whatever, 34, and among the guys who came in was this tall, gangly fellow from Maine, Ed Muskie, and he was put on the calendar committee. He and Phil Hart, and I forget, a couple other guys, but they're the two that I really got to know. It was a wonderful experience.

DN: This was your first encounter with Ed Muskie?

HM: It was. And I, like everybody else who gave a damn about politics, I was excited by his victory in Maine as governor in '54, and I read about him in the *New Republic*, and I was really looking forward to meeting him. And he was just terrific to work for, and you can't imagine two guys like Muskie and Hart to work for.

DN: You might describe Phil Hart.

HM: Well, I can't do any better than I did in my memoir. Let me see if I can find it quickly, I don't want to hold you up. Well, let me read something here. Well, if I could ask somebody in looking over these recollections to take a look at the pages beginning (*unintelligible phrase*) called "A Political Education", if you could look at pages beginning with 160 and going on. I'll take just a minute to read a little.

(*Reads*) Not long after, Carl Myer, who's now a rather elderly but still extremely able writer for the *New York Times* from time to time, wrote a perceptive analysis of the new Democrats in a commentary magazine, he called it *The Triumph of the Bland*. He found the 1958 class intelligent, moderately liberal, and above all reasonable. By comparison, the liberals and progressives of the thirties, George Norris, and LaFollette, (*name*), and Wheeler, were peculiar men, excessive in action, stubborn in error, and often isolationist. But the new liberals, Myer thought, would never excite the public imagination as the old ones did. They would not expose the malefactors of wealth, or fight the great corporations in the public's behalf. They would vote for the right things, as these were served up in the liberal kitchen, in the universities, trade union headquarters, and foundations. But they would not embark on ardent quests of their own. They would embarrass no one, neither would they galvanize the country by striking at the roots of whatever conned and abused it. Perhaps Myer was right, yet compared to those whom they had succeeded, by and large conservative Republicans, the new Democrats were welcome. If they did not burn with reforming fire, at least they apprehended the world as it was. They spoke without grandiloquence, without the studied inflections of men who had served too long in the hermetic world of the Hill.

They were fresh from the country, and they sounded like it. Instead of debating the morality of helping the unemployed, they regarded the recession as an evil to be ended. They saw its victims not as the subjects of an ethical debate, but as people caught in an economic trap not of their making. They were serious, but not solemn, and they were highly political. Most of them had served in the House, or in state or local governments. They knew that one should go along to get along in Congress. The famous axiom of Speaker Rayburn's aimed at his fellow southerners and subsequently cited by his friends and enemies as his prescription for every member. At the same time, they brought with them, and to some degree retained, a sense of independence. They acknowledged Johnson's leadership and the requirements of the committee system, but they seemed more concerned about their own opinions and about what people back home thought about them, than about making it with the Senate powers.

It was easy to like them. Philip Hart of Michigan, Ted Morse of Utah, Gail McGee of Wyoming, Vance Hartke of Indiana, Pete Williams of New Jersey, 'very different men, yet collectively a new kind of senator, born in this century,' as John Kennedy would say in 1961. I have never met a man like Hart in politics. He was intelligent and straight, he did not pretend to know the truth about every issue of the moment, and he was easy and gentle. (Staff men are always), I put this in parenthesis, (are always on the lookout for amiable bosses). It relieves the tension of working under constant critical judgment of others and provides anecdotes for one's wife and friends that magnify the staffer's own position, making him seem at ease with power and therefore powerful himself. With most of the older men in the Senate, I always felt distant, I had always felt distant,

separated by a generation or two and by their stature as famous figures of my adolescence. With Hart and some of the other new men, I felt completely at ease, a contemporary. And then I talk about Frank Church.

At sundown one evening, in the course of a long debate, my wife brought sandwiches and a mason jar of martinis to the Capitol, and we spread them out on the balustrade that runs along the terrace above the mall. The light was mellow, gold and green. Marble buildings in the triangle glowed with an unusual warmth. Frank Church, taking a stroll, joined us; we share the supper and talked of Washington, of the satisfactions of working there. I had a keen sense of belonging to the place, as Church did. I was getting older, and a little wiser, and the men with whom I worked were getting younger.”

And then later I talk about Muskie a bit.

DN: On reflection, do you think they were as bland as Myer portrayed them?

HM: No, they weren't. And as I was looking at that list of people that I gave there, they were clearly horses of very different colors. Vance Hartke was a very disappointing guy later on, became I think probably corrupt, certainly was, seemed on the take for contributions, you know, a sort of a quid pro quo kind of fellow. Poor Pete Williams was trapped by the Abscam thing. Phil Hart just became one of the great figures. He was an amazingly, one fine human being; every now and then more stature is added to him in my mind. In this law firm is Bob Dole, and Bob Dole one day told me that he and Phil Hart and Danny Inouye, were all in the same veteran's hospital, and that Phil Hart, very wealthy guy, very badly wounded, would be the guy who would go out and get them snacks and would help them. Here was Danny Inouye having lost an arm, and Bob Dole very, very badly wounded, crippled, and Phil Hart would go out, a guy, you know, who could buy and sell the Dole family and the Inouye family ten times, would be the guy who would go out and work almost as an orderly to, for those two fellows. You know, you find, every now and then you find these kinds of relationships in the Senate. They don't surface a lot, but boy, they are the bone structure of those relationships up there. They matter in a way that a lot of shared opinions on this or that bill don't matter.

DN: That raises an interesting question. As members assess each other and deal with each other, does character or political position seem to have mattered more?

HM: They obviously both matter. There's a, I keep turning back to this book, but I talk in it about such things as senators taking responsibility for others. Let's say building a subway tunnel from the Dirksen and Hart Building to the Capitol. That was fiercely resisted by some members as a big expense, you know, what do we need that for, we can get over to the subway from the Russell Building. And it was kind of put, it seems amazing now that anybody would do that, make such an argument, but the man who stood up and handled the legislative appropriations bill and said, “Senators, this is not just for you, this is for our constituents who are coming from those buildings to the Capitol, to their Capitol. And it's for the staffs who have to get over and help us. And it's to enable people who are working very hard to get back and forth in an efficient way. And let's don't be, let's don't ignore those in some, those needs, in some quest for a false economy.” That was John Stennis. Now when John Stennis of Mississippi stands up, Judge

Stennis, and says, "We must do this, and you know we must do this, and I'm willing to put my credibility on the line, you know, it makes it possible for others to go along."

I voted with Judge Stennis, who was known as a great conservative and not a man who was easy throwing away bucks. Russell and Stennis cared about and knew more about than anybody in the Senate, about the first responsibility of a public official, which is to provide for the safety and security of the country. They were the people who handled the defense authorization and spending. And they were not crazy spenders, they were not Ronald Reagan and Cap Weinberg who spent on anything that anybody mentioned. They were tough, but they made damn sure that the Pentagon and American security got what it needed. And that, having that position, and playing that role and being that serious about it, and having such probity, personal probity in dealing with, the last men on earth to ever go a particular, or buy a particular weapon system or recommend they be bought because of some political contribution or some, the last people, everybody knew that, knew that they could trust them to do the right thing, and that they were really, they were studying it and they would do it, they would tell the Senate what it ought to do, and people would buy it. When they got out of those fundamental roles into civil rights or stuff like that, people didn't follow them at all. They were -

End of Side A
Side B

DN: This is the second side of the May 3rd interview with Harry McPherson.

HM: It's a good time to bring up Muskie. Ed Muskie left no doubt in anybody's mind that he was, about his probity and about his intelligence. He was a man of such obvious straight character and such obvious ability to grasp complicated issues that it didn't take him long to be a significant figure in the Senate. As time went on, he became truly one of the giants in the Senate, among, he was both on the environment and on the whole government spending, the fisc, the, our spending and taxation policies. He became one of the very few people who really counted in the Senate, whom people listened to, and they knew that the press would listen to him, so that his reputation grew year by year and never flagged in my opinion. It simply just grew. He was a- and his friendships, not only with Phil Hart, but with people like Henry Bellmon of Oklahoma, the Republican, Howard Baker, it gave him a reach across party lines that was quite exceptional.

Now, let me read just a little bit about him in my old book. I'm talking here about the period in the early sixties, in the Kennedy administration. By this time, Lyndon Johnson, my boss, for whom I had become the counsel, Jerry Siegel left and went to Harvard to teach and I became a counsel to Johnson. Johnson went off and became vice president, and Mike Mansfield invited me to be his counsel, so I stayed. By this time making the enormous sum of thirteen thousand three hundred dollars a year, which, I was kind of, I was one of the main Senate staff, another one was Bobby Baker. And when Bobby got into trouble I sort of inherited some of his role working with Senate offices. But I was not as, I wasn't as excited by the Senate under Mansfield, much as I liked him or admired him, as I had been under Johnson. Johnson was just, Johnson was so tremendously, volcanically interested. He got involved in so damn many things, some of them embarrassing, but for the most part really tremendous. I mean, I haven't read

Robert Carroll's book but there's not much doubt that he was a unique figure in the history of the Senate. Nobody had quite wanted to put his brand on everything as Johnson did, and nobody did it quite as successfully for such a long time. He was actually better at doing that when the Democratic margin was smaller, because he could go to all his Democratic members and tell them, "We got to stick together on this." And it held people together. It made for arguably a more conservative product, because the southerners, who had such great power that they were the chairmen of all, of ten of the thirteen major committees, ten of the thirteen were chaired by people from the Confederate states, and so they had great power. But there were, and there were a lot of westerners who kind of worked as middlemen, the Mansfields, the Clinton-Andersons, people like that would work as middle guys between the Joe Clarks and Paul Douglasses and Herbert Leemans, and the southerners. And Johnson herded all these together.

And the pressure of the narrow margin, if we're going to pass anything we got to stick together, we got to work out a compromise, was aided by the narrowness. When the narrowness disappeared in the '58 election, in which Muskie came, it became both more natural and almost more necessary for liberals in the Senate to demand of the leadership that we go for a real urban renewable program and a real civil rights program and so on. And whether or not Johnson was ready for that, because he still had to deal with these southern committee chairmen, even if he had been, Ike still had the votes for, to sustain vetoes. And he had the Republicans, thirty-six of them, something like that, and he had the conservative Democrats. So they would vote, there'd be plenty of votes to sustain a veto. If you passed super liberal legislation, Eisenhower vetoed it, it happened a few times, Johnson would say, okay, well go ahead, and they would pass it, and it would get vetoed and there'd be no possibility of overriding it.

So anyway, Johnson I think was, might have been relieved to be asked to be vice president. I think he did not want to be the majority leader while Jack Kennedy was president. I think that would have been a very uncomfortable position to be in. Kennedy would have gotten credit for all the successes; Johnson would have gotten the blame for all the failures. And they knew that Bobby would be feeding that to the press, and others would be laying the blame on Johnson. And so I think he, in a way, being vice president was a relief. In any event, I'm describing here the, what happened in the sixties. Let me read this.

(Reads) Some useful bills passed the Congress, this is in the early sixties, but the big ones did not. Civil rights, aid to education, medical care for the aged, a massive effort to stop the decay of the cities, protection of the environment. I grew restless, I didn't wish to spend my life as a legislative mechanic, tinkering with bills whose effect I would never see. The glamour of the Senate was fading, the old whales were not as active as they had once been, and new prospects were slow in developing. Of those who had entered the Senate after 1956, I thought, only two, Eugene McCarthy and Edmund Muskie, were likely to enter the club of Senate powers, and said as much in a university speech in 1961. 'I don't remember where that was.' How wrong I was. Both had claims on the Senate's attention; McCarthy was the wittiest man in Congress, he was a realist in dealing with the prevailing congressional system, and still he conveyed the impression of one who would prefer a better system if it were available. Muskie was easy, but very straight. His integrity and careful intelligence were widely admired. Both often voted with the club on critical issues, in the club, the inner club of the Senate. McCarthy was regarded as safe in the Finance Committee." He always voted for the depletion allowance on oil and gas and stuff like

that, he'd vote with it, with the oil folks. "Muskie had no apparent desire to embarrass anyone. Both understood the Congress, but neither seemed willing to make an ultimate commitment to it. Neither was driven to lead a faction, much less the Senate itself. McCarthy spent a lot of time in the Senate restaurant, delivering bon mots about the political situation to infatuated reporters. Muskie became an expert in such arcane matters as intergovernmental relations and water pollution. In time, both men would become nationally famous, even household words, but neither would become a formidable Senate power whom other senators must propitiate."

That's a theme that I use in this book, that you have to be something of a horse's ass to be a power, you have to be rather easily pissed off by some, other senators or something that people are doing. You have to be propitiated, you have to be placated, people have to think about you. What am I going to do about Nicoll? How am I going to get him, going to satisfy him, what do I have to give him? "I thought of Humphrey, sweating and smiling his way to an agreement upstairs, while McCarthy concentrated on what Herman Hesse called (*word*), absorbing trivia, in the first floor coffee shop. If one were writing a political column, there was no doubt about which Minnesota senator one would seek out, but if one were a Minnesotan or an outlander interested in liberal legislation, one would surely go to Humphrey. I thought something more would come of Muskie. How much and why I did not foresee." Anyway, that's about that period.

DN: In that '59 period, the favorite story is about Ed Muskie crossing Lyndon Johnson on a (*word*) motion and what was regarded as his exile to less important committees. You must have seen that (*unintelligible phrase*).

HM: Well, I heard about it, and I became for a number of guys, Joe Clark was one of them, and Ed, I became the fellow they would talk to in seeking to get some better result out of Johnson, than Johnson seemed willing to give them. But I think he, yeah, Johnson I think, I know he had to respect Ed, and I know that in his presidency that he certainly worked with Ed and used Ed to achieve some things that were very substantial. But Ed tells the story, or told the story, to me once of his effort to get Frank Coffin appointed a federal judge. And I can't remember it, but I remember, I do recall that it had a lot of attention. And I can't remember if it, if some of the tension had to do with Coffin's work at AID.

DN: It was when Frank was at AID and Johnson was vice president, and they had a disagreement about what was called back-door financing. And Frank, uncharacteristically, told the vice president on the issue that in Frank's opinion he was wrong, and Johnson was infuriated and did not forget it, and after, just before President Kennedy was assassinated he announced that he intended to appoint Frank as ambassador to Panama, and the nomination didn't go to the Senate before he was killed, and when President Johnson took office and was reviewing the list of pending nominations, saw Frank's name, took it off the list, and announced that he wouldn't appoint Frank to anything.

And at that point Ed intervened and told him that if he valued Ed's presence in the Senate as he said he did, then he needed to recognize that Ed wouldn't be there except for Frank Coffin, and Frank deserved better than that. This carried on, and in 1965 when a vacancy came up on the First Circuit Court of Appeals, Frank was one of three names that Ed gave to the president,

saying that any one of the three would be a credit to him but his first choice as the outstanding candidate would be Frank.

The president didn't respond directly, but a number of people on the staff, the White House staff, and at Justice, kept coming to him and saying, "You know the president's never going to name Frank to the court, why don't you pick one of the other two." And somewhere along the line Archibald Cox, on the basis of summer residency in Maine, sought the appointment. And Ed's answer was always the same, "It's the president's choice, I've given him three names, but I'm not going to change my recommendation." Finally one day, after this went on for a couple of months, Marvin Watson called and said, "Senator, this is getting downright embarrassing, and you know the president's never going to appoint Frank, why don't you give him another name?" Ed's response was, "You fellows keep telling me that but the president hasn't told me that." Marvin said, "I guess you and the president need to talk." And at that point Ed said, I'll be glad to, you name the time. Within, I think it was within actually a few days, the White House called and said, the president will see you at such and such a time. Ed in his usual style carefully wrote out the basic points he wanted to make, and rehearsed it to himself, boiled it down so that he could say it in a few minutes, went to the White House, ushered into the president's office, and the president kept him, I believe it was close to an hour, talking principally about his troubles with the Senate and Vietnam and everything else. Getting toward the end of that time, Ed decided he'd better intervene, thanked the president for his confidence, etcetera, and said, "Mr. President, we're supposed to be here to talk about a judgeship," at which point, as Ed described it, the president leaned over and patted him on the knee and said, "That's all right, Ed, you just hold my feet to the fire a little bit longer." And Ed made his quick points and they ended the conversation, and a couple of weeks later the nomination of Frank Coffin came up.

And the wonderful footnote to this, two wonderful footnotes, one was that the *Washington Post* and other papers immediately praised the president for his sagacity in naming Frank Coffin, this was an outstanding appointment, and we understood that Johnson was pleased as punch with himself.

HM: Why didn't I ever think of that?

DN: And then about a year later we got a big flat package from the White House, wrapped in brown paper, and the receptionist asked me what she should do with it and I said, well, open it up and we'll see what it is. We opened it, and it was a framed picture of the president and Ed Muskie in the Oval Office, Muskie seated on a sofa, talking to the president, the president leaning like this. And down in the corner of the framed photograph was, "Dear Ed, come let us reason together. LBJ" And when Muskie looked at this he said, you know when that was? That was the moment when I was making the pitch for Frank. And I always thought that that was a marvelous instance of Johnson sort of poking fun at himself, as well as giving a gracious photograph.

HM: Oh, that's a great story. I'm so glad to have that story recalled to me because I remember many pieces of it, and you've put it all into a narrative. Let me tell you, because I want to tell you about something that is, I'm not sure Berl [Bernhard] did tell you about, but it is the most vivid recollection I have of Ed in later years, and nobody else will know how to say this. The

Saturday night massacre, I got home and, what was it, seventy -?

DN: Seventy-four, wasn't it?

HM: Seventy-four. I got home, listening to the radio and growing truly apprehensive about the United States. I don't think anything has ever had that effect. I've never had the sense, almost like a child finding out that his father is a pedophile or something, you know, just shaking the whole fabric of the family. I was really, at the age of forty-something, I was really disturbed about the United States. I thought this was about as bad as anything I'd ever heard. So I called Berl and said, "We need to go see Ed Muskie because he's got to speak out about this." And Berl said, "I'll call him." He did. He called back and said, all right, he says, "We can go, he's having a dinner party, he says we can go over there to his house but get Clark Clifford." So I called Clark and I said, I told him why I'd started this and he said, "I'm so glad you did that, I'll meet you at Senator Muskie's house." Well, we get over there and Muskie meets us, comes to the door. He's got about six Mainers in there, in the front room of his house, and they're having dinner. They've had a bunch of drinks, and it's now about nine-thirty, nine or nine-thirty. And Berl and Clifford are ushered by Muskie back into the rec room, the back of the house and, you know, we talk about this.

Now I make the speech, I said, "Ed, I believe our nation is in the most serious straits its ever been in Constitutionally. I think we are being challenged by Nixon in a way that we've never been before. He is telling the nation that he runs the country, and that the law doesn't. That the Congress doesn't, many presidents have felt that. But no president has ever, to my knowledge, said I, it is me, and if you come close to me, if you challenge me, I will fire, have you fired, and the law will not apply to me. That's what he's saying, and this is such a challenge that I see no, I don't personally see any option but that the Congress should commence impeachment proceedings."

Well, Muskie is, he's had a few, had some drinks, and he, as I'm talking, he is walking around the room, and up on his, on some shelves, is a tri-cornered hat that he'd gotten from someplace, and near it is a ceremonial sword, I think it's Japanese. Well, he puts on the sword, then he puts on the hat, and takes the sword and he, as I am finishing my diatribe, he is walking around the room swinging this sword, you know, kind of mocking himself and me, and here we are sitting in the back of his house and he is, he's supposed to be an admiral, a commandant and, you know, Lord Nelson, he's going to go to war. He says, "Well, work on something."

Well for the next hour we worked, and we finally get it down to about three sentences. "Senator Ed Muskie said tonight, the actions of the president leave no doubt that Congress must commence a determination as to whether the president must be impeached." Come back and it was modified but not much. I mean, it clearly says that, "Congress impeachment, start on the road", in these three sentences. Well, Muskie, Ed comes back (*unintelligible phrase*) and he finally says, "Okay, now what are you going to do with it?" Good question. You got three lawyers in the room who have spent a lifetime working in government. Not one of them is a practical press man, nobody knows anybody. It's Saturday night, the people I know at the *Washington Post* are out at dinner someplace, I mean they, or some of them may be down at the *Post* but I don't know which ones are. I know the editors and I know the editorial editors and all

that, but hell that's not who you want now, you just want somebody to carry the story. So I call the *Associated Press* and this guy, you could just see him, he was a front page type, that old play for the front page. He says, "Hello, (*name*)."

And I tell him, I'm calling for Senator Ed Muskie and I have a statement. "Uh-huh, who'd you say you are?" And I tell him, I used to work for Lyndon Johnson, and I'm sitting here with Clark Clifford and, uh-huh, clearly thinks this is a crank call. And he said, "Where are you now?" I said, "We're at Senator Ed Muskie's house." "Give me the number." So I give him the number. "I'll call you back," he says, then hangs up, you know. Well he checks it out, he calls back and he says, okay, give me your statement. So I read him the statement, Senator Ed Muskie said today, he reads it back, I can hear him typing, in the days when you could hear typing.

About half an hour from then, we figured, you know, we would see if this is showing up anywhere. So we go into that little side room off of the rec room where there was a TV, and we sit down, and Ed comes in, he has finally, rather embarrassedly, I mean he was rather embarrassed, he's had to tell his friends from Maine, you know, these guys are still here, and they've left. And so he comes in and he said, "Well has anything happened?" No, nothing's happened yet. We turn on, and suddenly here's Mac Mathias, Charles Mac Mathias, liberal Republican senator from Maryland, wonderful guy. And Mac Mathias is being interviewed, and he is sounding pretty much the same note. And this guy's, I mean he's a little, he's a Republican so he doesn't want to ruin the party, doesn't want to be responsible for that, but he's clearly, he's clearly thinking the same kind of thoughts. A guy, you know, some fellow in the studio, reaches over the shoulder of the fellow asking questions of Mathias, and hands him this thing off the ticker. And he says, "Senator Mathias, Senator Mathias, excuse me just a moment, sir. Let me read you something that has just come over the ticker. Senator Edmund S. Muskie tonight..." And he reads it. And, you know, and Mathias said, "Well, that's one of the truly fine, that's really one of the most significant men, that's, Ed Muskie is someone that people really look to. That means, that's going to mean quite a lot to many people, not just Democrats but many people." And we say, "Ed!" And Muskie is asleep. Muskie is asleep on the sofa! God almighty, here he is, he is a spectacular, he's a hero, he is starting the ball rolling toward impeachment of that son of a bitch Richard Nixon, and he's asleep! Oh, God! Well, listen, I've got to beat it, that's about all, all I can remember.

DN: Thank you very much, Harry.

End of Interview