

**ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - TENTH INTERVIEW
MARCH 18, 2003**

It's March 18, 2003, and it's beginning to look as if spring might arrive after all after this cold winter.

Mr. Vanderstar: Harry, we got into the White House and told some stories about that and, as I mentioned before we got on the record here, I don't want to duplicate what's in this marvelous book or in those tapes that are down at the LBJ Library, although I confess I haven't listened to them or read the transcripts. But I did want to cover a couple of things in particular about the White House experience. You made an observation a time or two ago that the job description that you filled was not necessarily a universal job description for "special counsel to the president" but that it arose from that particular president's need and your particular abilities. Would you just talk about that, put that into a broader context?

Mr. McPherson: I will. I guess the first special counsel to a president was Sam Rosenman for FDR, who did a lot of general legal counseling for the president, I guess that would be the way to put it, and a lot of speech writing. Clark Clifford is the first really famous special counsel. If you read his book, *Counsel to the President*, you see the story of a tremendously involved man, someone who became over time absolutely crucial to the president and took huge responsibilities. Clifford was the principal draftsman over time of the National Security Act, the act that created the Department of Defense. He was importantly involved in the creation of the National Security Council concept and had much to do with the reformulation of our intelligence services in the CIA.

And he was one of the principal strategists of the '48 reelection

campaign—although, as I learned one night in the YMCA years later while showering with Jim Rowe, who had been FDR’s first special assistant and was an extremely well-connected Washington lawyer—it was Rowe’s fundamental concept of how that ‘48 campaign ought to be run, his memorandum that originally talked about embracing labor and the nationality groups and really going to the center left, to isolate Wallace on the far left and the Dixiecrats on the right, and to give Truman enough elbow room in the large center of the Democratic Party to win. That was Rowe’s memo, and years later I raised what he had told me in a careful way with Clifford. By that time, someone had written that it was Rowe’s idea and that Clifford had agreed. Clifford and I were having lunch in his office one afternoon, and I mentioned this; he quickly acknowledged it. He said, “Oh, yes, that was Jim Rowe’s.” He said, “I’ve been given credit for it over the years and I’ve tried to suggest that these were ideas of others.” He said, “They were largely Jim Rowe’s ideas. Truman could not bear Tommy Corcoran, who was Jim Rowe’s law partner, and I knew that if I gave this memorandum to Truman as Jim Rowe’s memorandum that Truman would not read it, certainly wouldn’t follow it. So I did a little redrafting, reshaping of some of the concepts, but essentially it was Jim Rowe’s as redone by me and to some extent by Oscar Cox and some other people with whom I would meet at the Sheraton Park in the evening—a small group of people, mostly lawyers, to talk about the ‘48 campaign.”

This was a campaign that at the time Truman seemed absolutely fated to lose but won going away.

Clark Clifford really had played a huge role as special counsel, probably the largest role that anybody ever played. It included legal draftsmanship, speechwriting, policy draftsmanship—the kind of work that a good lawyer can sometimes do, putting together a

strategy and a proposal out of a lot of pieces that others haven't been able to handle.

In the Eisenhower years, Gerald Morgan, I think I'm right about that, was counsel, and there were others whom I can't remember.

The next special counsel of the kind that I was was Ted Sorensen. In addition to being the well-known speech writer for Kennedy, he had been his legislative assistant when he was a senator. He not only knew Kennedy but he also understood the agenda of the Democratic Party. By 1960, the Democratic agenda had developed from the Truman convention speech and the platform of 1948. The agenda had grown through the '50s, the Eisenhower years, to include a great many projects and responses to public needs formulated by the labor unions, by foundations, by politicians and by academics, and they amounted to a Great Society in waiting.

That was the agenda for Democrats, and a lot of it was undoable at the beginning, but it was necessary to suggest to the Democratic Party on Kennedy's behalf that Kennedy was quite aware of this agenda and wanted to realize it. Kennedy in the early months pressed for manpower training legislation, Appalachia legislation—not quite the red hot issues, the civil rights and anti-poverty and education issues that were to come, but symbols of government activism nonetheless. Ted Sorensen was the marshaller of the work on those proposals. He was the guy who brought people from the government and private life into his office to work on the shaping of this legislation, and then he would write the messages, or be in charge of overseeing the writing of the messages to Congress, about each one of them.

Ted remained with Johnson for a little while after the assassination, and he was followed by Mike Feldman, Meyer Feldman, who had worked for Kennedy, a very bright man who before that had taught in law school and worked for the SEC, I think. He had a more business-oriented approach, more oriented toward interest groups and that sort of thing, which is

something I'll come to in a minute as a role of the special counsel. When I was asked to come over, Mike Feldman had been in the job for six or eight months, I think. Johnson had given the job to Feldman, who told him that he would be looking to leave pretty soon. Johnson then told Lee White, Feldman's deputy, that he would give him the counsel's job for a while and then I would succeed him.

When the time came for me to succeed Lee White, I'll be honest with you, I was apprehensive about my legal strengths. I didn't know if part of the job of special counsel would call out for experience in litigation, in criminal prosecution, in ethical issues involving potential criminal liability—none of which I had. I really didn't know whether I was up to it. So I wrote Johnson a note that said, "I know I'm supposed to succeed Lee and I'm glad to do it, but if you want to find someone with some more courtroom experience or more experience in practical legal matters, civil litigation or criminal prosecution, feel free to find somebody else, and you and I can work out something that I would do." And I got back a note saying, "I want you, you take it." At that point or later, Johnson and I had a brief conversation about this and he said, "We've always got Nick and the Justice Department"—Nick Katzenbach, the attorney general, and the Justice Department—"to help with the issues like that. Don't worry about it. Let's just get going."

So I began to find my own course, my own responsibilities. I inherited, as all special counsels do or did, a roster of duties that were rather formal and that I had no problem with and understood quite well. I was kind of the last administrative step before the president in a number of cases. For example, things like pardons, paroles and commutations: I would receive from the pardon attorney at the Justice Department, a list of persons for whom he was recommending pardons or commutations and a stack of materials with each

recommendation—from the U.S. Attorney, from the judge, from citizens, as well as the pardon attorney’s own account of what this person had done since he emerged from prison.

Mr. Vanderstar: Did that come to you via the attorney general?

Mr. McPherson: It came via the pardon attorney. For a long time I did that. I had an assistant at the time. I had one assistant special counsel, Clifford Alexander, who had worked for Mac Bundy at the National Security Council and who went to Yale and Harvard for college and law school. I gave a lot of those pardon cases to him, in fact I just said, “Why don’t you handle those. If you have any problems or any doubts about them, let’s talk about them.” I learned in time that this smooth, articulate, attractive African American from Manhattan was absolutely tough as nails when it came to pardons and commutations. The reason was that he had worked for Bob Morgenthau, and Bob Morgenthau, as far as I know, has not to this day ever seen any reason to unscrew the screw from the thumbs of one who has committed a crime. A couple of occasions I got complaints from people who said, “God, this pardon thing was going fine, and all of a sudden it’s been torpedoed” —by a letter from Morgenthau.

I dealt with Executive Orders of all kinds. Mine was pretty much the last stop for Executive Orders.

Mr. Vanderstar: By that, do you mean the drafting of them?

Mr. McPherson: They were drafted by the time they got to me. When they got to me, usually from the executive clerk, a man named Bill Hopkins who had served as executive clerk since the beginning of the Hoover administration and was a wonderfully competent, 12-hour-a-day bureaucrat in the White House, with a wonderful library of precedents about presidential actions. An absolutely indispensable, sweet-tempered fellow. I don’t know how many times, literally can’t imagine how many times I asked Bill Hopkins to come in and talk to

me about some idea I had and how many times he would say very gently, “Well, you know, it hasn’t been done that way in the past and for this reason.”

He was not just a clerk with a pencil and an armband. He knew why things had been done and not done. So, he often signaled something in **an** Executive Order for me to look at. Very often I would get a call from either a cabinet officer or a sub-cabinet officer or even just a senior bureaucrat to say “You’re going to get an Executive Order, and we’re recommending it. It’s got some hot potatoes in it and they are these,” and they would then tell me. So I could tell the president, “This is being recommended by the Interior Department or whatever but it does have some issues that you ought to take a look at. We’re going to recommend that you sign it as it is, but it does have these issues.” And very often I didn’t get an okay on that; I got “Have you talked to [some member of Congress] who might have a question about this?”

Mr. Vanderstar: This would be from Johnson?

Mr. McPherson: From Johnson. I’ll get to the paper flow in a minute because it’s rather significant the way it happened. It’s not quite the “West Wing” method. (laughter) From the Civil Aeronautics Board I got the CAB’s recommendations for air carriers to serve particular international markets. They had heard all of the arguments from U.S. carriers about who should do that. They would have heard from the State Department about foreign complaints about the U.S. putting another U.S. carrier into a market which would threaten either Air France or Iberia or Alitalia—something like that. In those days I had an open door policy; I would be visited by many of your and my now-colleagues, lawyers here in Washington coming in to make a plea on behalf of a carrier that had been selected or one that had been turned down. I would then tell the president what I thought, after calling Allen Boyd, the secretary of transportation, and Frank Loy, a negotiator at the State Department, and getting their account of it.

As time went on I started looking at every piece of legislation that the president was to sign or veto.

Mr. Vanderstar: Was this part of your inherited roster of duties?

Mr. McPherson: I don't think so. I think when I got there I may have seen some bills, but over time Johnson said, "I want you to look at these bills before I see them." So, I did.

Mr. Vanderstar: These would be bills that the Congress had already passed.

Mr. McPherson: Yes, and the bills had gone to what was then called the Bureau of the Budget and now is called Office of Management and Budget. The "BOB" notified the departments with an interest in this legislation—it might be more than one, the State Department and Commerce Department on some trade matter, for example—that the bill had been passed and received, and asked them "what are your views on it?" It would give them a week to report their views. Then a deputy bureau chief named Phillip S. Hughes, known as "Sam" Hughes, a long, tall drink of water who was a wonderful public servant, would give me their account of all this. "State's got a problem with it, Commerce is for it. It's our view that it's consistent with the president's program. It's not the best we could have gotten, but I would recommend that he sign it."

The book that I wrote contains a number of memos that I wrote Johnson about bills that had problems. I tried in most cases where there were disputes among government agencies to elicit more information to get more of a sense from the bureaucrats and finally from the cabinet people how they really felt about this: whether they really felt the president ought to sign it or whether they just thought they ought to be seen recommending that he sign it.

You never quite knew because they had their own constituencies, and they wanted to be on good terms with them, wanted their constituencies to think that they took a

certain point of view. They might take a slightly different point of view if you pressed them on it. It was my task to tell the president what I thought the reality was. Years later I got one of those Arthur Flemming Awards for young men in federal service; I don't know whether they asked Johnson about why they should give it to me or for some kind of a recommendation, but he said McPherson "has looked over legislation competently" or something like that. (laughter)

Mr. Vanderstar: Glowing praise.

Mr. McPherson: Glowing praise. Yes, that was about it.

So, there were a number of areas in which I was the last stop on the railroad line into the president, and it required in maybe a third of those areas that I spend a little time researching the law, seeking to understand the law or an Executive Order or an agreement with a foreign nation. I'd guess a third of those things took a little legal book work.

Mr. Vanderstar: This very fascinating account prompts a whole mess of questions in my mind, but let me start at the end of your comments and work my way back. First of all, let me get you to define a word you use from time to time which is "bureaucrat." Do you mean by that a career civil servant and not a political employee?

Mr. McPherson: Yes.

Mr. Vanderstar: Okay. Secondly, you talked just a moment ago about some times needing to do legal research. Was there a way to find out if the idea that was contained in a draft Executive Order or a bill that had passed Congress had been presented to the president, either this one or a predecessor, before and had been turned down for some reason? Obviously, veto messages you could easily find by typical research techniques, but suppose president Kennedy had rejected an Executive Order on a particular point in 1962 and then—this is all hypothetical—

Mr. McPherson: No, no, it's very real.

Mr. Vanderstar: —then in 1966, the same point comes forward, perhaps from the same cabinet officer or whatever. Was there a way you could know about that other than just if you happened to know it?

Mr. McPherson: The best chance you had was if one of these bureaucrats knew about it and would tell you about it in one way or another, perhaps in a memorandum attached to the basic memorandum, "This matter was raised in '62. It was felt that circumstances did not permit it or it was undesirable" or whatever. "However, since that time—"

Mr. Vanderstar: Okay.

Mr. McPherson: And the best source of it since, as you surmised, the departments had their own interests to pursue and didn't necessarily want to raise this with you, the best thing you had going for you was the Bureau of the Budget and professionals over there who had been around a long time. At that time, I should think, the majority of people working for the government were Democrats. They had come, many of them, in the '30s, '40s, and worked through the '50s and here they were in the '60s. These are some of the older hands, Sam Hughes and people like him. So they wanted the president to succeed. They also didn't want him to get in hot water by going down some road that had been rejected in the past or had a lot of problems that might not be visible to the naked eye.

Mr. Vanderstar: I see. Okay.

Mr. McPherson: For the most part, they were simply excellent public servants who did not want a bum piece of legislation or executive action to make it through.

Mr. Vanderstar: Okay. You mentioned the Bureau of the Budget, now OMB, a couple of times and I take it that even in those days, the word "budget" didn't describe the

breadth of their responsibilities.

Mr. McPherson: Exactly.

Mr. Vanderstar: They were there as a screener of all legislation and of all proposed regulations, even as they are now.

Mr. McPherson: Absolutely. It wasn't just a financial accounting office.

Mr. Vanderstar: It's funny that the word "budget" is so prominent in their title, was then and is now, but yet they are not just a budget agency.

Mr. McPherson: That's right, and it's been that way for a very long time. I believe Mac and Bill Bundy's father was one of the early holders of the job, and I think he helped to steer that agency in that way.

Mr. Vanderstar: Another point that came up at various times here this afternoon is the whole notion of drafting of legislation and Executive Orders. You mentioned that subject in the context of Clark Clifford, for example, and so forth, and it prompts to my mind this question: putting aside legislation or draft Executive Orders that would naturally come out of an existing department, e.g., the Department of the Interior wants to do something about the parks, or the Fish and Wildlife Service, so they'd initiate legislation, but when you have something new that is the president's own personal program—the Great Society, the War on Poverty, what have you—who does the drafting in that kind of situation?

Mr. McPherson: Well, this will take a little while, because it is kind of sensitive to talk about and I did my best to avoid dealing with it in my book: When you have a job like special counsel or special assistant to the president and you are one of the senior staff, you are operating in a climate, in an environment produced by the president—his politics, his purposes, ambitions, his likes and dislikes. You don't hold the job very long—or if you hold it, you are

not used very much—if you are not conscious of that. So that, it is true to say, and not just a way of saying as Ari Fleisher does with George W. Bush, “Well, the president thinks that” and “The president wishes that” when it’s quite unlikely that George Bush has ever thought about that particular issue at all. All staff people, all loyal staff people try to make it appear as if everything springs from the head of Zeus.

Mr. Vanderstar: Yes. President Zeus.

Mr. McPherson: Yes. Some things do, in a general way. The president wants to be aggressive in securing the right to vote; the president wants to be aggressive in getting an elementary and secondary education bill through even if it takes, as he once said in a funny speech, “letting those Catholic children get a little peep at a few books.” (laughter) This was a requirement of some of the Catholic members of Congress who were in a position to deny that bill. He would tell you that he wanted to do certain things, and that would just become part of the atmosphere.

From that point, there had developed—1 think in the time of Sorensen, surely under the special assistant to the president for domestic affairs, Bill Moyers, and later under the special assistant for domestic affairs, Joe Califano—a system of task forces brought together by the White House and including a few people from within the government known to be expert in that particular field, and quite a few people from outside the government. Frank Keppel, dean of education at Harvard, John Gardner—people who could come down to Washington to take part in an occasional project. I say “occasional”—if the president was really pushing for something, it was maybe every weekend for two or three months, they would spend their weekends in Washington, meeting here, working to produce a program.

Walter Reuther persuaded Johnson that it would be a great idea if all the federal

agencies that had programs in a city found a way to work together. This was something Jimmy Carter spent his time on for the city of Atlanta after he left the Presidency, so it's been a subject of presidential interest for a long time. Reuther said, "We need to get the federal agencies to work together in such a way that they understand what each is doing in the area, but we also need to get the local government to use its resources, and we need to get private resources as well, and they need to work in cooperation with the federal resources on programs that will really lift cities several notches higher economically and socially. So, we started meeting on what we called for a long time "Demonstration Cities." The idea was that cities would produce a plan of how all this could be done. They would take part in a contest. The federal government would choose the cities that had the most appealing plans to fund. I was the rapporteur of this group. There were quite a few interesting people on it. Reuther himself, Kermit Gordon. Everybody understood Johnson wanted this — whether he wanted it for the cities' sake, or because of the political strength of the UAW and Walter Reuther, I don't know. It may be some of both.

At the last minute Johnson said, "I don't want to call anything 'Demonstration Cities.' There are too many demonstrations now." So it became known as "Model Cities" —the Model Cities Program. There were all sorts of interesting personal politics having to do with Bob Weaver, the first African-American cabinet secretary, who wanted to be given this responsibility and authority —it involved cities and he was the secretary of Housing and Urban Development. But people thought that Weaver, who Johnson liked, was too much a representative of the old bureaucracy, and we needed something a little sexier and more inventive.

Johnson, after the civil rights breakthrough of '64 and the Voting Rights Act of

'65, made a memorable speech at Howard University, some of it based on Pat Moynihan's studies of the Negro family. Essentially the idea was that we have now taken the big steps to end racial discrimination practiced as a matter of law and administration, and now we have to figure out what its going to take to get Negro Americans into the mainstream economically and educationally. Johnson said at Howard University, "We have a long way to go. A lot of problems. You don't take a man who's been shackled all of his life, take the shackles off and put him in a footrace and tell him to win it." So he said, "We're going to have a conference called 'To fulfill these rights.'" Truman had had one called "To secure these rights." Ours is going to be "To fulfill . . ." As my book says, that was a very difficult thing to put together. I was much involved in trying to fashion a set of ideas and program that the president could embrace and push forward and that didn't sound too nutty. I'm not sure I'm answering your question as well as I could.

Mr. Vanderstar: You are, but there is one little piece of it which is this: Who in these situations sat down with pen and paper and drafted legislation? Was it the special assistant, the Moyers or Califano or was it McPherson or—

Mr. McPherson: No, it was someone from the Justice Department, someone from the Bureau of the Budget, a White House assistant, a couple of senior staffers in the Labor Department, say. Califano began to recruit a bunch of extremely bright people, almost invariably editors-in-chief of law reviews. One of them, Matt Nimitz at Simpson, Thatcher & Bartlett, had the most astonishing record I'd ever seen. He had a double first from Oxford as a Rhodes Scholar and then was Editor-in-Chief of the Harvard Law Review and all that. He worked on civil rights with me.

It's a very good question. I think the answer probably is that people from the

Bureau of the Budget and the Justice Department and a couple of White House staff began to work with legislation of past Congresses, looking for initiatives that had not passed but that seemed to be generally moving in the direction of what was needed now. You almost never started from scratch. You began with something as a platform, and then you would start to build on it.

Mr. Vanderstar: Somebody had thought through some of these problems, put something on papers and so you started with that and adjusted it.

Mr. McPherson: Yes. As I slowly became the president's main speech writer, I was asked to turn out a speech from time to time. Ultimately I became the principal speech writer after Richard Goodwin and Bill Moyers and Jack Valenti—who Johnson loved because he could put a little pizzazz into the speeches—were gone, there was McPherson, and I was in charge or responsible for most of the speeches. Also I was doing a lot of message writing to Congress. I enjoyed doing some of these enormously.

I remember one, for example, that required a fair amount of reading of old debates in Congress. Johnson wanted a four-year term for the House. The House was spending all its time raising money, so Johnson wanted to give them four years. As I remember, the idea developed that half the House would run every two years, so everyone would have a four-year term. I drafted that with great pleasure and was very proud of it, only to be told that while Johnson was going to send it forward, somebody had come to see him and said, "Sam Rayburn would turn over in his grave if he knew you were doing this, because he thought that the House was the voice of the people and all of it had to be elected every two years."

I wrote an agriculture-rural poverty message one time. I spent two days and nights on it, I had almost no sleep; I'd been in a lot of meetings about it with people from the

Agriculture Department and from OEO, the poverty agency. I was really full of ideas and people were offering a lot of new stuff, special delivery at midnight, new ideas. I really worked hard on it—maybe because I loved James Agee and his book, *Let Us **Now** Praise Famous Men*, and was seized by the notion of what it was like to be desperately poor in rural America—I did a pretty good job. The only problem was, I didn't have any "therefore." That was one of Lyndon Johnson's expressions, one that I've used with many lawyers over the years. I was talking to Johnson one day about some conundrum, some really difficult issue. I said, "You know what the problem is here, if you do this," pointing to my left, "some disaster was going to happen. If you go over here, you're going to alienate all your friends and will be really in the soup, even if you go down the middle." And I finished it, feeling very proud of myself for having described this. Johnson sat there very patiently for maybe six or eight seconds and said, "Therefore?"

Mr. Vanderstar: With a question mark on the end. (laughter)

Mr. McPherson: Right. Very good, but what to do?

Anyway, that's where I was with this rural poverty message at about two in the morning. We didn't have much money. Vietnam was sucking off a lot of the money, and I couldn't say, "We're going to spend X billions," so the best we could do was create a commission, a commission on rural poverty. I had to get this message to the president by ten o'clock in the morning. He was going to send it to the Hill by noon, and the press secretary would announce this message. I got the White House operator at two in the morning to call Orville Freeman, then secretary of agriculture. This poor man, mumbling, answered the phone and I said, "Orville, it's Harry McPherson and I really hate to wake you but I'm finishing the message on rural poverty. I want to create a commission to study and report back to the president, and it may ask that we quit doing a lot of things for agriculture that we're doing now

and that we do very different things, but I just wondered, is it all right with you? Because I know he's going to ask me if I've talked to you." (low voice) "That's okay," in this small voice of a man dragged from sleep.

So I wrote it and then pretty much forgot about it. About three or four weeks later, I got a call from a guy at the Budget, and he said, "What are we going to do with this Rural Poverty Commission?" And I said, "Oh, my God." He said, "You know, we'd better appoint it, hadn't we?" Well, I started desperately trying to get people to serve on it and to find an executive secretary. I found a professor at North Carolina State who seemed to know a lot about rural poverty. He was willing to come up to Washington and be the executive secretary. Then with help from Agriculture, OEO, and the Bureau of the Budget, I developed a list of members. I finally gave it to Johnson, and he said, "Get Dick Russell to put somebody on this commission." So I called Russell and told him what it was about, and he said, "Put Ed Brook on there" (not the senator from Massachusetts). Russell said, "He's an old friend. He knows a lot about this. He's a cotton broker." I figured Brook was a very conservative guy from Georgia. Not at all. Russell had been the great defender of the REA in the '30s and had been a great fighter for the southern sharecropper and small farmer.

So when the commission a year later came up with its program, it was a whopper, and Ed Brook had voted for all of it. I said, "Mr. President, the chairman of that Rural Poverty Commission wants to meet with you. It's Governor Breathitt of Kentucky, a fine, solid Democrat." And he said, "What's it going to cost?" By this time, we were really involved in Vietnam. And I said, "I don't know, I haven't had it priced out." He said, "Do that first. I don't want to see anybody before I know that."

So I gave it to the budget people and they just went after it with a knife. They just

weren't about to let anything like this get loose. They told me the bill over five years or something like that would be either 22 billion dollars or 44 billion dollars—a lot of money. Johnson said, "I'm not going to see anybody who's recommending a thing like that. Why did you ever start this?" (laughter) And I said, "Mr. President, Governor Breathitt is in town, he's got this report." He said, "I don't want to see him, and don't you let the press see him." He said, "You see him, you take that report, you receive him in your office, and make sure it's after ten o'clock at night when the press has gone home." So poor Breathitt delivered this year's work to an exhausted staff worker for Johnson at about 10:30 at night. (laughter)

Mr. Vanderstar: Terrible, terrible. Well, that happens to ideas sometimes, I guess.

You've gotten into something that I want to pursue and let me do it right now, namely, your personal life during your years at the White House, '65 til '69. Early in that period you moved to Chevy Chase, Maryland, the Village, but you had a driver, you didn't have to drive your car to work—whatever hour of morning, noon or night. How hard did you work? How many days did you work? How many hours did you work? How did your family handle this? You had small children at home.

Mr. McPherson: Yes, I had a daughter born in 1958 and a son in '65. I think the answer is that it was costly to my family. It was certainly costly to my wife. She was a very interesting, intelligent, attractive woman who had a certain southern eccentricity. While she was quite agreeable and could be very pleasant, she was really out of her element in politics, and our relations were strained.

I thought I was a very good father. It may have only been that I loved my children a lot without being as good a father as I thought I was. My two older children and I are

very close today and talk a couple of times a week. But between me and my wife there was a strain, one that ultimately led the way to a divorce in the early '70s. I was working, not horrible hours for the most part, not the hours that I hear some people worked and maybe work today in the White House. I'm sure somebody like Steve Hadley, a partner at Shea & Gardner who is the deputy to Condoleezza Rice and is an extremely experienced national security advisor and very fine lawyer, I'm sure he is working unbelievable hours as he gets ready for war in Iraq.

My normal working hours were from 9 until 7:30 in the evenings, five days a week, and then 9 until about 2 on Saturday. Hardly ever Sundays, unless I had to write a speech or get something out that the president was going to do on Monday or Tuesday. So it was mostly five-and-a-half days. I was determined to have some privacy from Lyndon Johnson, so I didn't tell the president or his secretary where I was going to be every night when my wife and I went out to dinner, to social affairs. I didn't tell him when I went to St. Alban's to play tennis, or in the winter to that old Marriott warehouse on Little Falls and River Road. There was an old warehouse at the Marriott Hot Shoppe, that is now the Washington Episcopal School.

Mr. Vanderstar: Yes, that was an indoor tennis court.

Mr. McPherson: I played there on Saturday afternoons as much as I could. We'd play from three to five and I sometimes got there changing in the White House car on the way. George Christian wrote a memoir of his time as press secretary, and it was very kind to me. One of the things he said was that he stood in awe of my skill in evading Johnson.

Mr. Vanderstar: Did he say "evading" rather than "avoiding"?

Mr. McPherson: (laughter) I guess he could have said either one. Certainly it was true. I hear these Johnson tapes that are now being played. Very often Johnson would call on some friend like Jack Brooks, the congressman from Texas, for company. The conversation

ends with, “What’re you doing for dinner?,” and maybe the fellow had in mind having a nice, intimate dinner with his wife. Johnson would say, “Why don’t ya’ll come on down. It’s been a long time since I’ve seen you both.” So the evening together becomes dinner with LBJ.

It might be worthwhile here briefly to say something about Johnson’s own schedule. Johnson woke up very, very early in the morning, and by his bedside was a stack of maybe a hundred memoranda, most of them one page. On the bottom of each he had the night before scribbled either “Yes,” “No,” or “See me” or had scribbled a message on it. At about 6, 6:30, Moyers or Jim Jones, later a congressman and chairman of the House Budget Committee, Jack Valenti for a while—one of the fellows with this early morning chore—would show up. Johnson was progressively absorbed with what had come into the Situation Room, dealing with Vietnam or the Pueblo or the Middle East confrontation in ‘67. Johnson would talk to the aide, lying in bed, consuming the first of what seemed like a gallon of coffee and toast; Mrs. Johnson would be in and out, and there would be this staff guy with these papers, taking notes. Then by seven Johnson would have on all three networks on the three TV sets, and he’d be going from one to another to see what they were saying about him, the White House, Republicans, whatever.

Then he would start getting people on the phone. It could be almost anybody, it could be Henry Ford at eight o’clock in the morning—I don’t know what Henry Ford was doing at eight o’clock in the morning out in Detroit—but whoever it seemed to him he needed to get a lot of Congressmen, a lot of senators, talking about legislation and the like. He would get to the Oval Office, about 9:30; and then would start formal meetings—a delegation of clergy coming in to talk about something, the Irish on St. Patrick’s Day, that sort of thing, a cabinet secretary, Joe Califano. I seemed to be called in the afternoon. I think Califano was his morning guy, and I got a lot of afternoon calls. About 12:30 or 1 o’clock Johnson would be ready for lunch and he

would frequently invite whomever was in the office with him to lunch, and they would call over to the mansion and put another plate on.

At about 2:30 he would go in, put on his pajamas, and lie down for a nap. He had had a heart attack in 1955, and this was part of his regimen to deal with that. Maybe a couple times a week I would get a call from him around three, which would usually start off with, “What do you know?” On the Red Phone, and the president of the United States is saying, “What do you know?”! This had a startling effect on me; I would just start spilling everything I knew. (laughter) If I’d had lunch with Rowland Evans or Bob Novak or someone like that, I would get a lot of grumbles and “Why are you doing things like that? What did they say?”

About 4:30 he was back in the Oval Office, starting, in effect, a second day, and he carried that through until maybe 6:30 or 7, at which point Everett Dirksen or some other politician from the Hill would come down with—if it was Dirksen, a sheaf of requests, prepared to bargain like two Arab rug dealers. (laughter) Dirksen would help Johnson on some piece of legislation, would Johnson appoint a certain person to the Federal Power Commission? That’s when that kind of dealing went on. Then at nine, if there was somebody in the office with Johnson, or some staff person who needed to see him about something, the president would say, “Let’s go back and have dinner.”

Mr. Vanderstar: Nine o’clock?

Mr. McPherson: Nine o’clock. So they would go back to the mansion and have dinner, usually a lamb chop and a little spinach, and a salad, very light stuff. And about 10:30 Johnson would go into a room where a Navy corpsman would give him a top-to-bottom massage. At maybe a little after 11 he would pick up this hundred memos and make his checks on them, his notes on them until some time after midnight and then go to sleep, first calling the

Situation Room to ask about news from Vietnam.

I asked him about that one day. I said, “What good does that do at this hour?” and he said, “I just know that some day some pilot is going to drop a big one down the smokestack of some Russian freighter in Haiphong Harbor, and the pilot is going to be from Johnson City, Texas.”

Mr. Vanderstar: Oh, boy. (laughter) What an imagination.

Mr. McPherson: There were a few other responsibilities. Increasingly I got involved in civil rights. Cliff Alexander and a guy named Louis Martin, another African American, did the real meat-and-potatoes work on civil rights, namely, finding places to put qualified Blacks in government, finding jobs for them. And they did quite a job. At the end of Johnson’s administration one of the more remarkable sessions I attended was in the Sheraton-Carlton Hotel. Louis Martin got about 250 of these people, African Americans who had senior jobs in government—these were GS-15s, -16s, -17s, rankings like that, judges on the Court of Tariff Appeals, et cetera—got them all to have a little reception for the president who had appointed them. Johnson said, “It’s the damndest thing,” he said to them, “I want to thank you for what you’ve done. You’ve done a lot for your country, you’ve done a lot for your race, done a lot for me. You’ve done good work, and you’ve never brought the blush of shame to my cheek.”

Because there was no Jew on the senior staff at the White House, I inherited the job that David Niles had under Truman and Mike Feldman had under Kennedy; I became the Jewish contact. I suppose it had to do with civil rights. There was an assumption, I guess, that I would be sensitive to “Jewish” issues. I had become a good friend of Fortas, almost certainly Johnson’s closest friend who was also Jewish. A very interesting relationship, mine with Fortas

and his with Johnson, going back quite a long way, before the presidency and extending to the time Abe Fortas lobbied me for various clients before he went on the Court, and then to the times I sat with him and Clark Clifford when Clark and the then-Justice Fortas gave Johnson their views on Vietnam, civil rights, all manner of things.

In '67 I had become the main speech writer, and I knew that I was going to be doing a lot of writing about Vietnam. I felt very uncomfortable about it. I was just as tom as I am today about Iraq. I can see the argument for doing it, and I'm just as dismayed as I can be that we have arrived at the point where we have to. In the '60s, I could see the Cold War rationale for hanging in there and not giving up in Vietnam, but I was just as dismayed as anybody could be about what was happening; something had gone almost completely berserk as a matter of policy. So I asked Johnson if I could go to Vietnam and spend some time there looking at it and I he agreed.

While I was there, the Egyptians under Nasser, moved up through the Sinai to the Straits of Sharm el Sheik and were threatening Israel, and nobody knew what the hell to do, no American knew what to do. I thought it might be a good idea if I went there. It would be known to the Israelis that McPherson didn't know beans about this, that he'd been in Vietnam for two weeks, but he was the president's counsel and so we'll receive him. I was prepared to tell them that we were really concerned about this and that Lyndon Johnson wanted to do what he could. So I sent a message from Saigon to the president about the time he would be meeting with the Tuesday luncheon group. I said, "If we don't have any better ideas of things to do, how about letting me fly from Vietnam to Israel and tell Eshkol, the Prime Minister, that we're concerned about him and take back any messages he might have." It was drafted to get Johnson to think, "I haven't got a better idea, so I'll let him go." He said okay. I flew to Tel Aviv just as the war

was beginning and wound up spending most of the war in Israel.

From then on I was involved in a lot of Vietnam talk with Johnson. I was never on a level with Rusk or McNamara or Clifford, but I had my own role as one who was loyal to Johnson and, for that reason, very determined to protect him from disaster. Johnson had in Walt Rostow and Dean Rusk people with total commitment to the war. He had in McNamara a guy who was coming apart at the seams, and then Clifford, a presumed hawk, came in and made his famous inquiry about what the plans were to bring this war to an end; finding none, he decided that he should persuade Johnson to get out. He and I, as my book describes, started a kind of partnership. Only Clifford could have put it that way. After a meeting in which I expressed myself strongly in Dean Rusk's office, Rusk and McNamara and Clifford and Bill Bundy, I got back to the White House, and I had a call from Clifford. He said, "Old boy I listened to you, and I was heartened because you and I are very much on the same page, and I think we should form a partnership. You should be the partner in the White House and I'll be your partner outside, and we'll tell each other every day what we hear, and we'll try to get our man out of this mess as soon as possible." I felt very excited to work with such a man. I found years later from Matt Nimitz that Clark Clifford, after several days of meeting with Makarios in Cyprus —remember the old Archbishop?

Mr. Vanderstar: Yes, yes.

Mr. McPherson: Clifford was a special ambassador in Carter's time to try to solve the Cyprus problem, which no one has ever solved. As they were sitting in a room, Makarios with his caftan off and in his undershirt in 105 degree temperature, Clifford said to him, with Nimitz sitting right next to him, "Archbishop, let's form a partnership. You be the partner in Nicosia, and I'll be the partner in Washington." (laughter) Clifford ran that one many

times.

Anyway, I was, as the book described, the principal draftsman, you could almost say construction engineer, for the speech Johnson delivered on March 31, 1968—though not the last piece of it when he announced that he wouldn't run for president again, but the speech that represented a turning of American policy, a willingness to stop bombing North Vietnam, a willingness to get into peace talks.

I spent the rest of '68 dealing with the culmination of things, civil rights still the most pressing because of the killing of Martin Luther King. It was an enormous consumer of time and attention: King was killed and the riots began here in Washington and elsewhere in the country. I spent a lot of my time in the White House.

Speaking of my family, my daughter was about six months old when she fell out of a window onto her head, and we spent several very anxious days in Washington Hospital Center. She fell on her head again, out of a swing, on the night Washington began to bum. I was absolutely panicky. She had been rushed to the hospital, and I called for a White House car to take me there. It was hard to get them, they were running all over town doing emergency work, and I had to leave a meeting with the president and the attorney general. Johnson got on the phone with Mayor Daley. I could look over his shoulder at the Treasury Building, and beyond Treasury a huge column of smoke was coming up from the stores and the buildings on Pennsylvania Avenue. Daley was saying, "It's out of control here [in Chicago]. We've got to have troops." There was an argument about whether we needed troops here in Washington. Ramsey Clark argued against it, saying it would be a terrible symbol to the Blacks that we were using military force in the nation's capital. People from the Pentagon said, "We need to get tough. If not that, what were we going to do?"

Anyway, I finally got a car, and I remember telling the driver to break every speed limit known to man. It couldn't have taken us more than 15 minutes to get to Chevy Chase. There were no cars on the roads. The city was an absolutely empty scene.

Mr. Vanderstar: What time of day was it?

Mr. McPherson: 8:30, 9 at night.

Mr. Vanderstar: Oh, curfew was in effect.

Mr. McPherson: Curfew was in effect, right.

One other event during that year was Bobby Kennedy's assassination, and getting back down to the White House late at night and writing what Johnson said about that, knowing the profound dislike between those two, knowing that Johnson had actually tried to help Gene McCarthy, anybody but Bobby. It was dreadful. At the same time, here was another awful tragedy to hit the Kennedy family.

Mr. Vanderstar: What happened to your daughter?

Mr. McPherson: She was all right. She was in the hospital for a day, but she was okay. Has been ever since.

Mr. Vanderstar: Okay, good. That was quite a year. Did you know that Johnson was going to end that speech the way he did?

Mr. McPherson: Only in this way. One mid-March day, about like today, he invited Joe and me to have lunch with him in the Rose Garden. We were in the Oval Office. He said, "It's a nice day. Let's eat outside." Somebody put a table out there, in the midst of flowering azaleas; we were surrounded also by the voices of people on the other side of the White House in Lafayette Square chanting "Hey, hey, LBJ, how many kids did you kill today?"

I started talking to Johnson about this plan I had for the '68 campaign, which he

had rather off-handedly okayed about six weeks before. I thought, “Well, we’ve got 1976 coming up, the 200th anniversary of the Declaration of Independence. It would be great if we could figure out what was achievable in terms of the national life by 1976.” For example, if the average African-American kid finished nine grades of school, let’s say that by 1976 the average such child will finish 11 grades as a result of our multiple efforts. We wouldn’t say they’d graduate from high school, but they’d finished at least 11 grades. My idea about these things was that they would be a reach to achieve, but achievable.

I had raised this with him two or three times, because I had some meetings with a very skeptical budget crowd and I needed his support. “This will be very expensive,” the budget people said, “probably unaffordable.” All their native conservatism came out about this, but I was really enthusiastic about it. Johnson’s response one time when I told him what we were doing said, “Why not 12 years of school? Why not twelfth grade?” And I said, “Well, I’m just trying to indicate to people that we’re not blowing smoke, we’re trying to pick something that can be done.” “Well, I don’t want to say 11th, say 12th,” he said.

I raised this while we were sitting out there at the lunch. I said, “It’s going to be hard to do what we need to. I need something from you, some statement to the cabinet that this is what we’re headed for, this what we’re going to be talking about with them.” He said, “I don’t know if I’m going to run for office.” Joe and I sat in silence, then I said, “YOU have to run.” He said, “Why?”

Mr. Vanderstar: He had a gift for asking questions like that.

Mr. McPherson: I said, “Well, I’ll be honest with you. If I were you, I wouldn’t, because I think what we’re hearing—the crowd over in Lafayette Square—is going to keep going on, and I don’t have any idea how it can stop unless we stop Vietnam, find a way to end it,

and I don't know what that is. And I think there's such profound doubt, not just about you but about every institution in the country, the government; it's everywhere. I've never experienced it like this, and yet I think we need to do things through Congress. We need some programs that will help alleviate the problems, and I can't think of anybody who could get them through but you. The rest of these guys, McCarthy, Bobby Kennedy, Nixon, are simply not able as leaders to get the legislature to go forward."

And he said, "No, you're wrong about that. It's just exactly the opposite." He said, "They're going to have a honeymoon, any one of them, and I won't." He said, "Congress and I"—I'll never forget the way he said this, the way it sounded—"Congress and I are like an old man and woman. We've lived around each other for a long time, and we've made a lot of demands of each other, and we're tired of each other. Give me another reason." I looked at Califano. He was silent, and I was thinking, "You jerk."

Mr. Vanderstar: Yes. Your **turn!**

Mr. McPherson: Luckily, Marvin Watson or somebody, Jim Jones, came out and said, "Mr. President, you're wanted on the phone and you have your two o'clock appointment." So we got up and I walked back into Joe's office and said, "I think he's serious." Joe said, "I don't know, maybe he is."

So on March 30, Saturday before the Sunday speech, I'd gone through 13 drafts of this thing and as the book describes, the final draft was the different one. It was the one that was a peace speech. That's the one he agreed to make. I'd left out this peroration, which in an exaggerated way I'll call Churchillian—almost "We'll fight them on the beaches," and so on.

Clifford called me just before we started the all-day-and-into-the-evening meeting on the speech. He called and said, "Old boy, that peroration doesn't fit the rest of the speech.

That's the peroration for a war speech. The tone of its 'We're going to be fighting there until it ends.' That's not what the speech says now." I said, "You're right, but I don't have time to rewrite it so I'll just cut it off and have the speeches reproduced without it."

So on Saturday night, ten o'clock, we were in the Cabinet Room, and Johnson said, "Where's that peroration? I liked that. That was good." I said, "Well, it doesn't fit the speech as it is now. I didn't have time to write it over. I'll go write you one now. The speech is already long so it won't be long." And he said, "Oh, don't bother about the length. I may have a little ending myself," and he walked on out.

Mr. Vanderstar: Was Califano there?

Mr. McPherson: No.

Mr. Vanderstar: Okay.

Mr. McPherson: Clark Clifford was sitting right next to me, and I said, "You know what that's going to be about? I think he's not going to run again." Clark said, "Jesus, is he going to say sayonara?"

The next afternoon, I'd been down at the White House during the day and at about five in the afternoon I had heard that the president and Horace Busby, an old friend and writer from Texas, had been closeted in the mansion working on something. I figured it's got to be a statement that he wouldn't run. I went into my office to pick up some stuff and go home. The phone rang. It was Johnson. He said, "What do you think about the speech?"—almost as if I hadn't been writing it for two months. (laughter) I said, "Well, I think it's okay. How do you feel about it?" He said, "All right." He said, "I have a little ending of my own," and I said, "I heard that." He said, "Do you know what it **is?**," and I said, "I think so." He said, "What do you think about it?" and I said, "I'm very *sorry*, Mr. President." And he said, "okay, thank you,

pardner.”

So, I went home and I got Owen Smith, the fellow from Maine who started the *Maine Coast Fisherman*, and invited him over. We got a bottle of scotch and started drinking. I stood there and watched that speech. It was this thing that I had been living with and redrafting daily for two months, and then came the end. It was almost an anticlimax, the way he said it, because I knew that that’s what it was.

Mr. Vanderstar: But it took a lot of people by surprise, I would say.

Mr. McPherson: Yes.

Mr. Vanderstar: Okay.

Let me ask you to shift to another aspect of your work at the White House, since we are Washington lawyers and that’s the prime audience for what we are doing. What contact did you have, professional or personal, with Washington lawyers while you were at the White House, whether within the government or outside the government?

Mr. McPherson: In a business way, that is, meeting with Washington lawyers, with or without their clients, I did that a lot in the areas where what I was doing affected business interests.

One thing I neglected to say, I was also the last stop for the U.S. Trade Representatives Office, USTR, so that a trade agreement that was reached by them or a proposal to lift the tariff on Swiss watches or on plate glass or on Wilton-and-velvet carpets would become matters of intense interest on the part of the domestic industry, usually.

The Swiss watch thing, I remember being visited several times by a lawyer at Steptoe, Paul Mickey, who was representing Bulova. Bulova had put on their board, to make damned sure that the president of the United States would see them about this matter, General

Omar Bradley, and he came to see me. It was quite a scene: the president's youngish lawyer, General Bradley, and the Bulova people.

On the carpets, a huge issue with the textile industry in Carolina; on plate glass, a huge issue with West Virginia and Pennsylvania, Saint Gobain and those makers of plate glass and window glass. All of these firms would get Washington counsel. A number of times I saw lawyers from Covington, from Arnold & Porter, from Shaw Pittman. Abe Fortas, before he went on the Court, saw me a number of times on matters affecting Puerto Rico because at the time he, Abe Fortas, was extremely close to Luis Munoz Marin, the great George Washington of modern Puerto Rico, and he knew everybody down there. He was a close friend of Pablo Casals, who lived there. He would see me frequently about matters affecting relationships between the U.S. and the Commonwealth, sometimes about duties on rum, all manner of things that could affect the Commonwealth.

On communications matters: Johnson was very edgy about that and did not want either FCC matters or oil matters handled in the White House—FCC because of his own station in Texas—but unavoidably I'd on occasion talk with Paul Porter about issues involving the FCC which didn't have any direct involvement with KTBC in Austin but couldn't be avoided: the White House had to take some position.

The answer is, on commercial, financial issues that had a government twist to them, some regulatory involvement, some aspect in which the president played a role—as I was saying, Civil Aeronautics Board recommendations about which airline would get chosen for service in a particular area—I was likely to see some Washington lawyers. Sometimes economic matters. As the war heated up, the government took actions to keep the economy cool. There was a program of aggressive discouragement of major capital investments, exactly the kind of

thing that you wouldn't expect normally, but it was thought that pouring more money into the economy would be a bad thing in an overheating economy. You wanted to cool it down, so you didn't want a lot of expenditure. I remember Juan Trippe coming to see me representing Pan American Airlines because they were going to buy the first 747, and to do that they had to make this huge investment, I guess in Pratt & Whitney, whose giant engines go in 747s, and the issue was whether the government would give them a pass to do that.

It was an odd time.

There were other lawyers that I saw from time to time on social issues, especially civil rights. My friends from years past, my law partner today, Berl Bernhard, and Bill Taylor, who succeeded him at the Civil Rights Commission. People from various law schools who would have a keen interest in some civil rights or civil liberties issue would sometimes end up in my office.

Mr. Vanderstar: Joe Rauh?

Mr. McPherson: Joe Rauh, absolutely.

I may have mentioned, if I didn't, in one of the early tapes, I'll be quick about it. On the second Sunday after Johnson was president when he had me in the White House with him, he was apologizing to Jim Rowe for behaving badly toward Jim in the '60 campaign. Johnson had a line-up of people in the hall outside the Oval Office, people whom he had offended or had run afoul of and whom he now wanted to make peace with so that he would not have any more problems than he needed to have at the outset. One of them was Joe Rauh, who had called Lyndon Johnson a racist and all kinds of stuff when he hadn't pushed forward in 1960 the most aggressive civil rights bill. So, I did see Joe on occasion, and Joe got involved with the anti-Vietnam issues as well. Johnson knew who Joe was, he knew he was a passionate man, and

that he had strong views.

Mr. Vanderstar: I want to talk separately about the demonstrations and so on in a minute, but refresh my memory, when was the Mississippi Freedom Party issue? Was that the '64 convention?

Mr. McPherson: Yes, that was in '64.

Mr. Vanderstar: Rauh was counsel.

Mr. McPherson: Oh, very much involved.

Mr. Vanderstar: So, he was very much involved in the Mississippi matter.

Mr. McPherson: Yes. One of the fascinating aspects of the Johnson tapes is about that. One recent afternoon I had stopped to buy a bottle of scotch, and I sat in front of the liquor store unable to get out of the car listening to Lyndon Johnson talk to Jim Eastland about the Mississippi Freedom Democratic Party, and trying to find a way to compromise the Mississippi delegation matter in Atlantic City. What was utterly fascinating was that Eastland, who was as far removed from Fannie Lou Hamer as you could get, was also a Democrat and did not want to mess up the convention or make matters worse for Lyndon Johnson. And while I think the ultimate conclusion was that the delegation that had been chosen in Mississippi, almost all White, would be seated but the Freedom Democratic delegation would also have seats, not a vote, but seats, and then in '68 the selection of the Democratic delegation would be done in a totally different way that would make it possible for both races to be seated.

Mr. Vanderstar: Momentous times.

Mr. McPherson: I'll say.

Mr. Vanderstar: I do want to get to demonstrations, but I'm reminded now, what about when the '68 convention was happening; you were in the White House?

Mr. McPherson: I was.

Mr. Vanderstar: Did you have any role or any involvement?

Mr. McPherson: No, I didn't except a curious one. Arthur Krim, a devoted friend of Johnson's, chairman of United Artists and almost certainly the most significant money man in the Democratic party by '68, had in mind that there should be a film about LBJ shown at the convention in Chicago. He would pay for it. So he got David Wolper, a documentary film maker, to agree to make it. I and a guy named Ed Hamilton, who was the deputy national security advisor, deputy to Rostow, an extremely bright guy, were sent out to Los Angeles to write the script for this film. I would write the domestic side and kind of have a look at the whole thing overall, and Ed, who was not a writer by trade but who was very competent and certainly knew all the issues, would do the foreign side.

It was a wonderful experience. We spent three days out there, ending up with about a 15-hour making of this film with a machine called a Moviola. It's like a sewing machine. The equipment is probably much different today, but in those days the film would be put on a spool and edited as you moved it along. A young director had put together a lot of scenes of Johnson and politicians and ordinary people. As I saw it over the first couple of days, I just made some notes, and by the third day I had something like a script. I had never done anything like this before. We would put it on these spools, and you would use your feet to either start it and run it forward or stop it and run it back. You would say the words as this occurred, so that the maker of the film could get an understanding of what you were trying to achieve. Your words, maybe eight words, were to come between this shot and that shot. Anyway, I remember leaving about dawn on Sunset Boulevard, walking out having finished it and feeling kind of giddy about the whole thing. (laughter)

Mr. Vanderstar: I have just made a movie!

Mr. McPherson: I made a movie! Of course, as the hour of the showing grew near, putting a film about Lyndon Johnson on the screen in Chicago would have set off a riot that even Mayor Daley's cops could not have stopped. So, it *sank*. It's down in the Johnson Library. I've never seen it. (laughter)

Mr. Vanderstar: Were you in Chicago for the convention?

Mr. McPherson: No, I wasn't. I was on the phone a lot with people out there — Johnson was at the ranch and he kept wanting to insist that certain things be done, certain things be in the platform or not in the platform and that certain people say certain things. I didn't blame him at all, it just seemed utterly fanciful to think that he could achieve some of those things.

Mr. Vanderstar: Okay. Demonstrations. I have a lot of background in this because, I should disclose this, I litigated some cases for the ACLU challenging the way demonstrations were handled.

Mr. Vanderstar: In Washington?

Mr. McPherson: In Washington, yes.

Mr. Vanderstar: That litigation occurred in the '70s, so that was during the Nixon administration.

Was there any litigation about demonstrations while you were at the White House?

Mr. McPherson: Not that I remember. The one I remember mainly is a number of meetings in the White House, in my office, with people from the Interior Department, general counsel of interior, and the Park Police, about the encampment in Lafayette Square.

Mr. Vanderstar: Yes.

Mr. McPherson: I'm not sure that my role or what I was urging would meet the test of a civil libertarian, but I thought the people ought to be got out of there. I thought it was profoundly offensive to the people of the United States to have Lafayette Square packed with tents. I must say that the Interior Department counsel was determined that their right to do that be protected. He was determined. The hardnose in the matter was the president's counsel.

Incidentally, that reminds me, every now and then during this period, I played a classic lawyer's role in counseling the president, not so much about what was legal, but what was prudential in terms of government roles. One I can think of during the Martin Luther King riot, involved a lot of issues about the Park Police, the D.C. Police, and the military, and I was on the phone in conversation a whole lot with Ramsey, with Nick who was at the State Department, with all manner of persons.

Which reminds me that I'm leaving out two guys who played excellent and extremely helpful roles in relation to the District of Columbia who were not involved in the riot issues but who ought to be mentioned here, and that's Charles Horsky and Steve Pollak, who were special assistants to the president of the United States for District of Columbia affairs and were there and performing these roles because there was no self-government in the District. When finally there was self-government, that job disappeared with the coming of the first mayor. But you could not find two abler lawyers or two finer human beings than those two,