Oral History Project
The Historical Society of the
District of Columbia Circuit

United States Courts
District of Columbia Circuit

HARRY C. McPHERSON, ESQUIRE

Interviews conducted by:
John Vanderstar, Esquire
January 23, January 27, January 30, February 13, February 19, February 24,
February 28, March 4, March 12, March 18, April 1, April 14, April **17,** June 3, 2003

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NOTE

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

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PREFACE

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges who sat on the U.S. Courts of the District of Columbia Circuit, and judges' spouses, lawyers and court staff who played important roles in the history of the Circuit. The Project began in 1991. Most interviews were conducted by volunteers who are members of the Bar of the District of Columbia.

Copies of the transcripts of these and additional documents as available – some of which may have been prepared in conjunction with the oral history – are housed in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. Inquiries may be made of the Circuit Librarian as to whether the transcripts are available at other locations.

Such original audio tapes of the interviews as exist, as well as the original 3.5" diskettes of the transcripts (in WordPerfect format) are in the custody of the Circuit Executive of the U.S. Courts for the District of Columbia Circuit.

[Standard Form]

INTERVIEWEE ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of HARRY McPHERSON

1. In consideration of the recording and preservation of my oral history memoir by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, HARRY McPHERSON, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, transcripts and computer diskette of my interviews as described in Schedule **A** hereto, including literary rights and copyrights. All copies of the tapes, transcripts and diskette are subject to the same restrictions herein provided.

2. I also reserve for myself and to the executor of my estate the right to use the tapes, transcripts and diskette and their content as a resource for any book, pamphlet, article or other writing of which I or my executor may be the author or co-author.

3. I authorize the Society to duplicate, edit, publish, including publication on the internet, or permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

Harry McPherson 1/23/03
Date

SWORN TO AND SUBSCRIBED before me this
23rd day of January, 2003.

Victoria K. Wood
Notary Public

My Commission expires 8/31/07

ACCEPTED this 8th day of December, 2004, by ~~E. Barrett Prettyman, Jr.~~ Stephen J. Pollak,
President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
~~E. Barrett Prettyman, Jr.~~
Stephen J. Pollak

Schedule **A**

Tape recording(s) and transcript(s) resulting from 14 (Number) interviews of Harry C. McPherson (Interviewee) on the following dates:

Date (Month. Day, Year) & Title	Number of Tapes	Pages of Transcript
January 23,2003 – Day 1	1	28
January 27,2003 – Day 2	1	16
January 30,2003 – Day 3	1	29
February 13,2003 – Day 4	1	23
February 19,2003 – Day 5	1	27
February 24,2003 – Day 6	2	32
February 28,2003 – Day 7	1	22
March 4,2003 – Day 8	2	24
March 12,2003 – Day 9	1	27
March 18,2003 – Day 10	1	36
April 1,2003 – Day 11	1	31
April 14,2003 – Day 12	2	23
April 17,2003 – Day 13	1	35
June 3,2003 – Day 14	1	36

The transcripts of the 14 interviews are contained on 14 disketttes.

Standard Form

INTERVIEWER ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of JOHN VANDERSTAR

1. Having agreed to conduct an oral history interview with Harry McPherson for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, John Vanderstar, do hereby grant and convey to the Society and its successors and assigns, all of my right, title, and interest in the tape recordings, transcripts and computer diskette of interviews, as described in Schedule A hereto, including literary rights and copyrights.

2. I authorize the Society, to duplicate, edit, publish, including publication on the internet, or permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

John Vanderstar March 29, 2004
Date

SWORN TO AND SUBSCRIBED before me this 29th day of March, 200__.

Robyn K. Watson
Notary Public

My Commission expires 2/28/06

ACCEPTED this 8th day of December, 2004, by ~~E. Barrett Prettyman, Jr.~~ Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
~~E. Barrett Prettyman, Jr.~~
Stephen J. Pollak

Schedule A

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April 1,2003 – Day 11	1	31
April 14,2003 – Day 12	2	23
April 17,2003 – Day 13	1	35
June 3,2003 – Day 14	1	36

The transcripts of the 14 interviews are contained on 14 disketttes.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - FIRST INTERVIEW
JANUARY 23,2003

It is Thursday, January 23, 2003. We are in the office of Harry C. McPherson, Jr. I am John Vanderstar and I am assigned by the Oral History Project of the Historical Society of the District of Columbia Circuit to conduct an interview with Harry McPherson and talk about his life and his work in the government, especially the Lyndon Johnson White House and then primarily his career in the private practice of law here in Washington since those days.

Mr. Vanderstar: Harry, good afternoon. It's a bright, sunny cold afternoon. Let's begin with your birth which I have here was August 22, 1929, in Tyler, Texas.

Mr. McPherson: Right, right.

Mr. Vanderstar: I want to get some family background and let's begin with your parents, who they were, where they came from, what their circumstances were, that sort of thing, one at a time.

Mr. McPherson: All right, one parent at a time. Let me start with my mother because our family—my mother, father and I, I was an only child—lived about a softball throw from my grandfather, my mother's father, as families often did in those days, and so I spent much of my childhood in and out of the two houses. My mother's name was Nan Hight and her father was Clay Hight. He had been born in Nashville, Tennessee, in 1875, had come to Tyler when he was four, had gone through the Tyler public schools and had become a rather significant figure in the life of the town as a businessman and a civic leader. He had three children, of which my mother was his favorite. She, Nan Hight, born in 1900, also went through the Tyler public schools and went to a college called Kidd Key—I have no idea how to spell it, I think it's K-i-d-d K-e-y, something like that—it was up in either Dennison or Paris, Texas, and

she went there for a couple of years.

My dad was born in 1894, I believe in Dallas. He for some reason gave me several different places for his place of birth, and I filled in personnel sheets over the years, when I was in the service and elsewhere, explaining that we were law abiding Americans even though my father was born in Canada. Well, he wasn't born in Canada, it turns out and neither was he born in Wichita Falls, Texas, which he told me he was on another occasion. I think he was born in Dallas, but I can't swear to it. But his father lived in Dallas and my father was raised there. His father, I was told, was an engineer, a mechanical engineer, who had a couple of inventions to his credit having to do with the cotton gin. My father was in the service during World War I, but not in combat. He got out in 1920 and began a series of employments that make me realize how very stationary I have been in my life. My dad did all kinds of things. He played professional baseball when he was 18, was a second baseman for Denver and broke his leg sliding into second base and didn't play again. He had a sheep ranch in the Texas Big Bend country. He traveled the Southwest for the Pennsylvania Rubber Company. He misbehaved a fair amount in the 1920s and did his share and a bit more of drinking. I think he swore off when he took up with my mother, who was a teetotaler.

Tyler, Texas, at the time I was born was a town of about 28,000 people. It's principal industries were three: oil, roses and a railroad. **A** lot of people found themselves suddenly rich because of the East Texas oil fields. Because of the geology of domes, sub-surface domes, Tyler had no oil, but oil was in several directions, about 20 miles away, and quite a few folks — including firemen, farmers, icemen, all kinds of people – suddenly became very wealthy. They, or their wives, were persuaded that Tyler was a very nice town to come and live in. So they built handsome houses and sooner or later took up membership in the local country club

and they lived a pleasant life, an ostensibly dry life. Tyler was then dry (and may still be, as far as I know) under the county option plan of Texas. My father always said that the Baptists and the bootleggers had conspired to keep Tyler dry; each had a reason for that.

Well, my parents got married in 1928. My father traveled around East Texas, Arkansas, Oklahoma selling tires or establishing dealerships, helping people establish them. I was born in '29 and in about '33 my father went to his father-in-law, my grandfather at the Citizens National Bank, which was the premier bank in Tyler. My grandfather was, I guess, the Chief Operating Officer; he was the vice president who ran the bank. Dad borrowed a little money from him to buy a tobacco shop that was very near the bank. It was called "The Smokehouse." It carried cigarettes, cigars, pipe tobacco, and candy, and it had a wonderful popcorn machine. It was a tiny place, very narrow, and it was right next door to a larger shop, I never knew what that was, but my father acquired it and took out the wall, so that he had a nicely sized sporting goods store. It was called "The Smokehouse"—he kept the name from the early days.

My dad had very good taste. He had good eye for the best, clothes and cars and, in this case, in shotguns, rifles and fishing tackle. So he got the best stuff and it became the favorite meeting place for the men of Tyler, particularly these men who had come by their means through the oil business. There they met and frequently bought hunting and fishing equipment. The store carried some very nice sport clothes, shirts and pants for hunting and fishing; and around a potbellied stove—there literally was one in the middle of the store—would be gathered some people who became rather famous in Texas business history—H.L. Hunt, a guy named Pete Lake—these were enormously wealthy people, some of whom had started in Eldorado, Arkansas. My dad made his money there. I spent a lot of time in Hot Springs, Arkansas. I

always thought I had a tie to President Clinton through these oil people who started there and then moved to Tyler. After a while Dad began to supply the high school with football uniforms and helmets, and that kept us reasonably prosperous.

We were never wealthy. I found that out while working in the bank, when I was 13.

Mr. Vanderstar: In your grandfather's bank?

Mr. McPherson: In my grandfather's bank. I worked as a messenger, and one of my chores, after running around to the other banks in town swapping checks and statements, was taking the day's delivery of checks and putting them in depositors' little envelopes. One day I looked at my father's envelope which had his last bank statement in it. I was right next door to his store, which was full of people and sales were being made and he had three guys working for him; though he went off to play golf almost every afternoon, he worked seven days a week, kept the store open seven days a week. Anyway, here he was at the country club and he was driving a very nice car and my mother had a car and it was pretty nifty, and he had 314 dollars in the bank! It stunned me. I wondered how on earth we managed to live such an ostensibly nice life with such limited means.

Mr. Vanderstar: That's a wonderful beginning. Let me go back and ask some questions about family things. For example, how is it that your grandfather, your mother's father, came to Tyler at the age of four?

Mr. McPherson: I don't know. I've tried to find that out and so far, thanks to the National Archives who have done some tracking for me, all I've learned is that his father was born in Tennessee in 1838, which would have made him a good candidate for the Civil War, but why they moved from Tennessee to Tyler, I do not know.

Mr. Vanderstar: You mentioned your grandmother on your mother's side. What was her name?

Mr. McPherson: She was a Kennedy—Dora Kennedy. His obituary says that they married in 1896, she from a well-known and prominent Tyler family.

My grandfather was the first city manager of Tyler, this before he went into the bank, and then in 1916 he formed an insurance partnership that was still going when he died in 1940. So he had an insurance business as well as the bank. But the thing I always liked hearing about him, when he was the young city manager, this wonderfully well-dressed man with beautiful shirts, tiny checks in the shirts, beautiful foulard ties—he was obviously very serious about his dressing—he would go to the ballpark in a one-horse buggy. This was before my time, but I've been told this by some of his friends. He would go behind the stands and change his clothes into a baseball uniform and go out and pitch for the Tyler team. He was a fanatic about baseball and, in fact, he used to take me often to see the Class D Tyler Trojans, and there I developed my own passion for baseball. I was amazed to see my grandfather, this distinguished man, on a boiling hot evening sitting there in a **box** right behind home plate, take off his coat—he wore suspenders, but he kept his tie on—and he would watch the game with great interest. Then suddenly, when a questionable call came, he would be on his feet yelling oaths, in this town where he was a long-time member of the Marvin Methodist Church and there he was yelling at the umpire.

Mr. Vanderstar: Great, good story. So, he married Dora Kennedy in 1896. Her family had been in Tyler for some time?

Mr. McPherson: Yes. It says in the obituary, "from a well-known and prominent Tyler family." When I looked at the archives' material and old census material, I think that both

families came, some from Tennessee and some from Alabama. So they were probably Scots-Irish people who populated both the Carolinas and Tennessee and other parts of the South.

Mr. Vanderstar: You mentioned by the way that Tyler had three principal activities and you have spoken about the oil business. What about the other two?

Mr. McPherson: As I have said, Tyler served as the home of these well-to-do people in the oil business. The second business was roses. Tyler was known, probably still is know, as the world capital of roses. They have fields in every direction of gorgeous roses, which are flown, I believe, by freight planes to all over the U.S., or at least were at one point. And the third was a railroad; it was the home office of the Cotton Belt railroad—the Saint Louis and Southwestern Railroad. Tyler had failed to become or intentionally succeeded in not becoming a passenger terminus. I was told as a kid, that Tyler didn't want the "rough kind of people" who would come through and get off those trains. Therefore, if you wanted to get a train out of Tyler, you drove either in one direction to a village called Troup and in the other to one called Mineola.

Mr. Vanderstar: You mentioned that your grandfather was a Methodist. Were your family generally Methodist?

Mr. McPherson: My mother was. She had a beautiful voice and sang in the Methodist church choir. My dad, like many Scots people, was originally a Presbyterian. She died when I was 14, leaving just the two of us, my dad and me. He had become an Episcopalian, and he suggested that I do that too and so I did and started the business of being an acolyte and learning how to do all that stuff that you do as a young Episcopalian.

Mr. Vanderstar: When did he become an Episcopalian? While your mother was still alive?

Mr. McPherson: Yes, and I don't know why. I'm not sure what drew him there.

There was a very appealing man, the rector, Mead Brown. He looked like a monk or an English country clergyman. He was rather intellectual, someone I was much drawn to. I even thought about going into the ministry because of Mead Brown. I thought if one could be like him and spend your time studying interesting things about the meaning of life, that would be a pretty good thing to do. In those days there was no university in Tyler. There is now a branch of the University of Texas. So the nearest approximation to intellectual life was religious inquiry. I think maybe Mead Brown was the attraction for my father; he certainly appealed to me.

Mr. Vanderstar: How did your father wind up in Tyler, so as to be able to marry Nan Hight?

Mr. McPherson: I don't know how they met.

Mr. Vanderstar: You said he was a traveling—

Mr. McPherson: —a traveling guy. Dad was a very nice looking man and he was very gentlemanly; I always thought he was too much so and was rather intimidated by women. He was extremely polite and held doors open and that sort of thing. So women thought that Mr. Mac, as he was known, was a lovely man.

Mr. Vanderstar: Did you know his parents? You mentioned his father.

Mr. McPherson: No. His father died in the early '20s. His mother must have been pretty tough to take. I think she was rather shrewish and was hard for him to handle. I think it had effects on him, I don't know what they were; I never attempted to psychoanalyze him with any success. But I think maybe she was not an easy person to live with and she died either when I was about to be born or shortly after, so I never met her.

Mr. Vanderstar: You said he was a mechanical engineer? Did he have a college degree?

Mr. McPherson: I don't know. My dad said he was a big reader and had a great interest in business and engineering and inventions. The only thing that the census says is "businessman" or something like that.

Mr. Vanderstar: How about your father. Did he go to college?

Mr. McPherson: He went to Austin College in Sherman, Texas, very briefly on a baseball scholarship but soon left it; when World War I came along he went into the service.

Mr. Vanderstar: Do you know what he did in the service?

Mr. McPherson: He was a machine gun instructor. He became a lieutenant and he went to Alaska for some reason, I'm not sure what the military purpose was, but he was up there for a year or so.

Mr. Vanderstar: And you said he was in the military until 1920?

Mr. McPherson: 1919 or 1920, I think he stayed a year or so after the Armistice.

Mr. Vanderstar: Okay. Then he went on to these various adventures.

Mr. McPherson: Yes, these various adventures. One of the few he ever told me about was this: He and a bunch of his friends went to Galveston, to greet a vessel that was arriving from England carrying a friend of theirs. They drove to Galveston to meet this person in an old Pierce-Arrow.

When they were driving back they went through the town of Ranger, Texas, which I think is the town that the novel and movie "Boomtown" was about, the old Clark Gable film. If you remember that film, they did a pretty good job of picturing the town as a kind of a Potemkin Village, fronts of stores and saloons and things, where the streets are just mud with wagons pulling in and out going out to the oil fields. My father and his friends were in a saloon, and I think my father must have been at least one sheet to the wind when he said, "Well, this is

the damnest town I've ever seen. I could be making five thousand dollars a month in this town, it would take me less than a year do that." His friends bet him, I don't know, something, a thousand dollars, something pretty big at the time, that he couldn't. And he stayed.

They left and went out and got in the car and my father stayed. He looked around for a day or two to figure out what to do and he decided that there was a market for an auction. People had all kinds of things to sell to raise money to buy oil field equipment. So he managed to rent some space outside and to get a huge blackboard and he would write on the blackboard, "Vanderstar, seller – wristwatch – asking 40 dollars." Then he would write out to the side the various bids as they would come in. He would just write them there. And he would take a percentage of the winning bid. He made enough money to buy a filling station on that main drag. He soon saw that, given the condition of the street, normally just a mud puddle, that cars could not get up and down the street on their own. He got someone to sell him a capstan, like a winch, with a chain with a hook on the end of it, and for a few bucks he and his guys would go out and hook this chain onto your car which was stuck in the mud and drag it up the street into his filling station, fill it up and clean up the car and you would pay him a certain amount of money. Within a few months he was making well over five thousand dollars a month.

He sold out and left, and I think that was when he went down near the Mexican border and bought or co-bought a sheep ranch. By this time he was drinking pretty heavily. It was Prohibition, of course, and guys would come across the Rio Grande with mule trains loaded with tequila and booze of various sorts; my father arranged to have them store it with him until their contacts would come and get it and take it away. His fee was some of the booze, he wouldn't take money for it.

Anyway, he did a number of things like this.

Mr. Vanderstar: One of the many things you've said that caught my attention was the fact that the Smokehouse that he created was open seven days a week. And I guess, being an easterner, I have this image of that part of the country where being open on the Sabbath, namely, Sunday, would just never happen except perhaps restaurants. Can you talk about the religious atmosphere of the town?

Mr. McPherson: When I was in high school, Tyler had one Catholic church, a synagogue, I would guess a half dozen Methodist churches, one Episcopal church, a couple of Presbyterian churches, and either 29 or 49 Baptist churches. It was dominated by the Baptist church.

Your question about Sundays is a good one. Clearly there was not a law against opening on Sundays. I think my dad opened up every Sunday morning, and then I think he would close it in mid-afternoon and go out and play golf, and it would be closed for the day.

Mr. Vanderstar: You think it was open on Sunday morning?

Mr. McPherson: He went down there at ten in the morning, something like that; maybe that was only before he became an Episcopalian, because he did attend the eleven o'clock Episcopal service. I don't know, you wonder when you look at the behavior of people, especially your parents, you wonder what was going on there. Why am I the only child? They seemed to be very fond of one another, my father and mother. He spoke in worshipful terms of her, and she was a marvelous, beautiful woman. Yet he was at the store or the country club a lot of the time. For some reason, he was out when you would have thought he would be at home.

Mr. Vanderstar: So, your growing up years were in Tyler.

Mr. McPherson: Yes.

Mr. Vanderstar: Did you go to public school in Tyler?

Mr. McPherson: Yes, I did.

Mr. Vanderstar: You were born in 1929, so that's the Depression Era, and in many parts of the country the economic situation was kind of bad for a couple of years. How was it in Tyler? You wouldn't be able to remember, but just from what was told to you.

Mr. McPherson: It was a mix. One of the things that kept it going pretty well was the oil discoveries all around the town. I wrote a piece in the Atlantic one time about this. They did an issue on Texas and asked me to write some recollection.

Mr. Vanderstar: The *Atlantic Monthly?*

Mr. McPherson: The *Atlantic Monthly,* back in the '70ssome time. And I wrote about seeing one of these fellows—nouveau riche I guess you could call them—a big, robust fellow, watching him take the wall telephone in the back of the Smokehouse and just get furious with somebody, it must have been his leaseman in Hawkins, "Godamnit! I told you to offer the sumbitch a one-eighth override on top of it all. I said we'd offer him that. Damn!" He slammed the phone down and went out and got in this mud-caked Cadillac and roared off to Hawkins or Van or whatever it was, one of these towns that had become the hot oil spot of the day. You'd see a lot of that kind of thing.

So Tyler had that, and it had the railroad, that employed a lot a people, colored people as well. It had yards and offices, it was a freight railroad, not a passenger one. So you had those as the a basis for an economy that survived fairly well.

My grandfather as well as my father were profound Democrats. Over the vault in the Citizens National Bank, over the vault door, a huge, round, gleaming chrome door, was a photograph, I guess maybe five by eight feet, of Franklin D. Roosevelt. The message was clear: FDR was with us and our money. I once wrote a review of a book by Geoffrey Ward about

FDR. It covered the period between about 1910 and 1928. Ward describes Roosevelt driving around Warm Springs, Georgia. He used to go out and drive around that part of Georgia in a car that he had outfitted so that he could manage it. At the end of the book, a farmer was saying that Roosevelt would pull his car up in the farmer's front yard so he could talk with him. He could talk about whiskey, he could talk about cotton prices, about fishing, "he could talk about anything," the farmer said. My grandfather was a lot like that, and so that photograph meant a lot to him.

One day I was lying across the desk in his office, which like many bank officer's offices was out in the general area of the lobby, behind a barrier but open so you could see Mr. Hight back there. I was lying across the desk, I was about 8 years old, and this farmer was sitting there. They were talking about the farmer's daughter, she was pregnant. I didn't know what that meant. My grandfather was sitting there giving him counsel on how to handle it. I asked later what "pregnant" meant and he gave me a very gentle description of it. It never did occur to me that the girl was not married and had gotten pregnant. It just struck me, here's a bank, upstairs there was a very good law firm, Ramey Calhoun & Marsh, that did all the big work in Tyler, extremely fine law firm, very competent men, and here in the bank that was lending money to oil guys, guys going out to wildcat, here was my grandfather sitting there talking with a farmer about his pregnant daughter. That's the way it ought to be in life, you know, there ought to be a mix of things that makes life vastly more interesting for everybody.

Mr. Vanderstar: You mentioned that they were all Democrats---

Mr. McPherson: My dad was a passionate Democrat.

Mr. Vanderstar: —but you described your grandfather as a successful businessman, indeed a banker, and your father was a true entrepreneurial spirit, and yet they

were Democrats.

Mr. McPherson: Absolutely.

Mr. Vanderstar: What's the explanation?

Mr. McPherson: I've just delivered a talk to my new partners at Piper Rudnick. They have a thing called the Marbury Institute, and I was the speaker last week. I talked about Texas politicians in Washington for the most part, and I began talking about Edward House. Colonel House was Wilson's great advisor and friend. What I didn't know is that House, a very suave banker-rancher from central Texas who went to Yale and came back to Texas, loved politics and fashioned, through his contacts and his counsel and his fundraising, a centrist Democratic Party for Texas, one that would have good relations with business people but would also be a progressive party. House was the campaign manager of Jim Hogg, the great progressive attorney general and governor of Texas, who was very close to Glover Cleveland and was one of the early connectors between Texas and the national government. Then House got to know the president of Princeton, Wilson. Both he and Wilson were Democrats, both had an interest in books and learning. They took to each other. And he delivered Texas to Wilson in 1912 and in doing so brought along several southern states who voted for Wilson. Thereafter, he became a close advisor to Wilson. Wilson sent him to Europe in 1914 to see if he could head off World War I, in the month after the Archduke's assassination. House went to Russia after the communist takeover after the assassination of the royal family; he was everywhere.

Anyway, I tell that tale because the Texas Democratic party that I was born into in the '30scontained not only a bunch of wild populists like Ma and Pa Ferguson and Pappy O'Daniel, people like that, but also people like James Allred, who was a centrist in the Colonel House mode, and Sam Rayburn, and this big-eared young congressman from Johnson City,

Texas, who came along and tied himself to FDR. It was never a slam dunk; Texas was not the strongest state for Roosevelt.

But the better answer to your question is that power lay with the Democratic party. Lloyd Bentsen's father, who lived to be 95 himself, went to see the chairman of the Republican party of Texas when he was a young man, and he said, "I'm from North Dakota originally, a Dane from North Dakota, and my family was Republican, so I'd like to join the Republican party." And the chairman said, "Young man, do you want to help Texas?" Bentsen said, "Well, I certainly do." He said, "Let me just suggest something to you, that you go right back home to Mission (which was down in the Rio Grande Valley) and you go see the Democratic chairman down there and you sign up with him, because this is a one-party state and if you want to exercise any influence in this state and do anything for the people of Texas, then you've got to do it as a Democrat."

When Wilson was president, the Texans were beginning to occupy chairmanships. By the time Roosevelt became president, five or six Texans chaired committees in the House, including probably the most significant member of Congress, Sam Rayburn, who put through the Securities Act, the Public Utilities Holding Companies Act, all of that, before he was Speaker when he was chairman of the Commerce Committee. Texans in power were all over the place.

When I came up, it was still true. There were five major committees in the House chaired by Texans in the mid-'50s. So Texas was Democratic because that is where the power was and the money followed the power.

Mr. Vanderstar: Let's go back to your childhood. You told me that when you were 13 you were a messenger in your granddad's bank and when you were 8 you were draped

on his desk and learned a little bit about unmarried pregnancy in someone. You went through public schools in Tyler, the grammar school and the high school?

Mr. McPherson: Yes. My mother taught me to read when I was about 5. She used a device that I have been trying unsuccessfully to recall to mind or anybody else's mind that I tell about it. She used a box about the size of a large cigar box, made of mahogany. Out of it came a tape, like a measuring tape or the stock market tape, and it had letters and probably diphthongs and things like that, and maybe, after a letter and a diphthong, a word that would employ it, illustrate it. I was fascinated by it, and so I learned to read. My birthday is in late August and I never went to kindergarten, I went to first grade on the first day of September 1935. There was a county fair that summer, and somebody knew that I knew how to read and that my mother was using this method, which must have been urged upon families. I was asked to go to the county fair and sit in a booth. As I remember it, it's probably not true, but I think I remember that there were cows in the same building where I was, there were cows in stalls and there I was, in a stall. (laughter) I was asked to read, so these farmers and people, their wives, would lean over and look at this little boy sitting there reading. It was an extraordinary experience.

Mr. Vanderstar: That's not what you think of when you think of county fairs.

Mr. McPherson: In Texas or anywhere else.

Mr. Vanderstar: Was your mother an educated woman?

Mr. McPherson: She read a lot although I think—

Mr. Vanderstar: Oh, you said she went to Kidd Key College.

Mr. McPherson: Kidd Key College and she read. She was a member of the Book-of-the-Month Club and she read that book religiously, so she read at least a dozen books a

year, whatever they sent she read. My father was passionately interested in current events. I don't think he ever read a book in his life that I can remember. But he certainly read *Time* and *Newsweek* and *Life* and *Look* and the ***Saturday*** *Evening Post*. In fact, he sold them, that was one of the many things he sold at the store, and he always brought them home.

So I read them all. I got a real dose of politics and world events because of the Depression, and then the great tumult in Europe, FDR and Churchill. You're not as old as I, but at my age—the war began in 1939 when I was ten—and like most boys, I loved to draw pictures of airplanes and tanks and such. I could draw a pretty decent Spitfire and Hurricane and Focke-Wulf. It was a powerful teacher, that war. It really brought home what was happening at the same time: you were learning history, about geography, about people, about what people did in extreme situations, bravery, cowardice, all the things that war and emergency bring to the fore. It was a hell of an education.

In 1943, when I was about 13 or 14, I could draw you a pretty good map of the front in Russia. I could draw the Volga, the Dneiper, the Don, and I could show you where Rostov and Kiev and Stalingrad were. And I could do the same in North Africa. I was fascinated when the British stopped Rommel down there, fascinated by the war.

Mr. Vanderstar: Did your mother ever teach school or anything of that sort?

Mr. McPherson: No, she didn't. She devoted her energies to her son and her husband and her home, and that's really it, besides mahjong and bridge.

Mr. Vanderstar: Was she athletic, did she play tennis or swim or anything of that sort?

Mr. McPherson: No, no, she didn't. She died very young, she was 43.

Mr. Vanderstar: Let me go back to your comments about the war. It took the

United States quite a while to get into the war and we were sort of dragged into it, I guess some would say. What was the attitude in your home and in your town about the war and about our not being in it before Pearl Harbor. Can you remember?

Mr. McPherson: I remember strong pro-British feelings, probably because I was listening to Edward R. Murrow. That was an incredible experience, to be sitting in your home in an east Texas town listening to Edward R. Murrow talk about the Blitz, and you could hear the planes, the bombs, behind him. It was a dose of reality.

Whether or not many Tyler people were eager to go in, I don't remember.

I knew a couple of guys who had been at sea, in the Merchant Marine, going in convoys to Britain. In fact one guy who had worked for my dad was torpedoed, he was in the ocean surrounded by fire, and he managed to get to a lifeboat and out. He came back and told everybody in town about this.

There was no question of where one's emotions were, people were passionate about Churchill and they felt extremely warmly toward the British. Whether that meant they were ready to go to war, I don't know.

Mr. Vanderstar: Do you know if, just from your own research and your own experience, do you know if those powerful Texas committee chairmen in Congress were part of the isolationist philosophy or were part of the FDR philosophy that we needed to be in the war?

Mr. McPherson: I think the latter. I think they voted with FDR at most every opportunity. I know the local congressman did. He was a populist, a constituent-server type, the kind of fellow who, I think, probably slept in his office to save money. Lindley Beckworth was his name, and he voted consistently with FDR on everything. Johnson, of course, did too, and Johnson worked very hard to be useful to Roosevelt. He was a kind of a young whip in the

Texas delegation.

Mr. Vanderstar: Do you remember Pearl Harbor?

Mr. McPherson: Distinctly.

Mr. Vanderstar: What do you remember about it?

Mr. McPherson: I remember walking in front of the Liberty Theater headed toward a YMCA health club, I was going to work out; somebody told me what had happened, and I turned around and went home and turned on the radio. I remember it very vividly as well as the next day when Roosevelt went to the Congress.

Mr. Vanderstar: A famous speech.

Let's see, you were born in August of '29 and you started first grade in September of—

Mr. McPherson: '35. I think so. I started a week after I turned six.

Mr. Vanderstar: Right, okay. And then, and so by the time of Pearl Harbor, that was six years later, so you were 12?

Mr. McPherson: Right, I was 12.

Mr. Vanderstar: So you were still a little boy?

Mr. McPherson: Yes.

Mr. Vanderstar: Did you have any memory of people rushing out to enlist in the Army and things like that after Pearl Harbor?

Mr. McPherson: Yes. Men who were working for the railroad, refinery workers, mechanics, blue collar guys. College fellows also went, they kind of took their time to find the service that they wanted, but they went. I don't recall a lot of **talk** about people who were ducking the draft or ducking service.

Mr. Vanderstar: Did you have any cousins?

Mr. McPherson: Yes, I did.

Mr. Vanderstar: Where did they live?

Mr. McPherson: Two lived in Tyler, a brother and sister. They were the children of my mother's sister who had married into a German family, maybe one and a half generations removed from the Old Country. They were quite well-to-do. They had canning factories in east Texas. The family name was Woldert. My aunt, my mother's sister, was a lovely vivacious woman, played the piano. Her name was Mamie Woldert. She died in a fire of her home, an alcoholic.

My grandfather also had a son who was a very attractive, very suave fellow who had no character to speak of (laughter) and led a rascal's life. I think that must have just crushed my grandfather. No one ever said that to me but I think that was true.

I know everyone is inclined to think well of their mother, but my mother was really a wonderful woman and much loved by everyone in the city. She was the one of the three children who measured up to my grandfather.

Mr. Vanderstar: But your cousins---

Mr. McPherson: The rascal son had a son named Jack Hight, and Jack, my cousin, is responsible for my sitting here with you. He was working for Lyndon B. Johnson as an administrative staffer in 1956. He had graduated from William & Mary and decided he wanted to work in Washington. So he came up here and he got a job with LBJ. He didn't know him, he just managed to connect with him. He called me when I was a senior at the University of Texas Law School and was doing job interviews. He said, "Senator Johnson is looking for a young Texas lawyer. He is working his counsel to the bone, a nifty man named Gerald Siegel,

who was the counsel on the Democratic Policy Committee." And poor Gerry was withering. Johnson said, "Well you can have an assistant but he's got to come from Texas." And Jack said to me, "Would you be interested?" So I applied and came up.

My cousin Jack remained here only about six months while I was here. He went off, decided to be an IBM salesman, went to Poughkeepsie, and got into training. He was very good at it, and they kept him on for a year or so as a teacher. Then he was assigned to Dallas to sell IBM equipment. Another of his IBM colleagues there in Dallas, a little guy with great big ears, said (accent), "You know, I'm just getting a little tired of doing all this. I'm just as wore out as I can possibly be. I might as well be a duck on a June bug or whatever (laughter). And I want to start a company." That was, of course, Ross Perot. So they started EDS.

Jack became vice president for relations with the government. He organized the deals for covering Medicaid and Medicare, which was, of course, the big plum for EDS. Jack got out of EDS about a day after his options matured; he had had enough of Ross Perot. He had become a wealthy man, and he has lived ever since then in Palm Beach, starting small companies—he's had a number of them and they've all done well. He's a marvelous fellow who made the connection for me with Lyndon Johnson.

Mr. Vanderstar: What about your two cousins that you spoke about?

Mr. McPherson: One is still living. She's is a great-spirited woman who went through a long period of being hard-over right-wing in Dallas. She was a supporter of the congressman then, Bruce Alger, who waved his sign at Lady Bird in 1960 and by mistake hit her with it during the campaign; Senator Richard Russell, who had stayed out of the campaign in the '60 election, called that night and said, "I'll be there tomorrow morning." He spent the next seven or eight days traveling around Texas campaigning for John F. Kennedy because this

fellow had hit Lady Bird with his sign. He had a huge effect on Texas. Wonderful the way these things happen.

Mr. Vanderstar: Wow! That's a story. But how did your cousin get into this?

Mr. McPherson: She had married a very nice guy in the insurance business and they just joined these groups in Dallas who were hard over to the political right. For a long time, of course, they were still, in the '40s, trying to break up the Democratic Party and deny Roosevelt a fourth term and deny Truman election in 1948. Finally, Ike carried Texas and so, while they much preferred someone to the right of Eisenhower, they became Republicans.

Mr. Vanderstar: What was her name?

Mr. McPherson: Her name is Sally McClung. Her brother, Alex Woldert, is dead.

Mr. Vanderstar: What were their ages compared to yours?

Mr. McPherson: They're a little older,

Mr. Vanderstar: Contemporaries?

Mr. McPherson: A little older. She's about maybe four or five years older than I. Alex was a couple of years older.

Mr. Vanderstar: So did you associate with them when you were a child—when you were ten years old?

Mr. McPherson: I did. The Wolderts had a wonderful lake house on a small east Texas lake. What is it about water and lakes and things like that? It's just in your memory forever. No wonder that poets write so much about it. My large, rather bullish, bullying uncle, their father, would get up at 5:30 on summer mornings. My mother and I would be spending a couple of weeks out at the lake house, sleeping on screened porches, and at 5:30 in the morning

you could hear his outboard motor starting. He would be going out across the lake to check the trap lines that he had put out the night before, to take off the catfish and bream that he had found out there. We spent a lot of time at the lake.

I caught my first fish out there. I was about eight, nine, and one hot afternoon I yelled and yelled. I had this fish and I didn't know what to do with it. (laughter) It was a catfish. The Wolderts had a wonderful cook named Belle and a very nice chauffeur—both Negroes. He came running out and helped me get the fish off, and he ran in with me to the kitchen to say, "Harry just caught a fish!" And Belle said, "Look at that fish!" and my Aunt Mamie came in and said, "Oh, honey, that's a nigger fish, that's a catfish." You know, I think that even then I knew that that wouldn't do, that must be hurting, had to be.

Race relations in those times were extraordinary. We had, in my family, a woman who began at about age 17 to be our cook and cleaning person. Her name was Ela Clark. She was wonderful to me, treated me with the greatest affection and kindness, even though she'd get irritated with me, doing the things boys do.

Mr. Vanderstar: Were you a little boy when she started?

Mr. McPherson: Yes. And she continued working for my dad until he was in his 70s. She was connected with us for 40 years. She was paid a pittance.

Mr. Vanderstar: Did she live in your home?

Mr. McPherson: No, she didn't. She caught the town bus and went home every day.

Mr. Vanderstar: I want to ask you about school and friends and what your activities were, you've already mentioned catching your first fish, and so on, but one of the things I wanted to you ask about was race, so we're there, why don't we talk about it?

Mr. McPherson: Yes.

Mr. Vanderstar: Make it part of your talking about going to school and what you did, how you lived your life at the time.

Mr. McPherson: All the schools, every one of them, were segregated.

Mr. Vanderstar: Sure.

Mr. McPherson: Tyler had a Negro college, Texas College, and about 60 miles away was Marshall, Texas, were there were two Negro colleges, Wiley and Bishop. In between those two towns was the town of Camack where Claudia, known as Lady Bird, Johnson was growing up, 20 years older than I.

I am beginning to wonder how much I h o w , really, about race in those days. My wife and son and I went down last spring vacation on a trip I've wanted to make for a long time. We went to Nashville and drove down to see Shiloh, and then we drove on down to a place on the Delta where we stayed with a marvelous couple that I've come to know. The guy was a cotton planter. I said, "How long did you do it?" and Frank Mitchener said (accent), "I did 44 crops." For 44 years he did it. His father did 66 crops and his grandfather, after being wounded four times in the Civil War, went back to Oxford, got his free Negroes and took them down to this little town in Mississippi where they started farming cotton. They are a 1SO-year success story as cotton farmers and very sophisticated people, cultivated, decent people.

But the tiny town they live in is Sumner; I was just watching the Emmett Till story the other night, and that's where the trial was—Sumner, Mississippi. Near Clarksville. Anyway, I just wondered, after watching that, how much do I know, how much did I know. I remember some nice things in my childhood. I remember the kindness of Black servants toward me, but I also remember there were lynchings around Tyler. My father said that when he was

growing up in Dallas, I think it was on Elm Street where the Aldolphus Hotel is, there were arches in which there were walkways between buildings several stones above the street, and he recalled walking out of the dentist's office one time having had a tooth pulled and feeling pretty woozy with the ether, and looking up and seeing a Negro hanging from the arch. He fainted, my father fainted. He was just a young boy, a teenager.

I just don't remember enough about it. I know that Tyler was quite divided. There were families who were much more, what should I say, humane, much more sensitive to these racial issues than others. The term "nigger" was used around town as frequently as horse or car or anything; people just used it all the time. I don't really remember the expression that Johnson used when he was talked to southerners, which was "Nigra," I don't remember that being used. And certainly, some people would use the term "colored people."

A guy working for my father cleaned up the store one Sunday afternoon after my father had gone off to play golf. He went home, I think on the bus, went up on his front porch and looked through the screen and saw his wife and another man in *flagrante* ***delicto.*** He went back downtown—I can't believe he waited for a bus, he must have had a car—he went back downtown, opened up the store, got a 20-gauge shotgun, put a couple of rounds in it, took it back home and fired from the porch. It didn't kill the lover; he just peppered the hell out of him. Took it back down, cleaned it and called my father and told him what he had done. My father got him a lawyer. Of course he was exonerated in a minute, it didn't take the jury any time to let him off.

Mr. Vanderstar: Was there such a think as the Ku Klux Klan to your knowledge?

Mr. McPherson: Yes, and I remember that I played with some kids in my neighborhood, Buddy Ledbetter, Jimmy Kennedy, Sam Gladden, and I remember my dad saying

about Jimmy Kennedy's father, who was related vaguely to my grandmother Kennedy, I remember him saying, "I don't know about him. He was, I think he was a member of the Ku Klux Klan." I guess that would have been back in the '20s.

This is a town where one night, one hot night, I was downtown, as I remember listening to Doc Witte play his comet, he was the band leader and gave instruction in music. He had a studio facing the courthouse, and you could hear his beautiful trumpet playing. You went around the comer and there, with a big crowd of people around him, was the car that Bonnie and Clyde had been in when they were killed. The FBI or somebody was showing it off and everybody was oohing and aahing and "isn't it wonderful that we can see the car where Bonnie and Clyde were killed." (laughter)

I think about my childhood and how I learned about life. My 16-year-old son is not a vulgar kid at all but I'm sure he's seen things on television that would curl my hair. What I saw and what I was taking in from around the world, through radio and magazines and conversation, makes you realize that, as you think of your education, that you've got to take all of that into account, that it's not just what you learned in school.

So I was hearing a lot about race relations and about lynching and about how we had to find some way to make it better pretty early, and there were a lot of influences that were emphasizing that. At the country club there was a man named Eddie Finell who was a waiter, maybe in his fifties. Eddie Finell had been the leader of the Hotel Tyler orchestra. The orchestra had in it as one of its trumpet players Hot Lips Page, who was a star with Artie Shaw.

I was so hooked on jazz, on New Orleans jazz, I used to lie in bed and listen to a Dallas, Texas, radio program at night. It came on about ten, my bedtime, and I would lie there and listen to an hour of Kid Ory and Bunk Johnson and, you know, just the mystery of this stuff.

And then Louis Armstrong, for God's sake.

And I said to Eddie Finell, "Could I drive you home and would you tell me about the Hotel Tyler orchestra?" So for several nights, I waited for him until he had finished serving dinner in the country club dining room, and then I drove him home and he would talk about the orchestra, what they played and where they'd gone.

So all this stuff is feeding into your ideas about race, about poverty, whatever. And then you have your own instinctive acquisitions. I read in ***Time*** magazine about this extraordinary movie, *Citizen Kane*, and I saw it five times in the Liberty Theater. I just kept going back to see it. I was absolutely mesmerized by it. Still am, we all are.

Mr. Vanderstar: Sure.

Mr. McPherson: But even at the age of about 11, I was just astounded by this film, the use of the camera, the way there would be sudden silhouettes, or profiles, the way that incredible cameraman, I can't think of his name, would just set it up. And so here, at the age of 11, by myself going to movies.

My dad was a nut for sports and we went on a lot of Saturdays to Dallas, Waco, Austin. We would drive to see SMU, TCU, Baylor, UT play football. I played a lot of baseball and my dad was a golfer. Being tall and rangy, I could hit a golf ball, as kids can, a long way, and he was very proud, and that was just exactly what I didn't need. It's very embarrassing to have your father call his friends over, "I want you to watch Harry hit the ball."

Mr. Vanderstar: Did you hunt and fish?

Mr. McPherson: Fished. I loved it; I never did learn to fly fish or even to cast. I just did hook, line and sinker fishing.

Mr. Vanderstar: On the lake.

Mr. McPherson: Yes.

Mr. Vanderstar: What about hunting?

Mr. McPherson: Very little. I was taken a few times, especially when my mother died, by men who wanted to be supportive.

Mr. Vanderstar: Sure.

Mr. McPherson: The high school principal and others. They would show up with the guns and dogs and we'd go off quail hunting and occasionally duck hunting. I enjoyed it, but I didn't do a hell of a lot of it.

I was very young for my grade. I got double promoted when I was in the second grade and then, to make it up or to get even, I went to summer school one summer, and that took me up further. So I graduated from high school at 15. There were only 11 grades in Texas in those days, why I don't know. They were saving money or something. So I was too skinny and light to be on the Tyler High School football team.

Mr. Vanderstar: We've been at this a long time. I've got a number of notes that I'd like to come back to. For example, on the race question, you said there were Black colleges nearby.

Mr. McPherson: Yes.

Mr. Vanderstar: That's a fact that caught my attention.

Mr. McPherson: Right.

Mr. Vanderstar: I'd love to explore the significance of that both to you as a youngster and also to the community, and talk more about your schooling, grade school, high school, how many grades—you already said through 11 grades, so we know that much and double promoted, but I want to have you talk more about that when we meet next.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - SECOND INTERVIEW
JANUARY 27,2003

It is Monday, January 27,2003, the day after the Super Bowl.

Mr. Vanderstar: We will resume more or less where we left off in our interview.

Harry, you told me a lot about your childhood and about your parents and grandparents, and we talked a little bit about life in Tyler, the economics of life in Tyler and so forth, but I want to go with you a little bit more, what did you do in the summer time or what did you do after school in the afternoons or on the weekends during, say, your high school years? You said you worked at the bank as a messenger when you were 13—

Mr. McPherson: And I worked as a messenger for that railroad, the Cotton Belt Railroad, when I was 14. I had the impression of being aware for the first time of adult affairs, some of which were going on among the employees of the railroad. They, of course, treated me, some of them, as insiders that they could sort of bring in and educate to their amusement, though some of them were nervous that I might learn something I shouldn't know. (laughter)

I played a lot of baseball. I played a lot of tennis. I think I mentioned last time that my dad wanted me to be a golfer. Because I could hit a ball a long way, he would bring people to look at me hit, although when he did I would usually top it or hit a terrible slice. (laughter)

So **I** became a tennis player. I played on the public courts. Not too many people in my town, for some reason, played tennis. I became one of two guys of the tennis team. Tyler was, like most Texas towns, football crazy. There's a book called *Friday Night Light* that is about that, and it is, if anything, an understatement. People were nuts about football. Probably

the football budget was well over 90 percent of the school athletic budget. **As** for the tennis budget, when we would play meets, one of the football coaches, one of the assistant coaches, would come pick us up in his car and he would have a couple cans of balls that we could use to play the match against another high school. Nobody ever showed me how to do anything. I played tennis for about 60 years—a lot of tennis—and I think I had four lessons in the entire time. For some reason, that part of Texas was not big on tennis; west Texas and central Texas were the homes of good players.

I studied quite a lot. Probably like you, I enjoyed learning things. I wanted to be a good student, I wanted to make good grades. My mother died, and it knocked the wind out of me for a while and I kind of struggled to get back on track and graduate in good shape.

My dad was of several minds as to where I should go to college. I think somebody must have persuaded him that it would not be a good idea for me to stay around him, that I ought to be freed up a little. It turned out to be a bad mistake; I should have gone—if we had known anything about such things—to prep school; since I was so young it would have been wise to send me to a prep school for a year and get me ready for college-level courses.

As it was, I went to SMU in Dallas, a big school in a big metropolitan area. I had learned in the summer of 1945, when I was 15 years old, how to join with 17- and 18-year-olds in drinking and smoking and all sorts of misbehavior. When I got to SMU, the GIs were all coming back from World War II. I was sort of adopted, almost like a mascot. I was treated very warmly and agreeably. I made terrible grades; I didn't know how to stop making terrible grades. Didn't know how to study in such an environment.

I thought I wanted to be a journalist. I must have read a book about some reporter and thought that that would be a good thing to be. I took a course in journalism and suddenly,

having cut a number of the classes, I learned that we were to turn in in a couple of days a book report on a book about some aspect of journalism. Well, I was desperate. I hadn't read a book in a long time, but I did read *Time* magazine. So I flipped through *Time* and I found on the masthead the name of a senior editor, just picked it at random, and it was the great fingerer of Alger Hiss. It was—

Mr. Vanderstar: Chambers?

Mr. McPherson: Chambers, Whitaker Chambers. I thought it was a very attractive name. So I made up a book, in my book report, by Whitaker Chambers—about the methodology of getting out *Time* magazine. Totally made it up. The youngish professor of journalism said, he was curious because he had never heard of the book. I said, well, it had just come out. (laughter)

Anyway, I was trapped. I was just a dreadful student. I forget what I did in the summer of **'46,** but I went back to school telling my father that I would try to do better. But he could not help me much. He had not had a bit of college himself. He didn't know what to do about this. The only thing he knew about SMU is that he liked it because he liked the Mustangs, he liked the SMU tailback Doak Walker, and he was rather proud that his son was in school where Doak Walker was. He didn't have the foggiest idea of what a mess I was creating for myself and unable to get out of.

Well, I did just as badly as ever in that first semester of my sophomore year, and when I saw my grades posted on the board, I went back to the fraternity house and called my father and said, "Come get me. I want to go home to the junior college. I can't get on the right track here." My friends in the fraternity put me in a room and "hot boxed" me—gave me the treatment you gave a fellow who was considering whether to pledge the fraternity. They really

worked me over, they were going to get me tutoring, and help me with this and help me with that. But I just knew that I had to get out, I had to quit.

Mr. Vanderstar: Did your father before that have any clue of what your performance had been?

Mr. McPherson: Yes, he did.

Mr. Vanderstar: He knew you were not doing well.

Mr. McPherson: Yeah, but probably, now that I've had children of my own and have a 16-year-old now, I know how quickly lies and fabrications and excuses and dissembling come to the teenage tongue. And they sure did with me. I had just managed to tell him, "I'm going to do better," until at last it was clear to me that I couldn't do better.

So, he came and got me, we drove home, and I went into junior college, to try to make up in that semester enough grade points so that I could get into a decent school in the fall.

And I did. My father had become an Episcopalian and he asked the diocesan bishop of Texas, Bishop Quinn—an enormous man who would stand in the pulpit and wave his arms about until you felt as if the arms were going right over your head. My dad said, "My son needs to go to a good school, maybe one that is associated with the church. He has become an acolyte in the church." Bishop Quinn said, "Well let's try Sewanee, the University of the South, in Tennessee."

So that fall, I got in, thanks to Bishop Quinn. **As** admissions people do, they looked at my last semester and since I had done better they figured maybe I was on the mend.

That summer I dug ditches. There was a pipeline being laid, a gas pipeline. I dug ditches and learned something about really rough, redneck Texans. Then, after about a month and a half of that, I worked as what was called a "swamper" on a truck, on a wholesale grocery

truck. I was the guy who got off the truck, went around to the back and pulled the sacks of beans and rice off and delivered them to the grocery store in the small villages of east Texas. I did that for about a month. So, at the end of that, I had worked hard and was a little stronger than I had been before.

My father was amazed. He was a widower, he had identified a woman that he was thinking about getting married to (in fact he did, but in the summer of 1947 he was still a widower), and, maybe because he was going to get married again, he felt guilty toward me. Maybe he felt that I, who adored my mother, would feel unhappy with him if he remarried, so partly from that and partly as a prize for working hard all summer—I got up at five in the morning and waited on a corner at six to be picked up in a truck and driven out to the work site—he gave me a brand new, powder blue Buick convertible. (oh boy)

I got two fellows, one a friend from Dallas and one from Tyler, and we took out across the West. We went to Colorado, we stayed in our fraternity house in Boulder, went up into Wyoming and Utah, saw the Mormon Temple, drove across the Utah desert into Nevada, and wound up in Las Vegas. Shortly before, Bugsy Siegel had been killed out there, and we were excited when we saw the Flamingo Hotel, which he created, and we overcame the skeptical look of the manager of the hotel and got a room. We went out and lay on air mattresses around the pool, being served Tom Collinses. (laughter) There were loud speakers reporting the races at Hialeah; it was pretty daring stuff to us. Then we went to Los Angeles and finally home and went off to college.

Mr. Vanderstar: Before we get to Sewanee, let me go back. What had you done the previous summer, the summer after your first year?

Mr. McPherson: I don't remember. It's just a blank.

Mr. Vanderstar: What about the summer before you started college?

Mr. McPherson: I don't know. I must have goofed off. I can't remember any job I had that year.

Mr. Vanderstar: You said that in your first year at SMU you didn't know how to study, and that's a problem for youngsters when they get to college. Why do you think that was? You had done well in high school, I assume.

Mr. McPherson: Yes.

Mr. Vanderstar: Was there one high school in Tyler?

Mr. McPherson: One high school.

Mr. Vanderstar: Okay. You went there, you, where did you stand, high up in the class?

Mr. McPherson: Yes, I was pretty high up. Pretty much an **A** average. In the fall of '43when my mother died, I think my grades slipped some, but then I made them back up in my senior year.

Tyler, despite having only 11 grades, like other Texas schools, had some wonderful teachers. There were two Marsh sisters, spinsters living in a grand old house. One taught in junior high and one in high school. That one particularly, Sarah Marsh, was a diminutive, very attractive woman, hair in a tight bun, looking something like Olivia deHaviland, She was a very demanding teacher, not a shouter, but very demanding. If you showed an interest in English literature and if you could write well, she really put the pressure on you—instead of backing off and saying, "Well, you're doing fine by yourself." Having that interest and ability, such as it was, caused her to say, "All right, let's see you do it right, really right, let's see you get these sentences done correctly, let's see that you understand this poem

correctly." At home I've got my old grades from high school, and I got all A's from her, but it really took a lot of work to get them. I was sort of the—I wouldn't say the apple of her eye—but I was the person that she seemed to think had most interest in the subject and maybe some talent for it.

Mr. Vanderstar: Did you write for the high school paper?

Mr. McPherson: Yes, I was the editor of the high school paper and wrote—when you **look** at your writing of those days, 15 years old, you remember that you thought it was good. God, you look at it now and you just want to weep. How can anybody write so badly?

Mr. Vanderstar: Yes, yes indeed. What about other main subjects in high school—science, math, history?

Mr. McPherson: I had a huge interest in history. The history teacher was a rather nutty fellow, I think he was the only male teacher I had, and he was a joke to many people, but he cared a lot about history. I have said before that one way to cure the evils, the shortcomings of education is to eliminate the "gender" provisions of the Civil Rights Act, which created today's opportunities for women, Bright women would have to teach again, and be nurses again, (laughter) and then you would get the people like Sarah Marsh who would teach, instead of doing other things. People like the Marsh sisters today become lawyers or doctors or bankers.

In math I did well, I enjoyed it. Science, not too well; I was a B student at best in chemistry and physics.

Mr. Vanderstar: How good were the facilities in your high school? Was it Tyler High School?

Mr. McPherson: Tyler High School.

Mr. Vanderstar: How good were the facilities for things like science?

Mr. McPherson: I think probably pretty limited.

Mr. Vanderstar: That requires test tubes and lab stuff.

Mr. McPherson: Well, they had test tubes and there was always an explosion in the lab in which several boys were aghast and smoke was rising everywhere. The tale got more and more awesome as it was repeated.

Mr. Vanderstar: So science was not the strong point and partly because the school just wasn't probably very good.

Mr. McPherson: Well, I certainly was never excited by a teacher in science and I never had a man who mistook his wife for a hat, like Oliver Sacks or Stephen J. Gould, or someone like that who could make science absolutely the only thing you wanted to think about. I never had anybody like that.

Mr. Vanderstar: What foreign language did you study?

Mr. McPherson: Spanish, and didn't really focus on it.

Mr. Vanderstar: Were you required to take a foreign language?

Mr. McPherson: Yes. I took Latin in junior high and a year in high school, and then a couple of years of Spanish. I wasn't much good at it. In those days, although Texas was near Mexico, there just wasn't the feeling of living in a large world in which one might want to use languages like that. It was just something students had to take.

Mr. Vanderstar: Was there what we would now call a Hispanic population in Tyler?

Mr. McPherson: **A** small one. Tyler was probably a third Black, probably no more than two percent or three percent Hispanic. I think Hispanics would have come up through

central Texas from Mexico to San Antonio, Austin, Waco, Dallas, Chicago. I think the Mexican flow would have passed Tyler by about 100 miles.

Mr. Vanderstar: Who worked in those rose fields, rose gardens?

Mr. McPherson: I think it must have been Blacks and poor Whites.

Mr. Vanderstar: If Black people represented a good third of the population of Tyler, was there any Black middle class in the town or Black businesses or Black professionals?

Mr. McPherson: The people you thought of when you thought of Blacks, I mean the Black middle class, would have been preachers, teachers, undertakers—

Mr. Vanderstar: Doctors?

Mr. McPherson: Obviously had to be some. I don't remember any, and I do know that some White doctors had Black patients, but I don't know how that was.

Mr. Vanderstar: Did you have any friends or even acquaintances who were Black when you were say, up through high school?

Mr. McPherson: Except for the women who worked in our house and the Woldert's house and the fellow who cleaned up in my father's store, I don't think I had any Black acquaintances my age.

It's a good question. With a third of the population, it would have been hard not to know some, and the experience I had with Eddie Finnel, the waiter who had been a bandleader, suggests that I had at least some interest in connecting with such a Black person. I did that when I was 15, I think, that summer; I took him home several times. There must have been others, but it was very much a segregated society.

Mr. Vanderstar: What about the summer you worked for the railroad. You were in a menial job. Were you working with Black people?

Mr. McPherson: Well, in the railroad I was an office boy, in effect, working with Whites. In the summer working as a ditch digger I believe there were Blacks as well as Whites in our gang, our working gang, I'm pretty sure there were. And certainly many of the stores that I delivered bags of beans and rice to.

One day, one hot summer day, I **was** doing that trucking job, and I took to sitting on the tailgate because it saved time—we were stopping about every mile in front of a general store of some kind. We were banging along this road at about 30-35 miles an hour when one big bang caused the chains of the tailgate to slip and the tailgate just fell away. I hit the road and did a flip and landed finally in the ditch. I yelled and yelled but the guy drove on, didn't know what had happened to me. He pulled into this store a mile or two down the road.

I had cut my arm pretty badly in falling. When I finally got to the store, and there were both Blacks and Whites standing about in it, and I said, "I cut my arm here, I fell off. I was yelling at you but you didn't stop." The guy said, "I was wondering where you were." I said, "Do you have anything I can do for this arm?" The store owner, who was White, said, "Just stick it in that tub of kerosene, that will help." (ouch) And that's what I did, it didn't seem right but I didn't have any alternative at that time. (laughter)

It's curious, when I got to Dallas, it was also a segregated city, but there were a lot more well-dressed Blacks in the city than had been the case in Tyler. And yet, I don't think the university, SMU had a Black in it, at least I can't think of any.

Mr. Vanderstar: You mentioned a couple of Black colleges in the Tyler area, and I want to go back to that in a minute, but while we are on Dallas, was there a Black institution of higher learning in Dallas, as there are in Nashville and other cities.

Mr. McPherson: Houston certainly has substantial ones, Texas Southern is a big

one in Houston, and as I was mentioning, Marshall, over near the Louisiana line, near where Lady Bird Johnson grew up, had two Black colleges. I think Dallas must have had some.

Mr. Vanderstar: You mentioned the other day three Black colleges in the Tyler area, two over at Marshall: Wiley and Bishop.

Mr. McPherson: And the one in Tyler called Texas College.

Now that you've mentioned it, colleges mean there were professors in the colleges.

Mr. Vanderstar: There were professors, there were students—

Mr. McPherson: —and students, absolutely.

Mr. Vanderstar: —who had an education and got into this college and then got some college training and went on out into the work place.

Mr. McPherson: And I am appalled to realize as you are saying this to me that I don't think I ever set foot on the campus, I'm not even sure where it was. And I don't think I ever met anybody who said, I am a professor at Texas College, nor anybody who said, I am a student at Texas College.

Mr. Vanderstar: So was there an area of town where people who were, for example, professors at the college, lived that you were aware of?

Mr. McPherson: That's a tough one.

Mr. Vanderstar: That's going back a ways.

Mr. McPherson: It is, it is really. I'm just trying to think of where our maid lived and I would take her home, go in or see her when she was ill. When I think of that part of town I struggle with trying to see at all. I have a general idea, it was in north Tyler and I remember even some of the street names, but I don't, I just can't see Black middle-class families

—with students, certainly college students and professors—in my mind. I feel really embarrassed not to have such a concept.

Mr. Vanderstar: Was there a newspaper in Tyler?

Mr. McPherson: Yes.

Mr. Vanderstar: **A** town paper? Was there a Black newspaper that you were aware of!

Mr. McPherson: I don't think so. You know, it's curious. I'm sure when I was in high school and even in college out drinking beer, that I enjoyed and told racial jokes, I am sure I did. I am also pretty sure, for reasons I can't be entirely sure of—although I think that it may have to do with reading *Time* magazine and *Newsweek* and, as we were talking last time, about these interventions in one's life from even a small east Texas town—that if you listened to Edward R. Murrow, and if you drew maps of the war and if you read national news magazines—largely because you wanted to read about the war—you also read a lot of stories about racial intolerance, racial hatreds, racial incidents. Those magazines were clearly on the side of Blacks, they were against racism. So, despite my enjoying jokes in which "niggers" would be featured, I was having built into me a sense of rejection of Texas racism as I had witnessed it, as I had grown up in it. Probably, I was responding to what I perceived as racism on the part of my father, and anti-Semitism. I was responding to that in a teenaged rejectionist way so that, just as my 16-year-old does right now, and certainly as my 44-year-old daughter did—she writes for the *Village Voice* and *Rolling Stone* (laughter) and just this morning was giving me hell about some policy or other or some politician or other that I thought very well of—I was just kicking back in the way teenagers do against their families and, I guess, the society that they see, at least some of it.

I remember feeling when I came back from college, when I came back to Tyler for vacations, I remember feeling this very strongly, that I was just not part of this anymore. I didn't believe as they did and I didn't enjoy the mockery. In fact, one night, I remember, an old friend, kind of the social leader of the crowd—he reminded me a little of Clifton Webb, very witty, acerbic, gay probably, very wealthy with a roughneck millionaire father—one of those guys who had fallen into the oil business and done very well and produced, as often happens, a rather effeminate but witty, wonderfully well-dressed son. And I remember the son, Burt, saying to me when I said how good it was to be back with friends, he said, "Oh, you're not with us any more. You've left us." It was true.

You aren't aware every time you say something that illustrates that divide, you are not aware of it all the time, but to them, to those who are there and are based in your home town, they see it. Even though they may have gone to Yale, the Citadel, or the University of Texas at Austin, to a number of places to school, but then they all came back to Tyler. When I came back from Sewanee and later from Columbia, it seemed clear to them and to me that I had taken another road.

Mr. Vanderstar: Yes. Do you remember, on this subject, do you remember any teacher or any clergy or anybody like that who had a direct influence on your thinking; in other words, who really started to open your eyes to these questions, apart from reading *Time* magazine and so forth, does anybody stick in your mind who had that kind of influence on you?

Mr. McPherson: Not in the sense of someone who made it his or her purpose to do that. I know that on a number of occasions, surprising people, people that one wouldn't have expected to hear such things from, would suddenly speak with real sympathy about the plight of Blacks and what it's like to try to live among Blacks. If I had been older and listened better or

known what to listen for, I guess, among those men in my father's store I would have discerned differences between them. Some of these guys had come from the Midwest or some other place out of the South and kind of gravitated to Tyler because of the oil business or the rose business, or maybe a doctor had gone away to medical school somewhere and had a slightly different view when he returned.

I don't recall anybody really taking me through the steps that would have caused me to see what racism was and how one could think in a different way about Blacks.

People say things that suddenly turn a light on, you suddenly see how it might be different from the way you're accustomed to. When I went to basic training in the Air Force, I got to know a bunch of guys from Brooklyn and from Boston, fellows from working class families expecting to live a tough life. I learned a lot from them. You go to a school like Sewanee with a bunch of people like yourself. They are all middle class or well to do, for the most part White, sons of clergymen, professionals, businessmen. And you don't really see, you don't really live among people who aren't in that category. The answer to your question is that I don't remember anybody changed me through methodical explanation. I do remember being educated in little bursts.

Mr. Vanderstar: Do you remember becoming conscious of organizations like the NAACP when you were, say, in high school or at SMU or at Sewanee? In other words, before you went to Columbia, before you went into the Air Force, while you were still in the South. When did you become, if you ever did, become conscious of the NAACP?

Mr. McPherson: Probably in the Sewanee years, in '47,'48. I remember listening to Humphrey's speech at the 1948 convention on the radio, and I remember staying up all of election night and running out of my dormitory room shouting in the midnight hours that

Truman had won.

I was the managing editor of the college newspaper, the ***Sewanee Purple,*** and I was fascinated by the Henry Wallace campaign of 1948. I was fascinated by his effort to put together poor Whites and poor Blacks. This will-o'-the-wisp that populist politicians had chased forever, "there is more that binds us than there is that divides us" and so on, and I don't know how many times I, and many other people, thought, "This is it!" Fred Harris of Oklahoma was going to be such a guy in 1976, and then something would just happen that would cause you to see that underneath all of that was Henry Wallace.

Anyway, I went down with a friend to Dalton, Georgia, near the Tennessee line, where Wallace was to come and make a speech in a church. The church was inter-racial and made a big deal of this. The ministers wore white suits, the choir was mixed, the women, girls wearing tight-fitting sweaters with red "Vs" on them for "virgin." And the place was hot as Hades. We waited and waited. Right next to me was a woman breast-feeding her baby, perspiration coming down off her forehead and pouring down her chest. We waited and finally Wallace arrived. He was exhausted. He had been campaigning for quite a while. There were songs, hymns, he was introduced at enormous length by this preacher who wasn't going to miss his chance to introduce Wallace. Wallace got out about a sentence before fainting. And so the boy reporter from Sewanee was writing all this down, I was fascinated by Black and Whites, and you could see the cops across the street, the local Dalton police looking as if they would like to shoot everybody there in the church. And Henry Wallace being carried out with his feet up in the air, on a cot, and put into an ambulance and hauled off, and the preacher was assuring us he was fine and hoped the press wouldn't make anything of this.

I was fascinated by racial politics. Sewanee had a mixture of genteel southern

Episcopalianism, literariness — people from Mississippi and South Carolina who wrote a lot — plantation boys, whose families owned plantations, ministers' sons and that kind of high-toned class consciousness, not so much racism. I'm sure to a Black it would have been racism, but mostly those people made distance between themselves and Blacks, they didn't try to intervene or harm them, they just didn't think of ever taking them into anything they had to do with. And we were in one of the poorest counties in the United States.

Mr. Vanderstar: In Sewanee?

Mr. McPherson: In Sewanee. This is about 50 miles north of Chattanooga, 100 miles southeast of Nashville. It is up on the Cumberland Plateau. And it's desperately poor. There was, about ten miles away, a town called Tracy City, the home of the Tennessee Iron & Steel Company, connected to Carnegie, and it's just about as poor a town today as you can find. To White people there, race issues were not difficult, you know, you just have to keep the "niggers" down. They had no problem with that.

Mr. Vanderstar: Well, I think we will have to suspend.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - THIRD INTERVIEW
JANUARY 30,2003

This is the tape recording of the third interview of Harry McPherson at his office on McPherson Square in Washington. It is January 30,2003.

Mr. Vanderstar: Harry, when we last spoke, you got into the college years a little bit and I want to pursue that, but first, as I said before we got on the record, I want to go back and ask you about two other things. The first is your mother's death. You were an only child, your mother died when you were what, 13? or 14?

Mr. McPherson: I had just turned 14.

Mr. Vanderstar: Okay. This may be difficult for you to talk about, but I will ask you anyway and you can say I'd rather not. First of all, did she die suddenly or was it a prolonged illness?

Mr. McPherson: She was ill with cancer for about, as far as we knew, for about a month or six weeks. I didn't know it was cancer. In those days you kept, the parents kept things like this from children. When I got to law school later, I didn't know what a mortgage was, at least I didn't know what people did with a mortgage. My parents, like many parents, just kept these adult things apart from children.

I remember one morning an ambulance coming and picking her up in my grandfather's driveway, which was between our house and his. He had died three years before, and that had taken a huge chunk out of my life. I loved him so much, I loved being with him and crossing the yard and seeing him. His leaving was an enormous loss to me.

And then my mother suddenly went off in an ambulance. I don't remember what

I was told it was. She had to have an operation in Dallas, which was about 100 miles away. She was driven over there and went into the hospital. A cancer specialist performed the operation on her.

I was taken over to Dallas maybe three times in the next month. I remember only one of them really vividly. My uncle Alex Woldert sent his large Cadillac to pick me up at high school one afternoon. I was called and told to be out front in ten minutes, "You're going to Dallas." There were a couple of my cousins, Uncle Alex's children, in the car. The car was driven, I think, by their chauffer. I knew that something momentous must be happening.

Mr. Vanderstar: Had she already had the surgery?

Mr. McPherson: She'd had the surgery.

Mr. Vanderstar:' So you knew she was over there and—

Mr. McPherson: I'd been to see her about two or maybe three times. My father would drive me over. One time I remember staying two or three days in a very plain place, it may have been a house that he rented for us, and I stayed and studied, tried to keep up with my classes.

When I would be taken in to see her, she was always profoundly loving to me and concerned about me, as parents tend to be in such situations—more concerned about me than about herself. This time, when my uncle's big car drove me over I really had a feeling of something very momentous, something very near in time. That afternoon and evening I walked around the hospital and went outside, Kids are hard to read. I remember being overwhelmed by what was happening but also wishing that I could hear Bob Hope, whose radio show was on. I remember feeling the gravity of the moment, but not knowing how to show it and being visited every half hour by some adult—my father or my aunt or somebody—to see how I was doing.

They were very solicitous of me, and I did my best to seem mournful, I guess. You know you are sort of playing a role and it makes you uncomfortable. They wouldn't let me see her.

Mr. Vanderstar: Even though you had seen her a couple of times before.

Mr. McPherson: I had seen her during the month, when she was in the hospital, but this time she was dying. Finally I went to sleep on the sofa in the hospital waiting room. I was awakened about midnight and told that she had died. I remember the wish to cry and the inability to. I was trying to figure what I was supposed to do next. It was decided that we would go back to Tyler, 100 miles away.

We got in the car and we were driven back to the Wolderts' house, and I was shown to a room. It was getting to be almost dawn. I woke up about 11 o'clock in the morning, and I could hear people in the house gathering for the funeral baked meats. It suddenly hit me: she's gone. It was inconceivable to me before then. I suddenly realized, I can't go see her, I can't go ask her to do something or to tell me something or anything, not ever.

There was a Cherokee Indian woman named Meryl Chapman, who had come to the Wolderts' house. She was married to a well-to-do oil field operator and wore silver hoops in her ears and Indian jewelry. I think she may have been a Christian Scientist. In any event, she lived next door to the Wolderts and she was a good friend of my mother's. She, more than anybody else, reached me that day. She talked to me in a serious, respectful way that invited me to have feelings; instead of imposing feelings on me, she let me have them.

The next few days were a kind of a haze, the funeral, such things, and then one day my father said, "Well, we're going to have to learn how to do a lot of things." Ela, our cook, stayed late every day for several weeks, maybe months, and made dinner as well. Before, she would come at seven or 7:30 in the morning and leave about three in the afternoon.

I started focusing on school. My friends were very helpful, and a number of men, my father's friends, and people that simply I had known and my mother had known started taking me to games or hunting. While I knew this was being done for me out of pity, there were a lot of men who really conveyed a serious interest. They were very fond of my father and everybody I knew adored my mother. She was really a beloved person in Tyler, and that meant that people focused on me as an only child and helped me.

Months would go by and I would suddenly feel the weight of it for a few days. The nature of the loss would suddenly become real to me, without my thinking about it or trying to perform some role. Like all teenagers, I was trying to get along with my father, who was very much unlike my mother. He was very talkative, quite combative about politics, and he couldn't change that nature. He was very loving to me, very warm and very concerned but occasionally he would behave like the combative, sometimes irascible man that he was. And I, a teenager, wasn't thinking about my mother, I was thinking about how to deal with this guy and what I wanted him to do.

One night, I think probably the summer when I was 15 just about to go off to college, I came home from a movie and went to bed, and he came in the house with a woman. In some way I knew about her. She was from West Virginia, and she came down with her sister and brother-in-law when the brother-in-law bought a stove factory in Tyler and moved his operations there. They were, I'm sure no worse than anybody else, they were people who enjoyed a good time, so they drank.

My father had not had anything to drink from the time he married my mother in 1928 until 1945, as far as I know. When he did tell me he was going to stay at the club and have a drink with his friends after golf and I should just get on with your studies, I found that

interesting. Then he went to New York a few times to sporting goods shows, retail shows. He told me about some wonderful experience he had in the Village, where he had wandered into a little Italian restaurant and the people there had been enormously gracious and warm to him. These Italians had insisted that he sit with them and drink with them, and he would come back filled with love for Italians. All that was great.

So I knew he was back socializing and drinking some, when not at home. I was in bed and I heard him with this woman and I thought, "Ah, that's, she's the one from West Virginia." They came back into my bedroom, I had the light out and was lying on my side facing away from them with my eyes closed, and I heard them speaking very low. "There he is," he said. "He could be yours." He was clearly proposing to her. I was thunderstruck, I was at a loss. I didn't know her but I didn't think about myself as being any woman's other than the woman whose child I had been. I wasn't prepared to transfer the feelings of a possessed child to some other woman. I didn't roll over or introduce myself; I just laid there—

Mr. Vanderstar: —played possum?

Mr. McPherson: —played possum, right.

Mr. Vanderstar: Did anything come of that relationship?

Mr. McPherson: They married.

Mr. Vanderstar: How soon after that?

Mr. McPherson: Within about six months.

My grandmother, who still lived across the yard, was outraged. This was two years after the death of my mother. She called me over and expressed her profound disappointment in my father. My reaction essentially was one of the inappropriateness of this old lady telling me how she felt about my father and his social life. It seemed beyond me, it

seemed as though I was being asked to get engaged in something that I didn't know anything about, to side with her or him on a very adult matter.

Mr. Vanderstar: What was your reaction to his getting married or about to be married?

Mr. McPherson: Okay. I probably told myself—I didn't have to be told to think this—that if this was going to make him happy while I was away flunking courses at SMU (laughter), that was okay, that was all right. I did not have, either then or later, any warm feelings for his new wife, Mary Frances. I didn't dislike her, but I just never connected with her in any real way, any deep way. But I thought, okay, that's fine if that's what he wants to do.

There was a rather elaborate wedding in the home of a friend of my father's. I remember feeling uncomfortable. I thought I would have been happier if it could have been very simple—simply happened—and then they could have gone off somewhere together. I guess what I'm saying is that it was more of a problem for me than I was prepared for. On the other hand, I was looking down my own track, thinking about what I was going to do and how life would be for me, and not looking back to my nest where the father bird had just married another mother bird.

Mr. Vanderstar: That last ride over to Dallas in your uncle's car, you said it was not just the two of you.

Mr. McPherson: No, there were several cousins were there, in the car, and I think either my uncle or my aunt, my mother's sister, were in the car. There were several people there. It was a great big Cadillac, and I think the chauffer was driving, so it was a full car. Everybody was in it when I got in. They all were waiting for me. So I got in this rather dark car on a bright October day, and we drove off. I said, "What's going on?" I was told, "Well, your

mama needs you." It doesn't take the brain of a rocket scientist to know that this was a euphemism for dying.

Mr. Vanderstar: Especially with your cousins and so on in the car.

Mr. McPherson: Yes, they were all leaving to go over and provide comfort, it became pretty clear.

Mr. Vanderstar: Between visits to your mother in Dallas, did you and your father talk about the prospect that she might not survive this?

Mr. McPherson: No.

Mr. Vanderstar: No?

Mr. McPherson: If we did, I don't remember it. I knew that it was very serious, but I didn't know how serious. On one of the trips during that month Dad and I drove back to Tyler, just the two of us. He had a disconcerting habit, for a former traveling salesman, of falling asleep at the wheel. I sat next to him and would periodically shake him to wake him up. You know, the poor guy was probably not getting much sleep to begin with because he was worrying about her and spending a lot of time at the hospital.

Mr. Vanderstar: Did he ever go over there without you?

Mr. McPherson: He may have, I don't remember. If he did, I probably stayed with my grandmother. He had his business to run, so he couldn't be over there the whole time.

Mr. Vanderstar: Had you, before that, had any experience in your family or among close friends with a death?

Mr. McPherson: My grandfather was the only one.

Mr. Vanderstar: Oh, he had died three years earlier.

Mr. McPherson: He died three years earlier—on the day France fell in June

1940. I was driving back again with my uncle from Dallas, and I did not know Papa Hight had died. It was midday on a cloudy, dark day, and I think we were listening to something about France, and I said, "When Papa Hight comes home . . ." and my uncle said, "He's not coming home. He died this morning." That was the first knowledge I had of death.

Mr. Vanderstar: Did your church provide any support to you or help to you at the time, especially when your mother died?

Mr. McPherson: The funeral was in the Methodist church, and I was surrounded mostly by women who were friends of hers, a number of them members of the Methodist church. Dr. Richardson, the minister, was comforting in the traditional Methodist ministerial way. I didn't really know him very well.

Dad had, as I mentioned in an earlier tape, started going to the Episcopal church with Meade Brown, and it wasn't long after her death that he suggested that I start going with him to the Episcopal church. Not long after that, Meade Brown said maybe you'd like to take confirmation classes and become an Episcopalian. I thought it sounded good to be with my father and learn to be an acolyte and carry the cross and all that stuff.

Mr. Vanderstar: Okay. Well, thank you for talking about that. I can tell by the way you were talking it's not easy.

Mr. McPherson: Well, I'm not sure its an easiness problem as much as a difficulty recalling feelings at particular times. I can remember the way things looked early in the dawn on getting back to my uncle's house, and I remember Belle, the large, warm, ink-black woman who was their cook. I can remember those things, the feeling of the room, the sounds of her, but what I'm struggling for is an accurate recollection of how I felt at different times.

It's wonderful to be an older man and to have a teenaged kid, because you are

reminded of how unpredictable the emotions and thoughts of teenagers are. Perhaps not unpredictable, but certainly ***sui generis,*** the feelings and reactions of teenagers. When you think that they would shattered by some event, on the floor and weeping, they're thinking about whether some contemporary is going to call about something that will happen four days later. They live in a world that is not ours; we are much more predictable than they.

Mr. Vanderstar: Do you think a teenager is more inclined to live in denial of things by reverting to the routine of life, which is what you were describing?

Mr. McPherson: A very good point. Yes, as a matter of protection. Sure. I'm sure you are right.

Mr. Vanderstar: A lot of people are in denial when things happen and wonder why they are not listening to Bob Hope or whatever the equivalent is.

Mr. McPherson: Yes.

Mr. Vanderstar: But you think teenagers do it more. And I think protection is probably the right word. They can't cope as easily as adults and so they resort to other techniques to deal with that. Is that fair?

Mr. McPherson: I thinks that's fair, yes.

Mr. Vanderstar: And you described it in yourself.

Mr. McPherson: There was certainly no ambiguity in my feelings about her. She and I looked a lot alike, and we had similar temperaments. I have pictures of me as a one-year-old standing next to her, and my daughter just sent me a beautiful photograph she had been given of my mother years ago. My daughter just decided that I should have it again, and so she had it nicely framed. Nan Hight was a beautiful woman. I said earlier I look like her. She was beautiful and I'm certainly not. But we had the same big face and the same prominent chin and

jaws and so on, and on her it looked fine.

There was no ambiguity about my feelings about her. I didn't resent her, I didn't wish she was different, she was perfect as far as I was concerned.

Mr. Vanderstar: So she was one of the most profound influences on your life, probably for a long time afterward.

Mr. McPherson: Yes, absolutely.

Mr. Vanderstar: Your father, of course, and your grandfather, you've spoken quite a lot.

Mr. McPherson: Right, those are the three main ones in my family.

Mr. Vanderstar: And who else in Tyler outside of your family would you list on a list of five or three or nine, whatever number, of people who had the most effect on you in one way or another, looking toward yourself as an adult.

Mr. McPherson: Yes. Well, among adults, a man named Abe Pounds. He was the president of one of the other banks in town and was a very significant figure in the Texas Bankers Association. He was one of the founders of an organization called the Texas Regulars. These were people who, while remaining Democrats, wanted to deny Roosevelt the fourth term nomination in 1944. My father was a Rooseveltian, I was a New Dealer, and "Uncle Abe," my godfather, was working on the other side.

Among friends, there was a set of well-to-do boys in my class and in the class just ahead of me with whom I partied a lot, and one or two of them were very significant in setting taste for everyone else.

Mr. Vanderstar: This was in high school?

Mr. McPherson: This was in high school. And into the first year or two of

college. **As** I said, they were wealthy, in all cases much wealthier than we were, but we all belonged to the country club and my father let me use the car, and so for most purposes we were equals. The leader of the group, the taste-maker, was I am sure a gay boy—I think I mentioned him last time—Burt Scott. His father was a tough, successful oil man and, as sometimes happens in families, his daughter was rather mannish and strong, and Burt was kind of like a young Clifton Webb.

Mr. Vanderstar: Oh, you talked about him.

Mr. McPherson: Yes, right. But like Webb in some films, Bert was a taste-setter, a taste-maker. People wanted to be dressed like him, they wanted to like the music he liked, and the kinds of things that he excelled in, which were high society kind of things, certainly for a little town like Tyler. He went to the University of Texas.

Another guy, Henry Bell, was a rather tall, gawky, very pleasant guy close to Bert Scott but I think not gay. He became the president of the bank that my grandfather ran, just as his father had succeeded my grandfather. He became quite an important figure in Texas in civic ways. He was on the board of the commission that managed the Texas retirement funds.

Mr. Vanderstar: State employees retirement fund?

Mr. McPherson: State employees retirement fund. He was on that for years. So he became a very respectable person. He went to Yale, and **I** think maybe Harvard Business School and came back to the bank. He and I were friends until he died about four years ago.

There was a very good-looking guy, a cousin of the Woldert that my family was married into, another Woldert family who lived down the block from them. This fellow's name was Dan Woldert; he died only last month. He was the last living person besides me from this whole crowd as far as I know. Dan was very good looking and was adored by the high school

head cheerleader, Nell, and—this is kind of like a Theodore Dreiser story—they all went to the University of Texas. Dan, while he was no doubt the lover of Nell, had his eye on bigger things, and he abandoned her and took up with and later married the daughter of the Dealey family, the owners and publishers of the *Dallas Morning* ***News.***

Mr. Vanderstar: Oh, yes.

Mr. McPherson: Nell, on the rebound, married Henry Bell, this tall, gawky guy, and they were married for 45 years. So Tyler society was very much an internal thing.

All these people had a huge influence on me. Unlike them, I had two other circles of friends. As I mentioned, another guy and I were the tennis team, and so to some degree I had friends among jocks, guys who liked sports a lot.

And finally I had number of friends who were working-class kids. A boy named Ray LeBaron's dad was a train engineer, and another guy's dad was the county sheriff. There were sons and daughters of farmers and property custodians that I knew and liked. More and more as I'd come back from college in summers I would see less of those two groups and more of the social group. Even when I had a job, I would party in the evening with them.

Mr. Vanderstar: Did your high school have different tracks that students went through?

Mr. McPherson: No.

Mr. Vanderstar: Mine had a college preparatory and an industrial boys and commercial, did you have that?

Mr. McPherson: No. Everybody was thrown together. There wasn't one Black, but the school had far more children of the working class than children of the well-to-do. The railroad and the oil refinery and the oil drilling operations near Tyler all produced children for

the one high school.

Mr. Vanderstar: How big was the high school? How many students did you graduate with?

Mr. McPherson: I think about 1,200 in the whole school.

Mr. Vanderstar: Four-year school?

Mr. McPherson: 9, 10, 11—3.

Mr. Vanderstar: Oh, that's right.

Mr. McPherson: Through the eleventh.

Mr. Vanderstar: So you graduated from high school with about 300 or 400 other students.

Mr. McPherson: Yes, exactly.

Mr. Vanderstar: Roughly, what percentage of them went on to college? Ten percent?

Mr. McPherson: Probably more, maybe 20, I think. Without student loans, in those days, probably 20 percent. Today, from the same kind of school, a much higher percentage would go. There was a junior college, which was right next door, across a yard, from the high school. It was pretty good. It had a national fame: the cheerleaders, a corps of about 40 girls, were trained to be spectacular half-time performers.

Mr. Vanderstar: Is this Kilgore?

Mr. McPherson: Eighteen miles away was Kilgore, Texas, where the Kilgore Rangerettes were as good as or maybe better than the Tyler Apache Belles. But these junior college girls were exactly the same, they both went to the Rose Bowl and were half-time entertainers at a lot of college games. They went to Chicago, everywhere. Good-looking Texas

girls, and I'm not sure whether they got scholarship money but they certainly were energetically recruited. They were a big deal.

Mr. Vanderstar: Oh, yes, I know. I mean, I remember the Kilgore Rangerettes from half-time shows decades ago.

Mr. McPherson: Sure. Not quite up to the Dallas Cowboy cheerleaders.

Mr. Vanderstar: Maybe "not quite up to" is not the phrase, but different, let's put it that way (laughter).

Mr. McPherson: That's right.

Mr. Vanderstar: And did most of the students who went on to four-year college from Tyler high school go to school in Texas, whether the University of Texas or somewhere else?

Mr. McPherson: Yes, they did. Texas A&M took many of them, SMU, Baylor—there were a number of kids who went to Baylor. I think that was pretty much it.

Mr. Vanderstar: Texas Tech?

Mr. McPherson; Texas Tech was really in another world, way out in Lubbock, probably 400 miles away and really in a different category.

Mr. Vanderstar: And what about Texas Christian?

Mr. McPherson: TCU in Forth Worth. TCU was magnetic for the same reason SMU was. Texans loved their football. Sammy Baugh was at TCU,

Mr. Vanderstar: Oh, yes.

Mr. McPherson: Davey O'Brien.

Mr. Vanderstar: **Yes.**

Mr. McPherson: Wonderful players, and then SMU had Doak Walker and Kyle

Rote. Football was fun when the guys played both ways.

Mr. Vanderstar: Both ways, yes. What about Rice?

Mr. McPherson: **A** word about Rice. In later years, I'll skip some here, I came to know a guy named Raymond Hedge. Raymond was a year behind me in high school. I thought he was a cheerful kid but a little nutty. When we would play touch football and tackle—without pads—he would just put his head down and go crashing into people, which I thought was a danger to himself and others.

Well, I lost track of him, and then I learned to my surprise when I was in my twenties or thirties that Raymond had gone to Rice, had done spectacularly well, and then had gone to the University of Texas Medical School, where he had been the principal assistant to Dr. Michael DeBakey. He returned to Tyler, which, because of Henry Bell and several other guys in this group that I was just speaking of, had become the medical center in east Texas. Dallas, of course, was grander and the work was much broader, and Houston was the broadest of all. But for this part of Texas, Tyler had hospitals where a lot of sophisticated surgery was being done,

My dad had carotid artery blockage, and it was very dangerous, very close to causing a stroke. Raymond Hedge repaired both of his carotid arteries with shunts. I will never forget that. I had begun to realize, as I would come back to see Dad, that I liked Raymond more than anybody else I knew in Tyler. He was more interesting. He had a Renoir, he had a Pisarro, he had a fantastic collection of medals for heroism—the Croix de Guerre and the Iron Cross and all that, that he collected. He had a beautiful collection of British toy soldiers, ones from India. But he was just interesting, he just challenged me about everything. He wanted to know everything I had learned. I remember when he came out of the operating room the first time with his smock absolutely covered with my father's blood, and he said, "It's just great, it's

wonderful, he's in the recovery room, he came through it wonderfully." And I said, "God, Raymond, you look awful. Have you done any others of these today?" And he said, "He was my fourth."

Mr. Vanderstar: That day?

Mr. McPherson: That day. He did four a day. Then one day at the age of 44 he dropped dead of a heart attack.

Mr. Vanderstar: My goodness.

Mr. McPherson: Yes. All this came from your asking about Rice. Raymond was the only guy that I knew that went to Rice in my era, but I'm sure more went subsequently.

Mr. Vanderstar: Of all the youngsters that were in your class or the class ahead or behind you from Tyler who went on to college, did most of them go into business?

Mr. McPherson: Yes.

Mr. Vanderstar: Not many lawyers and a few doctors?

Mr. McPherson: Very few lawyers in the group that I had anything to do with. One guy did, and very successfully, and he asked me to come into his firm when I was getting out of law school. Mostly guys went into banking, business and this one physician.

Mr. Vanderstar: And to what extent did the ones who went on to college return to Tyler and live there for most of their lives?

Mr. McPherson: I think almost everybody.

Mr. Vanderstar: Okay.

Mr. McPherson: Tyler is perceived by a lot of people as an ideal place to live. At least it used to be. It's very pretty. It's one of those places that **looks** best in spring. It's full of dogwood and azaleas, and so homes tended to be quite fetching and wives loved to think of

themselves as living in such places, and that helped husbands to come back.

Mr. Vanderstar: And there was enough economic opportunity so that people went off to college and came back.

Mr. McPherson: Yes, at least the people I've just been describing here pretty much came back into family operations. The handsome guy I was speaking of, Dan Woldert, came back and ran the Woldert company, canning and wholesale groceries and that sort of thing. The son of the banker came back and followed his father into the presidency of the same old bank, the main bank in town. Abe Pounds, the son of the Abe Pounds who was my godfather and the Texas Regular, was an extremely interesting guy. He was a very handsome person, he looked a little like Tyrone Power. He went off to spend a year in Aspen, to learn how to ski to his own satisfaction. And he loved serious music, he loved a lot of the more cultured parts of life. He ultimately used his family's money, what his father left him, to make some very shrewd investments and, at the same time, he became a Zen Buddhist. He came to visit me and my first wife in Chevy Chase, and after he was upstairs for half an hour or so we began to smell incense. When we went to find him he was in the lotus position with candles burning.

Mr. Vanderstar: How charming.

Mr. McPherson: Yes, indeed.

Mr. Vanderstar: Now, at the time of Pearl Harbor you were only 12?

Mr. McPherson: 12.

Mr. Vanderstar: Did you know fellows who were six, seven, eight years older than you that went off to the service after the war started?

Mr. McPherson: A few. I'm not sure whether I knew them or knew about them and persuaded myself that I knew them, probably the latter. There wasn't much interaction

between the ages.

I remember being in church on Palm Sunday when someone came in and told whoever I was sitting next to that some particularly fine and admired young man had been killed in Belgium. He was in the glider operation that got so badly mangled. And I remember that news trickling through the church even as the service was going on. You could hear people talking and hear people groaning and sighing.

Mr. Vanderstar: But can you remember during the war the town changing or the town somehow responding to the war, the newspaper stories and that sort of thing?

Mr. McPherson: Yes.

Mr. Vanderstar: Activity in the town?

Mr. McPherson: Activity in the town, yes, in two ways. An Army camp was established right outside of town, Camp Fannin. It became a major infantry training base, with a couple of divisions out there at any given time—a lot of people. After the war the hospitals originally built out there were turned over to the state for the care of people with asbestos, and a very good *New* ***Yorker*** writer, Burton O'Shea, wrote the preeminent piece ever written in the early days of the legal struggle over asbestosis.

The air field in Tyler, which had been a commercial air field, was lengthened and was used for basic training of the Army Air Corps. Abe Pound, Sr.'s (my godfather) older son, Jack Pound, was killed out there. He was an instructor, and he and his student went down, The field today is known as Pounds Field for his son.

Mr. Vanderstar: So there were uniforms everywhere.

Mr. McPherson: Yes, a lot of uniforms. My dad, like everybody else who had a business that might be of some use, did his best to sell things to the camp, sporting equipment

and that sort of thing. He was such a sentimentalist about his patriotic emotions that he practically gave it away.

Mr. Vanderstar: Not a war profiteer.

Mr. McPherson: He was a war non-profiteer. (laughter)

Otherwise, I remember ration cards. I remember my father coming home—I think this was after my mother died, it must have been in '44—and very proudly telling me that he had bought a steer and had had it slaughtered and made into steaks and various nutritious meats, that it was all being put into some kind of very large refrigerator or cold storage, and that he and I would never go without steaks. We were all struggling with the C cards and how much gas you could buy for this and all that.

Mr. Vanderstar: A little sticker on the windshield of your car?

Mr. McPherson: Yes, it had the letter on it, yes.

Mr. Vanderstar: Okay, let's get on to college or back to college. You told me the other day about your experiences at SMU and the junior college.

Mr. McPherson: Then my dad got Bishop Quinn to recommend and help me get into Sewanee.

Mr. Vanderstar: Okay. Had you been conscious of the University of the South?

Mr. McPherson: No, I never heard of it.

Mr. Vanderstar: Never heard of it? Okay.

Mr. McPherson: But I started learning about it. After that trip west with my friends in my new Buick convertible, I took off in early September of 1947 and drove by myself up through Arkansas and across Tennessee, and one afternoon drove into Sewanee. I stopped a tall, fine-looking man, George Campbell—his father was the preeminent surgeon in

Memphis—and asked him were certain things were, where I might find someplace where I could sign up as a student. He looked at the car and thought, "This ain't bad!" (laughter) He got in and steered me down to where I could make my entrance into the school and get my bunk assignment.

I was put in a small house with eight other guys. The dormitories were filled, and we were assigned to this house. Out of it came several life-long friendships. It's curious that it should be so. There was a couple, a veteran and his wife, who were kind of the house "father and mother," and then the guys.

I remember the first evening. I was kind of pooped, I had been driving from Texas, so I was sitting up in bed talking to one of the guys, who was sharing the room with me, and another guy, Christopher Fitzsimmons Allison, came in and said, (accent) "I'm Fitz Allison. Where's the john?" "Right there." so he went in and took an extremely noisy crap (laughter) and came back and said, "Man's most underrated privilege." (laughter) I'll never forget that, that was my introduction to Sewanee. Years later Christopher Fitzsimmons Allison was the [Episcopal] Bishop of South Carolina.

Another guy, Harold Barrett, whom I met simultaneously—Harold "Bobo" Barrett—was also one of the South Carolina fellows with a big, wide geechee accent. He became the rector of Trinity [Episcopal] Church on Wall Street.

And so this class was pretty productive when it came to clergy of note. I'd never been anywhere like this. Sewanee is a marvelous place. William Alexander Percy, the uncle of Walker Percy, the Mississippi novelist, wrote an autobiography called *Lanterns on the Levee*. It has a chapter about Sewanee with a sentence that everybody knows who went to Sewanee. He said somebody is apt to be describing young students and their behavior with old ladies, their wit

and their courtesy as well. He said, "Sewanee is a place that unfits a young man for anything but the good life." (laughter) And he meant it, not just a posh life but a life of humane values. I think it is that way.

It's up on the Cumberland Plateau, has many thousands of acres of its own land, and much of that is dense woodland. It has a very fine forestry school; it and Duke and Yale are probably the premier forestry schools, the others obviously much bigger and more complex but Sewanee's awfully good.

It has ties to the Episcopal church. It's formally owned by the 22 southern dioceses. It also has academic and literary ties to Oxford [England], in the sense that a lot of its students go over there for junior year and some professors come from Oxford from time to time. A literary quarterly, *The Sewanee Review*, is well known and respected.

Sewanee had, as I learned as an English student, a marvelous magnetism for writers, particularly a group of writers who were prominent in the '20s and '30s and '40s and were known as The Fugitives, the Fugitive Movement—essentially, anti-industrial people who hated the South becoming an indistinguishable part of industrial philistine America. People like Robert Penn Warren, Allen Tate, John Crowe Ransom, Donald Davidson, Andrew Lyttle, wonderful people.

Mr. Vanderstar: And what was their connection to Sewanee?

Mr. McPherson: There always seemed to be one of them in residence. Many years later I was invited to a conference in Kenyon College. I was supposed to speak on a subject that I cared only modestly about. I went in order to meet Ransom, who was a poet that I deeply admired. Well, it was set up right after lunch one day. He was in his eighties and living alone and absentminded, but we had a bourbon and water, just a little bit. I was trying not to be

painfully worshipful to him (laughter) and he said (accent), "Where were you schooled?" I said, "Sewanee." And he said, "Oh, they wanted me come down there to speak on the anniversary of The Fugitives. I told them I didn't think I wanted to do that. They ought to get that boy from down there, that boy who lives there. They should get him to speak." I said, "Allen Tate?" Tate at the time was about 74. (laughter) "That's him." (laughter)

Mr. Vanderstar: That's wonderful.

Well, go back to when you first arrived at Sewanee; you had been at SMU, you'd been at the junior college, maybe you had been to Austin to see the University of Texas.

Mr. McPherson: To see friends there.

Mr. Vanderstar: Yes. But what was your impression when you drove onto the Sewanee campus? Did you say, "Well, I feel at home," or did you say, "What in the world have I gotten myself into?"

Mr. McPherson: Well, a little bit of both, although the period of acclimatizing myself was pretty short. I really liked it. The idea that you were really supposed to go to class, if you cut more than three times a semester without an excuse you were out, well that was pretty shocking. Suddenly, I realized I was in a really serious school.

I remember the first evening, standing outside Gaylord Hall, an old frame dining hall, waiting for the door to open. Boys were up a long set of stairways on the side, and I could not get over the accents. I'd never heard anything like them in my life. (accent) "Joe, how are you?" (laughter) "Oh, I'm fine. How's your summer?" "Oh, it's good, how about yours?" There were these geechee accents, there were Mississippi accents, New Orleans, Virginia, fellows from all over the South. The warmth of the place was quite wonderful.

The teachers, I think I mentioned two who had been left as part of Norman

Thomas' crowd in the '30s.

Mr. Vanderstar: Yes.

Mr. McPherson: One of them, Charles Trawick Harrison, was a magnificent teacher. He taught Chaucer and Elizabethan poetry and drama. Extremely high standards. He looked rather like Joseph Cotton. He was extremely kind to me. I think he could recognize that I was desperate to become an adequate student in English because I meant to be a writer.

Tom Govan taught history. He was the other fellow, the other Norman Thomas supporter. He may not have been the world's greatest historian but he had an infectious enthusiasm for history and really got me going. I adored his classes. He taught American history.

Another historian, Arthur Dugan, once brought his friend Alexander Kerensky, the Menshevik who lost out to the Bolsheviks, into our class. We were astonished.

There is a picture in my mind—I've described it to a number of people going down to Sewanee—that to me sums up Sewanee. There was a philosophy professor, I can't remember his name, an elderly, white-haired man who was as absentminded as philosophy professors are supposed to be, and one extremely cold, brittle, sunny day, he was talking about the process of learning, the process of acquiring knowledge. I forget who the philosopher was, but it was someone like Hooker, it wasn't one of the Germans, it was one of the English, probably church-related philosophers of the eighteenth century. He was writing a long sentence on the blackboard, and when he came to the end of the blackboard he just kept writing on the wall there (laughter) and turned the corner and kept going to finish it. Well, I loved seeing that, so I got up and walked over to the window to watch it and to sharpen my pencil.

I looked down on the quadrangle of the school—I was in this old classroom in

Walsh Hall—and I saw a friend of mine wearing his gown. Juniors with 85 or 90 averages wore a black academic gown every day to class, and seniors with a *75* average wore it. They were members of the Order of Gownsmen, and that gave them certain privileges—for one thing you could cut class. I looked down and saw this friend who was wearing a gown walking across the quadrangle in cold sunlight. On the path there was an old dog with rickets, and its back leg was shaking. Everybody loved him, and this boy stopped and squatted down on the gravel path and scratched this dog behind the ears until the dog's leg quit bouncing. It just stayed there.

The professor was still talking about how one learns, and it was a wonderful moment that kind of summed up higher education and humaneness; this was all against a background of this very beautiful chapel. That was the nature of the place and it's why people go back to it and enjoy saying that they're from Sewanee.

Mr. Vanderstar: It does sound Oxfordian.

Mr. McPherson: Yes, it is, with a country side to it, a Tennessee country side. Scholarship, good humor, and in the woods there were stills where country people made whiskey.

There was plenty of racism around. I remember chasing a Black guy one evening who had been a peeping Tom at our house and, I don't know how all this developed, but it was decided we had to catch him. And we all went chasing him. He hid under the steps of the dining hall. The police car and the deputy sheriff were running up and all of us, we wanted to catch this guy, he shouldn't be a peeping Tom—but we didn't quite like the way it was developing into something that might get him hurt.

Sewanee was "dry." Five miles down the road was a place called "Clara's." Very nice woman—Clara Shumate—ran a roadhouse and it was the favorite place to go. Her

husband, Tubby Wallace, sold bootleg whiskey next door. If you had money, you bought Jack Daniels. He had Jack Daniels and Lem Motlow, which said on it, "flavored and colored with wood chips; guaranteed to be less than one month old." (laughter) I guess if you didn't have much money, that's what you bought.

At Clara's one evening I saw a pickup truck from Tracy City, Tennessee—a very poor place where Tennessee Iron and Steel had a coal mine—with machine gun bullet holes in the door. The owner had obviously had a fight over whiskey, nothing else was of any value around there.

In the back of Clara's where the Sewanee boys would go, it was all our place. A professor named Abbott Cotton Martin, known as Abbo Martin would join us. He was our most beloved professor; B.A., University of Mississippi, not a lick beyond that, wonderful teacher. Taught Romantic and Victorian verse. An alcoholic, to be sure. And he smoked cigars. He would come into his classroom with ashes and whiskey stains on his gown, which was in tatters as well. I was usually his bait. He would say (accent), "McPherson, what did Tennyson mean by —" or something like that, only in a Delta voice. And he was down at Clara's three or four nights a week. For the students it was just singing and drinking beer; every now and then we'd have a little whiskey but it was mostly beer.

When I was graduated, on a beautiful June day, I came out of chapel and my dad was there and a bunch of friends. We had the usual hoorah, and I heard this "pssst." I looked over and Abbo Martin said (whispering), "What will you take for your gown?" And I said, "What will you give?" He said, "Two dollars," and I said, "Sold!" (laughter) I took it off and sold him my gown for two dollars and he threw away his tattered gown.

Mr. Vanderstar. Yes, that's a lovely story.

Did you go to Sewanee as a junior? After the experience at SMU?

Mr. McPherson: Yes. My grades were getting okay toward the end. Sewanee has comprehensive exams before graduation. You take them in your major and your minor, English and history for me, and then you have about two hours of orals by the whole faculty of the English department.

Mr. Vanderstar: Wow.

Mr. McPherson: You spend two or three months getting ready for these for two or three days. The Shakespeare professor, Tudor Seymour Long, had flown in the Lafayette Espadrille—

Mr. Vanderstar: Oh, boy.

Mr. McPherson: —and had a certain glamour for that. He was a kind character from Somerville, South Carolina.

He taught me, one day, how to read aloud and therefore how to act and how to be a public speaker. One day, we were getting started on Hamlet, and he said, "Mr. McPherson, read me the first four lines." Horatio is up there on the battlements and the guard, hearing him, says, "Who goes there?" and the words say, "Nay, answer me," that's what Horatio responds. And I said, (flatly) "Who goes there nay answer me." Mr. Vanderstar: "Who goes there" "Nay, answer me." He called on Calhoun Winton, one of the brighter students who ended up teaching at the University of Maryland. Mr. Winton: "Who goes there?" (loudly) "NAY, answer ME!" Horatio is a friend of the prince. No guard is going to make him announce who he is; you tell him who you are first. (laughter)

And that moment has stuck with me, because it caused me to see that when you look at anything in print—it probably slowed me down as a reader because now I articulate what

I read, I say it aloud in my head. I am a pretty good reader aloud and I'm a ham actor. I've done all that kind of stuff. But it all started with Tudor Long and those first few lines of Hamlet. It was one of those epiphanies.

Mr. Vanderstar: Yes. What did you do in the summertime between the few years at school?

Mr. McPherson: I went to school at Sewanee. I think my SMU experience left me shy of some credits. I had a marvelous time. I had a course under Charles Harrison, Chaucer, and a course under Govan in history, and I played baseball, softball on the fraternity team and tennis almost every day and drank at night and fell in love with a girl from Georgia.

Girls couldn't go to Sewanee except in the summer. Sewanee in the heart of the year had about 450 to 500 boys. In the summer they had maybe 200 and would take in maybe 30 girls, and I fell in love with one of them—Coco Read. She was from Columbus, Georgia. So when I graduated, I took off and went down and spent a while with her and her family, trying to figure out what to do with myself. I thought I wanted to be a writer, and I figured that writers had to live as teachers, so I would try to go some place where I could learn to be a teacher. I applied to Harvard, but they weren't interested, and I applied to Columbia and they said, okay. So, she and I went to New York, she to work for the *Ladies' Home Journal* and I to go to Columbia. Am I getting ahead of myself?

Mr. Vanderstar: We're about to conclude this particular session. What you are doing is identifying where we will start with the next one.

Mr. McPherson: Okay. And I had never been north of Bristol, Tennessee, right near the Virginia border. One night I went to a white tie party in Nashville with a guy named Stuart Childs—Stu Childs, a Charlotte lawyer still very much with us. He flew bombers in

World War II.

I'll have to tell about Bob Thweat, because he taught me something about learning and about the passion of learning. Thweat was a former Navy pilot from World War II. He married some bishop's daughter and they moved into a house at Sewanee. One evening, I think I borrowed his car and I was bringing it back. He had had several drinks, he was studying history and he was on his knees and he had two or three books on the bed and his head was down on the bed.

Mr. Vanderstar: He was kneeling on the floor?

Mr. McPherson: He was kneeling on the floor and he was going, "mmmmm, mmmm." And I knocked on the screen door and said, "Its Harry. What's wrong?" He said, "If Henry VIII had minded his business, and if he had stayed married and stayed in the Catholic church and turned his attention to the discovery and development of America, America would have been populated by millions of Catholics from Europe and we never would have brought the slaves over here."

He was in his mid-twenties, a veteran of World War II, a student and a little bit drunk and just sitting by himself ruminating on this.

The other, Stuart Childs from Charlotte, became a really dear friend at Sewanee. He had flown bombers in World War II. Then he went back later after he left Sewanee and was one of the X-1 pilots, he and Chuck Yaeger. Those guys who broke the sound barrier and all that, until his wife one day said, "Either you do that or you stayed married to me. I cannot stand the tension." He quit, went back to Charlotte, and became a lawyer.

Anyway, Stu and I took off from Nashville to drive to New York to see his girlfriend at the time. She was the understudy to Nanette Fabray in "High Button Shoes."

(laughter) We got as far as Bristol, Tennessee—we had driven all night and we were in our tuxedoes—and I said, "Childs I can't do this, it's 500 miles to go. This old car's not going to make it." He said, "You're right." And we turned around.

So I'd never been to New York when I got on the train near Tyler, Texas, and went up to New York. Even today, when you take the Amtrak and you go under the Hudson, you come out in Manhattan and there is a nondescript hole in the city, just sides of buildings and walls. That's what I saw when I came in. That was my first sight of New York. I went down to the Village to stay with Coco Read, her sister Clay—Clayton—and their mother, in an apartment on 12th Street across from the New School for Social Research.

Mr. Vanderstar: Ah, wonderful. Let's, let's pick **up** there when we resume.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - FOURTH INTERVIEW
FEBRUARY 13,2003

This is tape number four. Today is February 13,2003. I am again in Harry McPherson's office.

Mr. Vanderstar: Where we left off was New York City and Columbia University and a woman named Coco Read, who was an interest at that time.

Mr. McPherson: She was. She and her mother and sister had an apartment on 12th Street between 5th Avenue and 6th, right across from the New School, and I spent a couple of weeks cadging a room from them.

Then I got into Columbia Graduate School, and I found a room at International House, up on Riverside Drive across the street from Grant's Tomb. A fascinating community of people; I don't know how it is now, but in those days it was quite wonderful. I went to Columbia Graduate School to study English. I had some terrific teachers: Mark van Doren was my teacher of great classics. William York Tyndall taught modern British writing; he was a Joycean—I'd never read a word of Joyce, but I started to read *Ulysses* under the guidance of Tyndall and it's been a great interest ever since. Margery Hope Nicholson taught eighteenth century stuff.

I decided to write a Masters thesis on the young Welsh poet Dylan Thomas. Tyndall, who was my mentor, steered me to the early poems of Thomas when he was in his early 20s. They are wonderful poems but hard to decipher.

I also signed up for a couple of courses down at the New School in the evening. I took a course under Reinhold Neibuhr and a course under Eugene O'Neill's son, who taught at

Yale and then taught occasional evenings at the New School; he took his own life during that year. Neibuhr was a great hero of mine to the extent that I understood him. **A** couple of times I badgered him unmercifully while riding with him on the subway from the New School back up to, for me, International House, for him, Union Theological Seminary. You can imagine, I had just turned 20, I was from the South, I didn't know anything about religion or philosophy or the rest of it, but I was fascinated as many kids are at that age by the great questions. I remember one evening subway ride in which I shouted questions at the poor man. I wasn't trying to make a point, I was trying to get him to understand my questions. He had been lecturing about agape and philos and the other kinds of love. I was trying to get him to elaborate on all this. The poor guy was probably thinking of getting home and having a good drink (laughter) and here's this kid hanging on to him for dear life, asking questions.

Mr. Vanderstar: What was your objective in studying at the New School?

Mr. McPherson: Just to take a course under Neibuhr really. I thought it would be too great to pass up.

Mr. Vanderstar: What was it, Christian ethics or something like that?

Mr. McPherson: Something like that.

Mr. Vanderstar: So, your major at Columbia was—

Mr. McPherson: —English literature. My goal was to get a Masters and to go teach somewhere so that I might write. I wanted to be a poet, and I thought that would be a way to pay the bills.

During that year, I discovered New York. I discovered standing-room-only tickets and tickets in the upper balcony, and I saw, in their initial years, Death *of* a Salesman and Streetcar Named Desire—that was pretty spectacular.

I also saw for the first time the ballets of Balanchine. I don't think I had ever seen ballet, but to see the New York City ballet when Balanchine was in his real prime—maybe he never had anything but a prime—it was just spectacular, with Maria Tallchief and dancers like that. It was a real eye opener to me to see something like that.

Mr. Vanderstar: I think they call that a broadening experience.

Mr. McPherson: Yes. And I was absolutely without shame. You just go and work your way into rooms where people look at you in a strange way and wonder, "What is this kid doing here?" I just learned to ignore that because I wanted to hear and see everything I could. Including some of the downside of life: I spent a weekend down in the Bowery among the flophouses.

At International House, which had a wonderful mixture of foreign students and Americans, I got to know a lot of Paks, a lot of Indians, a lot of Eastern Europeans, including people with amazing experiences. This was 1949, so we were not far away from the Second War, and I met people who had been in concentration camps and had managed to survive them and were now in graduate school at Columbia.

I got to know a lot of interesting foreigners, and several of them remained friends for many years. One of them became the Foreign Minister of Pakistan and their ambassador to the UN, a guy named Agha Shahi. I knew a wonderful Indian, a handsome guy named Prem Ahuja, who went back and was the unfortunate victim of a scandal and killing. He was the lover of an Indian naval commander's wife. The commander came home in the classic way—the ship docked a couple of days early—he came in, found Prem with his wife and killed him. It became a big issue in India, Nehru having to decide between turning the commander over to a military court or civil law. It was clear that if he went the naval way, the commander would be

exonerated. Nehru had a real dilemma on his hands. The world asked, "Is this a nation of laws or not?" and finally, like a good politician, Nehru sent him to the naval court where he was exonerated.

I became friends with a Black dancer who took me up into Harlem to Father Divine's Temple. We ate their Sunday night chicken and mashed potato suppers and listened to a sermon.

Every year at Christmas the International House students would put on a Christmas show. They would rehearse it for a month or so, two or three times a week. I was asked to write it. I wrote a sort of Ogden Nash verse for a beginning and end of it; it was supposed to be light, but sweet spirited. We sang in chorus and the Black dancer danced. It was worth about a B-, I would think, in artistic terms, until the very end when a Mississippi-born singer appeared who was studying at Julliard and living at International House. Her name was Leontyne Price.

Mr. Vanderstar: Oh, my goodness! (laughter)

Mr. McPherson: She sang a couple of Christmas hymns, Mrs. Roosevelt was there in the audience, and—I think it was Nelson, but it could have been David Rockefeller; the families gave a lot of money to the International House. I think it was the idea of International House, of bringing students from all countries together that attracted them. But I'll never forget that evening. We'd done our best, somebody had spoken my bad lines badly, we were just about done, and then Leontyne Price just transformed the evening. The audience was stunned to hear this 21- or 22-year-old performer, a student, let fly with "O Little Town of Bethlehem" with such power and beauty.

Mr. Vanderstar: Did you know that she had that talent?

Mr. McPherson: I think everyone thought she would be a great singer.

Mr. Vanderstar: Oh, you hadn't heard her before?

Mr. McPherson: No, though I knew her. Along with several people who knew her better than I, we would have dinner with her down in the cafeteria. I enjoyed talking to her, and she could be fun. I knew she was said to be good. I didn't know she was THAT kind of good (laughter) until she sang.

Mr. Vanderstar: Let me ask you a little bit about International House because that would strike me as a place that foreign students would be, but you were there too.

Mr. McPherson: Both. It was about 50-50 foreign and American.

Mr. Vanderstar: Did you have to compete to get into it or was it randomly assigned? How did you wind up at International House rather than some other place?

Mr. McPherson: I was signing up for my English courses and said to someone at Columbia, "I've been staying down in the Village with some friends but I can't continue to do that. Do you have any recommendations?" This person just happened to say, "Have you tried International House?" He told me where it was, about six blocks away. I walked over there and asked if they had any rooms, and they had a couple. I just lucked into it.

Then a friend from Sewanee who had come to Columbia in part because I did, a wonderful man, a writer from Clarksville, Tennessee—Bryce Runyon—came in too. I forget what he took at Columbia, but we were a floor apart, and saw each other often. It was a marvelous experience.

At the end of the spring semester I took the comprehensive exam for the Masters and started to write my paper. By this time, I ***guess*** I had to move out of International House. I was looking for a little cheaper rent and wasn't going to stay for more than the summer, I

thought. So I found a tiny apartment in the Village.

This past Christmas holiday, when my family and I were in New York, I was reading about that area in a New York guide. It drew attention to a little mews, a little in-the-middle-of-the-block mews, on Grove Street between Seventh Avenue and the Hudson on the west side. I was amazed; my little apartment looked down on this scene. There were about six little houses facing onto a garden in the middle of the block, something I've always thought cities should have.

That reminds me—I'm getting ahead of myself again—but once I tried to talk to Ford Foundation into letting me and some other people see if we could persuade some developers to buy a few blocks of rather run-down housing in Washington and turn them inward, making entrances to the center part of the block at each comer and having the houses looking inward where there would be a big common, a pool and some playgrounds and that sort of thing. So, instead of facing the street, run-down, beat-up streets, people would be facing a community that they had some kind of relationship with. It really came from this experience, living in a little apartment, looking down on that mews.

Mr. Vanderstar: Okay. Well, let's get back to Columbia. First let me ask you, had it been your intention to be there for a year, was that enough to get a Masters?

Mr. McPherson: Enough to get the Masters.

Mr. Vanderstar: Okay. And did you contemplate further education or did you contemplate going out teaching after that?

Mr. McPherson: I figured I would teach. You know, when you are 20 years old and your father has never even told you what a mortgage is, you are really an innocent when it comes to an understanding of practical matters of life. So I didn't know what the options were.

I got myself an apartment and I started to check out books about Dylan Thomas and about British verse and Freud—because Thomas was a young poet who was using Freudian ideas in his verse—and God knows what else. I was finding myself struggling to be enough of a student to be a scholar, enough of a scholar to be a teacher, to be happy with that life.

Mr. Vanderstar: When you say "teacher," are you talking college or preparatory school?

Mr. McPherson: Maybe a prep school or something like that would have been okay.

On June 25, 1950—

Mr. Vanderstar: Yes. I remember it well.

Mr. McPherson: —the Korean War broke out. I had three friends in Greenwich Village—a bachelor and a man and wife, who lived a block from me. Let me take just a moment to talk about these people: Norman Sly had gone to Sewanee. Norman was a short, powerfully built man in his late twenties. He looked like a figure from a Hungarian film—wide cheekbones and a long, skinny nose. He was a brilliant literary man, and he lived in a fifth-floor walk-up on Bleeker Street in the Village. Since he was from Sewanee and I was, we were connected. He was very kind to me and invited me to join him and his friends who were all maybe five years older than I was.

They knew a guy named Tom Dardis. Tom was a panic-stricken Irish-American literary man who had grown up in New York. I think he said he had lived in at least 45 apartments or houses, always getting either kicked out or getting out just ahead of the landlord with his down-at-the-heels father. But he was a passionate literary man. His greatest passion was for William Faulkner. He had gone down to Oxford (Mississippi) but never met him. He

was too embarrassed to do any more than just stand under the trees on Faulkner's property and look and hope, and he did, indeed, one day see Faulkner come out and get on a horse and ride off. That was almost enough for Tom Dardis. In later years Tom published several books and was rather well known. When he died a couple of years ago there was quite a decent obituary in the *Times.* One of his books was about what Hollywood had done to writers like Faulkner and Fitzgerald. His surprising answer was that Hollywood had been very generous to them and helped them a lot more than they had helped Hollywood. The impact of alcohol on writers was the subject of another book.

Anyway, we were all a ferociously interested bunch of literary people, very much like the audience in the great film, *Les Infantes de Paradis.* Remember that old film? Well, we were the kids up in the balcony looking at the stage. We would go back to talk for three hours after anything we'd seen about everything we'd seen. And I remember on June 25th or shortly after, a week or so after, going over to the Dardis' to cadge a meal. I pretty much lived on scrambled eggs, black beans and tomato slices. (laughter) Not too unhealthy.

Mr. Vanderstar: Not bad, not bad.

Mr. McPherson: No, but I would go over and Jane Dardis, who was a nurse in Bellevue, would come back from her duties there and cook a civilized meal, and I'd get my broccoli for the month. (laughter)

I remember waiting for the elevator in this little apartment house down the block from where I lived. There had been was some news about how the 24th Division was being driven back into what became the Pusan Perimeter, and I said, "It looks like we're taking it on the chin" to a woman standing next to me in the elevator, and she said, "Who's the 'we"'?

Mr. Vanderstar: Oh, boy.

Mr. McPherson: And I, I thought, "Uh, I'm in the Village." This was 1950, and here's somebody who thinks her side is the North Korean Communist side.

Anyway, when they were getting the draft started, I connected with the draft board in my home town. I think I did it with a certain relief. It would get me out of this dilemma that I had about what I was going to be. Do you know, when I told somebody that one time, he said, If you read the *Iliad* carefully, in some part of it Homer talks about exactly this: That war for young men is attractive because it comes along at a time when otherwise they would have to decide how to live their lives, or how to begin to live their lives. And war answers that question. They can always say, "Well, I have to give my time to my country in the military." And that's pretty much how I felt.

Mr. Vanderstar: You're not alone in that, by the way.

Mr. McPherson: (laughter) I'll bet! I'll bet that's not unusual.

Mr. Vanderstar: And didn't Tolstoy say that the military is the place where you can get respectability and not have to work too hard? (laughter)

Mr. McPherson: Yes. I told Mr. Goldwater, who had rented his apartment to me, that I was leaving early, and I went back home to Tyler, Texas. I started negotiating with the Air Force and the Navy and the Army to see who would take me into OCS. I called up Bob Thweatt, the guy I mentioned last week who was weeping because Henry VIII had not turned his attention to colonizing the New World but had his fight with the Catholic church. Thweatt had been a pilot in World War II. I asked him, "What would you do?" He said, "Well, I have always felt that although I was flying in the Navy, the infantry is the Queen of Battles." So, I figured, well, okay, maybe I'll do that. But the Army, for some reason, was slow in saying yes to my wish to go to Army OCS. The Air Force said, "Come on. We can't put you in OCS right

now, but go through basic training and then we'll put you in it." So I decided on the Air Force.

Mr. Vanderstar: What did the Navy say?

Mr. McPherson: I don't think I ever heard from the Navy. When I started basic training, I got a letter from the United States Army saying, "Report to Camp Polk, Louisiana, for OCS training." (laughter) I wrote back and said, "Sorry, I'm a private in the Air Force."

Mr. Vanderstar: "I'm spoken for!" (laughter)

Well now, when did you actually go in the service?

Mr. McPherson: In October of 1950.

Mr. Vanderstar: So you went home after Korea started?

Mr. McPherson: Just after it started. I think it must have been in August or early September.

Mr. Vanderstar: Okay, and so the Air Force was your choice. Did you want to fly airplanes?

Mr. McPherson: Well, I thought I'd be a navigator. My eyes aren't good enough to be a pilot. They said navigation would be okay if you're 20/50 correctable to 20/20. I went through basic training and fortuitously got assigned to Warner Robbins Air Force Base in Macon, Georgia. This was only about 150 miles from Columbus, Georgia, where Coco Read and her mother and sister, Clayton Read, lived and where their grandfather had been the mayor for 25 years. So I was in Macon or outside of Macon at Warner Robbins and hoping to go to navigation school.

I met a fellow—we must all have stories like this—who was giving physical exams. He was a mortician from Shreveport, Louisiana, and we became friendly. I really wanted to go to navigation school. He examined my eyes, which were nowhere near

20/50—closer to 20/200—and he wrote down 20/50. And so, after about two or three months, I got orders to go to navigation school at Ellington Field in Houston. And almost at once, within a day, I got another letter from the Air Force essentially saying "Something's funny. When you came in you had a physical exam and your eyes were 20/200. Go have another test." Well, I figured as long as whatever his name was there I was okay. But he had gone back to Shreveport on leave (laughter) so some other guy gave me the test and I didn't make it.

Mr. Vanderstar: And a great navigator—

Mr. McPherson: A great navigator was lost.

Mr. Vanderstar: Where had you done basic training?

Mr. McPherson: Shepard Field in Wichita Falls, Texas, a place where, in the fall and winter—as they say out there, "There ain't nothin' between here and the North Pole but a strand of barbed wire." (laughter)

Mr. Vanderstar: And what were you supposed to be doing at Warner Robbins?

Mr. McPherson: Well they didn't know what to do with me at first. They put me on a cash register in the officers' club; they figured I could, you know, I could at least count, and I started playing baseball.

Mr. Vanderstar: You were still an enlisted man at the time?

Mr. McPherson: I was a private, or I guess I got promoted to corporal and was made barracks chief. I shared a room with a very nice guy. I had a little 45 rpm record player, and I played the Bach B Minor Mass which I was really engrossed in. That poor fellow had (laughter) to listen to me play that a lot; I bet he would have destroyed the place if he could have.

Anyway, one day a lot of people started arriving at the base, a lot of reservists,

who were being called back out of civilian life, just as they are right now. I was put on some kind of clerical detail to sign them in. Well, a tall, very nice-looking Lieutenant Colonel named Lemuel Clark—he was a football coach in Macon—had been called back out of football coaching to come back in to be the commander of a training wing which would be established there. They would train the reservists, get them in shape to go where ever they would be sent. I was signing him up and he said (accent), "Tell me, Corporal McPherson, tell me about yourself." Well, the day before, I had been on clean up detail out around the parking lot and there were a lot of cigarette butts with lipstick on them, thrown down by secretaries. I said, "You know, Colonel, to be honest with you, I was really hoping I could do something to help the country out. I really would like to take some role in this war. And yesterday I was out sweeping up cigarette butts with lipstick on them. I wish I could be doing something that would be of more use." And, he said (accent), "Tell me about your schooling." I said, "Well, I went to college, I spent a year at Columbia." He said (accent), "I'm going to be the commanding officer of this training unit and you're going to be my first instructor."

Mr. Vanderstar: Wow.

Mr. McPherson: Meet me tomorrow morning at 5:15 at the barracks and we're going to put these fellow through some exercises to get them started for the day." And I said, "Yes, sir!" (laughter) I really felt great. I would be his first guy, and he could make me into something. And then he leaned over and he buttoned my shirt front pocket, and he nodded and gave a nice smile, just to let me know that I wasn't free of his oversight. (laughter)

Mr. Vanderstar: You mentioned that Coco Read was living in New York when you first got there, and that may have been part of the reason you decided on Columbia instead of some other institution, and now you've mentioned that your travels took you to Macon,

Georgia, which was not very far from her home.

Mr. McPherson: Yes, right.

Mr. Vanderstar: Can you fill in that year as far as she's concerned?

Mr. McPherson: Yes. Our relationship had become kind of attenuated. It just didn't hold together. She had stayed in New York working for the *Ladies' Home Journal*. Her boss was a rather well-known woman, not as well known as the editor of *Vogue,* but well known. Coco became her amanuensis and kind of executive assistant. She stayed up there for a time.

While I was at Warner Robbins I started going over occasionally to Columbus. I always thought that maybe my attraction to that house and that family had to do with the house and the mother, Nell Acree. Let me just take a minute. She was a fascinating figure. And all this family is of some importance in my life because I married Clayton Read, the other, slightly older sister, after having been tied up with Coco for a long time. Clayton and I got serious with one another and got married.

Her mother, Nell Dimon Acree, was a very large woman. She was verging on the obese, but she could dance like a feather, ballroom dance. She lived in a kind of large cottage with a beautiful pine woods outside. The house was like something out of a children's story—wonderful brown shingles. Inside the furniture was spare but very pleasant; the place was lined with thousands of books. She was dirt poor, having gone through whatever her share of her father's estate was. **As** a young fiery spirit when she was 18 she had been talked into a marriage with some local social lion and left him after two weeks.

World War I broke out, and she went to France as a nurse and worked down in the south of France near the Pyrenees in a hospital where they brought people for convalescence. She got to know a woman, whose name later on was Grace Lambert. When the war ended the

two of them bought a small olive farm in Provence, and they got to know a lot of literary people. She had a wonderful time there. But after a while, she ran out of money, and her father said, "Come home."

So, in the early '20s, having had that rich experience, she did. That reminds me: looking back at my year at Columbia, Coco Read finagled an invitation for us to Grace Lambert's home in Princeton. Grace was married to Jerry Lambert, of the Lambert Pharmaceutical Company—the guy who, stuck in traffic in the Holland Tunnel one day, thought up a slogan for his mouthwash product, Listerine—"Even your best friend won't tell you." (laughter) Listerine became enormously popular, and they made a ton of money. He bought and raced *The Yankee,* one of those 120-foot sailing sloops that used to—I forget the names of the others, but Lipton had one—race these three- or four-masted schooners across the Atlantic; he had one and he had a fabulous house in Princeton. Coco and I were met at the station in Princeton by a driver in a Rolls Royce and driven out to this mansion. Out came this handsome guy in black tie. I bounded out of the car and said, "Mr. Lambert, I'm Harry McPherson and I'm so pleased to meet you." And he said, "Sir, my name is James and I will be your man while you are here." (laughter)

Mr. Vanderstar: Whoa. Whoa, what a *faux pas*.

Mr. McPherson: Well, well I guess it was.

Mr. Vanderstar: When did this happen?

Mr. McPherson; That was during my Columbia year.

That was Grace, and that was Nell Dimon Acree.

Well, Nell had a literary bent, and she had an enormous range of friends in the Black community. She was a profound believer in White supremacy. She hated Lincoln

because he had destroyed the Confederacy and all that, and yet she was extremely sympathetic and warm towards the Blacks who lived around her out in the country near Columbus. If one of them got into trouble and got thrown in jail, she'd be called at three in the morning and she'd put on some kind of a gown and coat, get in her old Dodge and drive down to get him out of jail. All her Black neighbors were friends of Miss Nell. And when she wanted to have a dinner party, she would ask them to come serve and they would. George Alexander, a wonderful man, would put on his white jacket, black tie and serve. Whether or not they ever got paid anything, I don't know, she didn't have much money at all.

She had a real character of a brother who was in the Chicago Commodities Exchange and made several fortunes and lost them, but every now and then would roar up to say hello to her in an enormous limo with a chauffeur and all this. (laughter) He would get out and she would badger him to lend her some money.

Well, I was hooked on her because she was gay and charming, heavy-set and poor as she was. I'd never known anyone like her in Tyler, Texas. No one of this peculiar southern literary cultivation had never been any part of my life, and it really struck me happily.

Coco and I just kind of drifted apart, and I began to take up with Clayton. This was while I was at Warner Robbins Air Force Base. She wanted to be an actress, and she'd gone to Mary Washington College down in Fredericksburg, Virginia for a couple of years. Then she went to Catholic U. and joined the theater of Father Gilbert Hartke. When she graduated she joined a touring company that he had called Players Incorporated, and she became friends with a wonderful director named Alan Schneider. He later directed a dozen big hits in New York — William Inge and people like that.

I got word that my second choice of OCS had come through, so I went to San

Antonio, to Lackland Air Force Base, and for six months I was a cadet in the Officers Candidate School.

Mr. Vanderstar: What period of time was this now?

Mr. McPherson: This was late '51, early '52.

Mr. Vanderstar: Late '51? So you were at Warner Robbins for a long time.

Mr. McPherson: Yes, for about a year. Mostly playing baseball and drinking and working for Colonel Clark. He wrote a letter, I think I still have a copy of it, to my father when I left and went to OCS that was one of the nicest letters anyone ever wrote about me. It was a very formal, southern military man kind of letter. It almost made my father bawl with pride.

So I went to OCS, and because I had the loudest voice of anybody in the entire cadet corps—it could be heard in San Antonio (laughter)—when marching, I became cadet major and found it a tolerable experience.

Mr. Vanderstar: And that was for six months?

Mr. McPherson: Six months. When I got out was sent to Intelligence School at Lowry Air Force Base in Denver, where I lived with five other second lieutenants in a big Victorian stone house. We chased girls and did all the things you do as a second lieutenant.

Mr. Vanderstar: And Clayton Read was in Georgia?

Mr. McPherson: Yes. We were writing all the time, and I was getting more and more attracted to her. I went back midway through Christmas vacation to Georgia to see her. Being a cadet major I had these shoulder boards on my coat, and I really looked very Steve Canyon-like (laughter—or so I thought.

When I came back, my father said he wanted to see me. So I said "I'll come back

through Dallas on my way to San Antonio and we'll spend a couple days there." Well, as the plane—it was a DC-3—was flying back from Georgia, it ran into a horrendous windstorm, and it seemed that everybody on the plane was throwing up; it was really pretty bad. This very good-looking stewardess was just in desperate shape with people being sick near her and people demanding this and that. She was trying to take something to the pilot when she collapsed, and everybody kept looking at me since I was this (laughter) cadet major: "Do something." So I got up and tried to help her a bit and was at least as helpful as in the way. Anyway, we finally landed. The storm was over. I said "I'll meet you in the bar," and she said, "All right." And here I had just been to see my girlfriend but I caught the eye of this young woman. And in my wonderful uniform I stepped out on the steel stairs, slipped, and went all the way down to the bottom on my butt. I looked back. She tried to look away. It was too embarrassing, but I decided I'd better get up and go with my father. (laughter)

Anyway, I went to Lowry in Denver and spent three months and drove back through Georgia on my way to Fort Bragg, NC. I was assigned to Hope Field, which was at that time the Tactical Air Command headquarters, connected to Fort Bragg, and I was to be trained as an air combat intelligence officer. I was supposed to go to Korea and help identify targets. I also, I guess it was part of my training, was asked to brief the staff officers once a week on whatever was going on in the world. It was then, in 1952, that I began to read detailed Air Force reports of the first American bomber crews, in South Vietnam, that they had gone over

Mr. Vanderstar: South Korea?

Mr. McPherson: —in South Vietnam.

Mr. Vanderstar: South Vietnam?

Mr. McPherson: Yes. I was reading about the fact that we had planes operating,

I don't know whether they were Air Force or CIA, but we had planes operating out of Saigon, picking up movements of the Vietminh in French Indo-China. This was before Dien Bien Phu.

Mr. Vanderstar: Right.

Mr. McPherson: I talked about it one day to these officers that I was supposed to brief every week. One of them had spent a lot of time in Vietnam. He just opened up and took over the briefing and for the next hour he held us all enthralled with his talk about what was going to happen in Vietnam. He had been in an old A-20, two-engine attack bomber, when it was attacked; he taxied down to the end of the runway outside of Saigon and just noticed out of the comer of his eye a farmer put down his rake and pick up a rifle and started shooting at the plane. After having an encounter like that, he said that our side is not going to win.

Mr. Vanderstar: Okay, so we've got you now at Fort Bragg or Hope Field, now we're in North Carolina.

Mr. McPherson: Headed for Korea, I thought, but I took time out to get married. Clayton and I got married in Columbus, Georgia. A tall, rangy, very interesting priest from Catholic University who was a friend of hers came down and married us in the Catholic church. It was okay with me, I was interested in getting mamed and not in religion or which religion we were in. We lived in Southern Pines outside of and near Fort Bragg.

I had filled out a chart, some kind of a personnel document. At the bottom it said, "Languages," and it had French, German, Spanish and so on and it said, Make a check to show if you read, spoke or understood the language, fluently, reasonably well or poorly. I had had a little Spanish, so I checked that, and then just for the hell of it I checked, "Understand German Poorly," which was certainly true. But I figured, it's not too bad—German's kind of like English and I could probably learn to speak it in time. I wasn't thinking of anything except kind

of doing a little unjustified bragging.

Well, in some primitive computer in the Pentagon there was a request for a junior intelligence officer in the U.S. Air Force Headquarters, Wiesbaden, Germany. The computer hooked on the "Understand German Poorly" in my form, and the next think I knew I had orders for Germany, not for Korea.

Mr. Vanderstar: This was after you married Clayton?

Mr. McPherson: After we were mamed. The only other event worth telling about in this time was the day before we left. As I mentioned, Clayton's grandfather had been the mayor of Columbus, Georgia, for 20 to *25* years. He had a business, the National Showcase Company. He spent his after-duty hours as mayor of Columbus. In that capacity, he got to know the commandant of the infantry school back in the '20s, early '30s, one George Catlett Marshall. Well, having more brass than sense, I prevailed on Clay to call the Marshall home in Pinehurst, to see if we might visit them before we left. They remembered her grandfather very well, and they invited us over for lunch. We went over on a cool, not quite chilly, but cool, sunny afternoon and spent about four hours with General Marshall. It was one of the most fascinating encounters I have ever had.

Mr. Vanderstar: I can imagine.

Mr. McPherson: In fact, he became much more open the longer we talked. I said, "You know, you've been attacked, I know unjustly, as having been insufficiently supportive of Chiang Kai-shek and in effect allowing the communists to drive the Kuomintang out." And he straightened up. We were sitting outside in the sun, and he said, "Let's go inside." We went into his study and he pulled out some letters from Chiang Kai-shek to him after he had returned, in which Chiang Kai-shek said, "Free China will always be in your debt. You did

everything a human being could have done and then more for Free China." And I said, "What happened, what did the Republicans say when you, when you presented them with these letters?" He said, "I didn't present them." I asked, "Why not?" "Well," he said, "they were from him to me and I didn't think it appropriate."

Can you imagine another man going through such an unjust attack and not saying, "Senator, let me just read you some letters." Marshall had too much pride and too much sense of what was appropriate to do that.

Mr. Vanderstar: Rectitude,

Mr. McPherson. Rectitude! Wow.

Mr. Vanderstar: That's amazing. And what's equally amazing is that he sat and talked to you about this for a couple of hours and here you had just sort of blown in from Fort Bragg on a visit under those circumstances.

Mr. McPherson: A five-star general and a second lieutenant.

Mr. Vanderstar: Absolutely remarkable.

Mr. McPherson: Yes, it was.

Mr. Vanderstar: Well, let me get back to Clay. What happened to her acting career.

Mr. McPherson: Except when she was acting under my direction, and I will get to that after a while, in St. Mark's Church, that was the end of her acting career. We went to Germany and lived in an apartment in Bahnhofstrasse in Wiesbaden and were gone every weekend some place. It was fascinating to be in Germany that soon after the war. We got there in January of '53.

In August, I had been looking for targets in central Europe and that sort of thing,

contemplating two more years in the Air Force, the bureaucracy of the Air Force headquarters in Europe got into the picture. Ike, having come in as president in January of '53, brought in the guy they called "Engine" Charlie Wilson, the General Motors boss, as secretary of defense. He talked about a bigger bang for buck, so the order came down that any reservist who still has time to serve but wants out may get out, unless he is in some critical MOS. Well the Air Force Headquarters in Europe had—I remember this very clearly; my numbers will not be exactly right, but it is essentially this—about 18 generals, about 95 colonels and maybe 200 lieutenant colonels and 300 majors and 200 captains and 18 lieutenants. (laughter) It had the same number of lieutenants and generals. And, of course none of those majors and colonels wanted out; these guys were used car salesmen, or shoe salesmen, and they were living on pretty nice pay in quarters paid for by the military in Germany, eating well, drinking well, traveling to castles and things like that. So I don't think any of them got out. Seventeen of the 18 lieutenants practically killed each other getting through the door. (laughter) We learned in early August that I was to get out in late August.

I had by this time decided, and here we finally get to the point, to be a lawyer. Two reasons: One, because it was a way to make a living using words and ideas and I thought I could do it. The other was because of a profound belief that, in the era of Joe McCarthy—this was '53; McCarthy had already taken some hits but he was still hauling people before him in mid-'53—if you could you ought to be a lawyer and defend people under attack by a fascist government back home.

You know, when you are away from your own home and you're reading the *Economist* and things like that to try to understand what is going on back there, and what you're reading is unmixed with first-hand observations about what was really happening, or the degree

to which people were laughing at McCarthy or the degree to which they thought sooner or later they would get him or he would have a collapse—I guess Richard Rovere in the *New Yorker,* was beginning to write in ways that suggested that that would happen. I didn't know any of that. All I knew was that he was hauling cleaning women before him, threatening them because of their beliefs, and a guy who later became a good friend of mine, Anthony Lewis, was writing about those encounters. He'd just got on the *New York Times* after having been with the *Washington Daily News,* and he started writing about McCarthy.

Anyway, I figured that would be a pretty good thing to do, so I applied out of blue to Harvard Law School: "Can I come in September? I'm about to get out at the end of August.'' I get a nice letter back saying, "We might be able to take you next year, but it's a little late for this year." Well, I didn't have any alternative for this year. I figured, as the old expression has it, "home is where they have to take you in," so I wrote to Austin and they said, "Sure, come on down,"

So we went to Austin, Texas. We paid the 55 dollar a semester tuition charge, and within a couple of months we were able to move in to one-quarter of a barracks. There was a whole bunch of barracks that were sitting out on West Sixth Street in Austin, along the river, that were divided into four apartments. They were 25 dollars a month, all utilities paid. (laughter) Clayton got a job as a second-grade school teacher about 15 miles outside of Austin in a little German-American town called Pflugerville, where the students were largely Mexican-American kids whose families worked on that great center-of-the-country wheat harvest drive. I got a little money from my dad every month, 60 dollars or 80 dollars, and I got the G.I. Bill, and we had her teacher's salary. That was what we lived on that for three years while I went to the University of Texas.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - FIFTH INTERVIEW
FEBRUARY 19,2003

This is February 19,2003. We've just been through the presidential holiday snow storm in Washington and this is day five of the interview series with Harry McPherson.

Mr. Vanderstar: When we left off, you were starting law school and I wanted to go back before that and first ask you to think about and talk about the people and events that, as of that point, as of fall of '53, had had a major influence on you in one direction or another. Your mother was obviously one such person and, of course, your dad and your grandfather; you've spoken about all three of them. But were there other people that you encountered or events that you became aware of that had a really powerful influence on the way your life was going at that time?

Mr. McPherson: I think we've probably covered some of these in earlier sessions and one always starts with teachers.

Mr. Vanderstar: Yes, that's true.

Mr. McPherson: We've all been influenced mostly for the good by teachers. The two sisters I've spoken of. Sarah Marsh and her sister Mitty Marsh both had a big impact on me. An American Indian woman married to an oil man, a woman named Meryl Chapman, spent the day with me after my mother died and had more to say to me at that point that meant something to me than anyone else did. When I got to Sewanee, I guess is the next time that anyone had a major effect, and those two fellows, Charles Trawick Harrison and Thomas Govan, affected me quite a lot.

You know, you find that environments themselves sometimes have a huge effect.

I was taught about the South by being at Sewanee, in part by driving around and visiting people in their homes, but as much by simply getting to know young men of my age or a little older from Mississippi, Alabama, South Carolina, North Carolina, Tennessee and Virginia. They all had different ways of looking at life, many of them steeped in southern culture, in a kind of relaxed, warmly generous way that southerners sometimes have, and that conveyed a lot to me about how to behave toward other people and what to appreciate in them. I guess those are the ones that come immediately to mind. The entire environment certainly doesn't mean everybody at Sewanee, but I think at least 20 or 30 fellows from these various regions became important to me—influenced me, you could say.

I enjoyed my father's friends but for the most part they weren't people whose turn of mind I was eager to follow, to become like; nothing wrong with them, nothing at all, they just didn't have quite the interests that I did.

I mentioned in an earlier tape Reverend Meade Brown of the Episcopal Church. I think the reason I still remember him without having known him profoundly is that he was both interested in and sympathetic to my interest in larger, what shall I say, ontological questions, questions about meaning, and, like an enormous number of young men and women who grow up in simple towns, towns without universities and without a lot of university-bred people, I was hungry to know more about life in its deeper aspects, and so I was eager to connect with anybody who seemed to be similarly interested. So this clergyman who read a lot, drank a lot and didn't sound like a blowhard as many of the Protestant ministers did in my home town—many of the Baptists and Methodists who came on like steam engines—this Meade Brown was a very cultivated man and could have had any number of callings within the church. Simply the fact that he was interested in serious matters meant a lot to me and drew me to

wonder whether I wanted to be in the church. It was not because I had any profound belief in the Gospels or in biblical matters, but I was drawn to him and to what he was doing because of it concerned serious matters in life, and I was keen to be similarly involved.

Mr. Vanderstar: Did you ever pursue in any way the notion of perhaps going into the ministry? Did you think about it seriously?

Mr. McPherson: I talked to him about it when I was 14 and he said, "I wouldn't rush it if I were you. You've had a hard blow"—I'd lost my mother—"and I think instead of committing yourself to anything like that now, just go ahead and live your life out and learn as much as you can and then at some point it may strike you that you want to do this." He didn't really put me off, but he gave me very common sense advice. After that, I don't know that I ever was really profoundly drawn to it.

Sewanee has a theological seminary. Several fellows, I think I mentioned them, in my class went on and became very distinguished clergy. Most of them went to seminary either at Sewanee or at Virginia Seminary in Alexandria. One was comfortable at Sewanee being with young men who were headed for the ministry even though one didn't plan such a thing one's self. You felt fine with them, and you played baseball and football and went to dances and lived normally with them. While the guy across the coffee table was going into forestry, they were going into the ministry. They didn't seem peculiar because of that but, at the same time, they didn't necessarily seem magnetic.

Mr. Vanderstar: Now, the seminary at Sewanee is an Episcopal seminary.

Mr. McPherson: Yes. Virginia Seminary in Alexandria is also Episcopal.

Mr. Vanderstar: Did the presence of that seminary on the (Sewanee) campus have any effect on you and on the life of an undergraduate, or was it just removed, sufficiently

removed that it could have been 100 miles away?

Mr. McPherson: Well, in the time when I was at Sewanee, this is not true today, undergraduates were required to go to morning prayer four days a week. It was at noon. When the 11 o'clock class let out at noon one went over to this lovely chapel the size of a small cathedral and went to morning prayers. And then you also had to go two Sundays a month. Much of our response to that was frivolous. We made up funny words to hymns as we sang them, very much like, I suspect, public school boys had been doing for centuries in England.

Mr. Vanderstar: Sure.

Mr. McPherson: There were, of course, times when you wanted to plumb some depths in life, and without having any scientific or psychological or historical training, any secular way of looking at it, you would, at least a few times, explore the religious way of looking at it. I don't remember exactly how I displayed that except in just conversations with people, asking them what they thought.

Mr. Vanderstar: After you graduated from Sewanee, did the experience of compulsory chapel serve to draw you in or repel you from church, at least for a while?

Mr. McPherson: I don't know. I think what drew me, has always drawn me to the church to the extent that I've drawn in any serious way, has been individuals wearing the collar. More than intellectual pursuit or more than some religious experience, it's been some person, some clergyman who seemed to be living on a plane that was more serious than others were, and I remember one time when I had gotten pretty much involved in St. Mark's Church, on Capitol Hill, an old church right behind the Library of Congress.

It might be worth telling you this if you don't mind me skipping ahead a little bit.

Mr. Vanderstar: Not at all.

Mr. McPherson: I came up here with my then wife to work for Lyndon Johnson and for a few months we lived in a dreary, Soviet-style apartment house in Arlington, (laughter) and then we moved into two floors of a row house on New Jersey Avenue, SE, just down below the House Office Building. I started going to St. Mark's Episcopal Church. I'm not sure why. I guess I was just kind of hungry for some sort of connection, maybe somebody said, "It's good to have some sort of religious community," and I realized I didn't have such a thing so I started going.

Bill Baxter was the minister, a robust, big-spirited person who had, I was to learn in later years, a lot of flaws as well as a lot of very strong attributes. He preached a sermon one Sunday that rather irritated me. I went back to have coffee in the parish hall. He asked me how long I'd been in Washington, what my interests were and so on, and I somehow managed to say that "I really didn't think much of that sermon you preached because I think you left out a very serious side of the issue." He said, "Let's go have a drink at Cole McFarland's house"; Cole was an architect who invited people over to his house on Capitol Hill after church. After we had talked for about half an hour over there and I told him what I objected to--he was such a good-spirited person that he accepted this without much complaint—he said, "How would you like to teach the adult confirmation class?" (laughter) And I said, "I wouldn't know what to say," and he said, "Yes, I think you would." And I said, "Tell me what you think I can do." He said, "I think you can take people down into the depths with some of the reading that you have done over time, Dostoyevsky and Kafka and so on, and when they really get down there they can hear the Christian message." And I said, "But I don't know what the Christian message is, I don't know how to say it." "Don't worry about that right now," he said, "and by the way, next Sunday I'm going to call on you to stand up in the church and say what you just said to me about the sermon

I just preached."

Mr. Vanderstar: Oh, boy.

Mr. McPherson: Well, I went, and he said, "We're going to start something here in the church and we're going to call it 'The Stranger's Sermon.' I'm going to call on a stranger to respond to my sermon." And he pointed out Harry McPherson who had just come up here from Texas. Well, I got up and told the congregation of St. Mark's Church what I thought about his sermon. That began a very interesting relationship with Bill.

One evening I was working late in the Senate when Bill called and said, "We're rehearsing a play called *The Sign of Jonah*" by, I think, Dietrich Bonhoeffer. It had been done at the Berliner Ensemble in East Berlin. Jonah was a U-boat captain. The vessel had been hit by a depth charge, and it was at the bottom. Then it's raised as Jonah realizes his helplessness in the situation and calls out for God's help and is redeemed. Bill said, "One of our prophets has gotten sick, would you come read his part?" I said, "Sure." So I went over there and read it and—although you can't tell from my snow-clearing voice because I've been out two days in the snow—I have a very big voice and I am a ham. I love to act, as you probably do, too. So I read it with power, and there was a lot of mumbling by the director and some others, and they said, "Instead of reading that, why don't you be Jonah." So I became the captain. And then after interfering with the direction during the next several nights (laughter), the director, a very nice woman, said, "Only one of us can be the director. Why don't you be the director?" (laughter) So I became the director and Jonah and in the next five or six years I wrote two plays and acted in them and directed them.

In other years we did *Mother Courage and Her Children,* by Brecht, my then-wife playing Mother Courage; we did *Brand* by Ibsen; we did *The Bald Soprano* of Ionesco; we

did all these avant-garde plays. And that was a huge experience for me. During that time, Bill Baxter kept drawing me into things that he was doing in the church. He even got me elected Senior Warden of the Church.

Mr. Vanderstar: And, for the record, Senior Warden is sort of the most senior civilian in an Episcopal parish?

Mr. McPherson: Yes, the parish has this little body of vestry people, and I don't know really whether they are empowered to make decisions or whether they just give counsel to the minister. In any event, they help with a lot of practical affairs of the church. And I was the Senior Warden for several years.

One day, I was driving out to the airport with Bill and another clergyman. I think we were going someplace where the two of us would talk about politics and religion. We sort of had this *shtick* as they say on Broadway; I was the religiously sensitive politician, Bill was the politically sensitive clergyman. We would go and talk about political life and challenges and the church. Bill was asked by the other clergyman something about my beliefs and how he had gotten this person so involved. Bill said, "Well, let's let him say. What are your beliefs and why are you committed to the church?" And I forget what I said, but it was most certainly not credible. The truth was this: because I have a new, serious and very positive friend who is involved in the church, and you have created in me and maybe 50 other people in St. Mark's what really amounts to a Christian community that is invaluable. **A** place and a group of persons to whom one could **turn** in times of trouble, and they weren't all professionals, they weren't scholars by any means. They were house painters and barkeeps, all kinds of people who became important to one another. That experience, being in a rich community of persons enriching each other, was the closest thing to a religious experience **I** think I ever had, closer than I ever got by

study, or searching for the truth of Christianity.

Mr. Vanderstar: Well, we'll probably come back to that point from time to time as we talk about your career in government and your career since then. Now, let's go back to the chronology and get you back to Austin, where you and Clay were in your 25 dollars a month apartment in Austin and that expensive tuition, it was 55 dollars a semester—

Mr. McPherson: Right. (laughter)

Mr. Vanderstar: —which sounds so funny looking at, looking back from 2003. Let's talk about law school. I'm not sure I have a sense of why you decided to go to law school.

Mr. McPherson: Well, there were three things. One was that I needed to have some occupation that would pay the bills. Another is that I wanted to do something involving speech, words, and ideas, and law was certainly one of the preeminent ones for that.

And the third, as I think I mentioned in an earlier session, was the concern that the American people were going to be beset by people like Joe McCarthy, demagogues who would attack them, and that they would need counsel. I guess if I'd have known more history and had a larger sense of the things that happened in life, I might not have thought about that at all because, this would pass, it always had before. There were people like McCarthy in existence throughout American history, and they've finally been done in. But I was at an impressionable age, and I was extremely worried sitting over there in Germany in the Air Force and reading about my country and its wrestling with Joe McCarthy. So I thought I would become a civil rights lawyer or a civil liberties lawyer. Those three things, the G.I. Bill, my wife's school teaching, and my father's 75 dollars a month made it the thing to do.

Mr. Vanderstar: And how did law school grab you in view of that background of thinking?

Mr. McPherson: Well, I was profoundly unprepared for law school. I had no economic or practical knowledge. I mean, I really didn't know what a mortgage was, I didn't know many commonplace things. I drove up to register in law school. I had a 1951 Ford, and right next to me a guy drove up in a 1946 Plymouth Coupe; in the back seat and just stuffed into every cranny of this Coupe were either his clothes or jars of Vicks Vapo-Rub (laughter). He had been a Vicks Vapo-Rub salesman (laughter) in Louisiana and had decided that he didn't want to do that anymore, he wanted to go to law school. Jerry Kirby was his name. Tall, skinny guy, he was about 32 and had on an old tom t-shirt.

During the time he was at Austin he started a small loan business, exploiting the very generous usury laws of the State of Texas making small loans to poor Mexicans and others. It wasn't that he was an evil man at all. He was just making some bucks to get by on and he did it through running a small loan business. He made A's in law school. He just knew virtually everything about life that you could know at the age of 32, business-wise.

I remember I was once on a visiting committee to Yale Law School; the ABA asked me to be part of the committee that every ten years or so examines the school.

Mr. Vanderstar: Is this for accreditation purposes?

Mr. McPherson: Yes. After a couple of days up there, and after talking to these gifted intellectual persons—Yale has a kind of a philosophical, soaring quality about it—I just thought, if I had been here I would have been the happiest of humans, if I could have had this spacious intellectual experience instead of learning about the usury laws and mastering what a person could keep on foreclosure, as I had done at Texas in those days. And I said to the Yale dean, "You know, if I were in your shoes, I would cause young students-to-be to come to New Haven for two or three weeks before school started formally, and I would have them meet

serially with a mayor, a chief of police, with an articulate banker, with a small loan operator, a used car dealer, a mortician, all kinds of people—not lawyers, but all kinds of other people involved in economic life and political life in a city. And I would just have the new students spend as long as such fellows would stand up there and talk to them, two or three hours answering questions like what do you do, what goes on in the city. This could be a big help—so that before they sat down to the Rule in Shelley's Case or the Rule Against Perpetuities, the many students who had come out of theoretical studies in college and grew up in families like mine who just didn't think it was appropriate to bring children into a discussion of family finances or the descent of property, would have heard somebody say, 'Here's what, not saying this goes on in your family, but here's what goes on in a lot of families and the kind of thing I have to deal with everyday'.'' I thought that might be a pretty good thing. The dean looked at me with an expression of amusement and said, "Well, that's an interesting idea." (laughter) That's all I ever heard of it.

Mr. Vanderstar: That's as far as it got?

Mr. McPherson: That's as far as it got. (laughter)

I didn't do worth a damn in the first year of law school. I finally got going in the second year.

Mr. Vanderstar: Well, now, there's a lot more to the first year of law school than mortgages and so on, I mean torts and contracts if you have those in first year and civil procedure are courses that help particularly and don't require that much knowledge of the wider world, as you call it.

Mr. McPherson: Yes, that's true.

Mr. Vanderstar: How did they strike you?

Mr. McPherson: Well, I don't know, for some reason I couldn't get my brain around them and/or didn't know how to study and felt intimidated by the material and wondered what on earth? Did I do the wrong thing? I was going to go right straight through so I could get out a little earlier, and that summer I had a couple of professors who helped me a lot. Texas had some extremely good professors, then and now. The dean was Page Keeton, W. Page Keeton, who was a great torts teacher. ***Keeton on*** *Torts* is one of the better case books. Charles McCormick on evidence. Leon Green also on torts. Joseph Sneed taught tax, he's been on the Ninth Circuit for a long time. A great criminal law professor named George Stumberg. These were really very fine teachers. And I began to do better, I began to get some sense of how to approach this.

Mr. Vanderstar: Talk about your classmates, at least in the first year, and whether you had a sense that everybody in the room was smarter than you were.

Mr. McPherson: Not everybody, but a lot of them, yes.

Mr. Vanderstar: Yes. It's an intimidating experience at a first-rate law school.

Mr. McPherson: Yes.

Mr. Vanderstar: No doubt about it. How many were in your class roughly?

Mr. McPherson: John, I don't remember.

Mr. Vanderstar: 100? 500?

Mr. McPherson: In my class, probably, I would guess 200, 250.

Mr. Vanderstar: And mostly young men from Texas?

Mr. McPherson: At that time, yes.

Mr. Vanderstar: That's a double question: young men? and, from Texas?

Mr. McPherson: Almost no women, let's say there were 400 in the class. The

more I think about it that sounds closer to the mark. I would guess out of the 400 probably 15 or 20 women.

Mr. Vanderstar: Oh! Okay.

Mr. McPherson: Despite the fact that *Sweat v. Painter* was a case involving the University of Texas Law School, I don't think we had a Black, or if we did, it was one or two.

Mr. Vanderstar: Well, now, you were a little older, you were not fresh out of college when you went to law school, you had a few years—

Mr. McPherson: —well, three years in the Air Force and one year at Columbia, so I was 24.

Mr. Vanderstar: Okay. And Jerry Kirby was 32. Did you two guys stand out in terms of age.

Mr. McPherson: No, no. A lot of people were in their late twenties. In fact, a number of guys had been in the service, as I had. This was Korean War time, and a lot of people had gone off to serve.

Texas had at that time a six-year program so that a student could start as a freshman in college and in six years be out of law school.

Mr. Vanderstar: Get the A.B. then the LL.B.

Mr. McPherson: Getting both of them, which always struck me as a terrible idea. I've told I guess a thousand applicants for a place here in the firm, and the people who are coming straight from college, that you'll do what you want to do but in my profound judgment you would be well served to take a year or two off doing something else and then go to law school. I think they would be much better served.

But we had a mix of all those: people like me who had some time in the service,

and like Jerry Kirby who had been selling Vicks VapoRub. (laughter) I think we were probably 90 percent Texans. It was by far the dominant law school in the state at the time. SMU got to be quite good thereafter. Baylor got to be good, and the Houston schools have produced some pretty good students. But Texas is probably the best and, as in most southern states, an LL.B. from the state university is a ticket to a lot of things that one would want to do later on in life, both in law practice and in business, and politics.

Mr. Vanderstar: Let me ask you a bunch of questions about law school. For example, if you have 400 or so in your class, your first year class, was it divided up into sections or did you go to a class with 400 students?

Mr. McPherson: No, it was in sections.

Mr. Vanderstar: Okay. And how many hours a week would you be in class and how hard did you study?

Mr. McPherson: Just going back to your torts, property, procedure, con law, and contracts, those five in the first year. In the summer, employee relations, which was workmen's comp and a smattering of labor law, and a course called "Injuries to Relations." That really lit my fire. It was taught by a marvelously articulate, bourgeois-shocking lawyer named Leon Green. He was a dean at Northwestern for many years, and Page Keeton persuaded him to come down. The two of them taught torts, so one section went to Dean Page Keeton and the other to Green. I had Keeton for torts but I had Leon Green for "Injuries to Relations," which included slander, libel, all the non-physical torts, injuries to reputation, standing in the community and so on. A wonderfully taught course and wonderfully interesting, and it helped me get going. Thereafter, I had Charles McCormick for evidence; he was one of the truly great professors. I always thought *McCormick on Evidence* was a clearer book than *Wigmore*, which was the other

one at the time that you turned to; he was a grand professor.

Mr. Vanderstar: You said that when you got into second year, you were catching on better, probably the summer too. What do you remember about the courses in second year?

Mr. McPherson: Criminal law and George Stumberg, a classic character, a tiny man who sat leaning back on a stool. Taught only the Socratic method, never made a declarative sentence (laughter) and drove some of us old Texas boys quite mad (laughter) as we tried to figure out could possibly be correct as Stumberg would just lead us into these blind alleys and mazes where we lost our way.

What else? Tax, Joe Sneed, a marvelous tax lawyer, very conservative political fellow, appointed by Nixon to the Ninth Circuit. Wills and estate, civil procedure, oil and gas—

Mr. Vanderstar: Yes. Good Texas course.

Mr. McPherson: Good Texas course. Better have that sucker. (laughter)

Mr. Vanderstar: What about bills and notes or commercial law or whatever it's called?

Mr. McPherson: Yes. And corporations.

Mr. Vanderstar: Corporations?

Mr. McPherson: Yes, corporations, trusts, a course in legislation—a pretty good one, I mean, legislative interpretation.

Mr. Vanderstar: To what extent were the courses you mentioned elective?

Mr. McPherson: After the first year you had to take criminal law and you had to take corporations, but I think a number of them were electives.

Mr. Vanderstar: Okay, So, and as you get into third year, pretty much everything is elective?

Mr. McPherson: Pretty much everything was elective.

Mr. Vanderstar: Okay. Was there any small course or seminar or something that you took in third year or was third year just all a continuation of the same.

Mr. McPherson: It was for me. I had done so poorly in the first year that, though I did well in the second and third years, my grades were never good enough to put me on law review.

I guess, in my typical political way, I was elected president of the local law fraternity, Phi Alpha Delta. I did that a little and got some guys to come and speak to us in the fraternity, but for the most part I was learning how to study law, wondering what I was going to do when I got out of it.

My wife was still teaching, and we were enjoying what at the time was a perfectly marvelous school and city. Austin had 125,000 people—this was before Willie Nelson and before much that has caused it to be super popular. It now has about a million and a half and has changed quite a lot, a lot more concrete and asphalt than it used to have. But it's a beautiful part of the world, and we loved it. I thought I would probably end up in a law firm either there or in Dallas or Houston. I interviewed in those three cities and had offers, but not being on law review I didn't get an offer from Vinson & Elkins or Baker & Botts or the big superstar firms.

The best law student, at least one of the two or three best law students, was a guy named Dick Hall. He and I looked a lot alike, tall blond fellows with big heads. His dad had a firm in Corpus Christi down on the coast. We'd become close friends. We went up one day to my home town, Tyler, and talked to several business people, bankers, insurance people, and the question was, "If Dick and I start a law firm here, in Tyler, would you steer some business our way?" And what else were they going to say? They all said, "Sure would." So we went back

and thought very seriously that we might do that. Dick's father wanted him to come down and join him in Corpus Christi, but it attracted us to start something of our own. I figured with my knowledge of the town and the people in it and his brains, that we could probably do a fair job.

In the fall, of '55, I got a call from a cousin, Jack High — the fellow who got together with Ross Perot later. Jack was working for LBJ on his Texas Senate staff in Washington. Johnson was the Senate majority leader and the chairman of the Senate Democratic Policy Committee. Jack said, "Senator Johnson wants an assistant counsel of the Democratic Policy Committee in the Senate. He's just about working the counsel into the ground. Would you be interested?" And I said, "Yes, I would."

A day or two later someone from Johnson's office called Page Keeton and asked him if he knew anybody who would be interested. I think that person must have mentioned me, and Dean Keeton must have said that I would probably do all right. I have a dim recollection of his telling me that at about the time I was interviewed.

I was interviewed in Austin and pretty much got hired during the interview. I asked what I would be paid, and the counsel, Gerald Siegel, said, "We'll let you know about that." In a few days word came back that I would be paid 4,600 dollars a year, which I thought was not very much. I said, "Some of my colleagues, including some who didn't do quite as well as I did in the last couple of years, are going to be paid a lot more than that in law firms." And the answer was, "Well, Senator Johnson thinks he'd like to bring you along by stages." (laughter) So there wasn't going to be much negotiation about pay, that was pretty clear.

Dick Hall and I and our wives had a very warm, sentimental steak dinner one night at Schultz Garden, the great place in Austin where generations of law students have been ruined. It's a place where you could get a small filet, a very good one, a baked potato, a little

salad and a big mug of ice cold Pearl beer for $1.25.

Mr. Vanderstar: Oh, boy! (laughter)

Mr. McPherson: We said good-bye and said in a couple of years we'll get together again and figure out if we want to go to Tyler. But he went off to one of the big Houston firms and I went to Washington.

Mr. Vanderstar: Okay. Could we go back to law school on a couple of points. First of all, did you go to school the second summer as well as the first?

Mr. McPherson: Yes, I had to. I wanted to get out in January of '56.

Mr. Vanderstar: Okay. And the school, law school allowed that, they didn't insist that you graduate in May or June?

Mr. McPherson: No.

Mr. Vanderstar: Okay, good. Did other people do the same thing?

Mr. McPherson: Yes.

Mr. Vanderstar: Okay. Next question. Let's go back now to the reasons you thought about going to law school in the first place and, in particular, the Joe McCarthy influence on your thinking. What happened to that while you were in law school? I didn't hear you talk about taking courses in civil rights or civil liberties, maybe there were none, but did that interest continue or did that kind of fade along with a lot of ideas you had as a young man.

Mr. McPherson: I guess it faded as McCarthy was done in. I went to law school in the fall of '53 and I think the famous Army-McCarthy hearing was in the spring of '54 when Joe Welch said, "Have you no shame, senator?"

That might help explain why I didn't do very well in law school. I listened to the radio in the hot little barracks apartment in the afternoons for hours at a time instead of studying,

I was so riveted by McCarthy. But my absorption in McCarthy was probably at its height when I was in Germany, and probably one of the reasons why that was so was that I was simply over there and was reading the European press, which was uniformly hostile to Joe McCarthy. That wasn't the case in parts of the U.S. I remember visiting my father in Tyler and going to the country club for dinner one night with him and hearing some of Tyler's business community speaking with real warmth about Joe, who was going to be there the next week, "He's flying down and we're having a big dinner for him." When I got to Austin my wife and I went to a lecture by the dean of Notre Dame Law School, Clarence Manion. In the question period after the lecture, which was about states' rights and so on, he was asked a question about McCarthy and he said, "I think he's a godsend." And I said, "Boo!" (laughter) and I thought the neck of the man in front of me was going to pop. It turned out he was a man named Ed Clark, who was the most famous lawyer-lobbyist in Austin and a great pal of Johnson's. When I mentioned the incident to somebody, he said, "You know, that's interesting. I was at a dinner a couple of weeks later with Ed Clark and some other people and we were talking about the Clarence Manion lecture. And he said, 'It was a wonderful lecture; if I hadn't been sitting in front of some liberal pup (laughter) it would have been just fine'.'' I was that "liberal pup."

Anyway, Leon Green and a man named Jerry Williams, a labor law professor, were several of the liberal professors in the law school who shared my feelings about McCarthy. Even the conservative professors were not McCarthy conservatives. They were economically conservative, but not hard over on foreign or social policies.

I suppose, without the enemy before me all the time and, in fact, with an enemy who had been defanged to a considerable degree by the censure motion, I had not exactly run out of interest in civil liberties, but I was not driven by these concerns as much as I had been. I

began to see that law and law practice would be different than carrying banners. It involved other skills than just political enthusiasm.

Mr. Vanderstar: One of the other points you mentioned that had made law school attractive was the whole notion of words and speech, of language being so central to the law. Did that attitude continue as you got into the study of law?

Mr. McPherson: It did, John. I have confidence that, if I live long enough, I'm going finally to connect and understand a lot of things. I have only occasionally understood many things the first time around and have had either to stay with them a long time in order to understand or to hope that I would come to understand. I have told all three of my children that their father, whatever his reputation for smarts, is really to be commended for one quality, which is doggedness—as I have really had to stay after things a lot longer than many of my contemporaries seem to have done. It has taken me a second or third shot at a lot of things in life in order to gain even a modest competence in them.

When I was in high school, when World War II was being fought, the military's physical training procedures became very much in vogue. I remember a young man who had been in the Navy and for some reason had been medically discharged became one of the coaches on our football team. He put in a barbed wire fence around our football field and built an obstacle course with a huge wall about ten feet tall; you were supposed to leap up and grab the top of it and then bring yourself up, chin yourself. Well, many of the guys in my class, most of them a couple of years older than I was, could do that. I couldn't. I could get my hands over the wall but I couldn't chin, couldn't pull myself up. So I went and got an oil barrel that was nearby and rolled it over and put it up next to the fence and climbed up on it and then got up and over the wall. And the coach just shrugged his shoulders and let me do it. It must have been clear to

him that this kid was not going to do it the right way and he won't do it at all the first time, but it's important to him that he go over that wall one way or another. And so, I've been that way in a lot of things in life, and I think understanding of legal concepts is probably one of them. I've not been a conventional practitioner in my life, either in government or as a counselor, an advocate, and a lobbyist, but I am a better lawyer, I understand the law a lot better now than I did when I was in law school.

Mr. Vanderstar: I guess that's true of most of us.

Mr. McPherson: But it just took me a lot of tries at it.

Mr. Vanderstar: In going back to the interest in words and speech and language, did you find in law school that your writing skills and your speaking skills were helpful or did you find that for lawyers in law school, it's a different kind of writing and a different kind of speaking and you were as green as anybody?

Mr. McPherson: That way.

Mr. Vanderstar: The second?

Mr. McPherson: Very much. In fact, having literary interests and even writing any kind of literary way or even journalistic way isn't much help in law school, at least so it seemed to me.

Mr. Vanderstar: And did you get exposed in any direct way in law school to learning how to speak and write as a lawyer or was that just something you were supposed to get by osmosis, if at all?

Mr. McPherson: As a writer about legal concepts or as an expositor of the law, I'm better than I was when I was in law school. I got a little better as a legal writer as I went along in law school. I came to appreciate language as an instrument of clear analysis. Reading

clear-headed legal thinkers helped. McCormick, for example. *McCormick on* ***Evidence*** is a book that I've gone back and looked at from time to time. McCormick, the gentlest of men, was a pure writer. I've always been struck by his simplicity of expression, which in time affected me, not as soon as it should have, but then I didn't have him until the third year.

Mr. Vanderstar: Now, let's go back to Dean Keeton saying you might be interested in national politics. Before you got that phone call from your cousin and then the call from Dean Keeton, had you given any thought to national politics?

Mr. McPherson: No, not in the sense of working in it—

Mr. Vanderstar: That's what I meant.

Mr. McPherson: —or working in the government. No, in those days, I mean, Sam Rayburn went to Texas Law School and then went back to law practice in Denton, got elected to the state legislature, and hardly ever looked back. He was enfolded in politics and came up here in Woodrow Wilson's first year. But most of the people that I knew who had a political interest, and there were quite a lot in Texas—Texas attracted many of such people—

Mr. Vanderstar: You mean the University of Texas?

Mr. McPherson: —particularly the University of Texas Law School. It attracted many young men who had a robust interest in politics. Most of them were like me, mocking of the political establishment, of the business establishment—most of us in those days were liberal. There was a group of about 30 representatives in the state legislature called the "Dirty 30" who just raised hell with the conservative program that was being offered to the legislature over and over by the business community, and these guys fought it—mostly oil and gas taxation and things like that. They could be found at Schultz' Beer Garden in the evening. They had gone to Texas Law School, maybe a couple of them were still in it. It had a wonderful flavor to it, a

robust, saucy, irreverent flavor.

I think I was the only one of the liberal students who headed for Washington at the time. Later it became very popular to do that. John Kennedy was the first politician since FDR to begin to attract young law students to come to Washington. My impression is that, while some fellows like me in the '30sdid come up here from Texas and go to work in some of the agencies, it was not anywhere near as common as it became in the '60s. And maybe LBJ's being president had something to do with that.

Mr. Vanderstar: Sure. Well, am I right in interpreting what you said that the University of Texas Law School was a pretty liberal-thinking place, both in terms of the faculty and perhaps the students as well, or have I misinterpreted it?

Mr. McPherson: I think it is and was. There are certainly exceptions. Charles Wright was, of course, I'm not sure where you'd put him politically, certainly he was Nixon's counsel in the tapes case, but I think it was largely an exercise of his vanity (laughter) as the Great Scholar of Federal Jurisdiction.

Mr. Vanderstar: Yes. I heard him speak at an ACLU conference, if that helps to put it into perspective. (laughter)

You were talking about the South in the early '50sbefore *Brown vs. The Board* and so forth and so on, but after *Sweat v. Painter* and so on, and so you felt at home at Texas Law School with your liberal, probably out-of-kilter with a lot of the society, views on things.

Mr. McPherson: Yes. If you went ten blocks across the campus to the business school you would have a totally different politics.

Mr. Vanderstar: Okay.

Mr. McPherson: But if you went to the so-called Plan Two at the University of

Texas, where the ablest undergraduates were enrolled, something started, I think, in the '40sto induce good talent to come to Austin and not to go off to the Ivy League or to more famously good schools. Plan Two is largely a humanities program, and it offers about as good an education as can be had. I think probably the people who taught there were by and large liberal.

You know, the Texas University campus was the scene in the '30sof one of the great academic freedom struggles. The president of the university was a man named Rainey, and he defended the right of professors of government and political science and literature to use such things as John Dos Passos' ***USA*** trilogy. The Board of Regents, composed of very conservative business people, many of whom had underwritten the campaigns of the legislature and of the governor, fired him, and it became a huge issue. On his side were the entire liberal arts faculties and, I suspect, much of the law school faculty, as well.

So that the struggle in Austin has not been so much town-and-gown as gown-and-legislature, since the legislature provides the funds for the University—and those funds were enormous because of oil properties out in west Texas. When the Midland fields came in, the University of Texas became one of the two or three wealthiest universities in the country. The university did its best to clear the pipeline between itself and that money and to keep the legislature out of it. The legislature did its best to make sure that the right things got taught and the wrong things didn't.

Mr. Vanderstar: The "right things"?

Mr. McPherson: "Right" in the very political sense of that word.

Mr. Vanderstar: But wasn't the legislature populated with UT Law School graduates?

Mr. McPherson: **A** number of them, but the "Dirty 30"—since there were a

couple of hundred people in the legislature, I think they were exceptional. They were beloved by the press but not widely admired by conservative Texans.

Mr. Vanderstar: So, in the midst of this ferment you got an education and you and Dick Hall thought about opening a law firm in Tyler, Texas.

Mr. McPherson: Right.

Mr. Vanderstar: What did you envision, before you got the phone call from your cousin, that you would be doing as your professional life? Writing wills and representing the local bank.

Mr. McPherson: Trying cases, representing the local bank—to tell you the honest truth, I would have been at a loss at the time to write a five-page essay on "What I Think I'm Going to Do in Law." I didn't know how you fitted together the academic world of law and the practical law of human experience.

Mr. Vanderstar: And making a living as you work.

Mr. McPherson: Yes, on top of that, the necessity to bring home the bacon.

Mr. Vanderstar: You mentioned trying cases and that reminds me, I meant to ask you, did you develop some special interest in trial work and appellate work as a way of using your languages skills, albeit in a legal context?

Mr. McPherson: Sadly, no. I very much wish I had. Many years later, when I was leaving the Johnson White House, I was visited by a number of people who showed an interest in what I wanted to do next. One of the things that I wish I had done at the time was to have gone to Ed Williams, whom I knew quite well, and ask him if he would take me into his law firm. My idea long after the fact was, I should have said, "Two-thirds of the time I'll be your bag carrier if you'll spend some time teaching me how to be a trial lawyer. And the other

third of the time I'll do the things I know how to do, which is deal with the government on behalf of clients. I can pay for myself in that third and over time I will learn how to be a trial lawyer."

It's a good question, John, and as I think about it, for the most part, very few of the academic teachers of law conveyed the zest of a trial practice. They did not say, as a voice teacher does, "Okay, Luciano, you're going to hit C flat here in *La Forza* ***del Destino.*** Nope, try it again. Let me hear you do this." They didn't coach us for performance using case law as a voice teacher uses the notes of the music.

This reminds me of a film called *Mozart to Mao,* a documentary in which Isaac Stern is seen in China. This is in the days after Mao was off the scene and I guess Deng Jao Ping had come on and Isaac Stem took a trip to China. And of course he played the violin. Isaac was a marvelous, big-spirited man. There was wonderful scene where he's on the stage with maybe 5,000 young people, probably at a university, filling a hall, and there's a young woman who has a violin and a bow. He is going to help her with a Bach Partita. She plays every note correctly, and it's meaningless. He said, "You absolutely got those notes right. You were not off one quarter note. You were right there. But let me show you what Bach was trying to do." So he take the violin and he plays the same notes with an intonation and a vibrato and pauses and a striking power that is just utterly different. It's like when I was trying to teach people how to be in the plays I directed. I would give them a sentence, "I don't think I want to go there." And I would then give them five situations in which one would say that sentence, "I don't think I want to go there." Just to have them see that they are all said differently, depending on the circumstances, and get them to read a text in a way, like Horatio, like the old Professor Long in college saying, "Nay, answer me!" I didn't have such a teacher in law school, somebody who

gave me a sense of the romance and the excitement and zest that would make me want to be a trial lawyer.

Mr. Vanderstar: And you didn't have adjunct professors who were practitioners?

Mr. McPherson: No, if such existed, I didn't go to the classes they taught.

Mr. Vanderstar: So there were no prominent successful jury trial lawyers that came into your view while you were in law school?

Mr. McPherson: No. The only one, the only lawyer I ever remember thrilling me was in Tyler, Texas, when I was about 9 years old at, my sainted grandfather had been made the executor of a very wealthy old lady's estate. He had made some decisions which were challenged in a lawsuit. He was defended by a (loud voice) man named Galloway Calhoun—a marvelous name. (laughter) And Galloway Calhoun defended him with passion and power and grandiosity; it was florid. God, I loved it. I could smell the tobacco juice and the urine from the men's room down the hall (laughter), and I just sat there for hours listening to Galloway Calhoun defend my grandfather. (laughter) I think he's the only great lawyer I can remember seeing in action.

Mr. Vanderstar: Oh, my. **All** right. Well, it seems to me that's a good place to stop because we've pretty well covered things up to the time you and Clay got in the car and drove to Washington.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - SIXTH INTERVIEW
FEBRUARY 24,2003

It is Monday, February 24,2003. This is the sixth day of our interview process.

Mr. Vanderstar: We left off with Harry McPherson leaving Texas and coming to Washington to be assistant counsel of the Senate Democratic Policy Committee. And your starting salary was $4,600.

Mr. McPherson: $4,600.

Mr. Vanderstar: College educated and law school, years of service, and so on.

Mr. McPherson: (laughter) Yes.

Mr. Vanderstar: Is there still a Democratic Senate Democratic Policy Committee?

Mr. McPherson: There is. It is not quite what it was when I went to work for it. In those days, it was chaired by the Senate majority leader. It isn't now.

The members of it were what Lyndon Johnson, my boss, called "whales." I once asked him whether we were going to have any luck passing the Civil Rights Act in 1963, and I said, "A lot of these fellows have been speaking up about it, including a couple of surprising people. I'm beginning to get my hopes up about it." And Johnson just shook his head and looked at me as if I were too dumb to spend any time with, and he said, "The minnows. We've got a lot of the minnows, but we don't have any of the whales." The whales were the people, using another metaphor, who were the dukes; if Johnson was king, they were the top nobility, the people who represented substantial parts of the Senate. Richard Russell, the South; Lister Hill, the South. The South had 10 of the 13 major committee chairmanships, and Hill was a

nationally-oriented senator except in civil rights terms, as Russell was. Warren Magnason, the Pacific Northwest; Clinton Anderson, the Southwest; Hubert Humphrey, the liberal representing that part of the Senate. They were the main fellows, and when they gave their okay to move ahead with legislation, that was a pretty good sign. At least the senior figures in the majority party were prepared to do that.

Mr. Vanderstar: Were the whales on the Policy Committee or was it all the Democrats?

Mr. McPherson: No. The whales pretty much constituted the Policy Committee.

Mr. Vanderstar: Okay. So this is different from the caucus, the Democratic caucus?

Mr. McPherson: The caucus is everybody. The Policy Committee, as I tried to explain within indifferent success in my book, *A Political Education*, was an idea of political scientists in the '40swho thought that the Senate suffered from not having something of an ideological bent, that it would be better if ideas could be raised for Senate consideration and debated on ideological grounds, so that it wouldn't be just a back-scratching enterprise, a pork barrel enterprise, but would be one in which the country would see these big issues debated.

So the idea was to have a policy committee that would put the stamp of the leadership on various programs and say, "This is what we Democrats are for." It didn't really work out that way. By the time Johnson became majority leader and chairman of the Policy Committee, it really was the leaders of the Senate meeting a couple of times a month to talk about legislation that was working its way out of committee or already reported—to try to decide what made sense to take up and consider and pass. There were certainly differences, but unless

somebody just made an all-out personal appeal, most bills didn't get blocked in the Policy Committee. The committee would either decide to let some bill have its day or would decide there were too many problems for the Democratic Party—the party in the scheduling role of legislation—in bringing a bill up because it would expose too much hostility between parts of the party.

Mr. Vanderstar: Okay. So this really was policy in a sense of the word, I mean the title wasn't—

Mr. McPherson: A kind of practical sense.

Mr. Vanderstar: Yes, political policy, in fact. You referred to your book. Let me right now put on the record, this is very important to this series, you wrote a book called *A Political Education,* subtitled, **"A** Washington Memoir." That was published in 1972, then in 1988 you wrote a postscript and it was republished, and then in 1995 you wrote a new preface and it was published again by the University of Texas Press, And that's available for anyone to read. I must say, a very interesting book. I bought it this summer in Ashville, North Carolina, in a bookstore called Malaprop's.

Mr. McPherson: An appropriate name.

Mr. Vanderstar: And it cost me $19.95 plus tax.

Mr. McPherson: Oh. (laughter)

Mr. Vanderstar: Money well spent.

Mr. McPherson: (laughter) Nice to know about Malaprop's.

Mr. Vanderstar: Yes. That's a book that we'll probably refer to from time to time, but, as I've indicated, it's not my purpose to go through the book because it's already 400 and some-odd pages of printed text, and we don't need to go through that. It does describe your

work at the Senate from '56until '63. So you stayed at the Senate even though Senator Johnson had become vice president and then, of course, president.

Mr. McPherson: I did, working still as counsel to the Policy Committee and then as counsel to the new majority leader, Mike Mansfield, and the majority whip, Hubert Humphrey. Mansfield asked me to remain with him, and I did.

There was nothing for me to do, really, for Lyndon Johnson as vice president. He didn't really need a counsel in the role that I had grown into. So I went with Mansfield. I thought maybe, with John Kennedy being elected president and knowing a number of the people around him, I should probably do what others did and at least consider working in the executive branch in the Kennedy administration.

So I went down to see a fellow named Ralph Dungan, who was a very good-natured fellow that I had known for several years when he worked for Kennedy in the Senate. Now he was doing personnel picking at a certain level; he wasn't looking for cabinet officers. He was very positive, and I was considered okay by the Kennedy people. I'd known them on the Hill and had been around them a good deal, and a lot of my interests as a staffer and as a person ranged beyond, I should say, the conventional interests of a young Texas lawyer working for Lyndon Johnson.

I got involved in a number of seminars in arms control. I got to know Leo Szilard, the physicist, who was conducting a kind of physicists' political seminar in which he was the main student, so it seemed to me. He thought that senators would respond to shrewd political advice that would encourage them to back strong measures of arms control. Szilard had been one of the fellows, along with Einstein and Ferme, who had persuaded FDR to launch the Manhattan Project. After the war he decided that once was enough, that the United States had to

lead the way toward an arms control regime. He, with the counsel of several people who knew a lot about arms control, picked out a few people on the Hill who had politically significant staff roles and who were thought to be capable of understanding these arguments and of perhaps talking to their bosses in a way that would do the country good. I was one of those that they picked. So I spent a fair amount of time with Szilard, Hans Morgenthau, a number of other scientists, political scientists, political theoreticians, who hoped to educate me sufficiently so that I would educate LBJ and subsequently Mike Mansfield.

I had an interest in the arts. I had an interest in theoretical politics and well as practical politics, and I got to know a number of people in New York, Boston and Washington who taught at Harvard, Yale and Columbia, and others who belonged to the business-political-social world of New York. How these things happen would require more time than we should spend on it here, but I became a person of interest to a number of people in the financial and big business worlds as well as in the universities, simply because I had a job in the Congress that got me right into the middle of the room and allowed me to write memoranda — some of them half a page, some of them 30 pages — addressed to people in power.

I was somebody that these people could talk to each other about. "Well, I was talking to Harry McPherson about this, and you know he works for Lyndon Johnson," "Yes, I was also talking to him just the other day," and so on. (laughter) What it all amounted to, I don't know. I had a lot of fun because I was learning for the first time something about the business world and the academic world, those large east Coast universes that are outside the orbit of Washington politics.

Mr. Vanderstar: Well, that stimulates a bunch of questions, so let me try this one on you. You were a staff lawyer at the U.S. Senate; you worked for Lyndon Johnson but you

were employed by the United States Senate.

Mr. McPherson: Right.

Mr. Vanderstar: And you are writing memos of a half page up to **30** pages about issues and so on. Was that all considered to be private to Senator Johnson, to the committee, to whatever group, or was it material that could have been exposed outside of the Senate?

Mr. McPherson: Good question. I think at the beginning it was particular to Johnson. It was unlikely that he would show it to anybody. It wouldn't matter that Harry McPherson had written something that took a particular view.

But one time in the late '50s Eisenhower nominated Admiral Lewis Strauss to be secretary of commerce. Strauss had chaired the Atomic Energy Commission, and in doing so he had run afoul, to put it mildly, of Senator Clinton Anderson of New Mexico, who despised Admiral Strauss. I can't even remember what the issues were between them. The nomination came down. Eisenhower was very popular. It took a lot of thought for Lyndon Johnson to decide whether to attack a cabinet nominee of Eisenhower's, especially a nominee who was a man of high reputation and standing in the national community. At the same time, he sure as hell didn't want to get on the wrong side of his friend Clinton Anderson and the others who felt pretty much as Anderson did.

He asked me and a colleague of mine, an extremely intelligent young Texas lawyer whom he had brought up to work with me, a fellow named Jim Wilson from the law firm in Austin of McGuiness, Lockridge & Kilgore—years later general counsel at Brown & Root, and still one of my best friends in life. He asked me and Jim to write a paper. He said, "I want it to be well balanced. I want you to tell me all the pros and then I want you to tell me all the cons and I want you to really research this thing. It's got to be right, both sides, pros and cons. Don't

you let there be a sentence in there that can be challenged for accuracy. You can draw conclusions, that's fine, but let there not be anything in there that's not right."

We researched Strauss' career and produced about a 20-page memorandum, about half and half, pros and cons. We wondered what on earth happened to it until the day the vote came. I remember it was a fascinating vote, extremely close. Johnson had, as usual, his tally sheet with his markings that he had made before the vote, how he thought it would go. I remember Margaret Chase Smith of Maine, whom Johnson shamelessly courted throughout her period as a senator. (laughter) When the clerk said, "Mrs. Smith," she said, "No." I can still hear the very loud "God damn!" of **Barry** Goldwater.

Mr. Vanderstar: Oh, my. (laughter)

Mr. McPherson: You could hear it all the way up in the gallery. He was so astounded. Well, Strauss was beaten. That afternoon, Jim and I got the memo back. It said, "You boys get an A+." I spoke a week or so later to Mary Margaret Wiley, Johnson's secretary, who's now Mary Margaret Valenti, the wife of Jack Valenti.

Mr. Vanderstar: Oh, yes.

Mr. McPherson: I said, "Jim and I were really thrilled to get that back." She said, "YOU should have seen him use it. He read the pros to the people against Strauss, and he'd say, 'Now, this is what my lawyers tell me, and you want me to go against this fellow when my lawyers are telling me . . .'" And he'd only read them the pros. (laughter). And then the other guys, when the pro-Strauss people would come to see him, Johnson would read them the cons. "How can you support a man like this? This is what my lawyers tell me." (laughter)

Mr. Vanderstar: That's pretty vintage LBJ, isn't it?

Mr. McPherson: Vintage. And when you asked me whether these memos got

made public, yes they did.

Later on, the longer I worked for him and then worked for Mansfield, I became well enough known so that I wrote memos, many of them, with an understanding that they probably would be shared with a number of people. Not all of them, but I would doubt if anywhere on any of the memos I wrote then or in the White House, curiously, you would find anything like "For the president's eyes only" or whatever. I just assumed that whoever got hold of them, Johnson or Mansfield or someone with whom they were speaking, would have sense enough to treat them as confidential memoranda. But I didn't seek to wall them off from other readers.

Mr. Vanderstar: You left that to the recipient.

Here's another aspect of the same question. Did you ever make speeches or write articles for public consumption? Did you write Op-Ed pieces or articles for the ***Atlantic*** *Monthly* or whatever?

Mr. McPherson: **A** few.

Mr. Vanderstar: This is while you are working at the Senate?

Mr. McPherson: Yes, while I was working there.

As you and I discussed in earlier sessions, I had gotten interested in the church and in the relationship between politics and religion, the relationship between political ethics and religion, and because I was working in politics and in the room with senior politicians, I guess it gave what I had to say in church groups a certain pizzazz. And I occasionally I would write something for some publication that would reflect my take on that relationship.

Mr. Vanderstar: Your reference to ethics and the church things brings to mind a comment you made one or two sessions ago about a discussion group you were in at St. Mark's

of people who were not necessarily professional people or whatever and that you found that useful. Did that tie into what you were just talking about, ethics and government and so forth?

Mr. McPherson: Yes, I guess it did. In the book, *A Political Education*, I used my experience in chancel drama, in writing and directing and acting in drama with people who might include, in any given play, 10 or 12 people who were car mechanics, housewives, painters—a whole variety of people who had very little to do with the law or with professional life at all, in fact, many people who had no background in literature, to say nothing of drama. But what I found was that in directing them, starting off with very fixed lessons and steps that they might go through to learn how to say a sentence with meaning, after a month or so of my intervention in everything they did—stopping them every five sentences and saying, "Wait, wait," I was like James Levine with a third-rate orchestra, stopping them after every three bars—after a month or so, I not only didn't have to do that, they were ready to go forward without me. I remained useful to the extent that I had a role myself and to the extent that I could arrange for the pot-luck supper to be served on time, but as far as the rhythm and the music of the play went, they got it. They read it themselves, and it struck me—a point that I was trying to make in the book—is that this was like something the way a democracy ought to work, that you have a leader who sets the general course but whose main function is to empower, to liberate people and give them a sense of how to do something, which they then do without being told at every step how to do it. They are free persons exercising free will and doing it with skill and force.

Mr. Vanderstar: Well, I guess a lot of people would say that one of the primary points to education is to accomplish that with people.

Mr. McPherson: Exactly.

Mr. Vanderstar: And you were engaging in an educational process.

In dealing with people in the church, did you have occasion to talk with them, to get their views about such things as ethics and politics? Your book, at least one chapter, is pretty much about the whole notion of can you really have ethics in political life, and it is a very intriguing question. Did you get into that sort of thing on any scale?

Mr. McPherson: Yes, I did. There was at least one diocesan meeting, and at least in a number of churches groups were convened for the purpose of talking about the significance of religious belief to contemporary issues. I can't tell you much about it except that I recall speaking extemporaneously about these issues.

I found many people who went to church a lot, and made a big thing of their faith, often less impressive as moral guides than people who showed no particular formal attachment to religion, but seemed to be thoroughly involved, engrossed, in issues in a way that I thought gave their expression a religious cast. When you think of ethical issues—I think I recited a simple one one time in a debate on a foreign aid bill in the Senate: Hubert Humphrey made an impassioned speech about poverty and famine in India, and he called on the Senate to appropriate a few million dollars to enable a couple of hospital ships to anchor off the coast of India; from there they would send physicians and medical teams to vaccinate people and to treat people with various diseases. Like almost everything Humphrey ever said, it was enormously thoughtful and passionate in its commitment to a human goal. Bill Fulbright got up right after Humphrey finished. He was the chairman of the Foreign Relations Committee. He paid tribute to Humphrey for the passion of his speech, and he said, "I'm afraid that if we kept many millions of Indians alive, we would worsen the population pressures on the rest of them. It would become not a benefit to the people of India but a bane to them. Until India and the world can get

a grip on overpopulation, we cannot, we should not, in my view, intervene to"—well, I guess he didn't put it quite this way although knowing Fulbright maybe he would have—"interrupt the course of nature that levels out the population spike to some more manageable degree."

Mr. Vanderstar: My goodness.

Mr. McPherson: The fact that they debated in those terms struck me as dealing with ethical and moral issues.

Mr. Vanderstar: The overcrowded lifeboat issue.

Mr. McPherson: Yes, absolutely.

Mr. Vanderstar: Let me go back to an aspect of your work that I don't think you talked about in the book. I was asking you about whether memos you wrote were for private consumption, and you said you left it to the recipient to decide how widely to distribute things, if at all. One the words that everybody knows now who lives in Washington is the word "leak" and there are a lot of viewpoints about that. Some people call it the "bureaucrats' revenge" and others call it "active extreme disloyalty" and we sometimes accuse people of violating criminal laws. Did people leak things, did people talk about leaking things, did reporters get access to people in power and get confidential information that perhaps they shouldn't have? Could you just talk about that subject? That could be a whole seminar for Marvin Kalb or somebody, but for now, just give me your thoughts.

Mr. McPherson: Of course, the answer is Yes, they did. I have the feeling that they either didn't get leaks then at the rate they get them now, or the game wasn't played quite the way it is today, or they simply got the leaks and didn't use them as they would today. You had the impression that the professional news reporters of that time understood discretion. The *Washington Post* correspondent covering government, Eddie Folliard, I can't remember who

covered the Senate.

Mr. Vanderstar: Chalmers Roberts?

Mr. McPherson: Chal Roberts; Samuel Schaffer of Newsweek; Russell Baker who was covering the—

I have to interrupt and tell a wonderful story. It's bad for the sequence, but it's too good to forget. Russell Baker one day was walking through the halls outside the Senate Chamber. Vice President Johnson burst out of an elevator and he saw Russ and said, "Come on in here, come on it, let's talk." He said, "I've just been to the zoo. It's really been interesting. I'm on the board, you know, of the Smithsonian and had an interesting meeting about the Zoo." And Russ shook his head, imagining Lyndon Johnson coming back from a meeting at the Zoo (laughter).

And Johnson, after they got in Johnson's office right off the Senate Chamber, started to rave about the administration's failure to use him as a lobbyist and as an effective force in the Senate. He said, "You know, I don't know why this is, I just can't"—of course he knew as well as anybody else—"but it's just terrible that they'd lost all these votes" and mentioned several votes that the administration had lost. He then hit the buzzer and his secretary, Ashton Thornhill in those days, came in. Johnson, while talking to Russ, very rapidly wrote something on a piece of paper and shoved it at her, and she leaned over and wrote something on it and gave it back. Johnson shoved it back to her and just kept talking. She walked out with it.

He went on for another 10 or 15 minutes using Russ Baker as a sounding board for all his gripes about Bobby and Jack and the Kennedy crowd. When Russ was leaving—he knew Ashton Thornhill very well—he just thought it would be interesting, so he went over to her and said, "What was he writing? What kind of a message was he writing to you?" And she

reached over into the trashcan and pulled it out and pushed back this rumpled up thing that said "Who is this I'm talking to?" (laughter)

Mr. Vanderstar: Oh, dear. That might have been best left unsaid. (laughter)

Mr. McPherson: Anyway, the pros up there like Phil Potter of the ***Baltimore*** *Sun* did not seem to play Gotcha! **as** much **as** they do today. The advocates of today's journalism would say that they were all tame kittens, like Scotty Reston, about whom a book was recently published that makes him seem as if he was a guy who always gave the people in power what they wanted—that they were all that way. I thought on the contrary that it was a pretty good relationship. You could share things with people without feeling that they were going to abuse what you told them.

All this time I've not spoken about a character on the staff level who was vastly more involved with the politics and personalities of the Senate than I was. His name was Bobby Baker

Mr. Vanderstar: Oh, yes.

Mr. McPherson: He was the secretary of the majority, secretary of the Democrats. He was a raffish character. From South Carolina, extremely smart. Bobby had figured out at a fairly early period something that I did not figure out until about 20 years; this will truly sound like you are talking to the ultimate simpleton. Bobby figured out that the key to everything in politics was money, campaign contributions. Occasionally I'd get a whiff of this, but I had nothing like Bobby's profound involvement in raising money from wealthy people and businesses.

As I became a go-to guy on legislation, Bobby was the go-to guy for getting reelected and getting people to commit campaign funds. He had less to do with the shaping of

legislation than he had had in earlier years. I would on occasion be asked to go to lunch in his office with him and some big potential giver of campaign contributions, and I would be asked to talk about what was going on with respect to the legislative scene. This helped Bobby in his dealings with such people.

Mr. Vanderstar: So people got the inside word from inside.

Mr. McPherson: Yes, and when I left the room, Bobby would talk to them about who needed help and how to make friends on the Democratic side.

Mr. Vanderstar: Okay, and those are good stories, but let me go back to question of the relationship with the press. It wouldn't have surprised me if you written in your book that you as a counsel to the Senate Democratic Policy Committee had regular sessions with key journalists to keep them abreast of what the thinking was—to the extent you were free to reveal it—of the committee or to alert them to what was coming up so they could bone up and be ready for it or anything of that sort. What's the story on that?

Mr. McPherson: I guess when I became well enough known on that job I did talk with a lot of reporters. These weren't regularly scheduled events. There's a Senate dining room in the Capitol, and next to it there's a place where ordinary citizens go for meals, and in the years before it was possible for staffers to go into the Senate dining room. I would have coffee with reporters in there. Occasionally a senator like Gene McCarthy, who liked to be with reporters and tell stories, would come join us. Everybody would have a good time talking about the issue of the day. I made myself available for conversation with reporters there, on the phone, and on social occasions in the evenings. I was always worried that I would say something that Lyndon Johnson did not want said.

There was working for him, in addition to me after Gerry Siegel left, a press

secretary and writer named George Reedy, who became Johnson's first press secretary after he became president, the first one that he appointed after Pierre Salinger left. Reedy was a former United Press reporter, a former whiz kid, literally, one of the original radio Whiz Kids (laughter) of way back, a very bright man who was really taken with Lyndon Johnson and who conveyed great stories about Johnson to his reporter fiiends, usually at an Italian joint over near the Florida Avenue market in Northeast, near the wholesale produce market. George would go over after eight o'clock at night and have three or four martinis and talk to reporters. A lot of them thought the world of George. He would lay out the grand scheme that Lyndon Johnson had in mind, and it would always be one that was extremely reasonable, extremely fair, commonsensical, straight down the middle. That was the Lyndon Johnson of the late 1950s, and it's a very different Lyndon Johnson that had to emerge in the '60s, after Kennedy's assassination. George found the aggressive liberal Johnson very difficult to articulate. He really was the centrist, he was the Senate leader's centrist spokesman with the press. The guy who did not shake the foundations. Even when Johnson went after the Civil Rights Act in 1957, it was Reedy's task to cause the press to see that as the centrist path between extremists on either side.

Mr. Vanderstar: Okay. Now, so Reedy was being—I don't want to overload the word—but used by Senator Johnson as a vehicle for educating the public through the journalists about whatever he was trying to get across.

Mr. McPherson: Very much.

Mr. Vanderstar: Where you ever used in that way, in a different capacity?

Mr. McPherson: Not often. **A** couple of times in 1960, when we had controversial matters in which Johnson wanted to come out right in the public eye, he saw I had a number of friends in journalism and the press. He asked me to get them to see things his way.

Usually he wanted them to understand why things couldn't get done. I tried, but I don't think I had a lot of success.

Mr. Vanderstar: Were you a source for journalists of stones about disagreements within the Policy Committee or tensions within the Policy Committee or did you try to adopt a vanilla approach to reporting on what was happening?

Mr. McPherson: I wouldn't have talked about that. It would have made the fellows within the Policy Committee suspicious of one another. They would have figured somebody had to be doing that, and the only staffers at their working luncheons were me, Bobby Baker, and the secretary of the Senate, Skeeter Johnston.

Mr. Vanderstar: Let me ask you now just to summarize what you did for the Policy Committee, what was your job, how did you carry out the work?

Mr. McPherson: I started right out of law school. I was given the responsibility for what was called the Calendar Committee. Once every two or three weeks the Senate calendar would build up a whole lot of bills that had been reported out of committee but not scheduled for debate. Many of them were private bills or bills of very limited scope. There was a Calendar Committee that was supposed to be briefed by a counsel, me, about each of these bills.

Mr. Vanderstar: The Calendar Committee was a committee of senators?

Mr. McPherson: Of senators. They were all freshmen. This was not a duty that you sought out, it was a chore. Still it was a good way for them to learn about the Senate. I must say that the committees that I served in those early years were terrific. I learned a lot about the Senate and came to be on good terms with a number of senators. Ed Muskie, Phil Hart, Herman Talmadge, Joe Clark, Sam Ervin.

On the morning of the appointed day for a calendar call, I would show up in the Democratic lobby off the floor with my books—big notebooks of bills and reports for each one of these guys. These were hard to carry sometimes—200 or 300 bills and committee reports in each one. And I read them all. I think this is really not the case today because I don't believe that private claim bills and immigration bills and things like that for individuals are considered by the Senate any more. These were cases where, for example, immigration law would bar somebody from remaining in the U.S., would require his or her deportation, or would not allow a family to join someone already in the States. It would not allow a brain-damaged child to be brought in to live with family. This would be someone, let's say, with profound mental disabilities, perhaps hereditary.

Senator Al Gore, Sr. of Tennessee, a state with quite a lot of such people up in the mountains, had a standing rule that he objected to any bill that would allow a person to immigrate into the United States who was mentally disabled. It was a tough thing for him to say.

Senator Wayne Morse had a standing request that the Calendar Committee object to any bill which granted property to a person or a state or a city, a town, township, without payment of fair market value for the property. There might be some winning argument for the federal government turning over the property to an individual or a local community, but Morse had gotten involved in a fight over one such matter one time and had decided that, by God, "The federal government should get paid for whatever, it doesn't matter whether there's a plausible case for doing it. That's fine, I'm not against that, but I just want the government to be paid the fair market value."

There were quite a number of senators who had these particular interests. I would go over every one of these bills, including some very substantial bills that were general law

instead of individual particular relief matters, with my two or three members of the Calendar Committee.

Mr. Vanderstar: Are you saying every bill that was going to go out on the Senate floor you went through?

Mr. McPherson: Except for the really big bills—appropriations, authorizations, yes.

And I learned to do it rapidly. I'd say, "The next five bills have no issues in them." After half a year of doing this, I got a feel for how this stuff went, so if I had questions about a bill, either private relief or private claim bill, I would call the committee staff before the day of the calendar call and ask some questions about it. And if I still had questions, I would say, "No. 1244, here, would do so-and-so, and it doesn't seem to me that it makes much sense, and it's the view of the General Accounting Office, the view of Interior Department or whatever, that this is not a good deal for the government. I think it ought to be objected to until somebody can show us a better reason for doing it."

Mr. Vanderstar: You would say this to the Calendar Committee?

Mr. McPherson: Yes, and they would say "okay" much of the time, unless some fellow senator had spoken to them beforehand on behalf of the bill. We spent a couple of hours at this review, and then we'd go on the floor. After the morning business was over we'd have calendar call. The clerk of the Senate would rattle off in a machine-gun fashion (loud voice) "Calendar 1254, Senate 21 14, a bill for the relief of John Vanderstar. Without objection the bill's passed. Calendar 1245—'' and so on, like a tobacco auction. (laughter)

Mr. Vanderstar: And you were listening carefully to this.

Mr. McPherson: Oh, yes. Usually I had several days' notice before all this

would happen. My phone would ring quite a lot in my little office—staffers calling me, saying, "My boss wants to object to so-and-so." Frequently, bills would be reported out of committee over the objection of some senator. He still didn't like it; he wasn't going to throw his body in front of it but he sure as hell was going to object to unanimous consent passage. At the end of a session of maybe a couple hours on the floor, the Senate would have passed 150,200 bills. When the clerk called the Civil Rights Bill, the Defense Appropriations Bill and so on, one of the Calendar Committee senators would just object to it.

Mr. Vanderstar: Would all the bills all be called?

Mr. McPherson: They would all be called, the numbers would be called and one of the senators on the committee would say, "Objection."

Mr. Vanderstar: And that defeated unanimous consent.

Mr. McPherson: It defeated unanimous consent and kept it on the calendar. It didn't harm the bill in any way, it just meant this was not an appropriate bill to pass without debate.

Mr. Vanderstar: Okay.

Mr. McPherson: Sometimes there would be a little debate. Usually the hour before that preparation session, and maybe the hour after the Senate went in but before the calendar call began, was really fun. All kinds of people, including senators, would come to me and say, for instance, "You know, I don't object to that bill that would change the speed limit on Indian reservations, but I'm troubled about the Class 4 roads there because there are a lot of people just with wagons, and if you let people drive at 50 miles an hours on those roads, somebody's going to get hurt. And I've talked this over with Dennis Chavez, Senator Chavez, and he says it's all right, so I've got a little amendment here." He'd give me the amendment and

it would say, "Provided that on Class 4 roads the speed limit shall remain 40 miles an hour." When it came time I had to be ready. When it got called I'd have to shove one of my senators, who would get up and say, "Mr. President, I'm asked by Senator So-and-so to offer the following amendment. My understanding is that the chairman of the committee has said he is amenable to the amendment." The chair would say, "The clerk will report the amendment." "Is there objection?" No objection. "Without objection, the bill as amended is passed." So, we did little legislating.

One day, I remember, we started at 12:30. There were, I don't know what it was, something in the air, in the stars or the sunspots or something, but there must have been 30 senators on the floor and they were all taking part in this calendar call. Many of them said, "Give me an explanation of that bill," and I'd circle stuff in the report and hand it to Muskie or Joe Clark and he'd get up, "Mr. President, this bill does so-and-so." Finally, about four o'clock in the afternoon we hadn't had a bite of lunch, and we were just sitting in a pile of papers and amendments, exhausted. I had a headache and I'm sure everybody else did who had any part of this. We were right down to the very end of the calendar call, when somebody got up and started to make a speech about some little chicken-feed bill. Muskie looked at me and said, "I used to be governor of Maine." (laughter)

Mr. Vanderstar: And now look at me!

Mr. McPherson: Now look at me. I'm sitting here, a former governor, at four o'clock in the afternoon listening to some guy rattle on about something he doesn't know anything about, and I don't care anything about, and I can't leave.

That was my first job.

Mr. Vanderstar: How long were you in that role?

Mr. McPherson: I did it for several years. That was the first thing Gerry Siegel handed to me for me to handle. Then after about a year and a half, he left for Harvard, and I became the guy who went to the Democratic Policy Committee luncheons where I did the same thing—went over bills on the calendar with the committee members.

The most extraordinary difference between politicians then and now is that the guys who were on the Policy Committee then, Russell, Kerr, Magnuson, Anderson, Humphrey, were essentially professional legislators who were not thinking about being on the Sunday talk shows. They loved publicity—I mean, politicians by nature love publicity—but they weren't absolutely riveted on the way they stood any particular day or week in the press and in the polls. They thought their main job was to be a legislator. So, if you were enough of a leader to be put on the Policy Committee, if you were going to be one of the men to whom people would turn for serious legislating, you just kind of assumed that along with that went the chore of going through the whole damn thing.

Of course, these people on the Policy Committee had been in the Senate, by the time I got there, for 25 years, and they were major figures. They didn't need to be taken carefully through each bill, as the freshmen did. At the Policy Committee luncheons I would say that "The next five bills are immigration bills, no problem with them." Or I would say, "One of them has a Gore problem with a mentally impaired child," and I'd just keep going.

Every now and then I would talk about a claim bill that I thought raised an interesting issue. And the fact that I could do that, that I felt that it was all right to do that tells you a lot about them, about the fact that they were legislators.

Sometimes the merits of these bills weren't the only issue. William Jenner of Indiana, one of my least favorite senators, pushed a bill for several years for the Goshen Veneer

Company of Goshen, Indiana. In World War II somebody had the bright idea that we should try to build wooden airplanes. We didn't have enough aluminum and bauxite so we ought to try wooden planes. The Goshen Veneer Company leapt into this and designed and produced planes. The Air Force just said, "Not on your life." And the Goshen Veneer Company, having never been asked by the Air Force to produce anything—this was a self-starter on their par—had tried to get paid for their expenses ever since. It amounted to several hundred thousand dollars, not a giant sum in today's terms, but in those days it was rather hefty. I thought it was a terrible bill and told the members of the committee that, and they thought it was, too. We got to the end of the session and weren't about to take that bill up or to schedule it.

One day Johnson was walking to the floor. By this time I had become his floor counsel. I had to make up a list of things to do every day. I would spend my afternoon the day before and my morning talking to senators' staffs and committee staffs, "Are you ready for this?" "Can you get that amendment ready?" "How long will it take?" Then I would give Johnson a list of bills that could be motioned up.

One day he said, "Put that Goshen thing on there." I said, "The Goshen Veneer bill?" He said, "Yes, that's it. The Jenner bill." I said, "Senator, that's a terrible bill, the Policy Committee's against it, and they've been against it every time." I really got worked up. Johnson said "What's the number of it?" Then on the floor, its the first bill he calls up. Jenner was over there just smiling, you know, by God he was going to deliver for Goshen, Indiana. On the next bill Johnson said, "Mr. President, there is legislation that would liberalize the immigration laws and would expand the quotas and permit family members and professionals to come in. It will mean about 25,000 to 30,000 new immigrants here. The senator from Indiana has had very serious concerns about this legislation, and he has quite understandably asked that it be held up

for the last several months while he explored it. I'm extremely grateful to him that he has today found it possible to allow us to schedule this bill." (laughter)

Jack Kennedy was in favor of a Mark deWolf Howe-drafted piece of legislation that would remove the loyalty oath requirement from those receiving National Defense Education Act loans. This had become a big civil liberties issue. Every time I put it on the list, Johnson would say, "No, no. I don't want that bill." I came back with it several times more, and Johnson would say with great asperity, "You know, I'm not taking this up. I don't care how many times you put it there, we're not taking it up." Obviously, I thought, he didn't want to help Kennedy because this was 1960 and he was running for president.

Here let me tell a story about the press and H.R. 3. In this period, at the end of the '50s civil rights and anti-communism were hot issues. Judge Smith of Virginia, Howard Smith, the chairman of the powerful House Rules Committee, authored a bill, a tiny little bill, three lines long, known as H.R. 3. What it said was, "No act of Congress shall be construed to indicate an intent by Congress to occupy the field in which the act operates to the exclusion of any state laws on the same subject matter unless the act expressly provides for that effect or there is a direct and positive conflict between the act and the state law so that the two cannot be reconciled or consistently stand together." That would be quite a change in the law of preemption. That bill passed the House because Judge Smith wanted it. We just blocked it for months in the Policy Committee. Finally in one Policy Committee meeting, Johnson said, "We're going to have to take up that H.R. 3 bill."

I'm sure there were five lawyers at Covington & Burling representing as many industries who suddenly realized what this would mean to the industries that had been operating under Federal preemptive laws, for a long time—just imagining what it would be like to have all

the states suddenly licking their chops and getting into the same field.

Johnson said, "Well, we've got to give him a chance here. We can beat him." I tell the story in my book about what went on. That night they were not able to table it. Richard Russell, having spoken for H.R. 3, leaned over Johnson's shoulder and said, "Lyndon, you'd better adjourn this place. They're going to pass this goddamn bill." And Johnson made the motion to adjourn and get out of there and narrowly won the motion to adjourn. It was very unusual for a majority leader not to be able to adjourn the Senate. And he came very close, because there was such a build up of feeling about this. It would be a triumph for the South, for the extreme conservatives, for the states' righters and all that.

Well, Johnson walked over to Humphrey and said, "I don't know what happened to you, I can't imagine what happened to you. You told me you had this thing licked and I just—" and he turned around. All these reporters were crowding around him because they had come down out of the Chamber. He saw Tony Lewis of the ***New*** *York* ***Times,*** who he knew was certainly the smartest writer when it came to constitutional issues and said, "Come on" and just took him upstairs and started pouring whiskey and talking about how stupid Humphrey was and how stupid Tom Hennings of Missouri was and "if it weren't for me, this whole thing would be—" and then he started placing calls to people. One of them went down to Brice Harlow, who was with Eisenhower. He said, "Now, you're going to have to put in a call to Wallace Bennett," whose son Robert is now in the Senate and who was then in the Senate himself, from Utah. Wallace Bennett had been national chairman of the chamber of commerce. Very conservative guy. He said to Harlow, "You've got to call Bennett and get him off this thing. The president's got to call him or you've got to call him and tell him the president wants this bill to be defeated."

The motion to table the bill had lost the night before 49-41, and the next day

Wallace Bennett made a motion to reconsider the vote on tabling. I don't think that's supposed to be done, but at the moment nobody got up to make a parliamentary objection. Before you knew it, we were reconsidering the motion to table, and it carried. They voted to table H.R. **3.** It was dead meat.

Tony Lewis went back to the ***Times*** office at three or 3:30 in the morning with several belts of whiskey in him and wrote a piece that made Lyndon Johnson seem 20 feet tall. Tony said, "It was the damnedest night I think I've ever spent in my life." Johnson was just relishing picking up the pieces after.

Mr. Vanderstar: I think you told me the other day one of the courses you took at Texas Law School was on legislation.

Mr. McPherson: Yes.

Mr. Vanderstar: I've never taken a course specifically labeled "Legislation." Were there times in your period of time at the Senate when you reflected back on how useful or not useful that course had been?

Mr. McPherson: Certainly, if taught by a really fine scholar with a love for the legislative process, I think you really need to have both of those to do it well. We had a lawyer here who is now the Director of Legislation for the Smithsonian, Nell Yates. She had been counsel of the Senate Budget Committee, and she was one of a handful of people in Washington who understood the Budget Act and how it works. Her expertise became absolutely crucial in a number of matters for clients of ours—whether or not something had been fixed forever, whether it could be undone, whether passage in the Budget Act would make it impossible to deal with it in separate legislation. I never did understand it, still don't. Nell could teach a valuable course in legislation, centering it on the Budget Act.

Mr. Vanderstar: I wanted to ask you about your personal life during this period, so let's take a few more minutes if you don't mind. Let's go back. You and Clay came up here in January of '56. You were on the Senate payroll until '63, and then you went into the executive branch.

Mr. McPherson: Right.

Mr. Vanderstar: Were you married that whole time?

Mr. McPherson: I was and had the first of our two children in 1958, a daughter, and the second one, a son, in '64 when I was in the State Department.

Mr. Vanderstar: And what are their names?

Mr. McPherson: The daughter is named Coco. She was named Courtenay for her aunt, Courtenay Sterner. But she's now Coco McPherson. Peter McPherson is his name.

Mr. Vanderstar: Peter, okay.

There's a woman basketball star from the University of Georgia whose name is Coco. She's one of twins who are both in the professional league. Just thought you ought to know that.

Let's see, you came up here in January '56 and Coco was born in '58. Where did you live?

Mr. McPherson: On two floors of a row house on Capitol Hill—on New Jersey Avenue, S.E., just below the House office buildings. **A** very nice street, and it was a pleasant enough place. In '60 we bought a house on Sixth Street, S.E., between East Capitol and **A** Street, S.E. **A** house that a couple of years after we left it was occupied by an officer of the Metropolitan Police Force named Donald Graham.

Mr. Vanderstar: Donald Graham?

Mr. McPherson: This is the Donald Graham who was the publisher of the *Post*. He was working as a cop for several years to learn something about the city.

Mr. Vanderstar: I didn't know that.

Mr. McPherson: Yes. He and his wife moved into our house.

We lived there for six years, had our son, and one day I just got uncomfortable about living on the Hill with kids. I think it was after the second person was found wandering around in our living room that we'd never seen. So I found a house in Chevy Chase Village, maybe two blocks from Chevy Chase Circle in Maryland. We bought it and lived there.

Mr. Vanderstar: What street was it on?

Mr. McPherson: On West Irving.

Mr. Vanderstar: West Irving, okay. And that was in '66.

Mr. McPherson: '66. And I lived there during the three years of the White House, the last three years of the White House. I was picked up there every day by a White House car. Pretty nifty.

Mr. Vanderstar: When you were living on Capitol Hill, did you walk to work?

Mr. McPherson: Walked to work.

Mr. Vanderstar: Okay. And did you eat your lunch at the Capitol? the Senate cafeteria?

Mr. McPherson: I ate at the Senate, usually at that little restaurant next to the Senate dining room. When I started out, my office was on the third floor of the Capitol Building. If you are driving up Constitution and your start up the hill and you look to the left side of the Capitol on the Senate side, I was in the corner office on the third floor. There were five or six of us in that office, including a wonderful woman named Grace Tully, who had been

FDR's secretary.

Mr. Vanderstar: Sure.

Mr. McPherson: She and I became friends, and she became godmother to my daughter Coco. Clay was a Catholic convert, and we decided that Coco would be baptized and confirmed a Catholic. We needed a good solid Irish Catholic godmother, and that was Grace.

I walked up from New Jersey Avenue past the east front of the Capitol and in to the Senate side of the building, every day. Then the Policy Committee staff was moved to wonderful office space right across a little hall from the old Senate Foreign Relations Committee room. If you walk up a ramp alongside the building so as to go into the Senate wing of the Capitol, you pass right by this splendid office. It was a great big Victorian, elaborately decorated room, right at the bottom of a set of stairs that, taken two at a time, would allow me to get up onto the Senate floor in about 35 seconds when an emergency was on. It's also an office where one could hear the Capitol guides walking by in the summer, when we'd have only a latticed door between us and the hallway. One of them in particular I rejoiced in listening to because he would tell his tour group the most amazing things. This fellow Brumidi had done all these murals in the Capitol, mythical figures, the Spirit of St. Louis, all kinds of things. You would hear this guide occasionally saying, as a hot afternoon wore on and the gum-chewing young people in the group stood vaguely listening to him, "Art critics have told me" (laughter) "that the paintings on these walls may be favorably compared to work of the Eye-talian master Michael Angelo." (laughter)

Mr. Vanderstar: That's wonderful, that's wonderful. Was that the Democratic Policy Committee office?

Mr. McPherson: That was the Policy Committee, yes. The Calendar Committee

didn't really have its own office. I was the Calendar Committee.

Mr. Vanderstar: Okay, where ever you were—

Mr. McPherson: Where ever I was.

Mr. Vanderstar: So, you stayed at the Senate, you didn't leave the Senate when Senator Johnson ran for president.

Mr. McPherson: Right.

Mr. Vanderstar: You didn't work on the campaign.

Mr. McPherson: I didn't. I knew very little about that campaign. I will mention a couple of the funny parts of it. About the time Johnson announced that he would run, somebody in the office—in the so-called Texas office, his regular Senate office as a senator from Texas—typed out and was about to mail a letter to Miss Carmine deSapio (laughter), Tammany Hall, New York, New York. It was a metaphor of the gap between LBJ and national politics.

That reminds me of something about the '60 campaign. It was my chore once a week on Thursday or Friday, whatever the last day of legislating during the week was, to go to Johnson's desk in the Senate and rifle through it and take out of it everything he had stuffed in it during the week. Mainly these were roll call tallies where you'd see what he thought was going to be the vote and then, if there was a difference, you'd see a question mark or some kind of an X where he'd been wrong.

One day, during the early months of 1960, I found a black notebook that said "Indiana" on it. I opened it up and realized that John Kennedy had been sitting there at Johnson's desk while he was managing a bill on the Senate floor and was clearly responsible for it. In such cases Johnson would often invite the senator to come down and occupy his chair and desk because it's the one where someone is most likely to get the attention of the presiding

officer. It's right in the front of the Chamber. Kennedy had come down to manage a labor reform bill.

This book was fascinating. I sat there in the chair reading about county chairman and about labor representatives, about discussions with various people, mayors and so on. This was a report from the team that the Kennedy campaign had sent to Indiana, their report to him about what they needed to do to assure that they would carry the Indiana primary. I started to walk it in to Johnson and say, "Look here, this is what the other side is doing, what your opponent is doing." I thought, "You know, he's not going to do this. This is not going to matter that much and, anyway, it's dirty pool. I shouldn't be doing this." You can tell what a lousy political operator I was for me to think it's dirty pool (laughter) to have something like this fall in your hands, not because you've stolen it from his office but because the senator, the candidate left it behind. So I just gave it to a page and said, "Take this to Kennedy's office."

Mr. Vanderstar: Did you ever get credit for returning it?

Mr. McPherson: I don't think so. (laughter)

Mr. Vanderstar: I was wondering when you were mentioning that the Kennedy people were not interested in hiring you for the executive branch they might have--

Mr. McPherson: Well, I didn't really finish that story. I went to see Ralph Dungan and he said, "What are you interested in?" For some reason, the question struck me as totally baffling. I didn't know, I guess I thought he was going to say, "How would you like to be this or that?"

Mr. Vanderstar: Yes. I can imagine somebody in that operation saying, "We don't want one of Johnson's people over here. We've got Johnson, that's enough."

Mr. McPherson: (laughter) I guess that would be bad enough. Maybe so. By

that time I was counsel to Mansfield, and they wanted to have good relations with Mansfield, so it probably did not strike them as a brilliant idea to take his counsel away from him. It might have been an interesting discussion, anyway, if I had had something in my mind, if I had thought—

Mr. Vanderstar: Like arms control, for example.

Mr. McPherson: Yes. Some issue, some job that I might have been reasonably qualified for. Didn't work.

Mr. Vanderstar: Had Mansfield been on the Policy Committee?

Mr. McPherson: Yes, Mansfield had been the whip.

Mr. Vanderstar: Oh, I had forgotten that.

Mr. McPherson: Which I may have had something to do with. I think I told Johnson, when Earl Clements was defeated, that he really ought to think about Mansfield, a very good guy and a centrist. He won't drive the South out of the party but he's not a southerner. It had doubtless occurred to him as well.

Mr. Vanderstar: Let's break there for the day.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - SEVENTH INTERVIEW
FEBRUARY 28,2003

This is day seven, February 28,2003, at three o'clock in the afternoon on a gray day in Harry McPherson's office.

Mr. Vanderstar: Harry, we left off the other day talking a little bit about the 1960 campaign and your non-involvement in it. I want to pursue that a little bit because here you had been working for Lyndon Johnson pretty directly for a number of years and here he's going out in a vice presidential campaign and you didn't join that. You said in your book you were politically so naive that Johnson remarked to you that you couldn't be elected constable. But I suspect there was more to it. What about your own attitude toward taking on a campaign? It could be very exciting for somebody who was in political life to take on the responsibility of being in a presidential campaign. Did you have any aspiration to do that or was that of no interest. Talk about that if you would.

Mr. McPherson: If I had been asked by Johnson to do that, to get involved in the campaign, I would have in a minute. If he had asked me to write speeches for him, to take part in strategy sessions, to go talk to people, I would done it all. The fact is he didn't, and I think he saw me as a reasonably competent lawyer devoted to the business of the Senate and the leadership of the Senate—that I had a pretty good understanding of how government worked in a formal sense, but not much of a grasp of hard-core politics.

At one time, I can't remember what it was, I think it must have been 1958 or '59, I'd been there about three years, Johnson asked me whether I would like to succeed Charlie Watkins, who was the Senate Parliamentarian. I was astounded by the request. I couldn't

imagine that he thought I would want to spend my life in the Senate Chamber ruling on parliamentary issues, counseling the presiding officer on how to rule on various issues. Yet Johnson, I think with Senator Russell's backing or urging, asked me if I would do that.

Charlie Watkins was an institution in the Senate. He had masterminded the publication of Senate precedents that were invaluable, and he wrote a book on Senate procedure which is or certainly was the touchstone of lore and practice in the Senate. I turned it down at once. The fact that Johnson would ask me to do that suggested that he didn't think of me in a political sense.

He had on the one side the Texas political apparatus that he had developed over the years. That came in part from the men who had surrounded him in his National Youth Administration days and who had remained loyal to him ever since. There was a group of people in the labor movement, the railroad unions, particularly, who were very fond of Johnson, very sympathetic to him. There was a guy named Bob Oliver who had been the chief lobbyist of the UAW and I think was from Texas, who admired Johnson and worked with him on many issues. Johnson was extremely fond of him. So he had a number of labor supporters, despite the distance between him and the usual array of industrial unions—Texas didn't have many of those and was a right-to-work state. Johnson had developed many friendships while working over the years on behalf of liberal legislation, side by side with union lobbyists.

He had people like Jim Rowe, who was FDR's first Special Assistant and was in law practice, doing lobbying and law as a partner of Tommy Corcoran's. And he had Corcoran. He had a very interesting group of New York, largely Jewish, supporters in business, banking and law, people who had been attracted to Johnson in his very first campaign in 1937 as a 28-year-old congressman. Back then, a couple of people in the White House had talked to a few

people in New York about getting some money for this young fellow running down here. He was the only pro-Roosevelt man out of 11 candidates for Congress, and they thought he had a chance and ought to be supported. Johnson took advantage of that and people in New York like Eddie Weisl at Simpson, Thacher & Bartlett, Elliot Janeway, the economist-consultant—all these people worked in the background for Johnson over the years, raising money for him and his friends.

I remember in 1956 when the Suez crisis occurred, Ike and Dulles really went after the Israelis and sharply challenged them to get out of the Sinai and get away from the Canal. Ike sent to Congress a resolution of censure against the Israelis for creating this problem in the Middle East. It was bound to pass because the universal feeling was that the British and the Israelis had created a huge problem for the West in the Middle East. As it was being debated on the floor, I was standing near Gerry Siegel when Johnson came over and said, "Call Bobby and tell him I've changed it, I've taken some of the sting out of it. It's probably the most I can do." "Bobby," I learned, was Bobby Lehman of Lehman Brothers, and it was the first time there in my first year working for Johnson, the first time I had any sense of this other universe of Johnson friends and supporters.

All that played its own role in 1960 in that campaign when Johnson accepted the Vice Presidency because Elliot Janeway and Eddie Weisl both abandoned Los Angeles with expressions of contempt for his having done that. Eddie Weisl had served on the board of Paramount with Joe Kennedy. Kennedy had one day blown up at a board meeting and talked about "kikes," and Eddie Weisl said, "I will never speak to that man or any member of his family again." Eddie was the biggest figure in Democratic fund raising, in gaining support of the law firms and the banks of New York for the Democratic Party. He was an important figure.

And he was quite repulsed by Johnson's acquiescence in running for vice president with Jack Kennedy.

In any event, these people worked with Johnson on politics. Bobby Baker in the Senate was Johnson's political operative. He and Johnson's closest staff man, Walter Jenkins. Walter was truly the centerpiece of an intelligence apparatus that connected all of these people, from John Connally, from the Texas oil people, and Brown & Root, and Herman Brown, George Brown, the Texas business cadre who had benefited from Lyndon Johnson and had been enormously supportive of Johnson over the years and helpful to the Democratic Party. In those days it was possible to think of conservative businessmen doing so. With the New York people, with the labor unions, Walter was really the centerpiece. George Reedy was the speech writer for Johnson who had in his mind a Johnson construct—the brilliant legislator, the centrist, the person who could draw everybody in the Democratic Party together. That was George Reedy's contribution. **As** far as I was concerned, I was a guy, a young lawyer working in the Senate, helping to keep Johnson out of trouble in his continuing role as majority leader.

Mr. Vanderstar: He remained majority leader until the term ended, did he not?

Mr. McPherson: He did. There was a plan cooked up by him and Rayburn to try to encourage people in Congress to support Johnson at the convention and to give Johnson a platform, if he were nominated, for the election. The plan was to come back after the conventions and have a session of Congress in the early fall or late summer of 1960, prior to the campaign. If ever there was a dud of a session, this was it. (laughter) Nothing happened. Kennedy was nominated, Johnson was vice president. There was a very witty rather waspish Republican named Hugh Scott from Pennsylvania, who just had great fun mocking the situation in which this young Jack Kennedy, who was certainly a third-tier senator in terms of importance

in the Senate, was now the Democratic leader, and the former top-tier fellow was the deputy, the number two guy. Scott just had a glorious time with that.

Mr. Vanderstar: Then I guess what you're saying is that the majority leader aspect of Johnson became very unimportant relatively after the convention because Congress was simply not doing much.

Mr. McPherson: Yes.

I guess there must have been also another aspect that kept me from pushing myself forward in a way that might have gotten me a role in the campaign, and that was that I didn't have the slightest sense that it could work. I didn't think Johnson was going to be nominated. I didn't think his campaign for the nomination could be successful. I remember being on the floor one morning in the spring of 1960. It was pretty clear that Johnson's stalking horse—I'll come back and say whether that was entirely the right word—was Hubert Humphrey. Not that Humphrey saw himself that way, but Johnson thought that Humphrey would carry the fight against Kennedy and then, when it became clear that Humphrey couldn't get nominated, Johnson would step in and take advantage of the anti-Kennedy vote and the anti-Catholic vote, I suppose. **As** we learned later, Joe Kennedy bought the state of West Virginia and Kennedy beat Humphrey in that primary. The following morning in the Senate chamber—Johnson frequently had a little press conference at his desk on the floor before the Senate began. He would sit there and the press from the press gallery would come down on the floor and gather around him—I was a yard away from him, I suppose, not much further than you and I are right now, and I could not hear his answers. He was being asked questions about West Virginia and he was mumbling replies. They were (in low voice), "I don't know." "It doesn't make any difference to me." "The people of West Virginia have to vote and they expressed

themselves." "I'm sure that either one of these men would make a great candidate." Then someone would start to ask, "Well, what effect does this have, if you were going to run, Senator Johnson," and Johnson would cut him off, saying, "I haven't announced that I'm going to do any such thing. I don't know what you are talking about because I haven't said anything about running for president." "Well, if you were, wouldn't this be a rather discouraging event that Senator Kennedy, even in a Protestant state like West Virginia, was able to win?" "I don't know, I don't think that means a thing at all. I don't know what you're talking about."

Anyway, it was so pathetic, I thought, had no fun to it, it had no life to it and I didn't think it sounded like the expression of a winning candidate. So I didn't really urge myself on to anybody.

Mr. Vanderstar: But he did get the nomination as vice president.

Mr. McPherson: He got the nomination as vice president, and I had nothing to do with that. I did a little research on a few issues, I wrote a couple of memos, but not much more. I really didn't feel myself to be part of the political team. I guess it must be true because for one reason or another I've never really been involved in a hands-on way in a presidential campaign.

Mr. Vanderstar: Your comments about the low level of activity in Congress after the convention that year prompts this questions, which I should have asked a long time ago: What did your work at the Senate consist of when the Senate was not in session? I mean, not for just a day or two but when they recessed for a long time. For example, take the fall of 1960. If the Senate was not functioning as a Senate and Congress was not functioning as a Congress and everybody's attention was on the campaign, what was your activity?

Mr. McPherson: One of the roles of the Democratic Policy Committee was a

kind of a historical one. We had a very able woman named Pauline Moore who had been there since Scott Lucas was the majority leader. She was from Illinois. Pauline was responsible for putting out very detailed records of every vote and every act of the Senate in the course of a year which would be sent to each Democrat. She was sort of a one-woman CQ—Congressional Quarterly.

And she would turn out excellent books—large notebooks filled with maybe 300 pages of exposition of the meaning of various votes, amendments, all that sort of thing. It was quite an exercise, and I would turn my hand at her request to writing a description of those votes. This became rather significant in matters like civil rights, the 1960 Civil Rights Act and various education and housing legislation. So I learned a fair amount about these acts. I would get out the Senate reports and the Congressional Record and, if need be, I would go off to the library and read cases and statutes. Then I would come back and turn out a description of the measures voted on that would be sent to each Senate Democrat's office and occasioned a fair amount of feedback from those offices. People complaining about this or that or, more frequently, saying this is helpful for them as they ran for reelection.

Mr. Vanderstar: Every Senate Democrat. So, Pauline Moore was working for the Democrats.

Mr. McPherson: She was the chief clerk of the Senate Democratic Policy Committee.

Mr. Vanderstar: So this was a Democratic Party instrument.

Mr. McPherson: It was and I was the general counsel. Then we had these other people, George Reedy was on the payroll and several other people who did various clerical functions, but Pauline Moore and I were the main cogs.

Mr. Vanderstar: So that's the kind of activity that kept you occupied after the Senate session?

Mr. McPherson: Well, that and going to the Library of Congress and checking out novels and folk music from the Lomax Collection in the Library. I made use of Washington and senatorial perks without the slightest bit of embarrassment. Usually by the time you got to the end of the session you were working some fairly ferocious hours, and I figured, just as a lawyer sometimes will might feel a little sheepish about running up a large bill for one client but then figures that some other client got a whole lot of work for very little, it all evens out.

For some reason I was thinking the other day of one event that occurred. Over time I became known to quite a lot of people in the State Department and elsewhere in the executive branch. There was an *Esquire* article entitled ''Who's Really Running the Country?" in Kennedy's first year in office, '61; there were about six such people, the article said, people like me, young-ish staffers. Two of us were from the Hill, me and Bobby Baker. The guy who wrote it was somebody who had many of the interests and curiosities that I did, so he wrote a flattering piece about me because he was really writing about himself.

Sometimes my State Department reputation created a problem for me. There was a guy from the Senate Labor Committee staff that I liked whose name was Stuart McClure. He had been in the Army in France during World War II and then had spent about five years in Paris living on the Left Bank, getting to know Sartre and Camus and such people. He came back and worked in the Senate and became chief clerk of the Senate Labor Committee. He was quite an interesting guy. One very hot day, the Senate was out, they had gone campaigning. He and I went down to Union Station, where the Savarin Café was the only place within a mile of the Capitol, I think, in which one could get a dry martini for lunch. Since the Senate was out and we

were having a glorious time talking about France and literature and beautiful women and so on, we had three martinis.

I went back to the office to learn to my dismay that there was waiting for me—had been waiting for about an hour—a very elegant, ebony black figure from Guyana. He was the principal staff man, if you will, of the Guyana Parliament. **A** very tall and handsome man with a Mark Cross briefcase and a beautiful hat, something like a Homburg. Well, he came into my office and there was a lot of light behind him, a lot of brilliant summer sunlight. He started explaining that the State Department had sent him to see me and that I had agreed to see him and we would talk about the role of staff in legislatures, the Congress and the Parliament, or something like that.

Mr. Vanderstar: So he had an appointment?

Mr. McPherson: He had an appointment, and I'd completely forgotten it. And so here I was, full of three martinis and I sat there listening to him and the light behind him was intense and I slowly fell asleep. **I** must have been asleep for about five minutes when I sat up with a start, (laughter) and he stood up and he said (deep voice) in these very elegant tones, "Mr. McPherson, perhaps there will be another occasion when we may have a meeting. It has been very pleasant meeting you, sir." I was just absolutely shocked. It was the last time I had a martini at lunch in my life. (laughter) Not once again. I figured this New York practice was not something I could move down to Washington very well.

Mr. Vanderstar: Let me ask about something else and that is, you worked for the Democrats in the Senate. You worked for the Democratic Policy Committee and so on, and the Democrats were in the majority the whole time you were there, I guess. Did the Republicans have a Republican Policy Committee or an apparatus of that sort and did you have any

interaction with the Harry McPherson of the Republican side?

Mr. McPherson: Daily.

Mr. Vanderstar: Tell me about that.

Mr. McPherson: The scheduling of legislation in the Senate is only rarely a matter of muscle, that is, of the majority saying, "We're going to do this and we don't give a damn what you think about it." There has to be a little of that, or at least the threat of that, or otherwise you can't get anything done, but you don't want to irritate people unless you have to. If you can give people a little more time on certain legislation, particularly time to work out a compromise on controversial aspects to it, you do. Even when we had a very large majority, as after 1958—after that election we suddenly had a huge majority, 64-36—even after that I would go over and check out the proposed schedule with a fellow named Oliver Dompierre, who worked for Senator Knowland. He was a nice man. There was a guy named Mark Trice who was in the same position that Bobby Baker was on the Democratic side, though with nothing like the political range and effectiveness of Bobby.

There were several Republicans that I worked with. One of the real pleasures of working in the Senate in the late '50 and early '60s for me was in spending a lot of time with Senator Thomas Kuchel of California. He was just a lovely human being, a very liberal Republican. He was the whip, and he was a Jacob Javits, Clifford Case, George Aiken kind of Republican; there aren't that many any more but there used to be quite a contingent of them. I got along well with him. I wrote in *A Political Education* about, as part of my education, coming to realize that Republicans were very often pretty decent people. (laughter)

Mr. Vanderstar: How generous of you! But there is another aspect to it, namely that there was a Republican in the White House and therefore there were Republicans all over

the executive branch.

Mr. McPherson: Right.

Mr. Vanderstar: Did you ever work with the executive branch on legislation or were you, was your focus entirely within the Senate?

Mr. McPherson: If it wasn't entirely, it was almost so. I don't remember an enormous amount of interaction with, say, the White House legislative fellows. Brice Harlow, I scarcely knew. I had a lot of interaction with bureaucrats—

Mr. Vanderstar: Career people?

Mr. McPherson: Career people. Largely because of the New Deal and the attractiveness of government work, people getting out of college, getting out of various other jobs, had been drawn to government in the '30s and stayed. You can see when you go to the National Symphony Orchestra today, if you sit up in the balcony, you look down on a couple of thousand gray heads and a lot of those, you know very well, are people who came here in the '30s and '40s to work in the government and who love music, they are cultivated people. Silver Spring is populated with thousands of such people who are still just as politically vigorous as ever they were.

So I dealt a lot with bureaucrats. I got to know a great many bureaucrats in those years working in the Senate, and it helped a lot when I went on to jobs in the Pentagon, the State Department and the White House.

Mr. Vanderstar: Well, before we get there, why were you working with bureaucrats or career civil servants?

Mr. McPherson: Because very often in trying to counsel Johnson, Mansfield, Humphrey, anybody on the Democratic side, particularly in the Policy Committee, about

legislation, very often the committee staff reports were—I'd give them about a B- as far as really laying out the nature of a problem that was not sufficiently attended to by current statutes. So I would call people in the departments and agencies to get more information. I'd tell them I was calling from the Senate Democratic Policy Committee and had been reading the committee reports and reading the statutes and I still couldn't understand why this legislation was being advanced. Very often I was told "it shouldn't be done—that there was nothing wrong with the current statutes and if they would just be applied by the executive branch as they should be, no one would think of amending them; anyway, this was the wrong way to go about it and it would create more problems than it will solve." And often you'd find out they were dead right, that some senator who was in a position to do it had had a particular burr under his saddle for a long time and wanted to bring about a radical change in some area of law and had persuaded his committee to indulge him, but it wasn't a very good idea.

Mr. Vanderstar: In your work for the Senate Democratic Policy Committee which you described, both in our sessions and in the book, to what extent did you focus on the appropriations process? That's almost the second half of the game, the first half being given the authorization and then the second half getting the money.

Mr. McPherson: Absolutely.

Mr. Vanderstar: Was that an integral part of what you did or was that something separate?

Mr. McPherson: It was rather more separate, although I had many experiences with appropriation subcommittees. Some of them were very Texas related. Johnson would ask me to get involved on some matter that applied either totally to Texas or to states like Texas—Rural Electrification Administration appropriations, Interstate Waterway appropriation,

the inter-coastal waterway that goes down the Texas coast, drought relief. During the late '50s when I was first working in government Texas was going through a drought very much like the one that is hitting the West today, and there were a lot of things that people tried to do to assure that cattlemen were not completely wiped out.

Usually that was handled in appropriations, so I got to know the appropriations staffs, and I would tell them that the majority leader certainly hoped that we could get a good response from them on that. To be honest, a staffer's request that some special effort be made was often not very effective, not like Johnson speaking to Richard Russell about agricultural appropriations or to Lister Hill about education or health appropriations. In that latter field Johnson was stimulated very much by two women, Mary Lasker and Florence Mahoney, who were fantastically successful pro bono lobbyists for health research and were in part responsible for the dramatic development of NIH. They worked with Lister Hill of Alabama and Warren Magnuson of Washington, both friends of Johnson's, to develop the heart institute, the cancer institute, and similar entities out there at NIH.

Hill was a wonder. I quote him in here [the book] in the "Brief Lives" chapter as responding to a question one time from Styles Bridges, a very crusty Republican conservative with whom Johnson got along pretty well—though I didn't realize it. I didn't like Bridges, I thought he was a harsh old reactionary, but he could play the game and Johnson played it with him.

One time Bridges was complaining to Lister Hill, "Can the senator tell us whether there is any limit to what he's going to be asking for in the way of increases for the cancer institute and heart institute research. We all want to do something about these diseases, but we have to protect the budget and just what can the senator say?" Lister Hill had a practice of

saying at the beginning of a sentence, "Ah-wah." (southern accent) "Ah-wah, Mr. President, I just wanted to first say that here is no senator in this body who has done so much for the people of the U-nited States, helping fight these dread diseases, than the senator from New Hampshire, Mr. Bridges. There's no body who's ever stood up for the ailing, for those who desperately need this research like the senator from New Hampshire. And, Mr. President, ah-wah, I ask for a vote on the amendment." (laughter) Bridges would just stand there and shake his head, realizing that was all he was going to get out of that colloquy.

Money and the amount of money that would be provided in particular aspects was really something among the cardinals, as they were called and as they're still called in the House, the subcommittee chairmen on appropriations. Johnson, as you can tell from listening from the tapes that are currently being played on Saturday afternoons, was enormously interested in the mechanics of government and the money for government. I am astounded how much he knew about what was being appropriated, what was being asked and whether it was in the ballpark, whether it was enough and not too much. He was extremely professional.

I was saying last week about the men on the Policy Committee, what really made them unusual in my experience with politicians is that they took their legislators' roles very seriously. Though most of the legislation in the books I gave them, the stuff that was on the calendar that they had to clear and okay for scheduling, was not in their committee jurisdiction, they treated it seriously and they wanted to know about it. They asked questions and they'd say, pretty often, "Well, I don't really like that, I don't think I like that, I'd like you to just hold that up until we can have a look at that." That you don't see very much today. Most senators, I believe, and Congressmen work in rather confined areas, they are areas in which their committees have jurisdiction. They really don't get into other stuff very much. These men

didn't have much question about doing that.

Mr. Vanderstar: I assume that those pieces of appropriations legislation were part of your work, your notebooks, your Calendar Committee and so forth and so on as much as "substantive legislation."

Mr. McPherson: Yes, on appropriations stuff I would tell the Policy Committee about anything that was unusual. I might say, "You know, this is about a 20 percent jump over the last year and last year was a 20 percent jump; you may want to consider whether this is okay, especially in a time of big deficits."

Mr. Vanderstar: Now, what about the, I'll call routine or recurring appropriations for the State Department and the Commerce Department and the SEC and so forth. Was that also part of this process?

Mr. McPherson: It was. If anybody remembers the story in *A Political Education,* it's about the orange sourballs,

Mr. Vanderstar: Oh, yes.

Mr. McPherson: That had to do with appropriations. Johnson was the chairman of the Subcommittee on State and Justice Department Appropriations. He had John Foster Dulles up to an appropriations session, and he asked me to prepare questions. I was brand new to the process, I had just come up from Texas, so I wrote a lot of questions about the Russians and about missile defense and all kinds of things that had nothing to do with appropriations, and I gave it to Johnson. In the hearing Johnson, after he made his own statement and Dulles started speaking, Johnson saw me and motioned me up to his seat behind the podium. I was very excited. I thought this was going to be about my questions. He said, "Go upstairs and see Mary Margaret [Mary Margaret Wiley, his secretary] and get me some of those orange sourballs." I

was humiliated and furious. Here, I'd gotten myself through law school, I'd become the assistant counsel of the Democratic Policy Committee—I went up and got them and said to Mary Margaret, who was a friend, I said, "Put them in one of those big manila envelopes." And I licked it and made it really tough to open and took it back down and gave it to Johnson. I went and sat in the back of the room and watched him angrily tear open this brown envelope. That was my first experience with appropriations. (laughter)

Mr. Vanderstar: You were not on the next bus back to Texas.

Mr. McPherson: I guess I might have been.

Mr. Vanderstar: We've been talking about general work and so on, let me go back to 1960 after the convention, after Johnson was nominated, you talked about that. But then came the election and, by gosh, now he's the vice president-elect and is going to be sworn in in January as the vice president. What thoughts crossed your mind about your future, either in the Senate or working for the vice president or heaven knows what else? For example, did you ever thing about leaving government at that point?

Mr. McPherson: I don't think I did think about leaving government. I thought, as I mentioned last time, about working in government and I went down and saw Ralph Dungan and had no ideas about what to suggest about what I might do. About that time, it must have been in December, Mansfield, who was clearly going to be the majority leader to succeed Johnson—he had been the majority whip—invited me up to his office and asked me if I would be his counsel. And I said I would and asked for a raise. He gave me a raise. I'm pretty sure I was to be paid $13,500 a year.

Mr. Vanderstar: This was in 1961?

Mr. McPherson: Right. I remember the pay grades over the years that I went

through, including counsel to the president. It was pretty clear that I would accept his offer. I liked Mansfield and figured that in many respects it would be a good move humanly, because he was a sweeter man, an easier man to live with than Johnson.

Mr. Vanderstar: I had made a note to ask you about your salary and I'd forgotten to and then you volunteered. You went from $4,600 in January of ***'56.***

Mr. McPherson: And I got several modest increases over the years with Johnson. I think I was up to about $10,000 when Mansfield asked me to be his counsel, and I said, "Yes, but I'd like $13,500" and he said, "Okay."

Mr. Vanderstar: So in five years you went from $4,600 to $13,500, about double what a new associate a Covington & Burling made that year. (laughter) Let me point that out to give you some perspective.

So, you worked for, you continued in that position but now Senator Mansfield was the majority leader and so, of course, things changed and the atmosphere changed but the work continued to be what you had been doing.

And then you were persuaded to go into the executive branch.

Mr. McPherson: First just a few words about Mansfield.

I went up on an average, I think, once a week, sometimes more, even when we weren't dealing with hot stuff, to sit with Mansfield for an hour or two in the mornings in his office off the Senate floor. He had a wonderfully warm and gentle Black servant named Morris, who made coffee. In this very quiet room, softly lit with curtains pulled, he had a portrait of Jacquelyn Kennedy wearing a lace mantilla. I remember seeing that one day and thinking, "My Lord, this place is being **run** by Irish Catholics." The Speaker of the House was John McCormack, the president was John Kennedy, the majority leader of the Senate was Mike

Mansfield, all Irish Catholics. I don't think it had ever hit me before, but I wondered whether these fellows would get together and talk about Sister May and Father Bill.

My youngest son is in Gonzaga, and I am experiencing for the first time a Jesuit education and Jesuit fathers and teachers and I admire them, I enjoy the environment, but back in 1961 that Catholic political world was quite foreign to this east Texas Protestant.

Anyway, Mansfield and I would talk about the schedule and about what the president wanted—what Kennedy had said to Mansfield that he was looking to get. **A** fair amount of my chore was to see what senators of consequence to those things that Kennedy wanted thought about the administration's program. In other words, I was a kind of information gatherer about senators' views on things. At the same time, I was still doing the Calendar Committee, and my committee then was Senators Phil Hart and Ed Muskie.

Mr. Vanderstar: You are now with the Democratic administration, of course, the dynamics are going to be a little different.

Mr. McPherson: Yes. Mansfield did most of the talking with Larry O'Brien [of the White House staff]. I did some on occasion. Mansfield had a sidekick, a friend whom he had moved from the Library of Congress to the Senate Foreign Relations Committee staff and had befriended and formed a very close personal tie to. His name was Frank Valeo. At one point later on he made him secretary of the Senate.

Frank was a scholar of Asia and so was Mansfield. Mansfield had taught Asian affairs in the history department of Montana State University before he was elected to Congress. He and Frank Valeo both knew a lot about Asia and had a passionate interest in it. They both felt that the United States ought not to be in Vietnam, ought not to be in Indo-China at all—Laos, Cambodia and Vietnam. That was a continuing interest.

I have been reading the drafts of a book being done by Don Oberdorfer of the *Post*, who is an old friend, about Mansfield, and it reflects a lot of interviewing by Don of Mansfield and a lot of reading of Mansfield's memos sent to Johnson, certainly as president and it could have even been as vice president. Mansfield was on this case from the early times of Johnson's involvement with the Vietnam business and was constantly urging him to consider other courses than one involving a large American military commitment.

Mansfield and Frank Valeo were very much on the foreign policy circuit and were deeply interested in that, which left me a fairly large range of things to be interested in with Mansfield on the domestic side. I can't remember many specific bills, but I was involved with pretty much all of them because I was his main fellow on the floor.

By early **'63** I had come to one of those emotional forks in the road where you ask yourself whether you want to keep doing what you are doing or go elsewhere. Working for Senator Mansfield was a satisfying thing. It was certainly something about which I never had the slightest embarrassment, but it was also a little dull because he was a hands-off, *laissez faire* leader by comparison with Johnson, who really wanted his LBJ brand on every legislative hide that went through the Senate. He wanted some role in everything, and Mansfield was pretty much the opposite. If you were the staff man for the former, you might be driven half nuts sometimes, but you were never bored, and sometimes you were really excited and thrilled to be part of it. With Mansfield, while you weren't driven mad, you also weren't driven to elation.

I got a call from Cyrus Vance, secretary of the Army. In 1957 the Russians had put up Sputnik, the first vehicle to circumnavigate the globe. Johnson was persuaded, by whom I'm not sure—I'd have to read the books about that to find out—that he ought to treat this not only seriously but as something that he could play a major role in. So he took his Preparedness

Investigating Subcommittee of the Senate Armed Services Committee and used it as the forum for Senate hearings on the U.S. space program. He asked Eddie Weisl from New York to come down and be the counsel for that committee, and Eddie brought his young sidekick, Cyrus Vance, also from Simpson, Thacher & Bartlett, down to be his deputy counsel. Johnson told me to go over to the old SEC building where we had some offices, this was near the Acacia Insurance Company there, and prepare questions and a strategy for hearings, which I did with a couple of other guys for probably a month. We just sort of left the Senate for that time. I'd go back and do whatever I needed to do, but spent most of my time on the Space Committee.

Cy Vance called me in the middle of 1963, having become secretary of the Army, and he said "There's a job over here." It had a long title, deputy under-secretary of the Army for international affairs. He said, "It is the job that oversees the Panama Canal Zone and Okinawa — wherever the Department of the Army and the secretary of the Army have responsibilities for civic order, in effect being governors. Panama, ever since the canal was built, had had a large contingent of Americans, and the Army operated as a kind of city hall for these so-called "Zonians." The same was true out in Okinawa, where there was an Okinawan legislature but also a U.S. military role.

Also it ran a program called the Civilian Aides Program. The Army picks somebody in each state, a banker or lawyer, somebody who has an interest in the Army and can be helpful to it — when Army tanks destroy cornfields in the course of maneuvers and it becomes a huge issue, they might ask their civilian aide for that state to weigh in and smooth things over. My job was to run that and a whole lot of other odds and ends. Subsequently, I inherited a fascinating job as special assistant to the secretary for Civil Functions, which oversees the *Corps* of Engineers for the secretary.

All this sounded kind of interesting to me, and it was an executive job, not a staff job. I would have my own responsibilities. I asked Senator Russell about it and said, "I've been offered this job. What do you think?" And he said (deep southern accent), "Well, I think if I were you, I'd want to shoot for something a little farther up the ladder than that, but it doesn't sound like a bad job. If you think you might want it, why I think the Pentagon is probably a pretty interesting place and I think this fellow McNamara's interesting and Cy Vance is a good fellow. So maybe that would be all right."

Then I went to see Johnson, who was vice president. I wanted his counsel. I must have told the story a hundred times to people who've come to see me asking for advice about their careers. It was after lunch, another hot day—no martinis this time— and Johnson was sitting in the well of windows in his Capitol office building, hot sun all behind him, I was blinking and so was he. I told him that I had had this offer. I said, "You know, the attraction for me is that I've been a staff guy here and I've pretty well milked this job for everything I think I can get out of it. I like Senator Mansfield, a good man, but I don't quite have the sense of excitement that I once had, and I thought maybe getting into the executive branch might be better and Cy's a good guy to be with."

Well, as I talked I saw to my dismay that Vice President Johnson was falling asleep (laughter). His head drooped further and further down and finally it was just inert, and I sat there in the chair looking at him, wondering whether to get up and leave. I didn't know the right thing to do. After two or three minutes he suddenly opened his eyes and looked at me, and he said, "What do you want?" And it was clear that he wasn't asking, "Do you want to be deputy under-secretary of the Army for international affairs?" It was more serious than that. "What do you want, what are you after in life?" I thought that if the question had been put to

him at my age he'd have said "Power." That's what he was best at using and hungry to acquire. I forget what I mumbled. **A** number of people have said, "That sort of drew me up and made me think," in the same way that **Johnson** made me think. So, I went to the Pentagon.

Mr. Vanderstar: Let's end there.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - EIGHTH INTERVIEW
MARCH 4,2003

It is day eight, March 4,2003.

Mr. McPherson: A partner asked me this morning, "What happened 70 years ago today?"

Mr. Vanderstar: Seventy. So that would be 1933.

Mr. McPherson: March 4.

Mr. Vanderstar: March 4, 1933. Well, I was about six months and 2 weeks short of being born so I don't have a memory of it, but, oh, FDR was inaugurated.

Mr. McPherson: Right. "We have nothing to fear, but fear itself."

Mr. Vanderstar: Yes. So it was still in March then. When did it get moved back to January, during his term?

Mr. McPherson: Yes.

Mr. Vanderstar: Yes, I think so. It was about time to fix that one. (laughter) Lincoln in '61 was the most excruciating, I think, but maybe not.

Okay, that's a good question. On with the interview. We got into the State Department work, executive branch work, I should say. But I wanted to take this opportunity to look back on the legislative work and ask you about some very interesting notions you put forward in your book, ***A*** *Political Education.* At one point on page 160 you refer to Johnson and other congressional leaders as not being the kind who want to strike bold figures in the morning downtown and return to the Hill and its politics of adjustment in the afternoon.

Mr. McPherson: That had specifically to do with their reluctance to become part

of something called the Democratic Advisory Council, which was to be a kind of platform committee between conventions. It was supposed to be an instrument for expressing political views by senior Democrats—governors and people like Eleanor Roosevelt and failed presidential candidates like Adlai Stevenson. Johnson and Rayburn were asked to be parts of it. They said, "No, thanks," because they didn't want to come down and meet with Mrs. Roosevelt and others and be asked to take positions harshly criticizing some of their friends on the Hill with whom they had to work, and so they begged off,

Mr. Vanderstar: But they didn't dispute the value of having a platform for example?

Mr. McPherson: I guess they didn't, though the idea of having fixed expressed views on every subject on earth, which is what a platform amounts to, was rather foreign to their normal method of operation in the Congress.

Mr. Vanderstar: Well, Johnson was not lacking in notions about which way the country ought to be going and so on, especially after eight years of Republican administration. That's one point. Secondly, surely a person like Johnson would want to be involved in the formation of the Democratic platform, however useless he thought the end product would be.

Mr. McPherson: Without a doubt.

Mr. Vanderstar: So, that's kind of tough one to grapple with.

Mr. McPherson: Well, certainly on civil rights Johnson decided that there had to be legislation after 80 years of silence, and there needed to be action on a number of other fronts. There was a huge recession in 1958. A lot of people out of work, about twelve-and-a-half percent unemployment. The Democratic response, the one that Johnson helped to formulate and drive daily, was to spend our way out of it, to have large construction programs and to accelerate

highway spending and infrastructure spending of all kinds. Within the Democratic party, there were a few people who had already abandoned that method of going after a recession and had gone for tax cuts. Paul Douglas, for example, of Illinois, thought tax cuts for working people was the way to go. Of course, the Eisenhower administration didn't want to do either of them because it meant going deeper into debt, and they fought both and lost a lost of seats as a result because they were pictured as a "Do Nothing" party.

Mr. Vanderstar: Was Johnson heavily involved in the formation of the Democratic platform at the convention in 1960?

Mr. McPherson: I don't know the answer to that. He doubtless had agents, people who were close to him serving as members of the Platform Committee, but I don't know if he really targeted that.

Mr. Vanderstar: Okay.

The other point that I was drawn to in your book was pages 165, where you talked about plays you directed at St. Mark's, and 167, where you talked about lecturing the church people. In all of this there is the recognition that man is flawed and has no right to get up on a high horse and act as if everyone else is flawed but the speaker is not. So how did that work into the dialogue. Would you just talk about that a little?

Mr. McPherson: I will. It's a subject of enormous interest to me as it is to anybody who's looked at politicians and thought about them as they make decisions. The last 20 years, with *Roe v. Wade* and other moral issues that have dominated politics, have certainly taught us that these questions persist, these questions of doing the right thing in a political context. What struck me watching politicians is that it seemed to me that many of them who professed to see a clear moral rightness, particularly those who professed to see issues in the

light of the Bible or some other formal religious text, were very frequently irrelevant to the decisions being made by people who decided on other grounds, at least consciously decided on other grounds.

For example, loyalty is enormously important to politicians, highly valued. Tony Blair today is at great risk to his own political standing in Britain because he's been loyal to the policies that he and George Bush have formed over Iraq, and he has not shimmied. That will be of enormous value to him if this succeeds. If it doesn't, he will suffer very badly. But just the fact that, not so much that he was right, but that he was so loyal and unbending when he was under terrific pressure, that would be of great significance to him in his standing even with, I suspect, many British people who don't agree with him on Iraq.

In the times that I was writing about, civil rights was probably the sharpest edged moral issue within the political context. And yet I tried to say in the book that there were aspects of Black-White relations that couldn't be reduced to a particular bill and amendment and how one voted on those. I've talked about my mother-in-law down in Georgia, a wonderfully witty and good-spirited woman who was most certainly backward in her racial views from the way we look at race questions today, and yet this woman, overweight, in her late fifties, early sixties, would get out of bed at three in the morning and get her old Dodge car out of the garage and drive to downtown Columbus, Georgia, to the jail and put up bond for one of the Negro field hands who would occasionally come in and help her serve a formal dinner party wearing his white jacket. He would have gotten drunk and arrested. She would do that without giving him a lot of grief. It was just something that you did. They adored her and would do anything for her, despite the fact that she regarded them essentially as children, despite the fact that she thought Abraham Lincoln was a terrible man for having had such harsh views of the South.

Mr. Vanderstar: Interesting. On the concept of morality, you mentioned civil rights and you mentioned abortion. Those are of course two crucial issues that people view as involving fundamental moral issues. But one can have a moral position and still not believe that it's the government's business to be involved, so the morality doesn't quite get you to how you vote, does it?

Mr. McPherson: No.

Mr. Vanderstar: Then you have to get into a different notion of your view of the role of government, which may or may not be a "moral" issue.

Mr. McPherson: Right, exactly so.

Mr. Vanderstar: So that gets us to words like "ethics." What kind of a role does ethics play in the legislative process? I think that is a big question or a series of small ones, whichever you like.

Mr. McPherson: There are plenty of examples of people who shaved it close on ethical issues, who nevertheless were powerful and had a lot of sway over what Congress did—though liars and people who could not be trusted to keep their word have a hard time rallying much of a group of comrades on any given issue. That has the same effect in Congress as it has in law firms and anywhere else, any other part of life. Untrustworthy people are not those that one wants to go to the well with, as Johnson used to put it.

We were speaking of the legal realist school. I just read a fascinating review of a biography of William Douglas. The review was written by Judge Posner. It is an excoriation of Douglas as a human being—liar, spectacular philanderer, drunk, all manner of things—and yet, as you read it, there is clearly an enormous admiration that Posner feels for him, for his mind, because it is the mind of the legal realist, which Posner is himself, of course. He makes a very

strong case for Douglas as a potentially great jurist who just didn't care enough about being a jurist, didn't commit himself enough to it to be as good as he could. It is clear that Posner is trying to say that a legal realist can be the greatest of all judges—as, for example, "me." (laughter)

Ethical issues and political issues don't always travel in the same direction, but they do often influence each other. I always wondered, as I was working in the Senate, about the very nature of the Senate. When you look at the United States you see these vast square tracts. Out West they encompass sand, rocks, cliffs and scrub. Somebody has drawn an imaginary square upon them and called them "states." Maybe only half a million people live within one of those squares, but they get two senators. And those two senators, if they stay long enough, can become very powerful and make good decisions about urban renewal, about the quality of life of the millions living in cities. Those two senators from such a thinly populated State can have much more power in the Senate by virtue of longevity, personal appeal, or political cunning, or simply by virtue of brain power. They may achieve more than the two senators from Pennsylvania or Illinois or more populous states.

There is a fundamental crap shoot in the politics of the Senate. That is, a citizen born in and living in Idaho or Wyoming gets two people to serve and represent him in the Senate for whom he is one one-millionth; whereas, a fellow from California, just as decent a citizen, has only one thirty-three millionth of a senator as such. And the guy from Idaho may be represented by a particularly gifted senator, a very smart fellow who knows how to play the political game and get stuff for Idaho and may have much more of an impact on national politics than the senator from California. All these things are quite odd. The House of Representatives is much more rational in that sense than the Senate.

One time, long after I was in the Senate, Pat Moynihan asked a few questions about this one day, whether it made much sense to continue this form of representation. We all know why it was done originally back in the 1780s, why it was created this way. It had very specific, practical reasons, in the hope that it would cause these colonies to stay together. But once you start expanding it and you have these anomalies, it raises serious questions—not necessarily ethical questions or moral questions, but political questions they that close to being moral in their consequences, it seems to me.

Mr. Vanderstar: You used the phrase "more rational" in describing the House of Representatives.

Mr. McPherson: In its form.

Mr. Vanderstar: The reasons are obvious. Yet the House generally has the reputation of being the more volatile of the two bodies and the Senate the more deliberative, and the Senate, maybe because of its small numbers, commands more respect in some ways and is typically harder to move along, even though it's smaller.

Mr. McPherson: Well, it's true. The thing that gives it that quality, of course, is the filibuster rule. It took me a little while to realize that the filibuster rule was strongly supported by western senators, just as strongly as it was supported by southerners. It was the only thing that gave them power. If you were a Joe O'Mahoney or a Carl Hayden or somebody else from the West, you had two sources of power. One was seniority: if you stayed long enough you could become chairman of a committee and exercise power. The other was the ability to tie the Senate in a knot by filibustering. When I came, it took two-thirds to break that filibuster. In the course of my being there, that was reduced to sixty, but it was still more than a majority.

Mr. Vanderstar: What prompted that change? How did that get accomplished?

Mr. McPherson: Almost certainly the feeling that if it were not done, the unlimited debate rule would be tossed out altogether.

Mr. Vanderstar: Oh. But the senators themselves controlled those rules and answered only to themselves in a sense.

Mr. McPherson: True, but if the Senate continued to block all civil rights legislation, if it would not recognize the revolution that was building in the country on that issue of race relations, then a lot of senators, including a lot of Republicans who normally would have voted with their friends from the South, could not have done so. They would have had to vote to eliminate the rule if they didn't moderate it.

Mr. Vanderstar: You spoke about reports of the committee chair. Does the Senate have a procedure that I think the House has, for the body pulling legislation out of committee even if the committee didn't report it?

Mr. McPherson: That's certainly a question I ought to know the answer to. I think the way it is normally done, the way legislation that is bottled up in committee is normally brought to the Senate for action, is by offering it as an amendment to legislation that is pending on the floor.

For example, in 1960, having passed one civil right bill in 1957, Johnson had committed himself to pass another. It was very hard to figure out how to get that "other" up there. The southerners were on the lookout for any effort to try to take it up. I'm not sure that there was a motion to discharge the committee in the Senate, it's not one I'm familiar with but it could exist.

Mr. Vanderstar: It's a House procedure.

Mr. McPherson: It's a House procedure.

But in 1960 one day Johnson asked me to find him a piece of legislation reported out of the Senate Judiciary Committee. I found the bill, the Stella School District No. 1, a claim bill paying some Missouri school district for something. Johnson motioned it up and then he said to, I think, Senator Hennings, a liberal senator interested in civil rights, "Here's your vehicle." And Hennings offered as an amendment to the Stella Bill what became the 1960 Civil Rights Bill. Russell was furious. Other southerners could hardly speak. Russell could at least speak, and he said this was a highjacking of Senate procedure. Johnson, had he chosen to answer explicitly, would have said, "The real highjacking takes place when Senator Eastland of the Judiciary Committee refuses to allow any civil rights legislation to be reported out. So the only way we have to function is as we've just done."

Mr. Vanderstar: That's really an example of Johnson taking on the southern senators.

Mr. McPherson; Yes. The southerners started a filibuster that went on for a number of days. Johnson said, "Very well, let's let this run all night, night after night, 24 hours a day the Senate's in session," while the southerners are conducting a filibuster. There was one wonderful moment described in someone's book of Johnson going to the Senate floor at three in the morning. There is some question of whether what he had in mind was a motion to proceed to a third reading of the bill at three in the morning, catching unawares whoever was supposed to be on guard among the southerners. Usually there were two southerners, one talking and the other one watching, and whoever was watching was asleep on the floor. Johnson pushed the door open from one side of the Senate Chamber, and at almost the identical moment Richard Russell pushed the door open from the other side. What Russell had in mind was asking that the Senate proceed to the consideration of some other bill, so as get off the Civil Rights Bill altogether.

(laughter)

Mr. Vanderstar: A wonderful story.

Let's pursue the discussion of the notion of the majority. You spoke about two senators from a low-population state, and if those senators win by one vote each, that's a pretty small representation of the voting populace or even if they win by an overwhelming vote in a small state, that's still not much. Yet that senator has as much power as each of the other 100. And if theoretically all members of the Senate won by one vote, it's hard to say that the Senate really represents the people, but it's the only Senate there is. Did you ever struggle with notions like that?

Mr. McPherson: I did.

Mr. Vanderstar: Because I think elections are hardly ever more than about 55 percent or 60 percent. I think 55 percent or more is considered almost a landslide.

Mr. McPherson: Yes, 55 percent is a pretty good-sized vote. Some fellows reach the point of such rock-solid support at home that the other party, if it contests at all, does so with a very weak candidate. Richard Russell, Lister Hill, or somebody like that is going to get 80 percent after several years.

Mr. Vanderstar: But even in a truly contested election, 55 percent is good.

Mr. McPherson: Oh, it's quite good, absolutely. After all, Lyndon Johnson came to the Senate in 1948 having won election in a vote of 1,400,000 people by 87 votes. That was fiercely disputed. The legal issue became whether the Texas Democratic committee could certify Johnson on the basis of the votes for Johnson in a couple of Texas counties where there had clearly been some hanky panky, where the votes were 1,000 to 1 or something like that. That issue was decided, I believe, against Johnson in the Texas District Court. It was appealed

to the Supreme Court where it was heard, I believe, by Justice Black; the two lawyers who represented Johnson were Hugh Cox of Covington and Abe Fortas.

Mr. Vanderstar: Oh, boy.

Mr. McPherson: Court was out of session, and Justice Black ruled for Johnson, so he was certified. He came up here in 1949, with an 87-vote majority. In four years he was the Democratic leader of the Senate.

Mr. Vanderstar: That's amazing.

Mr. McPherson: It is.

Mr. Vanderstar: Does an elected person, senator or representative, behave differently if he or she wins by 87 votes as distinguished from 70 percent or even *55* percent? Do they feel more of an obligation to the folks who voted against them or is the attitude, "I won and that's the end of it"?

Mr. McPherson: Well, I think for most of them, that question would more likely be one about the future; they would be very edgy. In today's world, however, and this was not true when I was working in the Senate, senatorial campaigns usually wind up with some money left over, and it's spent on polling. So members who have won narrowly may not necessarily be edgy and reluctant to push in their stacks and to be vigorous senators for the entire six years because the polls that they take frequently show that the public in their states is beginning to think well of them and to give them a higher rating, and the other party doesn't have a real competitor to put up against them.

But I think also much of it has to do just with personality. Hubert Humphrey was a man of enormous vigor and appetite for politics. When he first came he was foolish in the way he behaved toward some institutions of the Senate like Senator Harry Byrd of Virginia, and he

was scorned by the southerners and by many others and felt quite sheepish after a while. He was adopted by Johnson, who liked him, saw how much he needed to be befriended, and did so.

Particularly within the Senate because it is small, much of it has to do with personal relationships. They are all reading the polls back home and they're reading the papers and they are talking to people back home, and many of them travel back on weekends. All of that's important, and they love to get on the Sunday talk shows as you can see, but an enormous amount of it still has to do with personal relationships. There are people that you wouldn't think of as being very significant senators who are, because they have developed personal relationships or have the kind of personality that people are drawn to. There are others that you would think would be quite specially potent because they speak well and they are on the Sunday talk shows a lot and they are the objects of great interest by the press all the time, but they are ignored by their colleagues, or even quite disliked. That plays itself out in legislation, whether people are willing to join up with others.

Mr. Vanderstar: Before we ended the previous day, we got you into the executive branch, into the Department of the Army. So let's move on to that because that raises some new issues that might be fun to discuss. You started out as deputy under-secretary of the Army for international affairs?

Mr. McPherson: Right.

Mr. Vanderstar: That was the Panama Canal Zone, Okinawa.

Mr. McPherson: Right.

Mr. Vanderstar: And then you got the *Corps* of Engineers at some point.

Mr. McPherson: Yes, when Joe Califano, who was general counsel of the Army, was asked to go up and be special assistant to Secretary McNamara, he was doing that Corps of

Engineers-related job, that is, being sort of the eyes and ears of the secretary of the Army with respect to the Corps of Engineers. So he was general counsel of the Army but he also had that job. He asked me whether I would take it and I did, I added it to my jobs.

You are from Covington & Burling, **John,** and I'll tell you a story about my beginnings in the Department of the Army and the role a famous Covington partner played in my life. I was 34, I think, and I drove out there in an old black Dodge inherited from my mother-in-law, parked, and went up to my huge office. I found over the years that the longer the title, the bigger the office, the lesser the job. (laughter) As I rose up to be special counsel to the president, I had a room about this size—rather small. But I had a huge office in Defense. I had five colonels working for me, one had the Canal Zone, one had Okinawa, one the civilian aides, and so on. A wonderful bunch of men. I liked them enormously.

In my first few days at the Pentagon, I was taken to lunch by Cy Vance, the secretary of the Army, or by Steve Ailes, who was the under-secretary of the Army. He had been a partner at Steptoe & **Johnson,** a very fine and amusing man. I was taken to the General Officers' Mess No. 1, a marvelous little restaurant, spectacularly good food. Cocktails before lunch, if you wanted; I never had one but some did. The only people allowed in that mess were generals and about eight civilians. When I began, being taken by the secretary of the Army and the under-secretary, I was pleasantly received by the generals. When I no longer could go to lunch with my bosses, I had to go by myself. I didn't know anybody else over there, I didn't know any of the generals, and I really hadn't gotten to know any of the civilians. So after a few weeks, I'd pretty much run out of things to ask these generals about, and they were not particularly interested in talking to a young political appointee who had a job responsibility that didn't have much to do with most of them.

If I had been the assistant secretary for personnel, then I would have had an impact on them. But most of them had nothing to do with the Panama Canal or Okinawa. And they had very little apparent curiosity about the Senate, the place where I had just been, and I didn't feel right about imposing talk about the Senate on them. That was not what they did, they were military people. After I had run out of questions to ask a general who had been on the Death March in Bataan—there were really quite a large number of heavily decorated officers there—I didn't know quite what to do to kind of establish myself.

So I called the biggest figure I could think of, with whom I had a conversation over dinner one night about this experience I was having—Dean G. Acheson. I had become friends with his daughter Mary Bundy and her husband, Bill Bundy, and I was beginning to spend quite a lot of time with them. As a consequence, I spent a fair amount of time with Acheson, went out to his farm in Sandy Springs, played tennis, swam, looked at his gardens and woodworking tools. I was absolutely fascinated by him. He didn't hesitate to tell me what to look out for in life and how to operate. He was kind of a Dutch Uncle.

I called him one day and said, "I'm a little bit down in the mouth out here," and I told him what the situation was. "I'd really like it if you would come to lunch. The food's wonderful, and you can have a martini before lunch." And he said, "Well, I'd be delighted. How about tomorrow?" And I said, "Wonderful." So the next day Acheson, as always spectacularly dressed—

Mr. Vanderstar: Oh, yes.

Mr. McPherson: —came to my office. The colonels working for me were flabbergasted. They all lined up, and after I'd showed him around my office we walked down the hall and we pulled into this little mess. One thing about Acheson, one of the many things

about him was that he was unmistakable,

Mr. Vanderstar: Oh, yes.

Mr. McPherson: If you were 30 years old or older you knew who Dean Acheson was. No one looked like that in America.

Mr. Vanderstar: Right.

Mr. McPherson: We sat down, and the sergeant came over to take our orders. Acheson ordered a martini and I think I did too. I figured, you know, he's going to have one, so I would. Well, the impact was spectacular. (laughter) Within the next 15 minutes, at least four generals came over and stood in line like people in a wedding reception, just shifting from foot to foot, licking their lips getting ready to make their presentation of their name, rank and serial number and to introduce themselves. One said he did so with great pride, having served in Korea when he was secretary of state and his leadership had been so dramatic. I don't think I can say that all this set me up for the rest of my year in the Pentagon but it certainly did me a lot of good. (laughter)

I have to tell another Acheson story that is sort of like this and kind of relates both to my government career and my subsequent career as a lawyer representing business people as we all do. Acheson was about to leave office in 1952, and he thought he ought to go to the UN and make a talk thanking the UN for joining the United States in the great effort to save Korea. This was the most impressive time the UN had gotten together since its formation, and Acheson had obviously had a leading role in that. The question became: if the Achesons stayed in the Waldorf Astoria Towers where the UN ambassador's apartment is, should they invite another inhabitant of the Waldorf Astoria Towers, Douglas McArthur and his wife, to come have a cocktail? Acheson thought they should. Alice Acheson was appalled at the idea that this

pompous martinet who had said such terrible things about Acheson and Truman should be invited anywhere by them. Well, he insisted and the staffs of the two mighty figures worked it out. The MacArthurs would come at six o'clock and leave promptly at 7:30.

At six o'clock exactly there was a knock on the door, and the MacArthurs were there. Acheson made his Silver Bullets, his martinis, and they had two or three of them. He said the conversation—he told this story to David Acheson who told it to me—the conversation was very amenable, they were having an extremely good time talking. Acheson was truly sorry when, at exactly 7:30, McArthur said, "Jean, it's time for us to leave," and he stood up. Acheson didn't try to talk him out of it. He said, "General, before you go let me ask you a question." He said, "You have in your matchless career served with more great figures, great public figures, statesmen, generals, than probably anyone alive. Probably no one has had the range that you have had of experience with great public figures. Now, the last couple of years you have been serving on corporate boards with captains of industry. I wonder how you compare these industrial giants with those public figures that you knew over your career." And McArthur said, "Oh, Acheson, let's don't talk about midgets."

Mr. Vanderstar: Oh, boy. Midgets? (laughter) A pretty deft answer to the question. Wow, that's a wonderful story.

Let's see, getting back to the Army: After your successful lunch by getting Dean Acheson to come over, things got better for you socially, at least, as far as lunch was concerned. How was the work? Was it interesting? Was it challenging?

Mr. McPherson: It was. Essentially it was overseeing the civil side of the Army insofar as the Army had obligations as governor of the Canal Zone and administrator of Okinawa. The secretary of the Army is specifically designated as the head of the Panama Canal

Company, the guy to whom the Panama Canal government reports.

Mr. Vanderstar: Was he the sole shareholder or something like that?

Mr. McPherson: Yes, indeed he was, The secretary of the Army is also the fellow who oversees Okinawa—or did oversee it, I'm not sure how that's done today. There was a very large military force out there. There was a Ryukyuan government, and the Army secretary had ultimate responsibility for dealing with that government.

I went to Panama. I spent a week or so down there traveling through the Canal and getting to talk to Zonians. There are 5,000 or 6,000 Americans, very competent, blue-collar workers. They had passionate advocates in the Congress. A congressman named Dan Flood from Pennsylvania, with a waxed moustache, was the leader. **A** woman named Lenore Sullivan from Missouri was another. And they really fought for the Zonians. I can't remember why it was that they had that profound dedication to the Zone, but they sure did. And they were in positions in the House to make some impact on the Army as it dealt with the Zone.

I had a couple of colonels who were quite able. They were West Pointers, good military career officers. These colonels who worked for me had all gone as far as they were going to go. They were not going to be general officers, and they had all had a big interest in international affairs and had all, I believe, gotten masters degrees in international affairs at George Washington University. They were intelligent, good spirited, highly competent, practical men. They treated me extremely well, very respectfully, and I think they probably saw that I had some experience that was useful in this work and had some acquaintanceships that might come in handy.

In the late fall or early winter of 1963, I developed a great passion for squash and racquetball, and I went almost every day in the late afternoon and played with somebody from

one of the services. I was really enjoying my life at the Pentagon.

Mr. Vanderstar: Did you go Okinawa?

Mr. McPherson: I did. I went to Okinawa in mid-November of '63 and it was there, or actually in Tokyo on the way back, when I got the news of Kennedy's assassination.

Mr. Vanderstar: On the Panama and Okinawa responsibilities, and even looking ahead to your other positions in the executive branch before you got to the White House: Did you ever wonder why, if I may, an amateur was running such an enormous, important enterprise? Why somebody like you, who had no background in foreign affairs, no background in how to run a canal and so on—granted you had experience in participating in government—but did you ever find it odd that the system put you in that position or a person like you in that position?

Mr. McPherson: Well, I'm sure that better trained people than I for these roles could have been found, but I found that legal training and political experience were both valuable. Laws and regulations covered these areas, and I was familiar with the world of laws and regulations, as well as with the politicians who wrote them, insisted on them, or complained about them.

There was a man named Fleming, a major general, very liberal toward Panamanians who ran the Canal Zone in Panama. He was very strongly persuaded that Panama would one day operate the Canal and that the Zone would be no more. He was right about that.

On the other hand, the three-star general in Okinawa was a martinet and absolutely positive that he and he alone should look after the people of Okinawa. His name was Paul Caraway. He ran Okinawa like a fiefdom and did everything he possibly could to prevent the Japanese government from having anything to do with the island. He justified that in his own mind on the grounds that Tokyo had always treated Okinawa as a benighted province and

had never given proper time and attention to the people of Okinawa. He was determined to do so, and he was very proud of the schools that had been built with American money and hospitals and all the rest of it. He treated the Okinawans like children and the Japanese as if they were interlopers.

Fleming in Panama irritated the Zonians no end, because he was so open to the Panamanians and so determined to bring in more Panamanian workers and give the Republic of Panama more participation in the operation of the Canal. I thought Fleming was right and I fought for him. I thought Caraway was probably doing a lot for the people of Okinawa but that it would be ultimately harmful to our relations with Japan, which had to be more important than how that island was run.

So I was in the middle of a political scene, and I had certain statutory and legal frameworks around me applicable to both the Zone and to the Ryukyuan government. I found that both political experience and the legal training helped me, even though I didn't know a heck of a lot about foreign affairs. I had always been interested in them, and that was a benefit of its own.

Mr. Vanderstar: Okay. Then when the Corps of Engineers was added to your portfolio, did that introduce yet a different problem?

Mr. McPherson: I realized that no matter how hard I tried to be on top of the Corps of Engineers for the secretary of the Army, that they weren't really looking at either me or the secretary of the Army for guidance. They were looking to Congress to tell them what to do and to back them up. They are very capable people, the officers of the corps. The corps had a lot of graduates from West Point, a lot of engineers and mathematicians, fellows who had wound up quite naturally in an engineer detachment.

They were keen to show me their projects. I went out to travel the Mississippi and became an honorary pilot of a vessel on the Mississippi. I went over to a lake in Mississippi, a reservoir operated by the corps. They had built a dam on a river and built up a good-sized lake behind it. There was a very attractive inn on the lake, but it was for Whites only. The odd thing about it was that along the lake White guys and Black guys were fishing, sitting within 20 or 30 feet of each other, their pickup trucks backed up with the tailgates down and cots on the bed of the truck where they spent the night and had cookouts right there. So they were quite accustomed to recreating together along the shore, but Blacks couldn't go and use the inn.

So when I got back I called a meeting of the district engineers when they were in town for some other purpose; this was in the summer of '64. Congress was working its will on the Civil Rights Act of 1964. I said, "I've just been down the Mississippi, and I just don't think a federal government agency such as ours has any business operating a facility that is not open to all Americans. It made me feel very uncomfortable to be down there and to be part of the Corps of Engineers. I'm proud to be associated with you folks, but I'm not proud to be related to that discrimination." Well, they listened to me, very carefully. They sort of bit their lips, and several fellows made notes, as if what I was saying had to be written down on a pad. But I wasn't really getting anywhere until I said, "You know, the Congress is about to pass a civil rights act, and if it is anything like the one that's on the Senate floor today, it will ban discrimination in public places like this. So let's don't wait for Congress to make us do this, let's do what Congress clearly is intending to do. Let's beat them to it."

And you know, just talking about Congress, saying that Poppa says this is okay, Poppa wants this, had an enormous effect. Everybody got very enthusiastic. (laughter)

Mr. Vanderstar: Pressing the right button.

Mr. McPherson: Yes.

Mr. Vanderstar: You say in your book something about the engineers said that "We were Congress' engineers" or something like that.

Mr. McPherson: Right.

Mr. Vanderstar: And that's a good story to reinforce that. Lets finish up with the Army and then get to the State Department.

Mr. McPherson: The big moment of my time in the Army, which I described in the book, was the riot that occurred in Panama in January of 1964. I was tom between looking after my wife, who had the mumps at home, and trying to take care of my little daughter and get her to school, and rushing back to the Pentagon where, at about nine o'clock in the morning—the riot had started the night before—it was decided that I should go to Panama with Cy Vance and two or three other people, including a man we picked up in a helicopter at the CIA. We flew down and spent four or five days there.

The other day I had an unforgettable experience. I was listening to the Johnson tapes that are being played on C-Span Radio on Saturday afternoons. My wife and I were driving, and Johnson was talking to Senator Russell about the riot in Panama. Russell had various ideas. He said, "It's probably Castro, and we probably ought to move some fighters down there. Don't want to attack anybody, but just show them we're prepared if anybody tries to do anything to take over the Canal." They talked, and of course I was interested in this because I had been involved in it. Johnson said, "I'm going to send down a team of people." He said, "I'm going to send Cy Vance and I'm going to send Tom Mann [he was assistant secretary of state for Latin America], and you'll be interested in this," **he** said to Russell. "I'm going to send Harry McPherson." And Russell said, "Well, you couldn't have found a better boy than

that." (laughter) "A better boy." I was **34** years old. And he said, "If he's going to go in there, they won't pull the wool over his eyes. He's going tell you exactly what's going on there. You've got the right fellow going down there." It was wonderful to hear Richard Russell say this to Johnson on the tape.

Anyway, I came back here after the trip, and Joe Califano and I went back about two weeks later to prepare the case for the United States before some kind of OAS tribunal. The purpose was to see if the United States had overreacted and if we had done anything that was particularly harsh to the Panamanians.

When we first went down there, I think it was the first time I was ever conscious of being in harm's way. There was an old hotel called the Tivoli, like something out of a Tennessee Williams' play, right on the border between the Canal Zone and Panama on Fourth of July Avenue. It was manned by a company of GIs. It was being shot at by Panamanians in high-rise office buildings across the Avenue. We went there. We stopped about 100 yards away from it, turned the lights off, sat in the darkness, and we decided to walk over to the hotel and see what was going on. I was with Vance, the secretary of the Army, and Ralph Dungan, who was in the Kennedy White House. I went just behind Dungan, maybe 20 yards behind him, in complete darkness, we didn't have flashlights or anything. You could hear this pop! pop! pop! like fireworks. Dungan, to my horror, was smoking a cigar, and as he walked along the cigar was making an arc. I was about 20 feet behind him and said, (excited whisper) "Dungan, put out that cigar before we get shot!" And he put it out. (laughter) It was a real experience.

Mr. Vanderstar: It sounds like a real experience.

Mr. McPherson: Right. Then, in the summer of '64, one of my best friends in Washington, a man named Ben Reed who was the executive secretary of the State Department,

called and said, "Luke Battle [another Dutch nephew of Acheson] has been assistant secretary of state for educational and cultural affairs, the Fulbright program and all of that, and he's going to Egypt as ambassador. Would you like to succeed him as assistant secretary of state?"

Well, just out of sheer ambitious glamour, the glamour of being 35 years old and an assistant secretary of state, I said, "Sure." And the process began. Califano said that McNamara was astounded that I would do this. He said, "You know, its a backwater in the State Department. It doesn't amount to anything. I'm about to make him assistant secretary of defense for legislation," which would have been really interesting. I had had a little experience with it simply because of my background in the Congress. I had been asked on several occasions to come to breakfast in the secretary of defense's network and to talk with members of Congress, who were usually complaining about some weapon system that was getting cut out. If that job had materialized, I would have become a guy on the run between the Pentagon and the Congress, going up to try to persuade people to go along with McNamara's policies at the Pentagon, which were much more—what should I say? He had modernized the Pentagon and was running it on a much more severe and—

Mr. Vanderstar: Business like?

Mr. McPherson: —business-likebasis, yes. In any event, I didn't know that was happening and I was on my way to the State Department.

Mr. Vanderstar: So you had already committed to take the State Department position?

Mr. McPherson: Yes. And since I had already had very high security clearances, I got in pretty quickly into the State Department. I went for a confirmation hearing with the father of these exchange programs, Senator Fulbright. I had gotten to know him pretty well

while working in the Senate. He said, "Well, do you know anything about these programs, these exchange programs?" And I said, "No." I just left it at that. He said "Well, do you want to learn?" (laughter) I said, "Yes, very much." In all of about 15 minutes I was approved. The other senators did the usual, "Oh, I'm so glad to have **Harry** back with us" and all that.

Mr. Vanderstar: Not a big floor fight.

Mr. McPherson: Not much of a floor fight. One of the nicest things in my scrapbooks from that period, those years, are some speeches various people made when I left the Senate and went off to the Army. A number of senators — Dirksen, Russell, Mansfield, Tommy Kuchel of California, nice people I worked with — made speeches that I much appreciated. So I didn't worry about getting confirmed for the State Department job. I was sworn in by Secretary Rusk pretty close to my 35th birthday.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. -NINTH INTERVIEW
MARCH 12,2003

This is day nine of the series of interviews of Harry McPherson at his office. It is March 12,2003.

Mr. Vandestar: We're going to pick up with your job at the State Department. I think the book says you were sworn in on your 35th birthday in '64. So that would be August 1964.

Mr. McPherson: Yes.

Mr. Vanderstar: Did you have a hearing and congressional Senate approval of your appointment?

Mr. McPherson: I had a brief hearing in which Senator Fulbright, the author of the Act that I was to administer asked me if I knew anything about it and I said, "No." I didn't know how to go on beyond that. He said, "Well, do you want to learn?" (laughter) And I said, "Yes." I did know Fulbright and a couple of his colleagues who were attending the session, so I got by despite my ignorance.

I was sworn in at the State Department by Dean Rusk and joined a group of a dozen assistant secretaries of state; there was an under-secretary in those days, and then there was a bunch of assistant secretaries. Most of them had responsibility for an area of the world. Two or three of us had subject matter areas. There was an assistant secretary for intelligence and research, and I had educational and cultural affairs, which was essentially the administration of the Fulbright Programs. This was a period of considerable interest on the part of people in the State Department, and in private life, in international educational and cultural exchange. A lot of

people were sent abroad, a lot of people came here. I think I mentioned in an earlier tape that in the mid-'70s half the Bundestadt had been exchange students in America.

In the course of the very brief time that I was in this job I met people that I had been looking forward to meeting as long as I could remember. I got to be good friends, for example, with Isaac Stem, who was quite something. I was a friend of Abe Fortas, through Johnson. Fortas and Isaac Stern were very close friends and both fiddle players, of course.

Mr. Vanderstar: Didn't Fortas do to a lot of quartet playing?

Mr. McPherson: He did.

It was a wonderful experience, traveling about the country and the world in pursuit of understanding this program. I spent an evening, first having dinner with Eugene Ormandy and his wife and then going to Philadelphia's wonderful concert hall and hearing him conduct. I spent three weeks in Europe, talking to people about programs in Italy, Germany, France, and Britain. In a few places, a few significant capitals, there were cultural attaches of particular interest, not federal government civil servants but artists or writers or poets who had been persuaded to spend a year or two in a foreign capital representing American culture, dealing with historians and writers and poets in those countries.

Mr. Vanderstar: Were they federal employees?

Mr. McPherson: I suppose they were put on the federal payroll as temporary employees—people like Cleanth Brooks, the poet and critic, was in London. Shortly after I was sworn in, the United States' senior cultural official was invited to join senior cultural officers from other nations in Mexico City, when the Mexicans dedicated their new and beautiful anthropological museum. The French senior cultural official was Andre Malreaux. Who would be the American cultural official? Well, the only person anybody could think of was the

assistant secretary of state for educational and cultural affairs. I suppose it was the only job in the government that had the word "culture" in it.

Mr. Vanderstar: (laughter) Probably.

Mr. McPherson: So my wife and I went down there. I'll never forget the look on the face of the Mexican officials, many of them academics, when they stood at the bottom of the stairs by the plane, and my wife and I—a 35-year-old Texas political lawyer—came down the steps to represent the U.S. Luckily, we had a wonderful ambassador, Tony Freeman, who had no pretensions at all. The visit couldn't have gone better. He and I took a shine to each other, and he introduced me to a lot of Mexican artists and writers.

Mr. Vanderstar: Terrific.

Mr. McPherson: Johnson had become president in November '63. A couple of times during 1964 I made tentative inquiries of the White House, meaning Jack Valenti or Bill Moyers, to see if I should volunteer my services in some way to help Johnson.

At the time Johnson, throughout the latter part of '63 and most of '64, was determined—to use his method of pronunciation—"to continya." He said in a speech he made a few days after the assassination to a Joint Session of Congress, "Let us continya," and he really meant to convey to the country that there would be no turning back from the sort of things that Kennedy had begun. **As** part of that, he wanted to keep about him all the Kennedy people he could for a considerable period. That did not necessarily include everyone in the White House—though Kennedy's principal aide, Ted Sorenson, did remain for a time—but it certainly did include McNamara and Rusk and Willard Wirtz and Stuart Udall and others like that in the Kennedy Cabinet. For one thing, Johnson did not have better choices of his own, but he also wanted to give the country the understanding that he was not going to make radical changes.

In both of the inquiries I made I was probably told that I didn't need to worry about that. So, when I was offered this job in the State Department, I took it, happy to be an assistant secretary of state at 35 and not particularly unhappy that I hadn't been chosen to do something more full of power. The Kennedy people talked about "power" a lot.

There was an interesting task among the assistant secretary's responsibilities, which was to chair something called the "youth committee." Bob Kennedy had started it. I don't think you could find it referred to in any statute and maybe not even in most histories, but it was the product of the idea that, while the United States could not without injury to itself seek to overthrow governments throughout the world that were being too reactionary or too intransigent or unyielding, it could make friends with younger politicians, lawyers, writers, journalists, academics in those countries, so that the next generation of leaders after this one would be people with whom Americans had considerable contact.

So Bob Kennedy and my predecessor, Lucius Battle, and Cord Meyer of the CIA created a youth committee. The purpose of it was to use every tool that we had, particularly the educational and cultural exchange tool, to bring over that younger generation of leaders and to send Americans of a similar age to connect with them. It was an interesting program and one that I very much enjoyed chairing.

Finally, some time in November or December of '64, after Johnson had been elected on his own, I guess he figured that he had made the "continya" point sufficiently so that he could now bring in some of his own people. **A** footnote to all this, At the end of the Johnson administration Vernon Jordan became president of the Urban League when Whitney Young drowned. There was a conference on civil rights at the Johnson Library in Austin in the early '70s, shortly after Vernon became president. Vernon says that Johnson asked him to step back

into the Green Room with him, behind the stage of the Johnson Library, and he said, "Vernon, you're succeeding a hero, just as I did. A lot of people will be looking at you and comparing you with him, just as they did me with Jack Kennedy." He said, "Let me just make one strong suggestion to you. Choose your own people and ask his people, give them time, but tell them to get out and put your own people in there as soon as you can. I made a big mistake. You shouldn't.'' And that's a footnote about this period that I was just describing in which Johnson kept a large number of Kennedy people around him.

Anyway, in November or December of '64Bill Moyers called and said, "The president would like to know if you would like to come over here and be his counsel." He said, "Mike Feldman has succeeded Ted Sorensen as counsel to the president, but he's not going to stay long, and the president has promised Lee White that he will give him a year as counsel for his resume purposes and then will make him chairman of the Federal Power Commission [now the FERC]. But if you would come over now and learn the job in the course of that year, then you'll be made special counsel to the president." I said, "That sounds like a great idea." Moyers said, "Why do you think that?" (laughter) He said, "I know you've been having a terrific time over there and you run your own show; why do you want to go over to the White House?" It was an amusing question, because both of us were ambitious young men, and the idea of being brought into the White House in a senior position was tantalizing to both of us.

Bill was doing a lot of things. I don't know precisely what his title was. He was not press secretary—George Reedy was at the time Bill made that call to me, but Bill had succeeded Ted Sorensen as the guy who put together the legislative program on the domestic side. He also had a lot to do with the politics of foreign policy, more than the specific decisions. In any event, I said to Bill, "I'd like to come but I first want to testify before Congressman

Rooney. He is the chairman of the Subcommittee on Appropriations for the State Department in the House of Representatives, and everybody says he is an absolute piranha, that he just devours all assistant secretaries in the State Department, and as a matter of fulfilling the role of being in that job, as a matter of pride, I would like to get ready for the hearing and to get through it."

Mr. Vanderstar: Had you already started to prepare for it?

Mr. McPherson: I had, and I spent the next six weeks, six hours, eight hours a day with teams of people supplying me with information. Incidentally, this job, which was certainly not the most influential or important job in the department at the assistant secretary level, did employ the most people: I had over 400 people in the bureau. A very large crowd of people worked in educational and cultural exchange. Many were quite able.

Mr. Vanderstar: What did all these 400 people do? What groups were they divided into, and what were their responsibilities?

Mr. McPherson: Mostly geographical. There was a Far East group, and a European group, an African group, a Latin American group. They managed the selection of scholars, conducted contractual negotiations with universities and with the impresarios. They found the orchestras, the sculptors and all the other artists that we sent overseas. So it was a big crowd of folks.

A couple of times a week, we – the assistant secretaries — would meet at 8 in the morning with Secretary Rusk. I think I made an oral contribution to this meeting maybe twice. What do you say, you know, "Mr. Secretary, the Boston Symphony Orchestra had a wonderful tour of Moldavia." (laughter) When the others were talking about a coup d'etat in their area or about a pitched battle or the kidnapping of an American diplomat, what could I say? What fascinated me even then was that Rusk seemed to entertain commentary from these assistant

secretaries on a totally egalitarian basis. He listened to everybody with the same patience and interest — apparent interest, at any rate. Instead of saying, "Oh, God, I've got Vietnam weighing me down. Why are you bothering me with this trivia?" he would listen. Perhaps he was interested. Perhaps this was the way he maintained morale.

Maybe once every two weeks we assistant secretaries would be asked to an afternoon meeting with Under-Secretary Averell Harriman. I had a number of friends who had worked for him — Pat Moynihan was one, Phil Kaiser, later ambassador several times over, was another. So I guess I had met Harriman on a couple of occasions. I subsequently became a friend of his, and in his last years I spent quite a lot of time with him. But in those years I would go to a meeting with my fellow assistant secretaries; Harriman just wanted to be in the loop.

Mr. Vanderstar: Had he attended the morning meetings?

Mr. McPherson: No, these were just for Rusk and the assistant secretaries. The other senior man not in those meetings was George Ball, who was under-secretary of state. I had known Ball before I got there, I can't remember why or how, but we were friendly.

Mr. Vanderstar: Was the legal advisor part of this eight a.m. meeting?

Mr. McPherson: No, he was not. I'm trying to think of who legal advisor was in the mid-'60s. It was not Monroe Leigh.

Mr. Vanderstar: Abe Chayes?

Mr. McPherson: Yes.

I would on occasion ask for a meeting with Ball, because he was politically interesting. Here is a distinction I will not make very eloquently but I'm going to try. Politics and public policy often seem to be miles apart in this town, but for the discerning eye, they are frequently intermeshed. Ball had a lot of political smarts. He had been a central figure in Adlai

Stevenson's campaign, had raised a lot of money and distributed a lot of money in the days before the rules for distributing money weren't quite as strict as they are now. He was also a brilliant man and had a marvelous grasp particularly of European politics. He was very close personally to Jean Monnet, and so the whole effort to unify Europe as part of what ultimately became the European Union was encouraged in some subtle but vigorous ways by Ball from within the department. He despised De Gaulle because De Gaulle was trying to push Britain aside, trying to push France into a position of unilateral power within Europe.

Mr. Vanderstar: Some people are saying that about France now.

Mr. McPherson: Yes. Johnson, much as he liked and admired George Ball, and as much as I think he probably woke up in the middle of the night wondering whether Ball was right about Vietnam, would not follow him into battle with General De Gaulle. Johnson just wouldn't do it. He said, "They like him over there. I can't do anything about that and I'm not going to do anything but create trouble for us if I launch a campaign against General De Gaulle."

In any event, my seniors were Rusk—my formal boss, who was always pleasant to me but was someone that I did not really know until a couple of years later when I began to spend a lot of time with him, particularly on Vietnam—Ball, and Averell Harriman. I enjoyed the role but I was keen for the job in the White House. Before I went over there, I showed up in February of '65before John Rooney with my books and my data and my team of assistants. I sat down to be greeted with some rough, humorous comment to start the day. You've probably got it in there.

Mr. Vanderstar: Let's see. According to your book, before you sat down Rooney asked, "Is this one of the ones that's going to be cut?"

Mr. McPherson: Right.

Mr. Vanderstar: And then it says in the book, "I blinked."

Mr. McPherson: Right. (laughter)

Mr. Vanderstar: I take it you had no idea who "this" was in that query.

Mr. McPherson: That's right.

There was a fellow named Bill Crockett who was the under-secretary of state for management. Bill was what Lyndon Johnson would call a "can do" man. He would take care of everything from meeting with foreign heads of state to fixing the plumbing in a congressman's suite overseas. Crockett had conveyed the word to Mr. Rooney from the State Department about the cuts that the department would be willing to make in its requested appropriations. I walked in knowing nothing of this, and when Rooney opened it up saying, "Oh, we're going to cut this one? Is this one of the one's that's going to get cut?," I just shrugged my shoulders.

Mr. Vanderstar: Might he have meant your entire function?

Mr. McPherson: No, he just meant reduce the money.

Mr. Vanderstar: Some piece of the function.

Mr. McPherson: Reduce the request from the probably 40 million dollars that we were asking to 30 million dollars.

Mr. Vanderstar: Was this one of those periods when Congress and others wanted to slash the "foreign aid" budget, stop giving so much money to other countries, or was that a different period of time?

Mr. McPherson: There's almost never been a period of time when that wasn't the case. This one was a little deceptive. Rooney had a few particular gripes, I forget what they were, but there were a few things that this bureau of mine did that Rooney didn't like, and he would either ban them or criticize them. At the end of the day, however, he would pony up

enough money to keep the bureau operating. He was one of those old-line Democratic chieftains, or, as the chairmen of the Subcommittees on Appropriations are called up in the House, the "cardinals." He was one of the cardinals. That same Irish-Catholic net that I talked about with respect to Mansfield and McCormack and Kennedy worked in those worlds as well; Rooney was one of them. Tip O'Neill was a leader in the Ways and Means Committee, another one of these Irish Catholics. A guy named Charles Buckley from New York was the big deal in public works. Mike Kirwan of Ohio was head of public works.

He's the one who got a lobbyist in one day and said, "You know, we're having a fund raiser and we really need your help on it. I mean, you got to take a table. They're just terribly hard to sell but, you know, it's very important for people like you and me that we sell them." And the guy said, "Mr. Chairman, you know this the fund raiser was last month." And Kirwan said, "I know, and that's what makes tickets to it so hard to sell!" (laughter)

Mr. Vanderstar: So, let me just interject here, you're talking about the power that's in the hands of a group of presumably urban Irish Catholics in the House.

Mr. McPherson: Yes.

Mr. Vanderstar: As against the southern senators in the Senate.

Mr. McPherson: Many of whom had rural roots.

Mr. Vanderstar: Yes, which is quite a fascinating contrast between the two Houses.

Mr. McPherson: It is, and they had to work with each other a lot, because the appropriations process is one that particularly and inevitably is settled in a conference between the two Houses.

Mr. Vanderstar: Who were the Appropriations Subcommittee chairs in the

Senate? Were they southerners or Irish Catholics or was there not an identifiable ethnic group?

Mr. McPherson: Oh, there were indeed. The chairman of the Agricultural Appropriations Subcommittee was Allen Ellender of Louisiana; of the Labor, Education and Health Subcommittee it was the fellow who I said said about Styles Bridges (accent), "There's nobody who has earned the gratitude of his people more than Senator Bridges," that was Lister Hill of Alabama; Richard Russell, in addition to being head of the Armed Services Committee, I think he may have been chairman of military appropriations as well. So, much of the appropriations power was housed in those same Southerners.

Mr. Vanderstar: All right, you had your hearing.

Mr. McPherson: Yes and a third of the way through that hearing the whole situation suddenly became clear to me. It took me a while. I'd spent so much time getting ready for this, I'd been in the barren ugly halls of the State Department being filled with information to get ready for these hearings, I was so full of data, and I had really forgotten my politics. I'd forgotten what I'd grown up in for seven years in the Senate, the sense of what this was all about. It was about people and their relationships, and I suddenly realized John Rooney much admired Lyndon Johnson. They were both artful, successful politicians. They know how to deal. Johnson will ask him for things that Rooney finds hard to give but he will give them. Rooney will ask for a courthouse to be named for some forebear of his, and it will be named, Johnson will see to it. So, they dealt with each other. Rooney would have been told that, while I may be an assistant secretary of state, I'm really one of Lyndon Johnson's boys and I used to work for him and I was his counsel. So, he's going to treat me right. Johnson wouldn't have had to call Rooney and say that; some staff guy whom I'd never met before would have told Rooney, that this fellow coming before him is part of "us," or was at one time.

Mr. Vanderstar: Okay. So, you had all these people working for you in the bureau who did the actual negotiating and arranging for these cultural visits, plus you have people who must have run the Fulbright program and whatever other educational programs you had.

Mr. McPherson: Right.

Mr. Vanderstar: Your job was kind of to resolve conflicts when they arose within the bureau?

Mr. McPherson: It was, I guess that's a pretty good expression.

Mr. Vanderstar: I mean, they didn't ask you if you thought the Boston Symphony should go to Moldavia?

Mr. McPherson: No. The value that they may have thought I brought was the same assumed by the colonels and the assistant secretaries that I worked with in the Pentagon, and that is a political sense, a sense of what would go down in the Congress, what the Congress could abide. And that's essentially what you need in an executive job. You need to advance your executive department's policies as far as you can without running into a blizzard of opposition from Congress that will cost you more than it merits. And I think I conveyed to some of these people that I had useful experience at that. I knew enough people and could go up and see members and staff when I didn't trust my information about a matter, and I could find out. I could go and say, "We want to do this. Is this all right, is this going to be all right with your committee?"

Mr. Vanderstar: Can you think of an example this long afterwards?

Mr. McPherson: Usually on the exchange program it would have to do with scholars from communist countries coming to the United States, and American scholars going to

communist countries, joining with institutions in such countries in joint endeavors. It was a time when the word "communist," or as Senator Eastland would say, "commonist," governments were just by their nature intolerable to many politicians. We, in time, learned to make a fist at them but also get along with them much better than we did in the '50s.

Mr. Vanderstar: Did your responsibilities at State include any scientific exchanges or anything of that sort, or was that housed somewhere else in the government?

Mr. McPherson: I don't think it did.

Mr. Vanderstar: For example, NASA had been created and they were trying to build a rocket and go to the moon. I don't know if in those days they had any conversations with foreign scientists.

Mr. McPherson: I don't either. But we did have the National Science Foundation and other institutions that have huge international connections.

Mr. Vanderstar: NIH does, too.

Mr. McPherson: I'm sure that in the health field NIH does.

Mr. Vanderstar: Those are in other parts of---

Mr. McPherson: -other parts of the government, yes.

Mr. Vanderstar: So, you had educational and cultural. Educational was things like the Fulbright Program.

Mr. McPherson: Yes. In bringing over not just writers of fiction and poetry and philosophy but economists and modern historians, people who were writing about today's events.

Let me back up a little bit just for the sake of completing the record. There was then and later a tension in this department between people who saw it as a propaganda tool and

those who saw it as an expression of the very best in American arts and humanities. The latter people thought that the rest of the world and their artists and scholars of the humanities would connect with ours in a way that would build a profound network of friendship and cooperation and mutual admiration and understanding, that would not be transgressed and spoiled by salesmanship. In other words, those who believed that there should be a band of involvement and connection between scholars and artists, with no overt political aspect, constituted one faction.

The other faction really grew out of the operational realities of the program. The USIA's public affairs attaché in embassies around the world ran these programs in those countries. The USIA is by its nature a salesman of America, and so they were inclined to try to put a pro-American spin on whatever kind of exchange we had, whereas the scholars said, "That's all very well, but that's not what real exchange is about. The real exchange is on an intellectual or cultural level."

My deputy was a man named Arthur Hummel, whom I liked enormously. A long-time USIA career official, born in Iowa, moved with his missionary family to China, taught in China, captured by the Japanese, interned, and turned over to the Chinese communists some time in the mid-'40s. Arthur Hummel was a superb career bureaucrat. He subsequently became ambassador to Burma, Indonesia, and finally China. He represented the best of this USIA group. He did not brush aside the "pure cultural" people at all, but he was realistic about how you got things done.

Subsequently, after I went to the White House, Johnson put the monkey on me to find a successor for myself in the State Department. It was very hard. I went through a lot of people. After one fellow that I had nothing to do with did succeed me but only for a short time,

the job was taken over by a fine professor of philosophy at Columbia named Charles Frankel. Charles was the philosopher king of this first idea of educational/cultural exchange, and he wrote the classic book about how nations should relate to one another in these matters. He was a marvelous man who left the government because he couldn't stand the Vietnam War and went back to teaching at Columbia. (Hombly, he and his wife were murdered in their home in Bedford, New York, a few years later, in a senseless killing.)

Anyway, I was quite aware that these opposing views were held by people in my own department, and I tried as best I could to give both of them a home in a department that I ran.

Mr. Vanderstar: Was USIA under your bureau?

Mr. McPherson: No, it was not. But they supplied the troops, the apparatus for operating this program abroad.

Subsequently, this program was put into USIA. After Charles Frankel's death—he would have hated to see this—the USIA won the battle. Someone said, "This is foolish. We're operating this program overseas. Why not put it into our headquarters here as well?" And it was there for 20 years. Now it's gone back over to the State Department, where it is today.

Mr. Vanderstar: Is there today an assistant secretary for education?

Mr. McPherson: There's an under-secretary. Its been elevated a little, although there are a lot of under-secretaries today.

Mr. Vanderstar: One interesting thing is that back in your day, that job got up to the level of **an** assistant secretary heading it rather than being a bureau chief within **some** other part of the State Department.

Mr. McPherson: This was, I am sure, entirely Fulbright's doing. In fact, Fulbright created the role in the Fulbright Act in the late '40s, and then he became in the early '60s the chairman of the Foreign Relations Committee; so he was in a position to make it what he wished, and he insisted on there being an assistant secretary.

Mr. Vanderstar: So that gave it the visibility and clout and the stature that he wanted.

Mr. McPherson: Exactly.

Mr. Vanderstar: Quite a fascinating story.

Mr. McPherson: It is. Today many people are beginning to realize the importance of cultural and educational exchanges with the Muslim world. Mrs. Beers, Charlotte Beers, has just announced her resignation. She was the advertising lady who was put in charge of communicating with Islam. To put the role of managing a large American effort to communicate with the Muslim world in the hands of a woman who had run J. Walter Thompson is exactly what Charles Frankel thought we should not do. To him, what you needed was a scholar—say, a university president, who was a historian and had a big head for world affairs but also could manage a large effort, someone who would bring in a group of Muslim scholars to counsel with him daily and find ways to invite Muslims in to universities, to the Library of Congress, to all kinds of *ad hoc* seminars that you would create for the purpose of giving the Muslim world the sense that the United States regarded them as something other than assassins.

Mr. Vanderstar: Of course, that description could be viewed as political propaganda, that approach to the Muslim world.

Mr. McPherson: I suppose so, but it differs from a hard sell of U.S. successes to the benighted Mohammedans.

Mr. Vanderstar: The distinction is sometimes elusive.

Mr. McPherson: It is. It bears telling that when Fulbright introduced and argued for his program on the floor of the Senate back in the '40s, he used terms that made it quite clear that he was at least as interested in educating Americans about the rest of the world as the rest of the world about America. He talked about having been a Rhodes scholar, having come from a poor, backward state, Arkansas, and having gone to Europe and having his eyes opened to a much larger perspective of civilization than he had been aware of in Arkansas, and that he wanted that for Arkansans as much as he wanted people in Krakow to know about southern music. It is interesting that he would be followed to Washington a few decades later by another Arkansan Rhodes scholar.

Mr. Vanderstar: Do you remember if Fulbright ever got into this issue of the humanities scholars on the one hand and the political propaganda people on the other hand?

Mr. McPherson: I think if you put it to him, and I never did, but if you put it to him as I came to understand it he would probably side with the educators and the philosophers and the artists over the hard-charging advertising side—if for no other reason than that the hard chargers offended him aesthetically. On the other hand, he was quite aware that somebody had to operate the thing, and there was a system in the so-called cultural attaches who were all USIA people around the world, and they could handle it. They could get the students on the plane and the professors established in apartments in cities where they were going to teach, and so on.

Mr. Vanderstar: He might also have felt the need, in order to sell the idea and the appropriations to the Congress in the first place, to suggest that it had political implications and that it would advance the United States' interests abroad.

Mr. McPherson: Yes, that's true.

Mr. Vanderstar: It would be interesting to go and look at the hearings and so on that led to that, but probably somebody's done that. (laughter) Just not you or me.

Let me now ask you about this period, '64, especially '65, about your personal life.

Mr. McPherson: Yes.

Mr. Vanderstar: Your son was born in '65, so you were already at the White House?

Mr. McPherson: Yes I was. I have a daughter born in 1958 who went to school at Beauvoir. Then a son born in '65 who also went to Beauvoir. I became a Trustee of Beauvoir, where I served under the chairpersonship of Madeleine Albright. (laughter)

Mr. Vanderstar: Oh, boy. What a town this is.

Mr. McPherson: Right.

Mr. Vanderstar: You were still living on Capitol Hill?

Mr. McPherson: We lived on Capitol Hill. We bought a house in 1960 at 24 Sixth Street, S.E., between A and East Capitol, and worked on it some, developed it a bit. I got a little nervous about safety conditions around there, and in '66 moved out to a house in Chevy Chase Village on West Irving Street.

Mr. Vanderstar: Yes, okay. So Peter was born while you were at the White House and you moved to Chevy Chase a year later while you were at the White House. So those are two important parts of your personal life while you are working at the pinnacle of American politics and policy.

Mr. McPherson: Chevy Chase Village was a great place to move to. I went there because there was **a** guy who worked for me in the Pentagon who lived across the street, and we had become friends. His name was Owen Smith. Owen and Joanne Smith had five kids.

He was a great friend of Steve Ailes, the under-secretary of the Army, a Steptoe & Johnson partner. Owen was the founding editor of a magazine called the *Maine Coast Fisherman* which was beloved of people up and down the coast, including a lot of bankers and lawyers and Wall Street, who took it and read it faithfully. He was wonderfully amusing. He had an office above a bar in Rockland and lived in Camden.

Let me tell two Owen stories.

1. Owen said that one morning it was about five below, and lobstermen came into the bar downstairs, below Owen's office. They had been out hauling in a catch. Owen was typing out "the *Maine Coast Fisherman"* when he heard one of these fellows, who were rimed with ice when they came in, yell, (accent) "Build me a goddamn dive bomber, darlin'!" (laughter) That was a shot of whiskey in a glass of beer.

2. Owen ran for the state senate as a Democrat. He was close to Ed Muskie, who was the popular governor of Maine. But Owen ran for state senate from Camden, which always elected Republicans. Owen was so beloved that he had a shot at it. On election night the count was very close. He was closer than any Democratic had been in a long time. He saw that the offshore islands, Vinalhaven and North Haven, had not reported. So he called Charlie the lobsterman, who was his guy in North Haven, to see what the count was. He got him on the phone at about 11 o'clock at night and said, "Charlie, this is Owen." "Hey, Owen," He said, "Charlie, it's really close. What's the vote over there?" "Vote Owen?" "Yeah, I mean for the state senate." "Oh, goddamn, is today election day?" (laughter) He said, "We was up early out there on the pots, you know."

So, with a man like that, how could you resist him? I wanted to live near Owen Smith, if I could, so we found a house on Irving Street in Chevy Chase across the street from the

Smiths.

Mr. Vanderstar: What was he doing in Washington?

Mr. McPherson: He was working for the deputy under-secretary of the Army for international affairs. He had a role in Panama. Ailes had persuaded him to come down and spend some time in Washington. It just happened that I got into that job and, therefore, became his boss. But we were good friends, and I was delighted to move out there because my daughter and his kids had also become good friends.

Mr. Vanderstar: While you lived on Capitol Hill, initially, your daughter, Coco, went to Beauvoir, all the way up to the National Cathedral area.

Mr. McPherson: Yes, that's right. The usual carpool.

Incidentally, about her and living on Capitol Hill: Coco McPherson probably features in more newspaper photographs than any child of her time because LBJ and Lady Bird came often to our church, St. Mark's Church. On the front page of the *Times* one day Johnson's got her by the hand, talking earnestly to her.

Mr. Vanderstar: To Coco?

Mr. McPherson: To Coco. She was five and she looked very pretty in her dress. The *Times'* caption was something like "LBJ Gets Brush-off from Blonde"! (laughter) He had invited her to the White House for lunch, and she said she was going on a picnic, thank you, so she didn't want to go. (laughter)

Jack and Mary Margaret Valenti bought a house right next to St. Mark's on Third Street, and the Johnsons and we would all **go** over there and have a glass of sherry after church. Coco would go frequently. We would go a number of times to the White House and swim in the indoor pool there. Johnson was fun with her. He had a good way with him about children.

When he was vice president my first wife and I and Coco went to Texas to see my Dad, and we drove down to the Hill Country—I wanted to show it to them. We were in Fredericksburg, Texas, an old German community about ten miles from the Johnson ranch. I had been working for Mansfield for about two and a half years, I guess, and hadn't seen a lot of Johnson. I just called him, called the White House and asked them to connect me. And he said, "Where are ya?" I said, "We're in the Nimitz Hotel in Fredericksburg." And he said, "Come over for lunch right now."

So we got over there and he put us in his big Lincoln Continental, the one that he threw the beer cans out of, and we went tearing around the ranch looking at cattle and an occasional deer. Then he slammed on the brakes. We were about two miles from the ranch house, and he said, "What's Coco eat for lunch? You don't eat chili, do you?" And she said she didn't think she ate chili. So he called on the radio to the kitchen and spent five minutes talking to the cook about what they could prepare for this five-year-old girl. It was quite interesting that he would do that.

Mr. Vanderstar: That he would pay attention to that kind of issue.

Mr. McPherson: Yes. A little later, when we were about to sit down, a plane came in to the landing strip and Johnson said, "It's John." And it was, John Connally, the governor. Connally came and joined the five of us for lunch. I could tell there was a lot of tension in the air. Johnson turned to me and Coco and said, "Ya'll want to walk down to see Cousin Aureole?"—a kinswoman of his about a half a mile down the road. We said, "okay," and we walked out.

Mr. Vanderstar: The three of you?

Mr. McPherson: The three of us. On the way back, the plane took off. I said,

"Strange visit." And Johnson said, 'Yeah, he's been unhappy with me ever since the election," Connally's election. He said, "I'll show you why." We got back and he pulled out this enormous map of the state of Texas, all 252 counties. Some of the counties were brown, most were white, some were reddish. Where the brown was there were a lot of African Americans; where it was reddish there were a lot of Hispanics; and the whites were White. He said, "I spread this out for John when he was running. I said, 'John, you're running a very conservative campaign and you're not conveying to any of these people that you're with them, that you understand them. Now you'd better watch it because you're going to get beat in the primary if you don't convey to these people that you are with them and thinking about them'. And he went on, kind of pushing me back as if I was intruding and wasn't telling him things he needed to know." Then Johnson pulled out another map, and it showed what the vote was between Connally and a guy named Don Yarborough, not the Ralph who became senator, but a very liberal guy. He had beaten Connally in many of these counties.

The total vote was quite close, much closer than it should have been, and Johnson said, "I told him, 'What'd I tell you, John?' and it's been very hard for him to live with that ever since." It was interesting encounter between these two huge figures. Johnson was a huger one, but John Connally was quite a powerful and brainy man who did quite a lot of good for the state of Texas, as it turned out.

Mr. Vanderstar: It's a good illustration of how it's hard to resist saying, "I told you so," and it's also hard to take it when somebody says that.

Mr. McPherson: Absolutely.

Mr. Vanderstar: I mean, even at that level, you had both of those fallacies, if you will, hard at work.

Mr. McPherson: That's right.

Mr. Vanderstar: Well, I assume Coco didn't understand that until later on.

Mr. McPherson: I don't think she read that one very well.

Mr. Vanderstar: Let's see, what else can you say to throw light on your daily life, your personal life while you were at the White House?

Let me, before you get into that, let me kind of say for the record about the other interview process. As I understand it, and please correct me if I get it wrong, you were interviewed over a period of time back in the '70s—beginning December 5, 1968, so you were just in transition out of the White House at that point.

Mr. McPherson: I was interviewed by somebody under the aegis of the legal entity created to do that and ultimately to be transferred to the LBJ Library when it was formed in the very early '70s.

Mr. Vanderstar: There were something like ten, I think, taped interviews that are available on the web site of and I suppose physically in Austin?

Mr. McPherson: Ten or fifteen hours, I think.

Mr. Vanderstar: Okay. At the Johnson Library, and those are available for examination. I assume that that dealt primarily with your time at the White House, but I don't know why I say that.

Mr. McPherson: Well, I think it did originally. I mean I think the first ones did and subsequently, in the mid-'70s I think, a man here at the National Archives named Mike Gillette came and asked me to do a few more. He was going back to the Senate days. So we sort of did it in reverse order.

Mr. Vanderstar: Okay. You had deeded your rights in these tapes and so on to

the LBJ Library by document that you signed in October of 1970. Do you think that was the end of the interview process or were you still in the midst of it then, because if it started in late '68, that was almost two years.

Mr. McPherson: Yes, good question. I guess it was probably done until this reopening by Mike Gillette, which I think was several years later.

Mr. Vanderstar: Okay. And then you wrote a letter to the LBJ Library in 1979 waiving or withdrawing any restrictions you had put on about when it could be exhibited.

Mr. McPherson: Yes, that's right.

Mr. Vanderstar: Initially you put that restriction on.

Mr. McPherson: Well, I did. It was suggested that perhaps I would want to do that. I think it was suggested at the outset of the taping, probably in order to cause me to be more open, more forthcoming. After a time, it seemed unneeded, and so much history had come out and I knew there was nothing in it of which I felt particularly nervous.

I must say it's been used a lot in books of history. It's quite surprising. A book like *Mutual Contempt,* which is about the mutual contempt between LBJ and Bobby Kennedy, relies on it a lot—that and a bunch of memos that I wrote to Johnson. You know, you forget what you wrote long ago. *Mutual Contempt* has a number of memos that I wrote to Johnson urging him to look at people in ways other than whether they were for him or Bobby. I said he was going to isolate himself from a lot of first-rate people if he made them toe the line in some way. I'd forgotten those memos until *Mutual Contempt* came along.

Anyway, I did remove the restriction in 1979.

Mr. Vanderstar: Okay. So, we've got your book, ***A Political Education,*** and these history tapes down in the LBJ Library.

Mr. McPherson: Yes, and my files from the entire four years. Mrs. Johnson was a vacuum cleaner, and a lot of my stuff wound up down there.

Mr. Vanderstar: Okay, all right. I digressed because I was asking you about your personal life and your day-to-day getting up and going to work

Mr. McPherson: Yes. Well, one of the great things about being a senior staffer in the White House, at least in those days, is that you got picked up and taken home by a driver, usually in a black Mercury, and you got taken to social events, if they had some quasi-political or official character.

I remember—this is really skipping over—in the very last of my days in the White House in '68 or '69, I was doing as I had been told to do, helping prepare my successor to do this job that I'd been doing. As in every succeeding White House, it really isn't an exact successor, for the most part. People do different things. I'll talk later about different special counsels, and what they've done, and how your abilities and what the president needs from you govern what that job is. Some of it is kind of bolted in but much of it is free form.

I had worked hard, putting together two big notebooks of memos, and I did my best to assemble materials that a special counsel of the kind that I had been had worked with or produced. I waited for my successor's visit. It turned out to be John Erlichman. I spent two hours going through these books with him. After about an hour and a half, I don't care if you are a nuclear physicist, you pretty much run out of things to say about what you do. I mean, I don't know about litigators and anti-trust lawyers, but I know that for me, I just didn't have much more to say once I had shown him some memos and described a few typical working days. And he never asked a question.

Mr. Vanderstar: So it was a monologue.

Mr. McPherson: It was a monologue. I kept asking, anything you'd like to know about this? Finally I said, "Maybe we ought to go to lunch." So we went down at noon to the White House mess. He said, "I do have two questions. Who gets to eat here?" I told him. And then he said, "And the other, when can you use White House cars for social, personal things?"

Years later, talking to Stanford alumni here down at the Press Club, I was on a panel with Erlichman. He was out of prison, where he had gone as a result of Watergate. I said to him before I started, "John, I'm going to tell them about the first time we ever met."

Mr. Vanderstar: The story you just told me?

Mr. McPherson: Yes. I didn't tell it in a mean way, but the point I was trying to make is that a lot of what you do in any kind of government job, whether it's got a lot of responsibility and a high rank and all that stuff, requires an interest in and some sympathy for the human beings who work around you and at different levels of the bureaucracy. You really have to have some sense of how they operate, of what they're likely to know and not to know, and what they can help you with and what you can help them with. You have to have some curiosity about that. I said, "I'm going to tell a story about you that I think illustrates this." To his credit, Erlichman said, "I'm glad Harry told that because it illustrates the incredible arrogance and ignorance that I brought to my job in the White House."

And this is after a couple of years in the federal pen. He had learned a lot of humility in the course of that.

Mr. Vanderstar: Good. Let's suspend there.

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 '48reelection

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 educations 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--I 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 were 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 '30sand 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 years' work to an exhausted staff worker for Johnson at about 10:30 at night. (laughter)

Mr. Vanderstar: Terrible, temble. 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, '65til '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 '67I 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 Minster, 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 200" 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,

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - ELEVENTH INTERVIEW
APRIL 1,2003

It is April 1,2003.

Mr. Vanderstar: As I mentioned to Harry McPherson before we turned on the tape, we've pretty well gone through the public service aspect of his life after the early days, especially in view of the book and the transcripts of the interviews in the LBJ Library. So I want to get on to his transition to private practice in 1969.

Nixon was sworn in in January of '69 and you left about then, right?

Mr. McPherson: I did. I left on that day at noon.

I'm not sure if I've mentioned getting called by Johnson on the morning of inauguration. On the night before January 20, 1969, there was a party at the White House of senior and intermediate staff, lovely party, a kind of a melancholy air to it. We were leaving, and we were leaving on a pretty down note because of Vietnam. I gave a talk on behalf of the staff to the president and told him what it had meant to us to be able to work with him.

The next morning at about seven I was awakened by a phone call from the president. I was planning to sleep in for another couple of hours and then do something useful. I didn't intend to go to the White House on that last day. After the stroke of noon I wouldn't be welcome there in any event. Anyway, Johnson said, "That was a nice party last night, I thought." I said, "I did, too." He said, "You were one of the fellows who worked on the Kennedy Center for a long time with Roger Stevens," and I said, "I was." He said, "YOU want to be on the board?" And I said, "Sure." I can hear "scratch, scratch, scratch, scratch" as he put his name to an appointment to the Kennedy Center board where I became vice chairman and years

later, general counsel. He said, "You also started that Woodrow Wilson Center over at the Smithsonian, you and Doug Cater were working on it. Do you want to be on that board? I'm going to make Hubert [Hubert Humphrey] the chairman of it. Do you want to be on it?" And I said, "Sure." "Scratch, scratch, scratch, scratch." (laughter)

I had a feeling that if I'd played my cards right, I might have gotten even more out of that morning. I assumed a lot of it had to do with the talk I had made the night before, which was not in any way contrived; it was very genuinely meant. In any case, that was my transition to the non-governmental world for the first time since January 1956. This was January 1969.

Mr. Vanderstar: So, 13 years.

Mr. McPherson: 13 years.

Mr. Vanderstar: Plus, of course, you had been in the military, so you spent a lot of your years at that age in government service—

Mr. McPherson: That's true.

Mr. Vanderstar: —of one form or another. When did you start thinking about getting a job somewhere or opening a law firm or whatever you were thinking about?

Mr. McPherson: I started wondering about that in the fall of '68, well before the election. I didn't intend to stay in government, no matter who won. I was extremely fond of Hubert Humphrey, but there was nothing I really wanted to do in government at that point that I was likely to be appointed to. New presidents don't come in normally and appoint some modestly well-known fellow from his predecessor's staff to a cabinet job. So, I didn't expect to be offered one of those; I didn't know even whether I would want to take it if I were. And I didn't want to stay and work at the White House. I had done enough of that. After four years, I

had had plenty of it.

So in the fall I started to think about what I would do. A number of people approached me about doing things in the private sector. Almost all of them were things that I had neither experience nor knowledge nor talent for, but they were intriguing. William Benton, the advertising genius—he and Chester Bowles had started Benton & Bowles. Benton owned *The Encyclopedia Britannica,* and he asked me if I would like to be the president of it. I said, "I didn't really think so." I'd worked with Benton when I was in that State Department job. He was the U.S. ambassador to UNESCO, and the two of us had spent a week or ten days in Paris one time, at a big meeting of UNESCO. He entertained me very lavishly at places like Maxim's. Anyway, he made that offer. When I said I didn't think I wanted to move to Chicago, he said, "Well, where do you want to live?" And I said, "Well, I like Washington, frankly." And he snorted and said, "The only two cities in this country fit for a man are Chicago and Houston."

Mr. Vanderstar: Oh, boy. (laughter)

Mr. McPherson: Those were the two places where fang and claw competition would bring the best to the top.

Arthur Krim, a very wealthy, very pleasant man, a very good man I believe, who was quite close to Johnson, asked me if I would be interested in being vice president of United Artists Corporation, in charge of corporate development. I didn't even know what that meant. It obviously meant buying properties, working out deals. I went up to New York and I met with Arnold Picker, later to be number one on the Nixon enemy list for having given a lot of money to Ed Muskie, and Arthur Krim and Bob Benjamin. The three of them had taken over United Artists. I didn't know whether I would enjoy doing that at all. I called Jack Valenti, who was at MPAA, and asked him for counsel. His counsel was, "Well, they're three very good guys and

you'd probably like them. The one thing you've got to insist on, car and driver." (laughter). I said, "That's fine, if I decide that I'd like to do that, then I'll ask for a car and driver, but I don't know if I'd know where to tell the driver to take me if I had the job."

Two or three law firms, and in what was rather unusual in those days, asked me whether I would have any interest in joining them. Here was a fellow who had never been in a law firm for a day as a practicing lawyer, who had been in government ever since he got out of law school.

Mr. Vanderstar: Had you even taken the bar?

Mr. McPherson: Oh, sure. I took the bar before I left Texas. I was a member of the Texas Bar and one could easily waive into the District Bar. I thought it rather bold of them to be willing to risk this. One of them was your old firm, and that really intrigued met. I thought that would be quite wonderful. We never got beyond conversation with a couple of guys who came to see me to see if I would consider it. And I certainly did.

Clark Clifford invited me over to the Pentagon and asked if I would be interested in going with him. I was deeply flattered by that because I had been working with him, side by side, for a year on Vietnam and for several years before that periodically, when he would show up at the White House. Abe Fortas asked me if I had an interest in joining him; after he was forced to leave the Court he asked me if I would practice with him in his Georgetown office.

Robert Manning edited the *Atlantic Monthly,* and he persuaded the woman who provided a subsidy for the *Atlantic Monthly* to offer me the job of president and publisher. I didn't know what such a person did. I flew up to Boston and three of us, Bob Manning and I and a nice woman who underwrote the magazine's losses, went to the Ritz and had a wonderful meal and drank an enormous amount. I talked a blue streak about things that ought to be in the

magazine—not a word about how to produce the advertising that would sustain the magazine or the things that a president and publisher does. We got back to Manning's house, and as he was bibulously untying his shoes he said, "You don't want to be president of the ***Atlantic*** *Monthly*. You want to be the editor. You can't be editor, I'm the editor!" (laughter)

Berl Bernhard and I had been good friends for close to 20 years, beginning when Berl was the Staff Director of the U.S. Commission on Civil Rights and one of the ten outstanding young men in America in that role. We had just taken to each other and remained close throughout the time. I'd persuaded him to leave his law firm to come over to the White House to be the director of the White House conference called "To Fulfill These Rights" in 1966, a tumultuous time. I was just thinking yesterday, sitting in a church on 10" Street in Pat Moynihan's funeral, of a time when a reporter asked Berl in a press conference whether we were going to continue focusing the civil rights conference on the Negro family report of Moynihan's, which by that time had become enormously controversial. Berl said, "Who is Daniel Patrick Moynihan?" with a big grin on his face, and that question was cited at least 50 times during Moynihan's life by him and another 50 by Liz Moynihan. Both of them regarded it as evidence of such faithlessness on Berl's part that they could never forgive him. (laughter)

Berl came over and said, "I wish you'd come with our firm, Jim Vemer and Gene Liipfert and me." They did mostly transportation law, aviation and motor carrier work. They had come out of an old Washington firm called Tiemey & Tiemey. John Tiemey was Gene Liipfert's father-in-law and was a tremendous surface transportation lawyer, railroads and trucking. He represented the Florida East Coast Railroad in a huge battle down there involving the Duponts. Huge litigation, savage controversy. Berl was his sidekick in that. **At** some point in 1959 or '60, I think Jim Vemer and Berl had had enough of Tiemey & Tiemey and decided to

form their own firm. Liipfert, who was, I really believe, the preeminent trucking lawyer, ICC lawyer in the country, which may not be saying a hell of a lot now—

Mr. Vanderstar: Then it was saying a lot.

Mr. McPherson: It was, yes. Liipfert had a master's in history from Vanderbilt and a Harvard law degree and was a pilot and navigator in World War II. He was a brilliant man. He was a real mastodon in a field of heifers at the ICC. Big head, superb lawyer, very tough mentor of young lawyers. Many people here still have the scars on them from Gene Liipfert. Vemer had been staff director and general counsel of the Civil Aeronautics Board. The chairman of the CAB in those days was a man named Don Nyrop—a very bright, able man who left the CAB and became chairman of Northwest Airlines for 25 years. When he left he immediately hired Jim Vemer as his Washington counsel. By the time I joined the firm, Vemer had been representing Northwest for ten years and for another four or five years continued to do so—something I'll come to later. In any case, Berl did not really fit neatly into this transportation world. Although he learned to be a good aviation lawyer at the CAB and to be competent in motor carrier law, he had a hunger for other things and was hoping to spread the firm's range of practice.

It was a tiny firm, only 11 lawyers when I joined it. I joined it because I didn't know what else to do really. I didn't know how comfortable I would be in any of these other jobs, even with a great firm like yours. I didn't know what to do in a private law firm, and something told me that if you don't know what to do and your best friend says, "Come with me," that you're probably wise to do it. So I joined it, and they put my name on the end of it, and I started trying to figure out what to do.

For the first six months I was a basket case. I didn't know how to keep time, I

didn't know how to deal with clients. I was taken to lunch one day by Verner and Liipfert and Berl, and in the nicest way they asked me if I was doing anything because I wasn't writing anything down—not keeping a record that they could bill clients with. (laughter) If someone asked me for help in the State Department, and the issue was one involving an international air right that was in the office of the assistant secretary for economic affairs, where aviation matters were handled, I'd call over there and talk to somebody that I'd known for a long time, I'd get an answer and report back and never think to write down any time. (laughter) So, it took me a while to began to learn how to be a modestly productive lawyer.

Mr. Vanderstar: Let me go back to your exploring other options and the options exploring you. Nowadays, I would think that there would be a long list of things that might tempt you or might be put in front of you. Let's start with Valenti—a trade association of some sort. Anything in your mind about that or anybody come and approach you to head up the National Kumquat Growers Association

Mr. McPherson: Yes, they did and I think the forest products people did.

I hate to sound like a ninny, but I really didn't have any appreciation for what was legitimate to do in searching for and putting together a career. I think part of the problem may have been that I had been taken care of by events over the years. I happened to land a job when I came up here with the man who was the majority leader of the Senate, and the most powerful and effective member of the Congress. Working for him was very exciting. When he went off to be vice president, I continued with the majority leader of the Senate, a very good fellow, and in the course of those years came to know Cyrus Vance at the Pentagon, so I got a chance to do something else by just knowing someone who called me. And another friend at the State Department asked if I would like to go there. Johnson had by this time become president

because of the assassination of Kennedy, and he asked me to join him in the White House.

So events, fate, had produced a lot of options for me, and I think I just assumed that they would continue to do. So I didn't follow what Meyer Feldman, Mike Feldman, a predecessor of mine with Kennedy and Johnson, did, which was to work the net of businesses and law firms with whom he had had commerce as assistant counsel and counsel to the president—in the textile world, in the trade world, in aviation, in all manner of businesses. Mike Feldman made a lot of connections and, as it turned out, went with David Ginsberg and Howard Leventhal, later a D.C. Circuit judge.

Mike reached out to these businesses that he had already told, "I'm going to start a firm and I want your business." Many of them responded at once. A partner of mine, John Zentay, was in that firm, beginning as an associate. Mike had managed to acquire clients in the imported fuel oil business, the East Coast marketers of fuel oil, and John Zentay made a career out of representing that industry. He still represents them 32 years later.

But I didn't do that, and I didn't know how to do it. If I had had the slightest business imagination I think I would have really reached out and tried to see if there was any spark that might have started a blaze. As it was, I just sat in my office and received visits from people who made offers to do things I hadn't given the slightest thought to.

Mr. Vanderstar: You said in the beginning of that story you were unsure about what was the legitimate thing to do. What did you mean when you used the word "legitimate"? Were you thinking in ethical terms?

Mr. McPherson: Yes.

Mr. Vanderstar: What did you mean by that?

Mr. McPherson: Well, I meant that, while I think that it is entirely appropriate

for someone in the last few months in a job such as counsel to the president to make some inquiries and talk to people about what he might do when he leaves, he needs to be very careful not to speak to people who may have matters that will come before him. I was extremely fortunate in my second year as counsel to Johnson. I was being pressed to get everything done that I needed to get done, and I told him I would really like to have a deputy, an assistant. He talked about it one day with his old friend Senator Mike Monroney of Oklahoma. Monroney said, "Well, as it happens, the brightest lawyer in Oklahoma has come up here to work for me on the Joint Committee on Reorganization of Congress." Monroney had been appointed to chair that committee. W. DeVier Pierson came up to work with Monroney, and he told Johnson, "He is awful good."

Well, he is awful good. He came as my deputy. He was so tremendously bright and able as a lawyer, still is, that I felt enormously comfortable in turning over to him a number of things that normally I would handle. The more I got involved in working on Vietnam issues and in what amounted to race riots in the cities in '67 and '68, DeVier began doing more and more of the business side of the general counsel's office.

This was important particularly in 1968 when I had decided to go with this firm, Vemer, Liipfert & Bernhard. The CAB had before it a gigantic case called the *Transpacific* case. In it they were prepared to authorize a number of U.S. carriers to serve Japan, Thailand, Australia and Hawaii, and a number of foreign carriers that come here. They denied a lot of requests for service as well. This huge package came over to the White House for final action. I knew without reading it thoroughly that Northwest was very much involved in this decision, and I was about to go to work for Vemer, Liipfert & Bernhard, which represented Northwest. I had nothing to do with drafting memoranda for the president about the case. I gave it to DeVier and

said, "Don't talk to me about it." He never did.

But it was hard not to just get a sense around the building, because I had been handling the aviation cases for a long time, people would just start talking to me about the *Transpacific* case, assuming that I was involved in it. I would stop them, but words would come out. My partners-to-be were eager to know what was in it and what was going to be recommended. I had to tell them that there just wasn't any way for me to let them know. So, that's a particularly sharp case of the legitimacy question that I was mentioning.

Mr. Vanderstar: Okay. By the way, did you know Paul Wamke? You mentioned Clifford.

Mr. McPherson: I did indeed, very well.

Mr. Vanderstar: Paul went with him instead of coming back to Covington.

Mr. McPherson: He did. Clark's idea was that it would be great to come back into private practice with two guys that he had worked with on Vietnam. Paul had been the assistant secretary for international security affairs and really had been functioning as a kind of general counsel or court of inquiry within the Pentagon, and I was Clifford's "partner in the White House," as he said.

Mr. Vanderstar: Yes. But that didn't tempt you, the Clifford Wamke firm?

Mr. McPherson: It was very appealing. But I think I knew that, as much as I liked Clark—and indeed I admired him enormously as a truly gifted lawyer and counselor—I was pretty sure that the Clifford firm, no matter whatever the other names were, would be an essentially theocratic institution and that the theo would be Clark Clifford. He had another Monroney man, a really bright lawyer named Tom Finney, who, had he lived, would have given Clark Clifford the counsel that would have caused him to stay out of the First American BCCI

problem, organization scandal that he fell into in the 1970s. I knew it would be very much his firm, and I'd been living in a theocracy for a long time with LBJ.

I sort of knew that with Fortas as well.

Finally Ed Williams. One time in '77or '78,when Califano had left him and gone to HEW, it was suggested to Williams that he persuade me to join him and be what was called his "State Department." He was the "War Department" and I would be the "State Department." That was the same thing; even more of a case in which there was a dominant lawyer who really ran the entire show. It's never been that way in this firm, and I like it.

Mr. Vanderstar: Nowadays, many people in your position or comparable positions in the executive branch would go into some kind of investment banking business or something related to investment or would go into some kind of non-governmental organization, the Red Cross or whatever—

Mr. McPherson: Right.

Mr. Vanderstar: —as the president, or might go in with some kind of major foundation. Rusk came out of the Ford Foundation, and I can't think of an example of somebody who went into a Ford Foundation from government, but there might be somebody.

Mr. McPherson: Mac Bundy.

Mr. Vanderstar: Bundy, of course.

Mr. McPherson: From Harvard to the NSC to the Ford Foundation.

Mr. Vanderstar: Right, okay, I knew there was an example and I couldn't think of it. Now, did anyone in the investment banking, NGO or foundation field approach you, or did you give any thoughts to pursuing anything along those lines?

Mr. McPherson: No, I didn't, and you're quite right that today that is something

that would be second nature to someone in a job such as what I had. You would have met a lot of people in investment banking and in business, and you could be very valuable to them. But at the time it didn't appeal to me.

Mr. Vanderstar: Okay, and the nonprofit foundations also didn't come your way?

Mr. McPherson: Something tells me that I was approached by someone in that world, the 501(c)(3) world, and I can't remember what it was.

I felt, among other things, John, that if ever I was going to be a lawyer in the practice of law, it was time to do it. I had no experience in the private practice of law and didn't know how to do it. How to try a case. After several months, I was given a case at CAB. When you want to, I'll tell about that.

Mr. Vanderstar: Okay. Well, let's talk about your transition to the firm. You've already told one good story about your first six months of not recording the time you spent or recording the activities you engaged in, but what did you think you were getting into when you came to the firm? I mean, you had a high regard for the people here, but it was not a theocracy, and what did you think you'd be doing from nine to five, Monday through Friday or whatever kind of work schedule you envisioned?

Mr. McPherson: I assumed that there would be aspects of the representation that people here had that would yield to treatment by Congress or by executive agencies. Much of the firm's practice—95 percent of it—was in these regulatory agencies, the CAB, the ICC, to a small degree the FAA. All of them contained policy issues that normally got decided within the regulatory agency itself but that sometimes cried out for a change the direction of government policy. So that if one could go see the chairman of the Commerce Committee or the chairman of

the Aviation Subcommittee and say, "Look, we've been following this course for some time as a nation, and it's not producing a good result for American carriers or for the traveling public or whatever. You really ought to consider making a change in the statute." I thought maybe that would be something that I could contribute to, and I did to some degree. I knew many members of the Congress and had worked with them there and dealt with them from the White House. I knew a lot of bureaucrats in a number of agencies, so I could be useful in that sense. My name was known well enough so that I could get my calls answered by most such bureaucrats. I had been one of them, and for the most part they would respond without hostility.

Mr. Vanderstar: Did you anticipate or did your new partners anticipate that business might come to the firm because you were here?

Mr. McPherson: Oh, I'm sure they did. (laughter)

Mr. Vanderstar: That's a ticklish subject.

Mr. McPherson: It is and I'll talk about my first few cases.

I can't tell you how many people in the last **six** months of my life in the White House suggested that as soon as I landed in some law firm, if that was what I chose to do, they certainly intended to be there with business. They all had business before the White House, so this was a nice way of saying, "I will want to help you then, and I'm sure you want to help me now." And almost none of it materialized. In fact, while some people think that the acquisition of law business is a science, I think it is essentially the work of tooth fairies. Business comes from the oddest places. You just don't expect it at all, and suddenly you are asked to take on a representation that absorbs you for months.

First I have to tell about my one case before the CAB. As I mentioned earlier, Jim Verner represented Northwest Airlines. The CAB decided to authorize some service

between Islip airport in Long Island and a number of cities—Chicago, Cleveland, Pittsburgh—as a way of taking heat off LaGuardia. Northwest was one of those who applied to serve Islip-Midwest cities. With the help of Jim Vemer, who was an old hand at CAB brief writing, I worked on the brief and prepared myself for my oral argument before the CAB. It occurred one steaming afternoon when the air conditioning was not working very well in the old CAB over on Connecticut Avenue. Some windows had been opened to let in a little air.

I got up and started talking about the merits of Northwest as the carrier to be chosen for these services. I looked at these board members, and I saw at least two of them who I knew had been appointed by Johnson. They were looking at me, apparently trying to remember where they had heard the name. Or so it appeared. One member was about half asleep, but he would suddenly sit up straight, staring at me with an expression of semi-recognition. And here I was going on and on about the particular merits of Northwest.

I had an experience that I think the Germans refer to as the "doppelganger." My spirit left my body and looked back at me and asked that person talking about Northwest Airlines, "What on earth are you doing before the CAB on a humid afternoon talking about service from Islip" when the year before I had been trying to help figure out the shape of the table in Paris so that the NLF, the North Vietnamese, and the South Vietnamese and the Americans could sit down, and had been on the phone with Vance and Rusk—and here I was talking about service from Islip.

It was a clarifying experience. It clarified that I was now in private practice and that I was no longer dealing with such immense issues.

The first time I got a really interesting client on my own occurred thus: Richard Nixon, for reasons that he probably could not have told you a year after the event, imposed price

and wage controls on the economy. It was a lawyer's field day. Bill Coleman called me. He was in a Philadelphia firm. He was a marvelous lawyer, still is, an African American who had been first in his class at Harvard Law School, clerked for Frankfurter, and had served as a clerk for Thurgood Marshall when he was preparing to argue *Brown v. Board of Education.* Bill was Johnson's choice to go on the Third Circuit in 1967, and perhaps beyond, Johnson, interestingly, knew a lot of African-American judges and was interested in advancing them. Bill Hastie, and Coleman and Thurgood himself. I tried in two meetings with Coleman to persuade him to go on the Third Circuit, but he resisted. He wanted to be a powerful private lawyer, as he became.

One of the things he did in Philadelphia was to represent the *Philadelphia Inquirer.* The publisher of the *Inquirer,* Fred Chait, was a very bright lawyer who was on the executive committee of Knight Newspapers in Miami. Coleman had agreed to go on the Price Commission—he accepted Nixon's appointment there—and so he couldn't represent Knight Newspapers or the *Philadelphia Inquirer* and wondered if I would. Indeed I would, and I began going up once or twice a week to Philadelphia working on advertising rates, on pay scales for printers and members of the various guilds.

Fred Chait and I hit it off. He was the kind of lawyer who was not only good in business but was fascinated by regulation. He would sit up at night reading Price Commission and paperwork regulations, and he would call me every day and say, "You know, I was just thinking about, I'm sure you've been thinking, too, about 326(a)(4)." (laughter) I started going down to Miami to meet with the Knight Newspaper people, a charming man named Alvah Chapman who was one of the really capable newspaper executives; the Knights themselves were involved, Jack Knight. In Washington I would go to the Price Commission or the Pay Board and meet with their bureaucrats with the latest version of an ad rate increase or a pay scale change

that Fred Chait and I cooked up.

It worked well. This was not playing basketball at the Final Four level, because no one really knew what these regulations meant. The task was to cook up ways of living with them. Nevertheless, we got done what needed doing. I became the fair-haired boy of the Knight Newspaper people. One day Fred called me and said, "Can you do antitrust? Do you have anybody that does antitrust?" We had by this time 15 lawyers in the firm, and most of them were doing aviation and motor carrier. They were very able. Some of them were even brilliant lawyers, but they weren't antitrust lawyers. He said, "What about communications? Any FCC capability?" "No."

But I suddenly had a thought.

In 1972, during the period of this Price Commission and Pay Board business, a Yale classmate of Berl Bemhard's, David Tillinghast—one of the preeminent international tax lawyers in the country who been the head of the Treasury Department's international tax work—approached Berl and said that his firm, Hughes, Hubbard & Reed in New York, had for a long time thought they wanted a Washington office but had never had the courage to start one. He wondered whether Berl and I would have any interest in becoming partners in Hughes, Hubbard & Reed while remaining partners in Verner Liipfert Bemhard & McPherson. We went up two or three times and met these exceptionally able pleasant lawyers. Their senior man, the chairman of their executive committee, was a great practitioner named Orville Shell. He was on the board of Merck and was their principal outside counsel. He was a most elegant man. Warm spirited, broad gauged, and chairman of Wall Street Lawyers for George McGovern, despite being *a* corporate lawyer. He was also chairman of the board of the New York City Ballet, big figure in philanthropic work all over New York, and I think the father of Orville Shell, the writer

about China.

We worked out a deal. Berl and I became full partners of Hughes Hubbard & Reed and went up to New York every couple of weeks. The deal was that each firm would try to steer business to the other, and each would get the benefit from what it steered while the other did the work. **As** a economic matter, it never produced a lot. Lloyd Cutler once took me to lunch and said, "Would you tell me how this works?" He said, "Cravath and I have been talking for years about some way to relate." This was before the practice began of huge firms like Piper Rudnick swallowing up small firms like Verner Liipfert. This was an association, a relationship, with the bond being a couple of partners, two individuals who were partners in both firms.

Something hit me after Fred Chait tried to hire Verner Liipfert for antitrust and FCC work, and I called Orville Shell and said, "Something's afoot. Knight Newspaper has got some kind of acquisition in mind. They want an antitrust guy and they want some telecommunications expertise. I want to steer them to you. You all have really got to be at your best because these are very bright people, it's a superb newspaper chain, and they will be looking for good work. They think they've gotten that out of me. Essentially what I've done is follow whatever Fred Chait thought was a good idea." I called Chait back and asked if they would be willing to interview Hughes Hubbard. Well, a team of Knight people went to New York and met with Orville Shell and four or five other lawyers, including a fellow named Jack Fontaine. To tell the story in three sentences instead of 30, they got hired, they were not only counsel for Knight as it acquired Ridder and became Knight-Ridder Newspapers, but Jack Fontaine moved to Miami as general counsel of the company and later became its president. He spent his next 20 years running that newspaper empire. All from that initial connection.

Here I was, I had done this, and I was looking for my next call from Bill Coleman

or somebody, now that I've learned what you do when you get hired.

Mr. Vanderstar: What you do is you sit in your office and answer the phone.

Mr. McPherson: And answer the phone.

Mr. Vanderstar: By the way, when was this Knight-Ridder deal?

Mr. McPherson: '72.

Mr. Vanderstar: Okay. So, you had been here for three years.

Mr. McPherson: Yes. I had been doing whatever came along that had a particular legislative or executive branch aspect to it, and we were getting into a number of things where I could be helpful. I got a call one day from Senator Bennett Johnston of Louisiana, whom I had known for a long time. He asked me whether I would be interested in representing some oil and gas wildcatters and developers who were trying to save the percentage depletion allowance for people in the oil business. I said, "Of course I would."

In came four or five of the most attractive clients I ever had in my life. These were virtually all Republicans. They were smart as could be, they were individual entrepreneurs, they were very wealthy. They operated in Kansas, Oklahoma, Texas, Louisiana, and they considered themselves under-represented by the IPAA, the Independent Petroleum Association of America. Essentially, the oil industry was composed of the Seven Sisters, the big giants, and then a whole bunch of medium-sized firms that dominated the IPAA—like Sun and Marathon and Conoco and those sorts—and lastly these small operators—small, certainly not by income in terms that you or I would recognize, some of them had maybe a thousand stripper wells, wells that produced under ten barrels a day, or who drilled maybe a dozen wells a year, had maybe ten rigs of their own and leased the rest, flew about in Beechcrafts, whose investors included, speaking of Beechcrafi, people like Mrs. Beech in Wichita—people who had money and wanted

to make more through investing in oil and gas drilling and development operations.

These wildcatter-developers wanted to save the depletion allowance. I said I would be delighted to help them. And there were pricing issues as well. Nixon had imposed on the oil world a set of price controls. There was one control for so-called "old" oil, oil that had been produced years ago and was still pumping, and a higher price for oil from newly drilled wells. That is, if you went out and drilled a wildcat well you got $11.25 a barrel, but if you were producing old oil, you'd get $5.25.

Mr. Vanderstar: Now, were price controls generally still intact at this point?

Mr. McPherson: Not on the economy as a whole. I believe that, in the interim between my adventure with Knight and this imposition of oil controls, general price controls had been lifted.

These developers had decided to seek the help of Bob Nathan, an old lion of a Democratic economist who had his own economic consulting business. They asked him to do a study of the economic cost of oil. Essentially they wanted him to look at the whole spectrum of oil drilling in America, take into account all the dry holes, and factor that in to what it cost to produce a barrel of oil. So that, leaving aside opportunity cost, if you just looked at what you spent as you went out and drilled wells and added to it what you spent in exploiting a successful well, tying up to the pipeline and all that, and if you considered also what you spent drilling dry holes, that would give you an economic cost per barrel. The government ought to allow that higher price for new oil, which was enough to make this a worthwhile endeavor. Furthermore, a number of these guys, as I mentioned, had a lot of stripper wells, and they thought those wells ought to be encouraged to stay in production, even though they only produced less than ten barrels a day, by being allowed to charge whatever the market would bear just to keep them

going. If they were treated like old oil at $5.25, it wasn't worth it to produce eight barrels at *$5.25* when you had to have somebody go out and check pumps and fix them. It was worth less at $5.25 than it cost to keep the stripper well going.

Mr. Vanderstar: So, could you stop here and tell this easterner what a stripper well is?

Mr. McPherson: It's a well that produces less than ten barrels. It's what's left in Texas today. When you go out there and see that they have the old horse going up and down, it's producing six or eight, ten barrels a day. There are people who make a living at it, guys who have a filling station or auto repair shop and who own two or three of these wells. They go out and check them every now and then and they have them tied up to a tank; somebody from some larger distributor comes by and fills up his tank truck from the tank and pays the owner so much to keep him going. In those days, there were tens of thousands of stripper wells, and they were important because there were a lot of wells producing eight or ten barrels a day. If you could free them up to obtain 15 dollars or 16 dollars a barrel, then they were economical to operate. So, anyway, these were my clients.

Mr. Vanderstar: Now, they went to Bob Nathan to do the economic study.

Mr. McPherson: Yes.

Mr. Vanderstar: And was that after they came to you or before?

Mr. McPherson: Simultaneously. I knew Nathan. He and I liked each other and we worked well together. When I would come up before some member of Congress I would beat the drum, to set the stage and then present the great Bob Nathan, "whom of course you know of and who is a life-long Democrat, worked for Roosevelt and was a great friend of Hubert Humphrey" and all that.

Mr. Vanderstar: Wasn't Bob Nathan very active in the NAACP?

Mr. McPherson: In the NAACP, yes.

Mr. Vanderstar: He was a prominent figure.

Mr. McPherson: So from the point of view of these Republican oil men from Kansas and Texas and Louisiana, it wasn't a bad deal to have a pretty well-known Washington moderate Democrat McPherson and a very well-known moderate liberal economist Bob Nathan standing up for them.

I got a call one day from a friend, Al Hunt of the *Wall Street Journal.* He said, "I just noticed in looking at the lobbying registration that you have registered for "Americans for Energy Independence." I said, "Yes, absolutely." He said, "Well, that's interesting. Lyndon Johnson's lawyer signing up with a bunch of guys from the oil patch. Most of them are Republican, I think." I said, "Yes, they are." And he said, "What are you doing for them?" I said, "If these guys don't survive, if they can't retain the percentage depletion allowance"—and, incidentally, the big companies, for tax accounting reasons that I never understood really didn't give a hoot about the percentage depletion allowance. They did their accounting in a different way so that that depletion allowance, which I had always associated with the oil industry, was really meaningful only to individual operators and small companies, not to the giants, not to the Exxons and the Mobils and the Shells. I said, "You know, if these guys don't keep that percentage depletion, if they can't get a good price for their wildcat oil and their stripper oil, they'll go out of business and we'll be left with the Seven Sisters. You'll just have the giants, you won't have these guys, and we'll be at the mercy of these huge companies."

Well, Hunt wrote a perfect article, quoting me at great length. But I had completely forgotten that the biggest client that Hughes Hubbard & Reed had was Atlantic

Richfield. At the time, Atlantic Richfield and the other giants who were involved in a tense investigation of concentration in the oil industry mounted by the FTC. A guy named White, a lawyer from a Houston firm who knew the oil industry, had come up to be special counsel to the FTC. He was giving the majors fits. Jerry Shapiro, who was Atlantic Richfield's main lawyer at Hughes Hubbard & Reed, got a call from the deputy general counsel of Atlantic Richfield, who said that they were astounded by this article. The deputy general counsel was engaged in an intra-corporate war with the general counsel, who had approved my representation of this group of independent operators. I had asked Hughes Hubbard Reed if they had any problem with this a month before, when I first started.

Mr. Vanderstar: Without knowing that they represented Atlantic Richfield?

Mr. McPherson: No, I knew that. And, in fact, just to show you how it's possible to lose touch in the heat of the battle, I asked my clients if it was okay with them because of Atlantic Richfield. I didn't see any conflict. Atlantic Richfield didn't oppose the percentage depletion allowance, and they didn't oppose these higher prices for oil. I thought we were all on the same side—the two groups had different priorities. In talking to Al Hunt, I just lost it, I just really let go. The deputy general counsel was in control in Los Angeles at headquarters because the general counsel was out of the country on some business deal, and the deputy was really going to stick it to him. He would be able to point to this decision to okay this the month before. "You let McPherson do this, and now he's attacking big oil."

During the morning there must have been three calls from the Hughes Hubbard executive committee. They had a phone with a speaker up in New York. They had about five guys, and I was alone down here. Jerry Shapiro said, "The problem is, you see, they think that a guy like White at the FTC, reading something by you," he said, "is going to ask you to testify

before the FTC. And this womes them quite a lot, and when people find out that we also represent Atlantic Richfield, what are we going to say?" My secretary walked in and gave me a note, "A Mr. White is on the phone." I said, "Excuse me just a minute." White said, "Mr. McPherson, I read the article by Al Hunt this morning. This is extremely interesting, and I completely agree that the small oil man has got to have that percentage depletion allowance and really should have higher prices for wildcat oil." I said, "There is a vote on percentage depletion allowance this afternoon in the Senate at two'clock. Would you be willing to say on behalf of the Federal Trade Commission and its inquiry into the oil business that it is important to retain the percentage depletion allowance so that smaller operators can remain in business?" He said, "Yes, I would." I said, "Would you say that in a letter to Senator Bentsen?" and he said, "Yes." I said, "Okay, I'll call you back in just a minute." So I got back on the phone with New York. They said, "Well, let us talk to the Atlantic Richfield lawyer some more. Maybe we can calm him down. Just don't get into any conversations with White at the FTC."

Well, I called Ron Natalie, a very bright lawyer in this firm, still here, who had the best sense of what ethics were required of a lawyer. "What do I do here?" He said, "You don't have an option. You're representing these oil and gas operators and you've been handed something that can be of enormous benefit to them and you've got to use it." Then Mr. White called back. He said, "I'm told by my chairman that I can't speak for the commission because they would have to meet after they have a formal session, where they could take a position as a commission, and there just isn't time for that." I said, "What about you? Could you do it as special counsel?" He said, "I would." I said, "Could I draft something—it will only be two paragraphs long—could I draft it and send it to you?" He said, "Absolutely."

I called Senator Bentsen, the sponsor of our amendment, and I said, "Let me tell

you what's happened." He said, "I've got to have it. I must have it as soon as you can get it to me." I wrote it. White redrafted it. A kid from Bentsen's office was in White's office waiting for it. Bentsen took it the floor. It had quite an effect. Bentsen had a lot of friends in the business. And most of them were in this general category of wildcatters and developers. He was defending them, and in a way he was defending the consumer from abuse by the majors. This was right down his alley.

We won. By about four o'clock there was a vote in the Senate. We just shouted. By 4:30, more calls had gone back and forth between Hughes Hubbard and Atlantic Richfield in Los Angeles, and it was made pretty clear to Hughes Hubbard that they could either have Atlantic Richfield or McPherson. In the next room was a fellow named Phillip Lacovara, who had argued the Nixon tapes case and had just joined Hughes Hubbard & Reed. He was conscious of part of what was going on. I never invited him into this. He must have been dumbfounded. It was such an intense time. I said to the group in New York, "I'm really *sorry.* I've enjoyed being your partner and this was an error of mine. I had forgotten the relationship that you had with Atlantic Richfield and how this might be read. I really think it's an overreaction by Atlantic Richfield, but I know what you do with a client who overreacts when that client is your biggest client. I can understand why you've come out where you have."

A few minutes later they called Berl and said, "We've asked Harry to step aside but we hope you will stay." He said, "Thank you, but I don't want to do that." I walked into the john, and by this time my shirt was sopping. I must have looked like a ghost. But I wasn't at all unhappy. I wasn't grief stricken. I was delighted that we had won. I was exhilarated by the day, to be honest with you. The wild infighting that the day produced with extraordinary. A guy came into the booth next to mine, an associate named, Howell Begle, who had been with Hughes

Hubbard Reed and they had assigned him to Washington. He said, "Can I go with you and Berl?" And I said, "Yes." Begle remained with us until last month. He finally went back with Hughes Hubbard Reed because of a newspaper client issue, but his whole life was lived here in the city as a result of that day. He chose to stay with us. It was quite a day.

Mr. Vanderstar: Your resume, which I am looking at, has an entry here among significant accomplishments, and I quote, "Represented oil and gas wildcatters and developers in Kansas, Oklahoma, Texas and Louisiana in tax legislative battles." Is that the story you just—

Mr. McPherson: That's the story. (laughter)

There was another lawyer involved, Bob Sisk. Sisk is a great trial lawyer. He was the counsel for Hallmark Cards in their big antitrust case. He was the ASCAP-BMI lawyer. A robust, manly fellow. Sisk was on the executive committee of Hughes Hubbard. He was in the Tombs that day trying a case in downtown New York. He got back about 5 o'clock in the afternoon and his secretary, a very pleasant woman, told him what happened. He went storming into Shapiro's office and started yelling about letting this client push us around.

I had once taken Sisk into see a wonderful man, Senator Phil Hart, who was chairman of the Senate Antitrust Subcommittee. Sisk represented the Pepsi Bottlers Association. The bottlers, Pepsi, Coke and many others, have territorial jurisdiction rules for their sales, and this is always presented antitrust issues. Phil Hart and I were very good friends. I worked for him on the Calendar Committee in the late '50s. He was one of the truly fine human beings who ever served in Congress. A great person. If you want to bring tears in someone's eyes about Phil Hart, ask Bob Dole about him. Dole, Inouye and Hart were in a veterans hospital together as patients, and Hart, who had also been wounded, took the bed pans out, brought the food in. He was that kind of man.

I took Sisk in to see him, and we laid out the case of the bottlers. We had worked hard to do it well. Hart listened, and he had his Chief of Staff there. At the end of it he said, "You've got a good case. I'm going to support you." Well, Sisk went back to New York and said, "We have got a partner down there who did this with Phil Hart for the Bottlers Association." As far as Sisk was concerned, I was good value. Now I had been kicked out of the firm, and he was furious.

What do you do? This is the reason for telling the story, it's almost like a New Yorker story. (laughter) Sisk was in a psychotherapy group, which was common in those days, when you were having trouble in your marriage, kids were giving you a fit, that sort of thing. The psychotherapist believed in the curative value of contact, physical contact, including the contact of men's heads laid on the ample chests of women in the group. (laughter) Sisk called and asked if he could join some group, and he went there so he could put his head on the large breasts of this woman. And then, when that didn't help, he went to his apartment and got a bottle of Johnny Walker Black and drank about half of it through the night, watching dumb TV, anything. Had a splitting headache the next day.

He came down about a month later. He took me to dinner and said, "This is really, the one thing that's ever happened in this firm that made me sick." Orville Shell had retired. I think Shell had the size and the suavity to have finessed this with Atlantic Richfield even though it was not his client. I think he could have handled it and would have as the chairman of the firm. Jerry Shapiro was very intense, capable lawyer. This was his big client, the firm's big client, and he was just nervous as could be that this could cost him the client. In any event, that's my story of New York and Washington practice.

Mr. Vanderstar: Let me back up and ask you a question. You left the White

House in January of 1969. Now it seems to me that one's name and experience and contacts like yours have a shelf life, and there comes a time when other people have come out of government (laughter) with good credentials and your star sort of starts to fade. Yet you're telling me that three years later, Bill Coleman, and even more significant, four and five years later a United States senator is calling you because you had known people when you were in government. You see what I'm puzzled about?

Mr. McPherson: One of the big helps for people like me was that the Democrats controlled the Congress right straight through. Between **1933** and some time in the '80s, the Democrats controlled the House of Representatives in every year except two right after World War II when Joe Martin was Speaker, and they controlled the Senate almost the entire time as well. So, if you were a lawyer in a large corporate law firm and your business client had a big problem on the Hill, the chairman of that company might be a Republican in great standing with Richard Nixon and his gang, but your problem was with John Dingell or Fritz Hollings or some one of the old lions on the Democratic side. So if you were such a corporate lawyer and you looked around, you might find somebody like McPherson who could help you in trying to reduce the penalty that the company would pay. That helped a lot.

There were also a few things that I was doing that sort of kept my name in circulation. I was vice chairman of the Kennedy Center and worked with Roger Stevens, the chairman of the center, and with his great friend, Abe Fortas.

Which brings me to another client that lasted for many years. I was approached in 1972 or *3* by Raphael Hernandez-Colon, a bright lawyer who had been elected governor of Puerto Rico. I had had, **as** one of my odd responsibilities as counsel to the president, oversight of Puerto Rico. This is an interesting development. Puerto Ricans didn't want to be considered

a colony or a temtory. They are a territory, the Supreme Court says so, but they don't like to think of themselves as a temtory. So they didn't want to be under the jurisdiction of the Department of the Interior, which had an Office of Territories — Guam, Samoa, Virgin Islands. But where would you put them? No one could find a place to put them.

In 1952, when the Commonwealth Act passed and the great Luis Munoz Marin became governor of Puerto Rico, responsibility and oversight of Puerto Rico was vested in the White House. And where would you put it? Well, we'll put it in the counsel's office. I spent on average an hour a month thinking about Puerto Rico. There were some issues of very considerable concern to Puerto Rico that the government dealt with. If I got involved with it it was because they got the wrong answer in HEW or some other department. I got to know Munoz Marin a little; he was a very great man on a small island. Abe Fortas used to say, "If Puerto Rico were France, he would have been in a league with Churchill and Roosevelt as one of the great figures of the twentieth century."

In any event, Governor Hernandez-Colon came to see me and said, "You used to deal with Puerto Rico when you were in the White House, and you and I have a mutual friend in Abe Fortas. I am the heir of the tradition of Munoz Marin, and I see it as my duty to expand the concept of 'commonwealth', to change the relationship between Puerto Rico and Washington, so that Puerto Rico becomes, for many purposes beneficial to it, an independent country with the right to take a great many actions on its own — trade, tariff, immigration actions — while yielding completely on foreign affairs, national security, foreign commerce to the United States. The Puerto Ricans would be as they are now, citizens of the United States, but the tax regime under the famous Section **936** would continue." Covington was for many, many years the tax headquarters of Puerto Rico in Washington.

And he said, "I would like to retain you to work with former Justice Fortas and Resident Commissioner Jaime Benitez, a legal scholar. I'd like the three of you to work out the terms of a new commonwealth relationship between Puerto Rico and the United States." Well, for the next couple of years I spent a lot of time in Abe Fortas's library. I did a lot of reading of ancient, obscure international texts that Benitez produced at the University of Puerto Rico. I drafted and redrafted and I finally persuaded Senator Henry Jackson—"Scoop" Jackson—and 11 other senators to sponsor our new compact. They had a hearing. It was something like the Marx Brothers movie, "Fredonia." Remember, "All Hail, Fredonia"? (laughter) I think there were cops everywhere, fear of assassins jumping out. After all, Puerto Ricans had once gotten into Blair House, shot up the House of Representatives. When you touch this status issue, you're really on the third rail for Puerto Ricans. It doesn't matter a hell of a lot to mainlanders, but to Puerto Ricans it is everything. So, we produced this document, and it was the subject of hearings and of a couple of ***Washington*** *Post* op-ed articles, and then it just faded.

Several years later, the Statehood Party candidate, Carlos Romero Barcelo, defeated Hernandez-Colon. He came to see me to ask if I would represent him and Puerto Rico. I said, "I can't do that. I worked with Abe Fortas and Jaime Benitez on something exactly the opposite, so far from statehood that they are two stars almost not in the same universe." He said, "Will you help me with some other things?" He meant other problems he had on the Hill. I liked him, and I said, "Okay." I spent a couple of years doing the tin-cup routine, going around to Congress and the departments asking for more appropriations for education health care or different dispensations of vaccines or whatever. Carlos and I became friends.

One day we were in the office of a bright tax lawyer who worked for Bob Dole. We were talking about this famous Section 936, some variation of it that we were seeking, It is

the section of the Tax Code that permits American companies to operate in Puerto Rico free of U.S. taxes. As Carlos and I came into this fellow's office, he had his feet up on the desk and kept them there; he was listening to a Handel oratorio. The governor started to speak to him, but he put his hand up and made a gesture that meant "hold on," and he listened to the music. It was one of those epiphanies that you have in life that change your notion of things. For years, working for Puerto Rico, the Commonwealth side, and now for the governor, I had gone to Pat Moynihan, who was sympathetic to Puerto Rico and was from New York, where he represented a lot of Puerto Ricans and was on the Finance Committee to ask him to help, and he would help. There were some other senators — Jackson comes to mind — who also knew a lot about Puerto Rico and would help.

But I suddenly saw that until Puerto Rico was a state and had its own senator and Congressmen, its governor would be subject to be silenced by a staffer so the staffer might listen to some music. Puerto Rico would never have the clout that it should have with almost four million American citizens, all the men draft eligible, with one of the highest mortality rates in war of any jurisdiction in America in the Korean War, and in the Vietnam War, but with no vote in the Senate or the House. No vote. Subject to the taxes being changed, subject to all manner of laws being changed, without anybody representing them. That afternoon I became a statehooder. I'd never thought I'd be that. And this law firm, this office we're sitting in, the big conference room here became — in the late '80s and early '90s, when the Commonwealth government was back in power and the statehooders were not — the headquarters on the mainland for the statehood effort.

An extraordinary individual, Luis Ferre, the founder of the Statehood Party, a graduate of MIT and the New England Conservatory of Music who until his 90s never let a day

go by without spending one hour at the piano playing Bach, owned and developed the biggest cement and construction company in Puerto Rico. He was the godfather of the statehood effort. He was a great friend of George Herbert Walker Bush. The statehooders practically lived here. They were here months at a time in Washington, living in these offices by day. We were the headquarters of the statehood drive.

During that time, the years passed, and I was no longer "Oh, yeah, you're Lyndon Johnson's counsel." I was doing things like this.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - TWELFTH INTERVIEW
APRIL 14,2003

Today is April 14,2003, day 12 of this series of interviews, a lovely sunny day in Washington.

Mr. Vanderstar: Harry, I want to go back to comments you made on day 11 about your work on the Kennedy Center Board, was it?

Mr. McPherson: Yes, and general counsel as well.

Mr. Vanderstar: And also you were on the board of the Woodrow Wilson International Center at the Smithsonian. Both of these you got into after you left the White House. Could you just talk about each?

Mr. McPherson: Sure, and I'll add the Council of Foreign Relations; I was on the board of directors for a while and was once interviewed for the job of its president.

As I think I mentioned earlier, President Johnson called me on the last day of his presidency in the morning on January 20, 1969, and asked me if I'd like to be on the Kennedy Center Board. He put me on, and I was made one of two vice chairmen. Charles Percy, the former senator from Illinois, was the other, and our chairman was the ***nonpareil,*** Roger L. Stevens, whom I had known for a long time. Roger was an enormously successful real estate man, very bold fellow. He had once owned the Empire State Building. He was also, when I knew him, a hugely successful producer of plays in New York. Among other things, he produced ***Annie*** and ***West Side Story*** and many of the great Jean Kerr comedies.

Roger had a great passion for government support of the arts and a desire to generate wider access to fine art. This business man, this real estate operator and investor, was

surprisingly well read. I say surprisingly because he spoke in a mumbling kind of voice; he almost never completed a sentence, as far as I could tell and yet, as I saw when I went over to his house in Georgetown, he was surrounded by a mountain of books and scripts that people had sent him for possible production. And his reading was not just related to the stage. It was novels as well as non-fiction. He was really quite widely read.

He was a very close friend of Abe Fortas and that had something to do, I think, with my appointment, probably because Abe Fortas mentioned to Johnson that that would be a good move. I had worked on arts matters in the White House, and I had gotten to know Roger. In fact, I was persuaded by Richard Goodwin, a well-known speech writer and intellectual who was working for Johnson after working for Kennedy, to resist Roger Stevens' appointment as head of the National Endowment for the Arts because he was "just a business man. We need somebody who is intellectual." I suggested to Johnson that maybe we ought to hold up on, not knowing anything about the relationship between Abe Fortas, then on the Supreme Court, and Roger Stevens. I got a call from Justice Fortas, whom I had known quite well for some time. He said, "Let me tell you something about Roger Stevens." He painted a picture of an extremely intelligent, well read person who also had a lot of practical sense and who knew a great deal about play production and, in fact, the production of musical theater as well as plays. He was so persuasive after ten minutes that I wished that I could run down and take back the memo that I had sent to Johnson. Johnson had called me and said, "I got your memo and it's interesting. You may get a call from Abe Fortas about this." And in about ten minutes I did get a call from Abe Fortas.

Mr. Vanderstar: Was Goodwin in the White House at that time?

Mr. McPherson: Yes.

Mr. Vanderstar: But he spoke to you

Mr. McPherson: He spoke to me because he thought I might have more influence with Johnson. He persuaded me, and then I was un-persuaded by Justice Fortas, and I was very glad that I was, because Roger was a unique figure. There is a plaque over in the Hall of Nations, I think it is, that is dedicated to Roger. Whoever wrote the text of it really did it well. He was not just an unusual man; he was a unique man, given what he was called upon to do and what he invited himself. Roger many times wrote a personal check to cover the shortfall for theater companies that came to the Kennedy Center, and rather than have the actors or the stage hands go without, Roger would write a check. God knows how much he gave to the Kennedy Center over the years.

Did I mention going up to Shubert Alley one time?

Mr. Vanderstar: I don't think so.

Mr. McPherson: I don't remember the precise cause. I know that it had to do with "Annie." I know that the Shuberts and Roger and the Kennedy Center owned the rights to "Annie," and "Annie" was committed at a certain time in New York when Roger wanted it to be at the Kennedy Center because it was a guaranteed, big-time money maker and we needed it. Roger and I went up to the office of Bernie Jacobs and his brother. They were the Shubert Theater people who ran a number of theaters in New York, and with Roger's departure for Washington they were probably the most active producers. Roger made his case to them in their rather Romanian, Transylvanian, dark office, with all kinds of costumes around—the perfect theater office.

Roger had to go out and do something for about half an hour, and I was left with Bernie Jacobs—a tough fellow, pleasant, but tough. He said, "How well do you know Roger

Stevens?" I said, "Well, I've known him a long time. I'm getting to know him better now that I'm working with him." He said, "Well, he's a unique figure. There is no one like him in the theater world." I asked, "What do you mean by that?" He said, "I mean that, unlike anyone else I know in the theater world, when Roger Stevens makes a commitment to you, even an oral commitment, you can take it to the bank. He will write a check himself if he finds himself disadvantaged by that commitment. He will never let you down. And there is no one else like that." It was quite something to hear it from an old tough guy just off Shubert Alley in New York.

For a number of years, from '69 to '76, I was vice chairman along with Percy, and I spent a lot of time with Roger and Abe Fortas, who was off the Court by that time. When my term expired, Ford was president. It was in '76, an election year, and although I think Roger expressed the hope that I would be reappointed, these appointments — ten-year terms — were and are jewels. They give you advantages that other things don't. You get seats when other people don't get seats.

Oh, I have to tell a story. On the night of Nelson Rockefeller's swearing in as vice president, I took my older son, who was about nine years old, to the ballet. I thought he might enjoy it; it was just a flyer. I got the Trustees' box in the Eisenhower Theater. The trustees' box is immediately next to the president's box. Just before the ballet began, Nelson Rockefeller and his wife Happy and a whole bunch of people connected with him spilled into that presidential Box. The audience stood and began applauding; the whole audience stood, turned around and applauded for ten minutes. The United States had just been through the worst crisis of its kind that we had ever had, not in a league with the Civil War, but certainly a truly scary crisis, and here was a man who was well liked by people in Washington and most of the

country, and he was coming in to be vice president to a man that we were also beginning to like, Gerry Ford. People were just full of joyous praise, *laudamus Nelson Rockefeller*. Finally he sat down and the performance went on.

At the intermission, he and his friends got up to go into the little anteroom where champagne and hors d'oeuvres can be served. But before he did, this classically affable politician reached over, and I introduced myself and said I had been Lyndon Johnson's counsel, which made him shine and speak with the greatest warmth about LBJ, who felt the same for him. Then he reached down and he said, "Young fellow, what's your name?" Peter McPherson told him, and he said, "How old are you?" "Nine." Rockefeller said, "Well, you know what? Just looking at you, I can tell you're a regular fellow." It was the nicest, thoughtful thing for a big famous man to say to a nine-year-old kid. A lesson he's never forgotten. We were both just glowing. "I'll bet you're a regular fellow."

Mr. Vanderstar: You didn't need champagne.

Mr. McPherson: No, not a bit. That was wonderful.

When I was not re-appointed by Ford, Roger asked me if I would be the general counsel. I agreed and went over often to work with him. One thing I remember doing, outside of just offering counsel and occasionally going up to the Hill with him to make a presentation to committees, was in response to Roger's desire to merge the National Symphony Orchestra and the Kennedy Center. He thought that the symphony orchestra would always be a lame duck, that it would never be financially successful unless it was really embraced by the Kennedy Center. We would never be able to reach agreement on labor contracts for the players if we had one set of labor contracts for the symphony orchestra and another set for the musical comedy players.

He insisted that the Kennedy Center absorb all the debts of the NSO, which were

quite considerable. And he said, "We'll do that and then we'll go forward together." He said, "You draft this." Well, I thought about it for a couple of days, and I didn't really know who to talk to. We didn't have anybody in my firm who was a specialist in arts organization administration, so I just relied on myself. One warm pleasant afternoon on a weekend I sat in my backyard in Kensington and drafted a "Memorandum of Understanding between the Kennedy Center and the National Symphony Orchestra." As far as I know it has survived. Certainly the general principles of it still govern the NSO and the Kennedy Center.

Mr. Vanderstar: Well, that's terrific. That's when you were general counsel?

Mr. McPherson: Yes.

Mr. Vanderstar: So you were retained as counsel by the Kennedy Center?

Mr. McPherson: I was.

Mr. Vanderstar: Well, back up. When you were vice chair of the Kennedy Center, was that a volunteer job or was that a paid job?

Mr. McPherson: It was a volunteer job.

Mr. Vanderstar: And how much time did you spend?

Mr. McPherson: Well, it was all *pro bono publico* of course. I would go there any time Roger and Abe Fortas called on me. Which reminds me, when Abe died, someone called me at night and told me that he had died. The next morning I called Roger at 6:30 to express my sorrow. These men, as I said, were extremely close, but Roger said, "Oh, he did, did he? Oh. Well, thanks for calling me." And this had been a sudden heart attack. I guess Roger didn't often express deep emotions about personal things.

But he could be deeply moved by theatre and by a musical performance. One night Slava Rostropovich came to the center when he was still living in Russia, came to play the

cello, and Roger invited me to go with him. We sat in a box right over the stage at the Kennedy center while Rostropovich played furiously at the Bach and Brahms. It was an amazing performance. Roger's eyes welled up in tears, it was so powerful. Later that evening we went over to Lily Guest's house in Georgetown. She was a very wealthy woman who worked hard for the arts. Rostropovich was to come. There were about 20 of us, and we were going to have dinner. It got to be 11, 11:30. Finally he arrived with a handler, clearly from the KGB, a little man who was his "agent." A few minutes after him, Jane Thompson, the wife of Llewellyn "Tommy" Thompson, the U.S. ambassador to Russia—a very astute man—came into the house. She had been at Bethesda with Tommy, who was dying.

Mr. Vanderstar: Bethesda Naval Hospital?

Mr. McPherson: Yes. Tommy Thompson was dying and Jane had come in to see Slava, because he was Tommy's friend. This is a time when Rostropovich had bearded the Russian government on a number of occasions. Among other things, he took Solzhenitsyn into his house and said, "He's here and no one's going to touch him," and no one did. Anyway, Rostropovich went up stairs with Jane Thompson, and they didn't come down until 12:30. He was holding her hand and embracing her. They came down and the two of them drank ten-ounce tumblers of vodka on ice. It was now about one o'clock, and we were eating, and I said, "Is it okay to ask questions?" I said, "Mr. Rostropovich, what can you tell us about Suslov?" He was the principal theoretician of the politburo; you didn't see much of him, but he was the hard line Stalinist theoretician. I said, "Tell us what role he is going to play in the future of Russia." With this KGB guy sitting right next to him, Rostropovich, now full of a large glass of vodka, said "Suslov—goddamn son of a bitch bastard. Good English?" I said, "Oh, very good, very good." (laughter)

These were wonderful moments, just being around Roger Stevens and being in the Kennedy Center. I loved the role I had there.

Mr. Vanderstar: Talk about your role, because the drafting of the contract was after you became general counsel, but while you were vice chair of the Kennedy Center, that was pretty high up. What did they call on you to do?

Mr. McPherson: One of my roles was to be an interpreter of Roger at board meetings and executive committee meetings. As I said a minute ago, Roger mumbled. If a trustee said, "Roger, I wonder if you could tell us a little more about what our commitment is here to this three-play series. How much are we on the line for here?" (mumbling) And I would say, "I think what Roger's saying is that we are committed if such-and-such happens" and I would speak English for a few minutes. Roger was famous for this incomprehensible mumbling. As soon as he started answering that way, you'd hear laughter all over the room, because everyone knew that's all you were going to get out of Roger.

Mr. Vanderstar: And how did he respond to that reaction?

Mr. McPherson: To my doing?

Mr. Vanderstar: No, to the laughter.

Mr. McPherson: In a good-natured way.

Mr. Vanderstar: It didn't bother him?

Mr. McPherson: It didn't seem to bother him.

Mr. Vanderstar: Nor did it bother him that you seemed to feel the need to translate for him?

Mr. McPherson: No.

Mr. Vanderstar: Delightful. Well, beyond translating at board meetings, tell me

some of the other—

Mr. McPherson: Well, I knew the Hill and would go up there with him. If I dug into my files I could probably retrieve some specifics, but largely it had to do with trying to get a better relationship with the National Park Service and a better understanding about what the government would pick up by way of costs. Essentially, the Park Service paid for the guards and the maintenance, the air conditioning, and so on. If you considered the Kennedy Center as a presidential memorial, which it is, then the Park Service paid for the kinds of things that they would pay for in any presidential memorial, that is, hardware, logistics, and the maintenance of a dedicated place that large numbers of Americans walk through. There was not a government nickel in any production. Improving that ratio was of interest to us.

Years later, when Roger retired, he was succeeded by Ralph Davison, who was a former chief executive of Time-Life, and Ralph Davison was succeeded by Jim Wolfensohn, now the head of the World Bank. Wolfensohn was a very brainy and effective guy. He was already the chairman of Carnegie Hall and chairman of the Institute for Advanced Studies in Princeton, and he was the chairman of his own investment banking firm. He was really quite a big operator. He came in at a very tough time for the center, when it was facing bad financial times and needed a lot of repair, big-time changes in the wretched building designed by Edward Durell Stone. He thought Congress should be persuaded to make very big appropriations for this purpose.

I didn't think he could do it, and I told him and the executive committee. I just didn't think Congress would make the kind of commitment to the center. Mine was a classic case of an anachronistic response. I had been in Washington by that time for 25 years, and I had heard the H.R. Grosses of the world—this was a reactionary congressman from Iowa—I'd heard

people like that mock the belly dancers at the Kennedy Center when the New York Center or American Ballet Theater would come to town. To me, that was Congress looking at the arts.

Roger Stevens, because he was a business man, had a way of giving some reassurance to these people. But he was also, I guess you have to use the word "timid," when it came to asking Congress to make a major dollar commitment for things that it had never supported before. Wolfensohn just went in and said, "Look, I've got a lot of things to do. I'm chairman of the Camegie Hall Board, and I've got this thing at Princeton, and I have a lot of things that I'm involved with. I have undertaken this as a public service. I've been asked by Senator Kennedy and several other people whom I know to take this on. But I'm not going to do it if it is a vain effort. I'm not going to do it if the Congress is not willing to listen to me when I present them with a financial plan that will involve very substantial government commitment. Either you want a presidential memorial in good condition or you don't. If you don't want that, take it back." I was not present at any of these meetings, but that's what I heard he said. He charmed and intimidated them, and they changed everything about the relationship between the government and the Kennedy Center. They put up the funds to repair the building and made some real commitments that they had never made before.

Mr. Vanderstar: You said that he said, "Take it back."

Mr. McPherson: Right.

Mr. Vanderstar: I have forgotten. Did the federal government build the Kennedy Center, government money?

Mr. McPherson: It was a mix of government and private funds.

Mr. Vanderstar: Oh, oh, okay. There must have been a 501(c)(3) created, because that's what you make donations to.

Mr. McPherson: Right.

Mr. Vanderstar: And so I now see that the relationship between the federal government and this 501(c)(3) must have been a running battle and probably still is.

Mr. McPherson: It certainly invited battle because you're talking about one of the riskiest financial investments you can make—the theater.

Mr. Vanderstar: Right. It's not a public park where people can wander in and enjoy the scenery. They've got to buy a ticket, which is pretty expensive to most of the things.

Mr. McPherson: Exactly.

Mr. Vanderstar: And I can understand why, just like the arguments about funding public television and Amtrak and so on, some say. "Let the users pay," and that's how you support it and all the problems.

Mr. McPherson: Right. And that's essentially still the case.

Mr. Vanderstar: All right. So you really had plenty to do as vice chair in helping deal with this relationship.

Mr. McPherson: I did, and Chuck Percy was a huge help. He I think was still in the Senate during much of that period when he was vice chairman.

Mr. Vanderstar: So the two of you, you were both vice chairs?

Mr. McPherson: Yes.

Mr. Vanderstar: And Stevens was chair and then was succeeded by the others you've spoken of?

Mr. McPherson: Right.

Mr. Vanderstar: How long were you general counsel?

Mr. McPherson: That lasted a couple of years into Wolfensohn's tenure, and we

were not famously friendly. I volunteered that perhaps he would rather have somebody else do it and he asked Bill Becker, the son of the original counsel to the center, Ralph Becker, to succeed me as counsel.

Mr. Vanderstar: That's fascinating about the Kennedy Center. It's a side that one doesn't think about, but it's obviously extremely important.

Let's go on to the Woodrow Wilson deal which was something new that the Smithsonian had created while you were in the White House?

Mr. McPherson: The Johnson administration advanced this idea, and it was adopted by statute as an entity within the Smithsonian—the Smithsonian is a great umbrella organization. The Kennedy Center is a bureau of the Smithsonian.

Mr. Vanderstar: Really?

Mr. McPherson: Yes. Not the slightest reason why it should be, except to give it a respectable home in the eyes of Congress.

Mr. Vanderstar: But the Smithsonian is a again a partly government, partly private nonprofit entity.

Mr. McPherson: It's about 60 to70 percent government funded, and the rest is private contributions. It began with private contributions when James Smithson started it, and for many years the majority of it was privately funded. But it has been majority publicly funded in recent times. It has these bureaus—the National Gallery is one, but it is quite independent. The Smithsonian has not a thing to do with running the National Gallery, but in some kind of frail, formal sense it is a bureau, the same as the Kennedy Center. The Woodrow Wilson Center is more an integral part of the Smithsonian than these others are. I'm not sure whose idea it was originally. Douglass Cater, who was a Johnson special assistant, had a lot to do with it.

Anyway, this was one of my last-day appointments. Johnson appointed Hubert Humphrey as chairman of the Board of the Wilson Center. The first executive director was a good friend of mine, the late Benjamin Reed, who had been the executive secretary of the State Department under Rusk—he was the one who called me in the Pentagon and asked whether I would be interested in coming over to the State Department as assistant secretary for educational and cultural affairs. Ben and I were close friends and had been for many, many years.

The idea of it was to provide in the Smithsonian a meeting place for scholars from all over the world who were in Washington to do work that bore in some way on public policy; for many years it was in the old Castle Building on the Mall. These would be political scientists, geographers, historians, writers of one sort or another—men and women who could be said to be connected to government as scholars in a way that that famous scholar and university president, Woodrow Wilson, was connected to government. He demonstrated in his own life a connection between scholarship and government that ought to be encouraged.

It has been a pretty good institution. One of the less publicized things it's done is to provide a landing place for political people who have been defeated or lost their positions and who aren't quite sure what they want to do next but who do want to do some writing and get started on a book that would cover their period in office. **A** number of my friends over the years have spent several months there. I think a typical tenure is about nine months, and a lot of people just spend maybe six.

Mr. Vanderstar: And these people become what, Fellows of the Woodrow Wilson Center?

Mr. McPherson: They are Fellows.

Mr. Vanderstar: And do they get a stipend?

Mr. McPherson: Yes, they do.

Mr. Vanderstar: And office space?

Mr. McPherson: And office space, secretarial support?

Mr. Vanderstar: Elliot Richardson's an example I can think of.

Mr. McPherson: Exactly.

Mr. Vanderstar: You've said two things. You've said a place for people like Elliot Richardson and so on to be housed for a while but also a place where scholars from around the world would come in.

Mr. McPherson: Right.

Mr. Vanderstar: Can you connect those two pieces?

Mr. McPherson: It certainly has provided office space and secretarial support and a pleasant environment for scholars who wanted to do research in Washington, research that could not be done very well anywhere else—with the Library of Congress and various scientific and cultural institutions around Washington. How much they have gained from intermixing, I don't know. I've been to a number of sessions in the Woodrow Wilson Center over the years and have participated in several of them as a speaker. I found them for the most part interesting, at times rather abstruse and attenuated in an academic way. Within the center there is the Kennan Institute for Russian Studies, which I think has probably been very valuable and productive. Ben Reed was succeeded by Jim Billington, another brainy fellow who has political interests and who is now the Librarian of Congress. The current Director is Lee Hamilton, who was one of the best members of Congress, chairman of the Foreign Affairs Committee and probably the most respected Democrat in Congress over many years in dealing with foreign affairs.

Mr. Vanderstar: Doesn't the center publish a journal?

Mr. McPherson: It does, called *WQ* and it's very good.

Mr. Vanderstar: Now, how is the center funded? Do you recall when you were on the board, a long time ago? Government funded, private funded?

Mr. McPherson: Well, they get a fair amount of government funds, but they clearly have an aggressive fund raising operation going. Their last chairman, a Chicago lawyer-business man, was the personification of aggressiveness in fund raising. And they've created an advisory council, and people are on that like Alma Gildenhorn, who are formidable givers and raisers of money. So, I think they've done a much bigger and better job of fund raising than they did when I was a member.

Mr. Vanderstar: When you were a member of that board, what did that involve for you personally? Go to board meetings and what else?

Mr. McPherson: Yes, and since Ben Reed was a good friend, he would call. I cannot remember examples of what he called me about, but occasionally he would call to talk about some problem he had, ask if: (a) I had any ideas about it; and (b) if I did, would I call someone in Congress or an executive department and see if I could help repair a problem.

Mr. Vanderstar: Even though you were a board member and not a staff member.

Mr. McPherson: Yes, exactly.

Mr. Vanderstar: Okay. You were on that board for I think five years according to your resume, and then did your term expire?

Mr. McPherson: My term expired and, again, the wrong president was in office.

Mr. Vanderstar: Now, when I identified the two things I wanted to ask you about, you mentioned a third, which I certainly agree we should talk about because it seems to

succeed your term on the Woodrow Wilson Board, and that is the Council on Foreign Relations. Talk about that please.

Mr. McPherson: Okay. I was asked in the early '70sif I would be interested in being president of the Council on Foreign Relations, and it struck me as an interesting thing to do.

Mr. Vanderstar: President, not board chair.

Mr. McPherson: That's right. This would be a full-time paid position, and one would live in New York. The then-president lived on Park Avenue and was pretty well taken care of. I thought it might be exciting, to have available the resources of New York insofar as they had any interest in foreign relations and wanted to use the council. I went up to New York City and—I think Bill Moyers had recommended me to the council—spent a midday, about three hours, I guess, in the office of David Rockefeller, surrounded by French art, impressionist art for the most part. Others in the meeting and then luncheon included John J. McCloy and the chairman of Time-Life, Hesketh Pearson. There were four or five people. We were getting along well. David Rockefeller is a very nice man, very sweet spirited and quite unchallenging, and I really liked McCloy, who was robust and bearish.

Things were going okay until I was asked what experience I had had in foreign affairs. I told them that working for Johnson, particularly in the last few years of his presidency, had gotten me into a lot of foreign affairs matters, particularly Vietnam, and that I had worked in the State Department as the Educational and Cultural Affairs maven. The group was just beaming and seemed to be thinking, "You know, maybe this fellow's just fine." Then a question came up about the Middle East, and I told them the story of going to Israel just in time for the Six Day War. I expressed myself vigorously as a friend of Israel's, not really thinking that the

people who created Aramco were sitting in this room. (laughter). I'll never forget the face on John McCloy as he saw this potentially pleasant acquisition turn to dust. (laughter) I was given the equivalent of a "don't call us, we'll call you" farewell from these fellows. In another year or two, I was, despite that gaffe, elected to the board.

Mr. Vanderstar: By whom?

Mr. McPherson: By the board.

Mr. Vanderstar: And were David Rockefeller and McCloy on the board?

Mr. McPherson: Rockefeller was chairman of it.

Mr. Vanderstar: And was McCloy on the board?

Mr. McPherson: I think he was. Cy Vance was probably my promoter. He was on the board and very close to both of them. I guess I expected a lot more out of that experience than it turned out to provide. It was, instead of being an opportunity to be informed more deeply about the great issues of our era, it seemed to be mainly about salaries and pencils and typewriters—the classic bean-counting function of a board, but one that I was hoping would not be the case here. But it was. So, after one term, I asked not to be considered for re-election to the board.

I remained active in the council for a long time. Sometimes I was a speaker, and I went to many meetings. When the Cold War ended and the Wall came down, I decided, not very wisely, that there was really nothing else to know about foreign affairs. The great struggle that had involved all the world on one side or the other being over, there was no reason to go across town, at that time, 24th and M Street, to attend meetings and listen to people talk about Nicaragua and redevelopment in Tanzania. It never occurred to me that we would find ourselves in the situation we are in now [in 20031. I'm going to rejoin the council just because it is a good

place to learn something.

Mr. Vanderstar: Terrific.

You mentioned your son at the Kennedy Center.

Mr. McPherson: Yes.

Mr. Vanderstar: And that prompts me to get back into your family and so on during the period after you left the White House. You were living in Chevy Chase Village at the time?

Mr. McPherson: I was.

Mr. Vanderstar: Talk about your family

Mr. McPherson: Both my children, my older children, Coco and Peter McPherson, went to Sidwell Friends. Coco went from there to Grinnell in Iowa and Peter, to my astonishment, went to Sewanee.

Mr. Vanderstar: Oh, boy.

Mr. McPherson: I was much moved by that. I didn't expect that he would, but that's where he went.

My wife and I became increasingly alienated and, as with most people who have had the same experience, it's hard to isolate any one cause or any one time. I suppose some people do look back at particular critical events, but in my case it was just a sort of a deterioration of a relationship that had become strained over a long time. My wife was very intelligent, eccentric — southern eccentric — and given, in the latter years of our marriage, to drinking too much. I separated from her in mind and body long before I left the house.

One night, very late in that time, I was on a bus called the L-1 bus. This was an express that went from Chevy Chase Circle, stopped once around Van Ness where UDC is now,

again in downtown Washington, and finally on the Hill. Then it went back, came back through the same stops. So it was an express, cost 75 instead of 40 cents and it was arranged like a Greyhound bus, reclining seats with a little light over your head.

Mr. Vanderstar: A reading light?

Mr. McPherson: **A** reading light. Wonderfully convenient when you travel to work. I began using it after the astonishing morning in 1969 when I walked out of my house and realized that there was no black limo out there to drive me into work. I had to get to work by other means.

One night I was going home on the L-1 in an absolute blizzard. It had been snowing for half a day or more and there was probably a foot on the ground—the bus was doing its best to wallow through this on Connecticut Avenue—when I saw, sort of by the side of my eye, a woman get off the bus. She was wearing a raccoon coat, and she stepped with rather melancholy slowness across the street. I figured out later, many years later, that it was in part because she didn't see well at all that she was having a hard time picking her way across the street. But I was just hit by the sight of her and the way she was walking. So I started looking out for her on the bus. I would even hold my ***New*** *York Times* wide across the seat next to me until the bus stopped at Van Ness where she got on, and I would fold my paper and she would find herself sitting next to this old geezer. She was 15 years younger than I.

She realized after a while, after a month or so of this behavior on my part, that there was something afoot here and she'd better quit riding the bus, something that was in her best interest. And she stayed away for a couple of months. I was dismayed. She says that she had a dream one night that caused her to get back on the bus. Well, over time, I got **up** the courage to invite her to lunch and we started seeing each other. We got married in 1981, which

is now 22 years ago.

She worked on the Hill, incidentally, for a very nice, profoundly conservative congressman from Ohio, a Republican. He had a lot of seniority and almost no influence for his great seniority. He was on the Appropriations Committee. He was once nominated by the Hill newspaper to be chairman of the Obscure Caucus. (laughter) The staff was a particularly pleasant one. My wife was his legislative director for defense and foreign policy issues; she is a firm and committed Democrat and has been ever since we've been married, but at the time she had that connection.

Incidentally, we thought we were extremely clever in concealing this relationship from anybody. When we got married, on a wonderful October day in St. John's, Lafayette Square, we went over to a glorious wedding party in Prospect House in Georgetown, overlooking Key Bridge. **A** lot of friends from my political life were there. And there was this enormous spray of flowers and it had a card on it, "Congratulations from the Gang on the L-1 Express."

Mr. Vanderstar: So much for your secret. (laughter)

Mr. McPherson: So much for all this clever evasiveness on our part.

Mr. Vanderstar: If you don't mind my asking, how did Coco and Peter respond to this new person in your life whenever they found out about it from the Gang on the L-1 or whatever source?

Mr. McPherson: Pleasantly but remotely at first. It has taken many years for that to change, and today the relationship is fine. They get along well and talk very easily.

Mr. Vanderstar: If they become warm, that's a blessing.

Mr. McPherson: It is, yes. We were just in New York this weekend with my

daughter.

Mr. Vanderstar: After your separation from Clay and before you married Trish, where did you live?

Mr. McPherson: I lived in Woodley Park Towers, a wonderful old apartment house. If you ever have the occasion to need an apartment, I recommend it. It's just up the street from the Zoo, and it's where Justice Brennan lived. Very commodious apartments, great big high-ceilinged spaces, a very pleasant place to live.

Mr. Vanderstar: And then when you got married?

Mr. McPherson: When we got manied, we spent six months living there and looked for a house. One day Trisha pointed to an ad in the Post that had a little picture of an old, Victorian house, and it had the legend, "View from the tennis court." Well, that sounded pretty neat. I had been playing tennis two or three times a week for about 35 years in Washington. Played at St. Alban's for most of those years. We went out to Kensington, which I knew very little about, it's out Connecticut Avenue about a mile and a half beyond the Beltway—

Mr. Vanderstar: Is it beyond the Beltway or just beyond Western Avenue?

Mr. McPherson: Beyond the Beltway.

Mr. Vanderstar: I was thinking of Kenwood.

Mr. McPherson: Most everybody knows Kenwood. Kensington is just not that well known. It is a pleasant, late 1890s community. It would be great if it didn't have an eight-lane Indianapolis speedway — Connecticut Avenue—running down the middle of it, which divides it in two and makes the eastern side, where we are, about as remote from the western side as if we were in a different county. On our side, which is to the right of Connecticut as you go out, there are a number of houses that were built in about 1895. The first one to be built is

now a nursing home on a circle and our house faces the nursing home.

In the back yard, sure enough, there is a tennis court. It became a place where I rejoiced every Saturday and Sunday to play tennis. It's a wonderful old house, built in 1894, a four-square Victorian, absolutely square. Very high ceilings, lots of windows and light. We have put a lot into it. My wife, after she left this chairman of the Obscure Caucus, got started in what she really likes to do, which is decorating. She has her own business, and she has made our house her lab. It's a wonderful place.

The best thing we did in the mid-1980s, was to adopt a baby. We tried to have a baby and, being unsuccessful, we adopted in a remarkable way, by advertising. There is a lawyer in College Park who specializes in family law, and I think what he really commits himself to are family abuse cases and that kind of thing. But what pays the bills is a very sophisticated operation in which he helps couples place ads—usually in very small circulation papers in small communities around this area—using a *nom de plume* and inviting calls from persons who may be about to have a child and don't think they can manage it. After four months and several meetings with expectant mothers, which were unsatisfactory, one evening we got a call from someone who just sounded right. I got off the phone quickly and gave it to my wife. After about a month and a half the mother gave birth at a hospital in Baltimore. We were expecting it to be a girl and had all kinds of names for her.

I was called here in the law office by the mother, who said that she had just given birth to a boy. I was absolutely bowled over, but I immediately produced a name. It didn't take me five minutes to know the name I wanted—Sam—for two of my heroes in life, Dr. Samuel Johnson and Sam Houston, with Sam Rayburn thrown in for lagniappe. So we drove over there, and Trisha began several days of spending time with the mother, a very nice woman who was the

manager of a shoe store in Glen Burnie; she already had a child and did not think she could manage a second. Sam turned out to be a handsome baby. He is now **16** and a sophomore in Gonzaga here in town.

Mr. Vanderstar: Was he born in '87?

Mr. McPherson: No **'86.**

Mr. Vanderstar: Okay. Well, that's a wonderful story. Maybe that's a good one to end today's session on and then we'll get back to some of your activities such as the Czech caper.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - THIRTEENTH INTERVIEW
APRIL 17,2003

It is day 13. It is Thursday, April 17,2003.

Mr. Vanderstar: We are going to talk today about work that you've done here at the firm. A copy of your resume will be part of this record so people can look at it. I wanted to start with representing Czech Americans. And I understand you've written an article which I've got in front of me. Tell me what that was all about.

Mr. McPherson: Yes. After World War II was ended, a great deal of gold was discovered in Nazi hands. It belonged to people all over Europe. The decision about returning it to various countries or, indeed, giving it to countries from which it may not have been taken but who needed it, was left to a tripartite commission, U.S., U.K. and France. They began their work in the late '40s, early '50s.

In 1948, as you know, the Communists took over the government of Czechoslovakia and seized the property of many people, including about 2,500 Czechs who had become American citizens but who retained ownership of properties in Prague and other cities. They included a family of glove manufacturers who were represented by Edward Merrigan, a very intelligent lawyer whose son, John Memgan, was, in the early 1980s as he is now, a member of this firm and a good friend of mine. I hired him after law school, and he has worked with me over the years. Ed Merrigan tried every way he knew how to free up this property of the glove manufacturer family. Another one of the victims of this uncompensated seizure by the Communist government is the wife of William Fitzgerald, the philanthropist and business man who, among other things, gave the tennis stadium out in Carter Baron to Washington. His wife

was a member of an enormously wealthy Czech family, who had a harrowing escape from the Nazis. They also lost their property. Merrigan was a very close friend of Senator Russell Long.

Mr. Vanderstar: This is Edward, the father.

Mr. McPherson: Yes. Ed Memgan was a very close friend, had grown up with Russell Long in New Orleans. Russell Long, of course, was the chairman of the Senate Finance Committee. Ed Merrigan and a number of other attorneys representing people who had lost property to this confiscation took their cases to the Foreign Claims Settlement Commission, whose main purpose is to review claims and determine whether they are meritorious and then to announce a figure that represents the total value, as they see it, of the uncompensated losses. That figure amounted to about 110 million dollars in the mid-1970s.

The Czech government, on being confronted with this, offered 20 million dollars in settlement of these claims. The United States government was prepared to accept it. Under the law of claims, if an individual claim is espoused by the United States, the United States has the power to accept or reject the figure. If it accepts it, that's it. The individual claim is extinguished. So, in effect, the State Department, under Henry Kissinger, was going to accept the 20 million dollars offer of the Czechs in settlement of the 110 million dollars loss as certified by the Foreign Claims Settlement Commission.

Ed Merrigan went up to see his friend Russell Long. Henry Kissinger appeared to testify before Long about some trade matter, having nothing to do with Czechoslovakia. Kissinger was eager, in his *realpolitik* way, to reach some kind of a *modus vivendi* with this Communist government of Czechoslovakia in the hope that he could encourage more liberal movements within Czechoslovakia, et cetera. At this hearing, Kissinger was astonished to be asked in an extremely aggressive way by Senator Long, "How in God's name can you be

thinking about accepting 20 million dollars in payment of 110 million dollars of claims against Czechoslovakia?" (heavy Germanic accent) "Vell, the secretary would have to look into this. I would be very glad to . . ." "Well, let me just say," said Senator Long, "there won't be any trade legislation in the field that you're here to talk about today unless we get an adequate answer to that question that I've just put to you. You're going to have to tell me precisely why we're going to accept such a fraction of what these people are owed."

The matter was essentially in that status when John Merrigan and I were visited by Ed Merrigan and asked if we would assist in finding some kind of legislative means to improve that offer from Czechoslovakia. We were retained by a committee of these claimants, the 2,500, almost entirely on a contingent fee basis. We would be paid if we got the good result. It was not a, shall I say, huge class action contingency fee. It was a relatively modest fee. But it began one of the more interesting experiences I ever had in Congress. I'll report a few pieces of it. John Merrigan and I told this story in a law review article of the ***Washington & Lee University Law Review*** in 1983, Volume 40, Number 2, Spring of 1983, in an article called "Congress in the Wings: The Czech Claims Negotiations, 1974-1981." Of course, in the '70s she and I were not involved.

Mr. Vanderstar: Let me interrupt you, if I may. You mentioned at the outset the Nazis taking possession of a lot of gold and then you mentioned the Communists taking possession of property generally, and I'm not sure which you're now talking about.

Mr. McPherson: I wasn't very precise. The property confiscated by the Communist government included apartment houses, department stores, all manner of private properties. Quite apart from that is the cache of gold recovered by the Allies from the Germans at the end of World War II. That gold was in Fort Knox and in the Bank of England until this

tripartite commission decided where it should go. They decided that twelve tons of that gold should go to Czechoslovakia.

Mr. Vanderstar: Twelve tons of gold?

Mr. McPherson: Yes. And, of course, at the time, it was probably worth *35* dollars an ounce. It was worth that for a long time.

Mr. Vanderstar: We were still on the fixed rate of *35* dollars an ounce?

Mr. McPherson: Yes, the price had not been liberated. Harry Truman, one of the gutsier Americans, said, "Well, not an ounce of that gold will be given to Czechoslovakia until there is an adequate settlement of the seizures by the government of Czechoslovakia of the property of *2,500* Czech-Americans.'' Some of the gold was being held by the U.S., and some of it held rather nervously by the British as well. The British thought that what Truman did skirted the edge of what international law and treaty law would allow, because, after all, a number of countries had come together and appointed this commission and given them power to determine who ought to get the gold and then to make the distribution.

Mr. Vanderstar: The linkage troubled the British.

Mr. McPherson: The British thought that the treaty might override these "political" considerations that Truman was invoking. I went to see Senator Moynihan, a very good friend of mine for many years, and explained the situation, and I said "I think that you and some other members of the Senate and the House ought to consider introducing legislation that would tie these two together, that would say that "Congress hereby declares that any gold held in this country on behalf of nations determined by the tripartite commission shall not be distributed to those nations if they are in violation of law in that they seized American property and failed to compensate for it."

Moynihan agreed and introduced such a bill. We went to the House side and met with Millicent Fenwick of New Jersey and a New York congressman on the Foreign Relations Committee. They were a little more nervous about it than Moynihan, who thought it made all the sense in the world. But they did agree to have a hearing about it. The hearing was an unforgettable experience.

Mr. Vanderstar: This was the House?

Mr. McPherson: The House Foreign Affairs Committee. It was an unforgettable experience. The hearing room was filled with elderly people. They had come to America between '45 and '48, between the end of World War II and the Communist seizure of power in Czechoslovakia. They were, many of them, rather elegant people with, I remember distinctly, frayed coat cuffs and shirt cuffs but still with real dignity; and for the first time, somebody in American was trying to take action that would go beyond merely the Truman decision to block the return of gold. I'm sure they appreciated that and realized that it provided some measure of pressure on Czechoslovakia, that for the first time there might be a real move.

Ed Merrigan, John Merrigan and I went often to the State Department. For the first time I saw what Jim Rowe and some other lawyers who had served in government had told me I would find in private practice—that, if I did not know the bureaucrat involved, I would discover that most bureaucrats were essentially unfriendly to people who came in with any kind of claim, particularly one that might produce diplomatic trouble for the State Department. We were treated as if we were the enemy throughout by the European Affairs people in State. I was really furious. I don't think I've ever been angrier. One of them leveled charges at Ed Merrigan for interfering with diplomacy and was entirely casual about what the Czech government had done to these now American citizens.

I got so angry that I stood up and delivered a Jeremiad. I said I had worked in this building as an assistant secretary, I had known the greatest modem secretary, Dean Acheson, and I'd worked with Dean Rusk and George Ball and I'd be damned if I was going to accept the kind of treatment of an American advocate for these people such as we were getting that day. At long last, somebody steered this issue to the counselor of the State Department, a terrifically able professional foreign service officer named Roseanne Ridgeway. She didn't take ten minutes to understand what was at stake here and to regard it quite differently. She said, "I'm going to Prague next week and I will raise this with the Czechs and tell them that there is a movement afoot in the Congress to insist on a better result than 20 million dollars."

Well, she did and came back with an offer of 40 million dollars. We said, "That's ridiculous." Moynihan had a hearing on his bill in the Finance Committee and, of course, with Russell Long there it whistled through. But it was referred as well to the Foreign Relations Committee on the request of the chairman, Senator Charles Percy, who I think was responding to the State Department. Probably it was the State Department's concern that it might find itself in an embarrassing situation with the Czechs. Well, we went to see Percy, who had been my co-chairman at the Kennedy Center and was a good friend from that. And we saw many other members of the Foreign Relations Committee. Finally, after several months, it was reported favorably by that committee.

We got it reported favorably by the House Foreign Affairs Committee to the House Calendar, at which point Roseanne Ridgeway called me and asked me to come over. She said, "I'm with you and I understand what you are doing and it's fine, but don't pass the bill because the department will have to recommend veto. We need to keep it right where it is and let me go back to Prague." Well, she went back and in that beautiful city sat down with a bunch

of miserable foreign office thugs in black suits and five-o'clock shadows.

She returned and one morning called and said, "All right, I think this is the best we're going to get. They have offered us 81 million dollars." And I said, "That's fine." She said, "You can get agreement on this?" And I said, "Indeed, we can." Went back to our committee, our clients. They were ecstatic.

As for the purpose of writing the law review article: I found the whole experience an interesting one and I thought it was one of the rare times when anybody looking at it fairly would have to say that congressional intervention in a foreign policy issue was not only merited but turned out to be extremely valuable and to help produce a good result. We quadrupled what Kissinger was willing to accept and got this money to the people who deserved it.

Mr. Vanderstar: And when did that final act happen?

Mr. McPherson: In 1981.

Mr. Vanderstar: Well, let's see. So that was a new administration. Was Roseanne Ridgeway still in office?

Mr. McPherson: She was.

Mr. Vanderstar: In the Carter administration.

Mr. McPherson: She was in the Carter administration, and this final okay happened in the first year of the Reagan administration. So the change in administration didn't affect that.

That reminds me that in the course of this effort I had a meeting with Lawrence Eagleburger, who was the deputy secretary, in which he was quite frosty about the whole deal. But such was the momentum of these talks with the Czechs and of the congressional action that he didn't want to step in an interrupt it completely. But he warned us that we might be facing a

veto.

Mr. Vanderstar: Great story. Okay, so that's the Czech Americans.

There are other references in your resume that I'd like to touch on and one, the first one listed, in fact, has to do with a major government-sponsored enterprise or GSE, and everybody knows that Fannie Mae and Freddie Mac are among those.

Mr. McPherson: That one was Sallie Mae, the Student Loan Marketing Association, which wished to go entirely private, and I was retained to help them do that. I remember vividly about helping it to bail out of the ditch when some people from the essentially Republican staff of the association—they had a legislative staff that dealt with Congress and the Treasury Department, and they were quite Republican—were reported as saying something quite contemptuous about Democrats who were insisting on certain provisions in the privatization of Sallie Mae. The Democrats involved, including one extremely powerful one, David Obey, the ranking man on the Appropriations Committee, said, "Well, that's it. It's over. This won't ever see the light of day."

I managed in the course of about four days to placate, assuage, beg and finally enable these Democrats to overlook this stupid statement of the Sallie Mae legislative people and to permit something which should happen to go ahead and happen.

That was rather a classic Washington lawyer job for a company with a matter before the Congress and the Treasury Department—to get in and try to keep people from hurting themselves. Very often it's not that someone is doing something harsh to them or treating them wrong, it's just that they are about to screw themselves, and your job is is to repair or try to keep that from happening.

Another one on here has to do with the airlines. And that takes me back to one of

the jobs I had as special counsel to the president. In that position, that I have talked about, I received recommendations of international air route service from the CAB and told the president, after talking to the State Department and Transportation Department and the Budget people, what his administration thought about it.

Mr. Vanderstar: As I recall, the president does have the final decision on international routes.

Mr. McPherson: He must make that decision, right.

Pan American Airways wished to acquire National Airlines. National was an essentially domestic carrier. The Pan American plan was this: instead of feeding international traffic into New York, Boston, San Francisco, Los Angeles and so on and then having the passengers get on domestic carriers, Pan Am would have its own domestic routes and it would all operate as a seamless, single airline.

Mr. Vanderstar: As I recall, Pan Am did not have any domestic routes at all.

Mr. McPherson: It had none. It was purely international. A great airline. Juan Trippe was the head of it for many years. The head of it in the period when I got involved—in the late '70s, in the Carter administration—was a retired Air Force general named William Seawell. Pan Am, before it made this decision to go after National, was one of the applicants for Dallas-London authority. That was one of the last great international route segments that had not been established for any U.S. carrier. Pan Am applied and so did United and Braniff and several others. When the matter got to the White House, I believe Pan Am was the recommendation of the CAB. I was not involved in this at all at that time. The firm representing Pan Am included Welch Pogue, once one of the CAB's commissioners, an extremely well-known airline lawyer.

Mr. Vanderstar: From the Jones Day firm?

Mr. McPherson: Yes. Welch Pogue said to Bill Seawell, "Well, it is now in the White House, and we don't go to the White House to talk to people. We are lawyers, regulatory lawyers. Our expertise is in the Civil Aeronautics Board. And besides, President Ford, in response to a rather scandalous bit of lobbying by somebody [I forget whom] about another case, has issued an Executive Order that there shall be no receiving of lobbyists by the counsel or any other special assistant to the president." Ford just said, "We're not going to entertain the requests of airline advocates once the matter gets here in the White House." That was his way of dealing with it. It struck us all as rather weird. I mean, here is Gerry Ford, a man whose entire life had been spent in the legislative environment, receiving lobbyists 50 times a day, and his response to one bad-apple situation was to completely cut it out, especially since this was a required last step.

It wasn't as if you were trying to get the State Department or White House to intervene in something it normally didn't do. It had to take **a** position, and so it would. I used to receive people all the time and considered it genuinely educational. I would learn things that maybe weren't on the record and I would be able to check them out.

Ford apparently didn't apply that rule, or the White House didn't apply it, to congressional intervention. My later colleague in this law firm, the distinguished Senator Lloyd Bentsen, let it be known that he really thought that Braniff should be chosen for this. Braniff was a Texas carrier. Bentsen was very close to Harding Lawrence, the head of Braniff, and this would be exactly what the doctor ordered. Well, it's what Ford ordered. And Bill Seawell was livid and immediately determined to fire Jones Day.

I should say, within a year, Jim Lynn, who had been at Jones Day and then had

had a succession of cabinet jobs in the Ford administration, returned to the firm. I ran into him on the street one day, and he said, "If I had been back at Jones Day when that Dallas-London case went to the White House, you never would have been representing Pan Am." (laughter) It was Welch Pogue's stiffness, his unwillingness as a regulatory lawyer to engage in what I'm sure he regarded as the unseemly act of ***exparte*** representation that caused him to lose the representation.

Two people on the board of Pan American were my African-American guardian angel, Bill Coleman, who had steered to me the first piece of business I ever had as a lawyer, the Price Commission paperwork matter, and Sol Linowitz, who was a fiend not only of mine but of Berl Bernhard. The two of them told Bill Seawell that he really should retain me and Berl to represent Pan Am in the future in Washington. Well, he came to see us and we told him that we'd sure like to, but we didn't know what to do about Northwest Airlines. It was still the firm's biggest client and, of course, we couldn't represent Pan Am and Northwest. They were nose-to-nose, head-to-head in many aviation matters. Northwest's business in the firm had been on the decline for several years, certainly not because of any failure of the firm. Jim Verner was the main counsel for Northwest, and the chairman of Northwest adored Jim and was very close to him. But because, among other things the CAB had been terminated, the future looked bleak for the regulatory law practice. And that was really the meat and potatoes of the **firm.** We had a lot of young partners and associates who came to work every day and immersed themselves in civil aeronautics and economic reports and all manner of complicated regulatory proceedings. Representing Pan Am thing would be different: while they would also have CAB work, because they were an overseas carrier, they would be involved with the Department of State, Transportation, and others. Northwest also flew international routes but was much less involved

overseas. Jim Verner, in a characteristic act of farsighted generosity, knowing that his main client would be lost to the firm, agreed within minutes that we should do this. And we did.

But before getting to Pan Am, I have to tell one story about representing Northwest. Northwest Airlines' biggest money maker was Chicago-Tokyo. It brought traffic from all over the Midwest into Chicago and flew it to Tokyo and back. That was their single most profitable route. They had many others that were profitable, but that was the real cash machine.

It was announced that the U.S. would consider other carriers for Chicago-Tokyo and in particular would consider admitting Japan Airlines into this competition. That was a big deal. Northwest didn't mind facing even United or other big American carriers. They thought they had such a foothold that they could continue to be the dominant American carrier. But JAL was a different matter. Berl and I went out to Chicago and got a very clear impression from Mayor Daley's administration that they thought that bringing in JAL would be a hell of a good deal for Chicago. All their trade people in the city government could see the benefit of Japan on the other end of a JAL route to Chicago. Pretty scary stuff.

Mr. Vanderstar: This would be the original Mayor Daley?

Mr. McPherson: The original Mayor Daley, Richard Daley.

I had to go out to Saipan for Northwest. I was trying to help Northwest get chosen to serve Tokyo-Osaka-Saipan, a segment that for some reason had never been granted to anybody. Since Saipan was a rather large US trust territory island and a lot of Japanese were beginning to come down on vacation, the trade was pretty good. Well, I got on the plane in Chicago to fly to Tokyo, a Northwest **plane,** opened up the *Economist* magazine, and read an article about how the government of Israel was campaigning in every way it knew how against

Japan Airlines because JAL, in order to placate Arab countries in the Middle East, was not serving Tokyo-Tel Aviv at all. The article went into the long history of the Japanese promising the Israelis they would do that and then not doing it.

When I got back from Saipan, I talked to Berl about this. We went back to Chicago and we went to see the most prominent rabbi in the city and asked him what he thought about this. Here was an airline that was turning its back on Israel. We saw a couple of the leading Jewish business men whom we had known through Democratic politics, and they said that they would speak to Mayor Daley about it.

I was not at all satisfied that we were winning this. When I got back I went to see my old boss, Senator Mansfield. Montana is served, or was served at that time, only by Northwest Airlines so he had a real stake in the carrier. I told him that we were very disturbed about the State Department intervening on behalf of JAL. As part of its whole mix of trade negotiations with Japan it intended, apparently, to force JAL into the Tokyo-Chicago market, and Northwest Airlines would be very badly hurt if that happened. A friend of mine, Frank Loy, a wonderful guy, was deputy assistant secretary of state for, among other things, international aviation matters. Loy was on the tennis court at St. Alban's one Saturday afternoon and was called off the court to the phone. It was Senator Mansfield on the phone and he said, "Frank," or "Mr. Loy" I guess—I'm not sure he knew Frank. "Why is it that the State Department is doing this? Why are they putting in a carrier that makes the Jewish community and our Jewish contributors furious?"

Frank Loy said if you had asked him what the likelihood was that he would get a call on this subject while he was playing tennis at St. Alban's, he would have thought you were nuts. In any event, the State Department chilled its ardor for this, and for a number of years

Japan Airlines was not allowed into the Chicago-Tokyo market. I think they were ultimately, but for a number of years it remained a Northwest monopoly. And it was because of that Economist article about Israel that we were able to do that.

Mr. Vanderstar: Was JAL serving the United States in any way?

Mr. McPherson: Oh, yes; they were in Los Angeles and San Francisco and New York but not Chicago.

Mr. Vanderstar: If Northwest itself had an interest in international routes, why did you folks here at the firm believe that Pan Am would be a more substantial client than Northwest?

Mr. McPherson: They were involved in many more markets. Northwest's principal market was Japan, and they also went to Hong Kong and Taiwan

Mr. Vanderstar: Of course, Pan Am was all over the world.

Mr. McPherson: Pan Am was everywhere, and they were involved in all manner of issues. It seemed in a non-CAB world, where airline regulation would be much diminished, that Pan Am would be a much bigger deal for us.

The biggest thing we ever did for Pan Am, and we did quite a number of things, was to spend a lot of time in the headquarters building there at 4 Park Avenue in New York, working on a merger.

Mr. Vanderstar: Yes, by Grand Central?

Mr. McPherson: Yes, above Grand Center, exactly. We helped them in their effort to acquire National Airlines.

The CAB was still in being when we started working for Pan Am, and it had to approve the merger with National if that was to occur. Today, the stock exchange, Goldman

Sachs, and J.P. Morgan would have to approve that, but in those days the government had a big role in it. And one of the major factors in the government's consideration of mergers such as this was what the main cities affected thought about the merger. In other words, large cities, particularly those served by both carriers, cities that would be substantially affected by the merger in any event. What do they think about it? Not just the mayor and city administration in those cities, but the business community, the community that could be said to be the city fathers and particularly those who might be affected in a business way by the merger.

That meant, for example, in the big-time National Airlines base city of Houston, that one had to go to the executive committee of the chamber of commerce. This was not like any chamber of commerce I had ever seen in America. In Houston, the executive committee of the chamber is a big deal. That's were the big elephants, the elephant bulls of Houston operate. It had 25 members as I remember. I called Joe Allbritton, who had come up here from Houston to buy the *Washington Star* and had changed our law firm when we represented him. I said, "Who would be good to hire to help us in this thing? This is going to be a big deal. It's going to be vigorously opposed by Texas International Airways, which was a very successful carrier at that time based in Houston and run by Frank Lorenzo, the famous buccaneer of the airlines. And he is going to have John Connolly as his counsel. So we've got to have somebody who can cope with Connolly."

Joe Allbritton said, "Call Ben Love." He is chairman of the Texas Commerce Bank, the bank in Houston that was used by Brown & Root, and the Houston Chronicle—it was a big-time bank with a reach into various business communities. So I called Ben Love.

Mr. Vanderstar: Did you know him?

Mr. McPherson: No, but he was a good friend of LBJ's and a particularly good

friend of Lady Bird's, so he was very responsive. He said, "I recommend Charles Sapp of Liddell, Sapp, Zibley and Brown." I called Sapp, a man of six-five or -six, with an electronic voice and who thereafter called me every day for months. (in electronic voice) "Harry, Charlie Sapp. Here's what happened today. I think I've got the chairman of Houston Gas on our side but I need you to do something for me." I cannot tell you how many phone calls Berl and I took and made, from and to Charlie Sapp, how much time we spent with him.

Finally the great day came. I would have given anything to have been present in the executive committee of the chamber of commerce. This thing had become so big that everybody showed up. And these were the heads of—it would have been Ken Lay, the head of Enron if it had been later—but it did include the head of El Paso Natural Gas, a Charlie Sapp client from the time it started; Houston Gas; Humble Oil, later Esso, later Exxon. Much of the Fortune 500 that was connected to Houston was there in that room. Somebody didn't vote and the vote was 12-12. We considered that a victory.

And that was wonderful because we beat the opposition in Miami, where we hired someone similar to Charlie Sapp; Newark, where we hired a Democratic chairman of the State of New Jersey; Los Angeles. So at the hearing of the Civil Aeronautics Board in which civic views were entertained, we won virtually all of them and the one where the strongest opposition was, Texas International in Houston, in that city there was no decision, and that was just fine.

Mr. Vanderstar: Sure.

Mr. McPherson: A draw. What an exciting thing it would have been to have heard the argument by Charlie Sapp. I talked to him the day before the meeting and he said (in electronic voice), "I've got to get off the phone because I've got to get myself ready. I'm going against John, you know [John Connolly]. I'm going against John." These were like two

mastodons in the legal and business life of Houston. Each of them had regarded this fight as a major one in which their ability to move and shake in that community would be measured. Charlie Sapp prepared for it, not with a bunch of back slapping or the usual chamber of commerce kind of things; he insisted that we get him every last number, every fact, everything that you could possibly put in a large economic regulatory brief to the agency. Charlie Sapp inhaled it all. So, when he got in there, he didn't make a rhetorical speech. He made a lawyer's argument. And so did Connolly. It must have been great.

Mr. Vanderstar: Don't you wish you had been there?

Mr. McPherson: Yes.

Mr. Vanderstar: Okay. That's the Pan Am story, a wonderful story.

Now what do you want to talk about next, television?

Mr. McPherson: Television.

For many years my beloved friend, Jack Valenti, had earned his keep for Hollywood by causing the FCC, the Federal Communications Commission, to keep, and keep applying, the "financial interest and syndication" or "fin/syn" rule. This was a rule aimed against the networks, essentially, apparently on behalf of little independent institutions—production companies, writers and others. This rule forbade the networks from producing very much of what they put on television. NBC had a very narrow window of time during the course of the week in which it could show programs that it had developed from the outset. It had to buy what had been developed by the various movie studios and independent producers. That included Universal and Warner Brothers as well as the mom-and-pop operations and the very successful individual writers, directors and producers.

Jack had helped to secure the retention of the rule, even though the networks

thought there was every reason on earth, in a world of cable and satellite, for there to be innumerable avenues in which programs produced by these studios could be made available on television. It was nuts for the government to retain the rule.

Just to show you why there should be a statue, not a life-size statue because it would be too small, but a big statue of Valenti, on that hill overlooking Sunset Boulevard: there ought to be a statue there for him because he kept that rule in being for a long time. The chairman of the FCC at the beginning of the Reagan administration was a bright free-marketeer, a person who really believed that the government should sit back and let these guys do their thing, and he proposed a rule that would eliminate the financial interest and syndication rule.

I believe this to be true. In fact, I think it's been written as such, and I will try not to wreck the simple truth of it. Jack Valenti took his best friend, Lew Wasserman, the head of Universal, to see Lew's one-time client when he was an agent in Hollywood—Ronald Reagan. They went to the White House and said to Reagan, "Your very conservative, free-market-oriented appointee as the chairman of the Federal Communications Commission is proposing to get rid of the rule that protects the movie industry." Reagan called the chairman and said "Come over here and see me." He went to see him, and he said, "You surely can't be thinking about doing that." And the chairman said, "I guess you're right."

Mr. Vanderstar: (laughter) Upon further review—

Mr. McPherson: Yes. (laughter)

Mr. Vanderstar: Good, good story.

Mr. McPherson: And I know that is what Jack will tell you happened, and I'm pretty sure it's been written about, so I don't think it's a fable.

Mr. Vanderstar: Well, it's an interesting point that the way, if at all, government

should step in to protect one industry against another is one on which reasonable people can differ, even among anti-government people. Like Ronald Reagan.

Mr. McPherson: Right.

Mr. Vanderstar: He had an interest in that industry although he was not any longer involved.

Mr. McPherson: Oh, very much so. Reagan's views about many things were affected by his own experience, as I suppose every president's is. That was one example. Another was Reagan's general view about taxes. Reagan was very anti-tax because one day, after having made a couple of big pictures I guess back when he was head of the Screen Actors Guild, he was presented with his tax bill and he was just staggered by the thought that he would have to pay almost half of what he had made to the government. And he was on a tear against it.

Speaking of Wasserman and Reagan, in 1984, I had been watching Reagan and, having worked for a president who suddenly announced one day that he didn't think he would run again, I was wondering whether Reagan would run. It occurred to me that he had achieved in the big tax cut of '82, had eviscerated the federal budget and made it almost impossible to think about any big social programs that required spending in the future. The rest of it was going to be number crunching. It was going to be administrative detail. I didn't think he had an interest in that.

So, in the winter of '84, the Kennedy Center Honors was having its annual honors show, and before those shows the honorees have a great afternoon at the White House in which the president puts the medal around them. I was standing at the back of the room and happened to **be** standing next to Lew Wasserman, a Kennedy Center trustee. I'd known Lew for a long time, I knew he was in the movie business. I knew he was enormously wealthy. He was an

extremely generous giver to the Democratic Party. And he adored, almost beyond all people, Lyndon B. Johnson and Lady Bird. He was the main donor of the Johnson Foundation and was on its board. So, for all those reasons I knew him, but I'd never connected him to Reagan. I didn't know that he had been Reagan's agent.

As Reagan talked at the front of the room, reading in his charming Irish blarney way about these winners, the honorees, I whispered to Lew, "You know, I don't think this guy is going to run again. I think he's done what he came in here to do and the rest of its going to be boring. I don't think he will have any interest." In most administrations, the second term is much worse than the first. Fate catches up with you. Foreign wars, scandals. As it did with Reagan.

Mr. Vanderstar: True.

Mr. McPherson: And Wasserman said (whispering), "You don't know this guy at all." I said, "Well, that's true." He said, "No, no. I mean, this is the best role he's ever had in his life. He's not going to give this up." (laughter) Boy, was he right.

Mr. Vanderstar: Yes, he was.

Mr. McPherson: But to get to my involvement with this fin/syn rule: one of the more important figures in Federal communications policy for 30 years has been Ernest F. Hollings, a Democrat from South Carolina, and a particularly good friend of Berl Bernhard, my partner, but also of Lloyd Hand, Jack Valenti and me. If Hollings weren't 81 and if he wanted to be a lawyer again—he was a very, very successful trial lawyer back in the '40s and '50s and early '60s before he was governor and elected to Senate—he would probably come here. Berl was his finance chairman in his presidential race, and we've all been his buddies. He's a brilliant man, really, but because of his mush-mouth accent and because of his eccentricities—

Mr. Vanderstar: He's finally the senior senator.

Mr. McPherson: —Yes. His brilliance has been overlooked by many people. He is certainly one of the more intelligent members of that body. How he felt about any rule in the communications field was, I wouldn't say dispositive at the FCC, but it had an impact on the way the FCC looked at the rule.

One time, after I had done what I thought was an A-level job in explaining our position on the financial-interest-and-syndication rule, Hollings said, "I hope you'll take this as it's intended. That was as good an argument as I have ever heard made by anybody on the network side, and I think it is fair to say that it was almost as good as the one Jack Valenti made in support of the rule about two days ago." (laughter)

Valenti is still in that job because he truly is a magnificent advocate. I've seen him a couple of times in an advocate's role and I really take my hat off to him. Covington & Burling and Verner Liipfert would have been much stronger if we had him as a partner. He studies diligently, and when he gets to a senator's office after a few pleasantries, not many, he puts up a chart, and behind it there are several other charts, and he takes his pointer and he goes through it and does it extremely well.

I knew I had a major task here, and I went to see each of the commissioners a number of times. The ***exparte*** rules are very generous when you are talking about a rule instead of an adjudication.

Mr. Vanderstar: Ah, yes.

Mr. McPherson: They really allow you to come pretty much as you would with a member. The only price you pay is that it is recorded and published, **so** everyone knows that you've been in to see the member and pretty much they can tell why you were there. Well, that

went on for the better part of a year. We had a couple of big hearings at the FCC. I had been hired because of Ben Heineman, who was the general counsel of GE, and whom I'd known in government.

Mr. Vanderstar: This is Ben Heineman, Jr.?

Mr. McPherson: Ben Heineman, Jr. I'd known his father and worked with him on the 1966 Civil Rights Conference, and Ben Heineman, Jr., on several things when he was at HEW and elsewhere. He hired me but I went to work for the NBC general counsel, Rick Cotton.

I helped to prepare his witnesses for the FCC hearing. After doing everything I could think of, including getting the *Washington Post* to print an op-ed piece in favor of repealing the rule, Judge Posner in Chicago took the occasion in reviewing an earlier FCC decision to eliminate part of the fin/syn rule, simply to say that the rule had no factual basis whatever and could not be made consistent with the federal communications law. *[Capital Cities/ABC, Inc. v. FCC,* 29 F.3d 309,316 (7th Cir. 1994).]

In this struggle, in the hearing at the FCC, our effort was to show the networks as fighting for their lives in a vastly expanding communications universe with all manner of entities at play. Valenti's side showed the little ink-stained wretch writing a script which would never be seen by anybody if the networks with their huge factory of writers and producers had the control. These things are such show **biz** themselves. And all of a sudden here is this brilliant and rather eccentric judge in Chicago just coming down on the rule. I think cert. was denied, and the financial interest and syndication rule was no more. *[Reportand Order,* MM Docket No. 95-39, 10 FCC Rcd 12165 (1995).]

Mr. Vanderstar: So you got into that because Heineman of GE had retained you to do this thing?

Mr. McPherson: Heineman got me retained to do this because it was thought that if anybody could persuade Hollings to support the networks, or at least keep him from supporting the studios, it might be our firm. I also had a couple friends on the FCC among the members, and I guess that was some help. But I was essentially chosen to be in combat against Jack for the mind of our mutual friend, Hollings. In fact, Jack said, "They hired Harry to neutralize Fritz." And Hollings at the end did precisely that, that is, nothing.

Mr. Vanderstar: So like the Houston executive committee, it was tie vote.

Mr. McPherson: And that was okay.

Mr. Vanderstar: Well, we've covered television. You also had this foundation thing, and that looked very interesting.

Mr. McPherson: Oh, yes. Well, let me spend a few minutes on those.

Foundations had a bad year in 1968. There were a number of scandals about foundations, about how people were abusing foundations. There were some hearings in the House Ways and Means Committee and the Senate Finance Committee. My old colleague, the president of the Ford Foundation, McGeorge Bundy, testified quite arrogantly before the members, and they let him have it. The foundation law was amended in many respects, among them to require that the foundations pay out a minimum of what they had earned during the year, or five percent of their capital. That was so that they ultimately—theoretically—would wind down.

The Robert Wood Johnson Foundation was the creature of General Johnson, who was the CEO of Johnson & Johnson. He left it a vast amount of his stock, which was worth, when he left it, lets say 5 dollars and when he died it was worth 100 dollars. All of a sudden they had this colossal corpus and were supposed to start distributing it. Well, they had given a

lot of thought to what they wanted to, and they decided to be a health-oriented foundation. It's quite a fine foundation. They make enormous contributions to the health of Americans, particularly poor Americans in places where your wife is active, in Kentucky and in North Carolina. There are mobile vans, hospital vans that drive around through the country and give people physical exams and treat illnesses, provided by the Robert Wood Johnson Foundation.

In any event, they had this enormous amount of money, and they were supposed to start giving it away at a huge clip. I can't remember what the previous year had been in the contribution side and what this would have been, but it was something like 20 times what they'd ever given. They had no way of managing that, of knowing how to give it, to whom to give it and under what conditions.

Mr. Vanderstar: Was there no phase-in stage for this?

Mr. McPherson: No! That's what I was getting to.

Mr. Vanderstar: Oh, okay. I didn't mean to ruin the story.

Mr. McPherson: I had a very bright associate. He was the lawyer who, on the day in which I became ***persona*** *non grata* to Hughes, Hubbard & Reed, followed me into the men's room and asked if he could come with me and Berl. His name was Howell Begle. Howell spent a few days worrying this issue and produced a matrix showing how the foundation's obligation would grow in the first five years after it had grown exponentially in assets and what it would be required to give away in those five years until, at the end of the fifth year, it would be up to the amount that it would normally have given out in the first year. That matrix, which is in a triangular shape, now appears in the Internal Revenue Code in just that shape so that any other foundation to whom that's ever happened would be entitled to the same procedure.

After working for the Johnson Foundation I was hired by the MacArthur Foundation to work on another kind of issue that affected very large foundations.

John B. MacArthur was a character who sat in a coffee shop just outside Palm Beach, Florida, over many years, using a phone to buy real estate. When he died, he owned thousands of apartments in New York City and huge amounts of property in Chicago. He also owned 44,000 acres of land in Palm Beach County, enormously valuable property. When he died, the foundation went to the Urban Institute and said, "What should we do?" The Urban Institute came back and said, "Well, you are in a pickle. There are going to be all kinds of environmental rules that don't apply now but that are going to apply when the Florida legislature gets done with the issue. You should start selling this land and get out of the real estate business. But first, since you don't know anything about how to sell land you need to hire some people experienced in real estate and in planning and development."

The Internal Revenue Service looked at this after it had been going on for a few years and said, "You look a lot like a real estate company to us. You don't really look like a foundation. If we find that you are a real estate company, we will have to tax you accordingly. So, instead of paying taxes at about 2 percent, you will pay taxes at 34 percent."

Well, we went to see a congressman who had an interest in Chicago, where the foundation management was located. His name was Rostenkowski, and he chaired the House Ways and Means Committee. He made a little speech upon the House floor and said, "It would be a terrible tragedy if a foundation which is doing the Lord's work in so many ways were to be suddenly taxed at a confiscatory rate simply because it was trying to sustain the value of its corpus." That developed into an extremely interesting experience, working with the IRS, the first time I had ever done that. Luckily I had two former staff directors of the Joint Committee

of the Internal Revenue Taxation, Bobby Shipiro and Mark O'Donohue of PriceWaterhouse, working with me. I knew them well and we worked together in going to the IRS.

After about five meetings over there over three months and a lot of memo exchanges, there followed another brief talk on the House floor by Rostenkowski to the effect that, "I certainly hope some progress is being made." This was the chairman of the Ways and Means Committee speaking to the IRS. One day these very experienced, very decent people who worked in the not-for-profit section of the IRS said to us, "You are required by regulation to announce the value of your assets every five years, and that becomes the base for your being required to pay out five percent. By doing it every five years, the beneficiaries who would be helped by your generosity are being denied the benefit of the rise in your assets on an annual basis. It would be better for them if you had to evaluate your assets every year. They would, because it would be stair steps . . ."

Mr. Vanderstar: As long as it grows.

Mr. McPherson: As long as it's growing, and MacArthur's assets have been growing for a long time. "If you will volunteer to do it every year, we will agree that you are doing nothing more in Palm Beach than administering your assets in hiring this firm to assist you in disposing of the real estate." It was a deal, and just offered out of the blue.

Well, it took all of about 15 minutes to call Chicago and get agreement. Since people on that board were in the business of giving away money, and indeed loved to give away money, and the government was saying you have to give a little more every years, they were delighted. That was exactly what they were in being for. So the deal was made at once.

Going back to our five-year stair-step for the Johnson Foundation: I thought that was such an obviously good result that it would be embraced at once, but nothing happened in

the Ways and Means Committee. I could not understand what was going on. I went to see Wilber Mills, the chairman of the committee before Rostenkowski, at least twice and maybe three times. He looked pretty bad, but he said, "We are certainly going to get to that just as soon as we can have a committee hearing, we'll certainly get to that." Well, the Robert Wood Johnson Foundation was panic stricken because the people in the IRS with whom they were dealing were saying, "Okay, now where's your plan? You're supposed to be giving out five percent of your assets." Nothing was happening because Wilbur was chasing Fannie Fox, the stripper, and he couldn't find time for business such as ours.

Mr. Vanderstar: Yes, I remember it.

Mr. McPherson: After several months of this, Wilbur wound up in the Tidal Basin with Fannie Fox and went off to a drying-out facility somewhere.

Finally, one day in late summer I got a call from his office and they said, "Mr. Mills said you are to go at once to the House Chamber and hear what he's going to say." Well, I went rushing to the House, went up to the gallery, and got in there just in time to hear Mr. Mills in his most orotund, mellifluous way, speaking about this great foundation that was going to benefit the health of all Americans, and they had this unique problem, and on he went as if he had just heard about it yesterday. (laughter) And, of course, somebody got up on the other side and asked him a question and he answered it in an even more flowing length, and then that person commended him for relieving the burden of an unrealistic requirement on this wonderful foundation and on they went blathering.

I went outside and called the foundation and said, "I think we're okay." Russell Long was ready to go at any time he got the bill, but it had to originate in the House.

Mr. Vanderstar: What did the bill do? Did it change the ruling to allow the five-

year delay?

Mr. McPherson: It allows the five-year delay. As I say, you can look at, you can find it in the Tax Code and see this thing just as we wrote it, this triangular shaped thing.

It kind of reminded me of something that Hale Boggs once did. He was the Democratic whip, and a very smart man from Louisiana, who also had a bad drinking problem. He wanted some tax relief for a constituent. He introduced a bill expressed in very general terms but actually applying to one taxpayer, one person. This was about—

Mr. Vanderstar: Any company whose name is XXX.

Mr. McPherson: Any such company, yes! You know the story about this?

Mr. Vanderstar: Oh, no, not this one.

Mr. McPherson: There was something that needed to be done for Station WWL in New Orleans which was owned by Loyola University. Boggs wrote a relief bill. The IRS just ignored it. They said, "It doesn't really fit the situation." Hale Boggs, who was brilliant and also capable of enormous outrage, put in an amendment to the already-existing law in which the first letters that begin the paragraphs are "WWL" (laughter) and he announced "In case there's any doubt, that's who I had in mind."

Mr. Vanderstar: Well I have run into an experience where there was legislation that involved any company that disposed of its assets between—

Mr. McPherson: Oh, yes, between so-and-so and so-and-so. (laughter)

Mr. Vanderstar: Okay, well let's wrap it up with your more recent work on the tobacco industry situation, and I should disclose that while I was an active partner at Covington & Burling I represented the Tobacco Institute in all the litigation. It was a minor player because the companies obviously did the heavy lifting and paid the heavy bills.

Mr. McPherson: Covington had a unique role for the tobacco industry, as I understand. They were the counsel that related to the Federal Trade Commission and filed with the commission materials about the companies and about the product—

Mr. Vanderstar: Right.

Mr. McPherson: —that were enormously confidential. Not one of those companies ever knew what the other company was filing and it was determined that Covington & Burling would be the common counsel—

Mr. Vanderstar: The repository of the information and communicated it to the commission in such a way that nobody's ingredients would be disclosed.

Mr. McPherson: Exactly. At some point in 1998, we had acquired a number of political figures, among them Senator George Mitchell. Mitchell got involved in the Northern Irish peace negotiations, spent two years at it and displayed unbelievable patience in sitting through discussions of wrongs that had occurred back in 1768 and so on. Mitchell had also, when he was a senator, had a period as chairman of the Senate Democratic Campaign Committee. He was extremely good at it, raised a ton of money in California and New York. One of the people that he had gotten to know and had raised a lot of money from was Larry Tisch, who with his family controlled Loews. Loews owned Lorillard, the cigarette company.

Tisch asked him to dinner one evening and said, "We [the industry] are about to be in jeopardy of our financial lives. We could find ourselves bankrupt. We're facing massive class actions. The states are threatening to bring actions against us because of their Medicaid burdens, which they say come from citizens who smoked. We are prepared to go far beyond what anybody ever imagined we'd be willing to do to satisfy those who want us to change, change our advertising and marketing as well as pay a lot of money to anti-smoking campaigns,

into state treasuries and so on. We need somebody to help us persuade Washington that this is an idea worth doing, and that means to persuade Congress and to work with the White House." We learned later that Jim Hunt, the governor of North Carolina, a great friend of Clinton's, had talked to him about this dilemma and the threat it posed both to the industry and tobacco farmers. The big class action attorneys were going to bring these massive suits, they might very well prevail, they would take 40 percent of the pot, the companies would fold, and the farmers would be imperiled.

Clinton is said to have said that he wanted this tobacco problem resolved, and he agreed with Hunt on the way it ought to be done. So, there was hope that there might be a real opportunity for a deal. Mitchell said, "I'm involved in Ireland but my friends, Berl Bernhard and Harry McPherson, could do a very good job here. Former Governor Anne Richards is in the firm and I think we could be of value." Tisch said, "Maybe okay," and Berl and I were invited to New York, where we began the first of a series of meetings in different hotel environments, and always with a considerable degree of confidentiality. We went into back alleys and up remote elevators and met with the CEOs and general counsels of these firms. The two dominant firms were Phillip Moms and RJR, and I guess the dominant figure with whom we dealt, the person who seemed to be the quarterback, was Murray Bring of Phillip Moms — formerly a partner at Williams & Connolly — whom I got to like a lot.

We were retained and went to work with some terrific lawyers in some of the firms who had long represented them. Herb Wachtel and Meyer Koplowitz, a brilliant lawyer, began negotiating with the state AGs and with some of the plaintiffs' bar. The tobacco industry used as its intermediary with the White House — I first thought I would be me or Anne Richards — a North Carolina lawyer named Phil Carlton, a former judge and close friend of

Governor Hunt's.

I remember one of the most painful moments I ever had. Lawyers, especially when doing advocacy in a legislative or regulatory context or before a newspaper editorial board, are inclined to begin to believe their own cases, so I believed mine. I got Meg Greenfield to bring together the editorial board of the *Post* so that Meyer Koplowitz and I could make a presentation to them. It was one of the more excruciating afternoons I think I'd ever spent, in substantial part, because Meg was dying of lung cancer and she was sitting at one end of the table and I at the other. We had been friends for 30 years. When I wrote *A Political Education*, she wrote the front page review of it for the *Post*. We spent an enormous amount of our lives in Washington together, and she was dying from smoking cigarettes. I think the other people, Peter Milius, Colby King and other fellows who write for the *Post*, were all so conscious of that and so angry with the "weed" and its cost, that they just really ate our lunch in their questions. We would say extremely reasonable, well thought out lawyerly things, and they would broadside us with furious questions and statements that showed that they were ready to hang the defendant and try him later.

I was invited up by eight or ten Democratic senators. Tom Daschle asked Kent Conrad to chair a committee to look into this issue. It was a private, off-the-record meeting but it lasted an hour. I sat before them, feeling very much on the defensive. Here were guys that I'd known since I came to the Senate, for the most part, and for whom, I think I was as a respected veteran of Senate affairs. One of them said, "I can't believe you're sitting here speaking for this industry." I said, "I have never said a word in behalf of this industry. I never will. I have never defended anything about it. I have never argued that cigarettes are anything but lethal, not ever. All I'm saying is that it is a better thing in the public interest that a deal be cut and endorsed in

some manner by legislation, a deal in which the industry will make concessions that it has never made before. It will accede to Food and Drug Administration regulation. It will pay handsomely for anti-smoking campaigns."

I remember after about the second meeting in the Plaza Hotel with the CEOs and general counsels, we had lunch in a big room in the top floor of the Plaza. I found it interesting that not one CEO smoked, though all the general counsels smoked and the room was filled with cigarette smoke. When we left it, we went out and got in a cab and I said, "Berl, I think these guys are talking about paying a couple of billion dollars." By the time the legislation actually had a hearing in the Congress, the figure was 265 billion dollars. Clinton's friend Bruce Lindsey in the White House was assigned the job of talking to Phil Carlton. Lindsey remained very positive, very sure that it was the right way to go. Clinton must have been looking at polls and what people thought about cigarette companies and manufacturers.

The polling, I'm constantly fascinated. Something like 70 percent, 70 to 75 percent of those polled answered "I agree" to the question, "If a person becomes sick because of cigarette smoking, he or she has himself or herself to blame." Seventy to 75 percent agreed. So that when the industry said, "Look on the package. There's every kind of warning." My son takes *Sports Illustrated*. I was looking at the current issue. The cigarette companies still advertise there, but the warnings are bigger than the name of the brand. They're huge things. (loud voice) "WATCH OUT! You smoke and you're going to face all manner of physical disabilities."

Maureen Dowd, the *New York Times* columnist, wrote a couple of columns about us, about my involvement and Anne Richards and George Mitchell. One of them just dismembered me. This guy's supposed to have a good reputation in Washington, she wrote, but

what a whore he is. She didn't call Anne Richards that, but she was clearly expressing what a number of people felt. We kept taking the money and kept making the argument that it had nothing to do with the merits of smoking or the validity of the charges against cigarettes or whatever, that it had only to do with the adequacy of what the companies were willing to do and its resolution of the issues, so that the companies ultimately would have paid maybe a quarter of a trillion dollars, would have given up advertising that could be remotely said to aimed at young people, would have given up the NASCAR sponsorship and all that stuff, would have submitted to FDA regulation—almost anything you could think of they were willing to do

We went to a couple meetings over here with the Anti-Smoking Coalition, with their guy who was on television almost every day during a long period of this. He said, "I know that you and Senator Mitchell and Berl Bernhard have good reputations, but I cannot trust anything your client says." That was the first meeting. The second meeting was, "Let me put the following to you and get you to talk to your clients about whether they would agree to this." The answer was "Yes," they did agree to it. As I said, you could hardly think of anything that they wouldn't agree to. But there were a couple of bad jury verdicts during this time. The anti-smoking class action lawyers were beginning to shape the issue as one of the companies lying about what they knew and when they knew it way back.

There's a great book by a man named Kramer about the tobacco industry. At the end, after painting this Hieronymus Bosch picture of the industry, he says what ought to be done is to produce an agreement like the one we were promoting, in which the industry is required to do these things and pay this money and do all this. If you look at the last ten pages of that book, it's precisely what we tried to do.

In part it was done. Senator McCain, chairing the Commerce Committee, really

went after the industry. I went to the Hill with four or five lawyer/lobbyists. I got Hollings to persuade McCain at least to allow Hollings' counsel to meet with us and tell us what they were thinking about. Ron Motley, the billionaire plaintiffs' counsel from South Carolina, was there. And we got the figure that they were going to vote on. It was 360 billion dollars, 100 billion dollars more than the companies had swallowed hard and said "okay" to. The chairman of RJR had a Press Club appearance and said, "We're outta here." Because he was looking at 360 billion dollars in the Senate, then you get to the House and you get some of the fire-eyed liberals in the House pressing it further, it would be 500. So they just bailed out. In time the deal fell apart.

The biggest loser was the federal government, because the feds were going to get a lot of that money. It could have paid for Iraq. But the states are getting it. They aren't using it for what it was intended for, but they got it.

That was an absorbing and depressing, very challenging and interesting representation in which I'm not involved now.

Mr. Vanderstar: It raises as a kind of concluding point the whole issue of whether you exercise judgment about whom you are going represent when there is at least something to be said for representing an unpopular defendant. In fact, some of the heroes of the bar are people who have represented unpopular defendants.

Mr. McPherson: Well, it is certainly something I've comforted myself with at times when I've represented various people in Washington. Remember I talked about Glen Turner, the guy from Carolina who had the pyramid scheme. Many of one's clients are people who one would not be entirely comfortable with in a social or church-going environment. But you represent them and very often, being creative, you think of reasons why their case is a good

one.

There is a distinction, I'm aware of it, between representing somebody in an adversary context, when everything you say is challenged or challengeable by either the judge or the other lawyer, and representing somebody in ***exparte*** situations. This is a kind of a self-justifying way of concluding this, but one reason I have been able to continue talking to people over the years in ***exparte*** situations is that I have tried never to say anything that I didn't think was reasonably true. I say "reasonably true"—obviously I took the part of issues that my client was helped by, but most frequently I told the member of Congress or the executive in one of the departments or the person in the White House that there was an argument on the other side and it was as follows. I didn't think it was right but they should know that that argument was there and was being pressed by competent people. I've done that a lot, in fact, most of the time, and so may have been listened to with a little more credence than might have otherwise been the case.

ORAL HISTORY OF
HARRY C. MCPHERSON, JR. - FOURTEENTH INTERVIEW
JUNE 3,2003

This will be the last day of this series of interviews of Harry McPherson. Today is rainy, cold June 3rd in Washington.

Mr. Vanderstar: We talked before we turned on the tape about the fact that Harry's own book, *A Political Education,* leaves off in 1969 and that there are a number of themes that come up in the epilogue that was written after the original writing. We also talked about Charlie Horsky's book, *A Washington Lawyer*. It was written in 1952 and had been a series of lectures which Charlie gave at Northwestern, Harry, you've looked at that and are ready to react to some of the things that Charlie talked about. So let's start with that. And in full disclosure, of course, Charlie was a partner at Covington & Burling, which was my firm for 39 years.

Mr. McPherson: Yes, and a colleague of mine in the Johnson White House and a friend of mine, which whom I spent a week in the Montana wilderness one time.

I should comment about one aspect of the epilogue that I wrote in 1994 for publication in *A Political Education.* None of the publishers over the years who did this book—there were two publishers after the first one—would let me change the book for economic reasons. It costs money to do that, to amend it, so instead they let me add prefaces, prologues, epilogues and so on to it. In writing this one, I made a colossal boner, as it turned out. I wrote about the Senate in 1994 and compared it with the Senate that I had worked in. In 1994 George Mitchell was the majority leader, and it was extremely interesting to compare his time and conditions of leadership with LBJ's. What I never imagined happening did, after I had

sent in the text of my epilogue. Newt Gingrich and his pals, including my new colleague Dick Armey, just cleaned the Democratic clock in the 1994 election, and so many of the themes that appear in that epilogue don't make any sense in the context of a Republican Congress. I talk about all these senators being chairmen of committees, but they were not chairmen after the vote in November 1994.

Let me just say a few things about some of the themes in Charlie Horsky's book, *A Washington Lawyer*, which is just as clear-headed and sagacious as Charlie was. One of them is its generosity toward those of us who have made our careers as "Washington lawyers," that is, people who deal as lobbyists, as representatives and advocates for clients in the executive branch and various agencies of the government in rule-making proceedings and in a wide range of activities that are influenced by political ties.

One of the things that is fundamentally different, not always specifically different, but fundamentally different between the practice of law before courts and in formal administrative proceedings, and the practice of representing clients before members of Congress and executives in the executive departments is politics. Success in the latter practice is often influenced one way or another by political ties. That is, when you go to Capitol Hill to talk to members about an issue that has political lightning in it, there is a real political spin where the very mention of the issue or the mention of people involved with the issue creates an immediate reaction in the listener that may influence what success you have. As a result, you would be a fool to go and see people who are absolutely, furiously opposed to your client's position. They might not necessarily know a lot about the client, but they do know the industry that the client is in. They probably know that the client or the predecessor executives of the client were huge donors to the opposition's political party, or perhaps that they underwrote a think tank that

produced savage attacks on this member. So you would think twice about taking your client up to see that member or going yourself. In effect, you're forum shopping, and the fora are members, various offices with whom the practitioner, the lobbyist/lawyer may have his own long-time relationships.

I think I described a very uncomfortable session before about eight or nine Democratic senators who invited me to make the best case I could on behalf of the tobacco settlement. This was in a rather early period before anybody except its defenders had seriously thought that you could deal with this nefarious industry. And I looked at these people and I realized that I knew them all, I had had lunch with them, I had had two or three of them to my house for Christmas brunch; they were friends and people that I enjoyed. At the outset they regarded me warmly, as they always had. I'd been around a long time and they thought of me as a kind of agreeable veteran of the Hill, as I did them. So here I was representing this presumptively corrupt and evil industry, killer of hundreds of thousands of people, and I was speaking on behalf of a deal that it and the states and the trial lawyers had cooked up and were trying to get the government to approve.

Mr. Vanderstar: That example, I guess, is in the classification of the so-called "third rail" that nobody wanted to touch.

Mr. McPherson: Exactly.

Mr. Vanderstar: Unlike the situation of someone who has donated heavily to the member's opponent. I suspect there wasn't anybody on Capitol Hill who even had an open mind about the tobacco issue.

Mr. McPherson: Tobacco's only reliable supporters were people from Kentucky and North Carolina. One of them was a good friend of mine, Wendell Ford. As much as I liked

Wendell—he was the Democratic whip in the Senate, he was very successful and very well liked by many people—I didn't want to be tied to Wendell, who was the spokesman for the industry on all of the issues that were associated with tobacco and that had earned the distaste of many members for years. The other was Jesse Helms of North Carolina, who would always go to bat for the industry.

Actually this whole idea of cranking up a settlement, if it didn't originate with Jim Hunt, the governor of North Carolina, certainly found in him an early advocate—someone who could talk to Bill Clinton about the desirability of a settlement that would pay a lot of money and change a lot of behavior on the part of the tobacco companies and keep this issue out of the political scene. Clinton said to Jim Hunt, "I want to see a change. I don't want to lose the North Carolina vote before I even get started by being on the wrong side of tobacco, so let's get it settled." That's what he said at first. Clinton was behind it but would not say a word or allow Bruce Lindsey in the Clinton White House, who had been charged with dealing with it, to say a word in its favor.

Mr. Vanderstar: But you're saying that, except for a few tobacco state senators, the senators considered this industry to be so evil that they didn't even want to arrive at a solution that would involve the industry, as you say: (a) forking over a whole lot of money, a sum that nobody had ever imagined before; and (b) changing a lot of behavior, consenting to FDA jurisdiction, that sort of thing.

Mr. McPherson: Also advertising.

Mr. Vanderstar: Yes. Why was that so unattractive to the political people in Congress?

Mr. McPherson: That is a subject that has interested me a lot, and I don't know

how to answer it. Some issues, and you've used the "third-rail'' term advisedly, some issues are answered in the politician's mind when he hears the fateful words—when you say "Tobacco Industry Settlement" or "Dealing with Tobacco Industry." That means you might be thought to be selling out to the tobacco industry in some way, letting them off the hook when they ought to pay through the nose. This was at a time when the trial lawyers were filing class action suits and the industry was looking at a combination of those suits and of state suits brought to recover Medicaid costs that the states had had to pay out to people where were unhealthy because of smoking. The subject just seemed to terrify members. They just found it very hard to even think about it. I did have some good conversations with people like Joe Lieberman and Chris Dodd, people who would sit and listen, ask some questions about it, who were interested. But most members, even though I knew them, looked at me with what seemed to be suspicion.

There was a giant book, you probably read it, by Kluger. After having bashed the industry and all of its behavior and its advertising for 700 or 800 pages, Kluger ends by saying it would be foolish to think you can terminate all smoking in this country. If you made the manufacture of cigarettes illegal in America, they would be manufactured in a hundred countries around the world and gotten into America. You can't stop it that way and you lose control of it. You need to work out a deal very much like the one I was trying to describe.

In any event, I was using tobacco as an example of a politically-charged issue. Often the job of the lobbyist is to deal in such a charged atmosphere in which he is representing somebody who is perceived from the outside to be taking the wrong side. One way or the other, there is an almost immediate reaction on the part of many people.

Take the decision yesterday by the FCC. That's going to go to Congress.

Mr. Vanderstar: For the record, briefly, that was a decision on multiple

ownership of television, radio stations, newspapers and various other media outlets. That's the basic issue you're talking about.

Mr. McPherson: Yes. Yesterday, Byron Dorgan, Fritz Hollings and Trent Lott, a very interesting trio, were on C-Span saying that they were going to be looking for a legislative route to undo this. Trent Lott said, "If we fail in every other way, we'll have to look at appropriations." Hello? Meaning, would have to consider conditioning appropriations to the Federal Communications Commission on their willingness to change the rule they adopted yesterday. That's pretty extreme.

Mr. Vanderstar: Yes.

Mr. McPherson: In any event, if you take that issue, if you were representing one of the networks or one of the big media companies, a big newspaper owner who had in mind buying a television station in his own town where he had the paper, you would get to the Hill in an environment in which a number of people, probably largely Republican, would be in favor of taking the shackles off the media.

Mr. Vanderstar: And supporting the FCC.

Mr. McPherson: And supporting the FCC, people who traditionally agree with the *Wall Street Journal's* editorial policy. On the other side people who feel that what the FCC has done is an invitation to a concentration of media power that is very much not in the public interest. So if you were hired by a network that wants to own more, wants to go from a 35 percent reach of viewers in the country to 45 percent, as the new rule allows, you'd have to go up and see people who would immediately regard you as a flunky voice for Murdock and Disney and Michael Eisner and these guys who want to own everything in their own tight little box.

So you are often involved in a heated ideological environment. When you're

trying cases, you certainly look for a judge, if you have any choice, you want to try to find a judge whose record is reasonably tolerant of your point of view. It's not as if there was a totally 180 degree distinction, but it's more political on the Hill and in the agencies and in the policy-making parts of the departments.

Most of Charlie's writing, appropriately, is about rule-making proceedings and adjudicatory proceedings in agencies. You sometimes have the problem of the bureaucrat who has always felt a certain way. I have always heard that Stanley Sporkin at the SEC was going to have a view on some corporate governance issue that was against you when you went in to see him. You just know he was going to look scornfully at you and scowl and give you a very hard time. You could count on that. But for the most part I've found that officials and counsel in regulatory agencies and departments try to function in a just way that carries out a reasonable interpretation of the statute that they are administering.

When you get a step up or get into the appointed policy makers in the departments, when you get into the assistant secretaries and under-secretaries in the cabinet offices, people who may have, in today's world, Karl Rove on their Rolodex, you deal with officials who can be presumed to have pretty strong Republican conservative views. In the Johnson years, and in Carter's and Clinton's, people in those jobs would have pretty liberal views of the laws that they were administering. So when you went to see one of them hoping to get a ruling or an agreement within the department that the department would provide finds for a certain program that you were espousing, they would write to members of the Congress that they supported a certain program that your client was interested in. If you went today, you would expect to find moderate-to-extremely-conservative Republicans in those positions, and it would probably be best if you went with somebody like Armey, when he can do that, can go to the

executive branch, although he cannot lobby on the Hill. If he could just make a call to someone and say, "This guy is a Democrat but he's a respectable person and I'd be grateful if you'd see him." Very often that's enough at least to get you in the door. You may not get the result you want, but you can at least have a shot at it. If you have a large firm like Covington or like Piper Rudnick you can send an e-mail around and ask if and ask if anybody knows or ever had any experience with anybody who administers Title 405 of the Housing Act, and you hope that somebody, there among the hundreds of lawyers in the firm, would have had some such experience, and they can give you some help.

Mr. Vanderstar: The business of going to a basically political person or agency which may set some boundaries before you even get in the door means that you would always try to match up with people whose political instincts already the favor the position you are trying to advance if you can find them.

Mr. McPherson: If you can find them.

Mr. Vanderstar: In Congress.

Mr. McPherson: Yes.

Mr. Vanderstar: In an administrative agency, if the chair of the agency has been appointed by the incumbent president, then you know what you're up against.

Mr. McPherson: Right.

Mr. Vanderstar: So, is the problem getting in the door or, maybe more generalized, does the problem go deeper than that, putting aside the tobacco industry type of problem, in that there are just a very few persuasive arguments you can make when you are up against political opposition?

Mr. McPherson: Well, that's where we would get to a wider representation than

Charlie was talking about in 1952. Two things, you looked in two places. One is okay; the other one has never made me feel very comfortable.

The one that's okay is media. If you've got an issue with a substantial aura or glow in the public scene, that is, in other words, people think about it, the news shows have the occasional comment on it, the *Lehrer* program interviews a couple of people about it, there's an editorial in the *Post*, the *New York Times*, the *Wall Street Journal*, in other words, it's in the currency of the political scene. You think you've got a pretty good case but you also think it's going to be tough to get it through the executive department that administers it. So what you might want to suggest to your client is that the client hire a public relations firm to develop a strategy for bringing the client's position to public attention. If the client doesn't want to spend a lot of money on that then you go to someone on the editorial board of the *Post* or the *Times* or one of their reporters—after being in the town 45 years it's likely that you know a few of them—you approach them and try to get them to listen to your case. My success rate in actually producing results in such matters—that is, an editorial or a story that I could really feel helped my client—is about one out of eight. It used to be better, but so many people have adopted the tactic that the *Post* and the *Times*, if they haven't totally shut their doors, have certainly made it harder to get in.

My relationships with a number of media people are such that they can tolerate my raising an issue with them from time to time. I don't make a big deal of it, I don't make it seem as if it's the end of the world; essentially I offer it as an interesting view and say, "You might take a look at this side of the question." Anyway, in some cases approaching the media occasionally helps. You can imagine when we get on to pharmaceuticals, to the issue of how it provides drugs for Medicare and Medicaid, imagine the amount of money that will be spent on

newspaper and magazine and television advertising.

Mr. Vanderstar: Sure. It will be vast.

Mr. McPherson: Well, we saw it when Hilary Clinton came out with her bill in 1994. It was the subject of a gigantic and very successful counter-campaign.

The other thing that you do, the thing that I don't like, is rely on campaign contributions. Our firm has a large political action committee. It had a large one even when we were Vemer Liipfert. Now that we are Piper Rudnick, my estimable young partner, John Merrigan, who runs it and is a very successful fund raiser politically, went around to all the offices in the firm, every one of them, and talked to what must have been a fairly cold-faced collection of real estate lawyers and litigators and deal lawyers about why they ought to contribute very substantially personally to the political action committee, and he's been very successful. We've had a very good response. There was tremendous leadership in the effort by the people at the top of the firm who didn't hammer partners but did say, "We now have a section of the firm that works in the political arena so it would be very good if you all could help."

That is something I don't like a hell of a lot, I've never liked campaign contributions as a way of making my case, but they are part of the ergs of power that open doors, They don't get you success. I'm sure they haven't gotten me success. But at least you get in the door by virtue of somebody in your firm having made campaign contributions.

Mr. Vanderstar: If you got more than that, wouldn't you then start to run **risks** of crossing the line of kosherness?

Mr. McPherson: You would.

Mr. Vanderstar: Your story in your book about one member, I don't remember

who it was, who made a speech about campaign contributions linked to his position was quite dramatic and the effect it had on the legislation.

Mr. McPherson: Yes, the Natural Gas Bill in 1956, Senator Case.

Mr. Vanderstar: So, as I say, you really have to be very, very careful.

Mr. McPherson: Yes, and I have never asked anybody to do anything because I have reminded them that I made a contribution or someone in the firm made a contribution to them. But contributions are just a fact of life in today's Washington.

Mr. Vanderstar: But even if you don't ask, there's always the risk that a contribution leads to access and it results, because of your persuasiveness, in favorable action. And so there's a risk of a perception that the favorable action was, to be blunt, bought. How in the world do you guard against that?

Mr. McPherson: I really feel like a penny ante player. The firm was just out in Las Vegas for its firm retreat. In walking through the casinos, an hour of the day or night. You've been out there to see.

Mr. Vanderstar: Yes. People with nickels in paper cups.

Mr. McPherson: Paper cups.

Mr. Vanderstar: Silver dollars or whatever.

Mr. McPherson: Yes, yes. They put them in there. I feel like the guy playing the 25-cent machine compared to huge companies whose Washington vice presidents take members even now to golf vacations and things like that and develop great friendships and clearly have a huge advantage when it comes to talking to that member about an issue.

Most members that I have seen, I believe, retain a degree of independence when it comes to their vote or their actions being influenced by campaign contributions. I think most of

them see an open door, a willingness to meet with the donor or his counsel, as the limit of their obligation. There are always people, there always have been people who felt they needed to go beyond that.

Mr. Vanderstar: I guess what I'm asking is, isn't there always the risk that the public, if it knew, would see contributions from such-and-such an interest and a vote in favor of legislation that favored that interest and make the connection that that vote was bought, even if that was not true? I just don't see how you can possibly avoid that risk always arising when there are contributions and access.

Mr. McPherson: That's true. Well, take the typical find raiser, the six to eight in the evening find raiser at the Democratic National Club or the Republican Club. There will be a lot of lawyers there and a lot of vice presidents of corporations, people who are based here in Washington, and the lawyers will represent every side of almost every issue. In other words, Tommy Boggs may be there. He represents the trial lawyers and has for years; his firm is counsel for the Association of Trial Lawyers of America. We may be there. We are representing one of the biggest re-insurers in the world on asbestos. It is in our interest, our client's desperate interest to find a way to resolve the asbestos conundrum in a way that will not break it. Everybody is jumping in as well as every other insurance company. Trial lawyers are mixed; a few of them represent truly sick people and people with mesothelioma who are not getting any relief because they are just put into huge classes and the courts are choked with these vast classes including, for the most part, people who have been exposed to asbestos but have shown no signs of illness. Well, Tommy's got to represent those latter trial lawyers as well, the people who don't want the kind of resolution that the re-insurer does. So, I suppose one answer to your question, John, is that a practical protection against the assumption that a member has

been "bought" on an issue is that the member's taking money from all sides so it would be hard to figure the influence of one contribution.

Mr. Vanderstar: Well, that would be a good solution but is that always the case?

Mr. McPherson: I'm sure it's not always the case. Members very often have their positions just handed to them by fate. Norman Dix is a very good congressman. He's from Seattle/Everett, Washington. Does he stand on his head for Boeing? Of course he does. Everybody in his district works for Boeing. And he is on the Armed Services Committee. He just persuaded the Pentagon to enter into that lease deal with Boeing. Here is a centrist, an excellent member of Congress, very well regarded by everyone, but he doesn't have two views on whether the lease deal with Boeing is a good idea for the public interest or not. You and I may, but he doesn't.

Mr. Vanderstar: Yes, but again that's an easy case. He is known to represent the district that includes Boeing workers, so I don't think it would occur to very many people to critical of him for representing the interests of his constituents. After all, that's supposedly why he got into office.

Mr. McPherson: You're asking whether the guy who doesn't have any of that constituency backing, no particular reason to take the position he does, is given a substantial campaign contribution and then votes for the interest of that. Well, it happens and it probably happens a lot. I guess what I was in a way suggesting is a certain surprise that it doesn't happen all the time. In fact, most of the guys who survive and are well regarded by their colleagues give you the courtesy of a meeting, the courtesy of paying at least apparent attention to what you say to the point of asking question and so on, and then say, "Let me think about that. I think you

make a very good point." I've had members call me and say, "I thought your case was a good one. I didn't vote for you, and let me tell you why." And it's because someone to whom they owed a lot, some member, asked this person to stay with him.

There are all kinds of reasons why politicians do things. One time I was talking to Senator Lawton Childs of Florida, and I asked him if he could support us on something. He said, "I don't know because I don't know how"—I can't recall who it was, another southern member —"I don't know how he's going to come out on this, and I like to stay with him if I can." And I took that as just maybe they were two friends. The he said, "There are six of us in a twice weekly Bible breakfast." Six of them. "A mix of Democrats and Republicans devoted to the Bible and to the friendship that they have developed among themselves and, of course, we study the Bible." (Every now and then a wonderful woman named Naomi Rosenblat, she's a *sabra*, born in Israel, would go up and meet with this group. She is a scholar of the Old Testament.) The friendship that came out of that was so tight that it caused Childs to say, "I want to ask so-and-so if he thought it would be all right if I vote your way." In other words, he knew that that man had an interest in this issue, and he wanted to be sure that it was all right for him to go my way.

So one answer, and maybe <u>the</u> answer, to the question I've been pressing is that life is so complicated and so nuanced that it's awfully hard to draw the inference that the contribution led to the vote and that the vote wouldn't have been there in the absence of the contribution. The things that you remember, the trials that you remember in John Vanderstar's career, the successes you had, and as I remember mine, don't have to do with getting a guy to take a couple thousand dollars for a contribution. During the couple of years when I was a member of Hughes, Hubbard & Reed, I was asked by a wonderful lawyer there who's remained

a friend all these years, Bob Sisk, a wonderful trial lawyer, who represented the Pepsi Cola Bottlers Association, if I could help out a little in Congress. They were seeking a bill that would in effect approve the territorial franchise system of the bottlers. Very interesting antitrust issue. Well, the chairman of the Antitrust Committee was Phil Hart of Michigan. When Phil came to work as a senator, he was put on the Calendar Committee, of which I was counsel, and we remained friends, real friends, for as long as he lived. I don't think there was anybody I admired or liked any more than Phil Hart.

Mr. Vanderstar: You and a lot of other folks.

Mr. McPherson: Like everybody. He, being Phil Hart and being generous, arranged to see me and Bob Sisk and set aside two hours—a lot of time—and brought in his two counsels on the committee and Sisk and me. I had spent about three days here, the two of us working together until I knew enough not to be an embarrassment. Bob was a fine anti-trust litigator who really knew the issue. The two of us when to see Phil and his counsels. When we walked out, Phil said, "Let me talk with my counsels and I'll call you about what I will do." The atmosphere was so fine, it was everything you'd ever want in an atmosphere. We were challenged, there was no turning aside or passivity on the part of these counsel because they knew that Phil and I were friends, not the slightest. And he was firm and steady, while remaining just as friendly as could be.

We walked out and Bob Sisk said, "I can't tell you, I'm overwhelmed by this experience. I never thought there would be anything like this in Congress. I didn't know you could have something like that in Congress." It would have been like having, if you could have an ***exparte*** meeting with Learned Hand or somebody like that. As a litigator, you could have that time.

And Phil called me the next morning and said "I think I'm going to support you on that legislation." Well, I called Bob Sisk in New York and he was absolutely ecstatic. I'm sure I never gave Phil Hart a dime in campaign contributions, even in the days before PAC contributions. What he chose to do was based on the merits, on trust.

Mr. Vanderstar: That's of course the other coin of the realm, which is personal relations and personal friendships. Just to ask a leading question, surely you would say that members do not cast votes that they might not have otherwise cast because of friends of theirs—a Harry McPherson or whoever—asked them to.

Mr. McPherson: That's true.

Mr. Vanderstar: It really comes down to recognizing the nuances and complexities of life instead of drawing an inference from two facts: (1) a contribution or a friendship; and (2) a vote.

Mr. McPherson: I think that's true. There are 535 of these people up there, and almost all want to be reelected.

I was talking to one of my colleagues, one of my political colleagues, today about someone in Congress, and he said, "Oh, she's a crook, an absolute crook, has been for a long time, and her husband's a crook, and this guy is not a crook, this man here, and he knows this situation extremely well." There are plenty of people up there who you wouldn't want to say were not influenced by campaign contributions. There certainly are. And the bigger they are, the more awash the system is with money, obviously, you run the risk of a lot of those outcomes being directed by contributions.

Mr. Vanderstar: Were you or your firm involved in the campaign finance, the McCain-Feingold Bill?

Mr. McPherson: No, or the litigation that challenged it.

Mr. Vanderstar: Covington was in the latter at least so I can ask you, in a handful of words, what do you think about McCain-Feingold?

Mr. McPherson: I think there are certainly flaws in it, but anything that will put the brakes on soft money contributions has got my vote. It seemed to me that the tolerance of soft-money giving was a fatal mistake on the part of the FEC. Then it became possible for the corporations to write a giant checks.

Mr. Vanderstar: You don't think disclosure is enough of a disinfectant, to quote Louis Brandeis?

Mr. McPherson: It certainly should be, and obviously a lot of the system is based on that, but I'm beginning to be in at a rather skeptical mood about our political system right now. It seems to be that there's an awful lot of lying going on by this administration. If people aren't really challenging them or aren't very successful, people are saying things that aren't so, starting with weapons of mass destruction. I just have a feeling that even knowledge or availability of knowledge of campaign contributions by the public is not adequate. I think you have to stop the soft money.

Mr. Vanderstar: That brings up a point I wanted to ask you about independently so let me bring it in now, and that is, the whole business of the development of cable television and 24-hour news shows and so on, as witnessed the recent *New York Times* problem with Jason Blair, the great pressure to get the story and get the story out, which most people think is negative because it puts the wrong kind of pressures on folks. But, if there is full disclosure of even soft money contributions **and** all the rest of it with this aggressive media we have in this country these days, doesn't that make disclosure an even more effective tool to control that or

prevent that?

Mr. McPherson: Well, theoretically, yes, theoretically.

Mr. Vanderstar: Okay. I thought I saw that answer before you opened your mouth. (laughter) Theoretically it should, but you don't think it's adequate?

McPherson: I don't know. Maybe some people think so, perhaps it does. Most people I think, even when they see it, even when it appears in newspaper stories, tend to shrug their shoulders and think, "Politicians — that's the way people operate. The rich give huge sums and that's the way it's always going to be."

Mr. Vanderstar: And you don't think that being called to account by an opponent in the next election is enough of a deterrent?

Mr. McPherson: I think in some places it is. The United States is different in different parts of the country. There are some states, some districts where doing something like that, taking a large campaign contribution and then voting in a way that clearly seemed to be influenced by it would defeat a candidate.

I read *Roll Call* and the *Hill,* the two newspapers that cover the Congress, and just looking through it from time to time I see cases in which somebody has that trouble because his opponent had been using his vote and campaign contribution, tying those together.

One other thing has to do with Charlie and lawyering in the context of Congress or, for that matter, of, say, a senior appointed official in the executive branch. We used the word "trust" earlier. Since one is operating in my world most of the time ***exparte,*** it becomes, curiously, more important that the lawyer in that situation not only be honest with the person he is seeking to influence, but that he actually tell that person that there are disputes about this matter. He doesn't have to make a brilliant argument on behalf of the other side, but I've

normally tried to say, "This is not a slam dunk and there are those who feel strongly that such-and-such" and sometimes, "Their argument **is** so-and-so. We think," and then give our answer. I want the person to feel that while this is a monologue, it's not one that is seeking to twist arms or to cause that person to walk the plank, with a danger of getting hurt thinking that yours is the only side of the case.

Mr. Vanderstar: You'll be comforted to know that litigators have the same problem in credibility with a tribunal, especially an appellate tribunal, and also in preparing for witnesses to testify and saying, "For heavens sake, don't get up there and pretend that there is no other side to the issue that you are going to testify about." You would expect to explain why your side is better.

Mr. McPherson: Right. I was describing this problem to distinguish it from one which was adversarial. Yes, I understand that there is an adversary who could point out the shortcomings of your position.

Mr. Vanderstar: And that's one of the reasons you want to reveal that you don't have all the truth on your side, just to avoid that kind of attack. There are similarities between our two kinds of work.

Let me ask you about some things—this is a change of tone, perhaps, but I wanted to be sure to ask you about some things that arose from reading the post scripts and so forth in your book, and one of them is the whole business of a person being elected president who has, on one hand, served the public only by being a member of Congress, typically a senator, or, on the other hand, a person who has at least had some executive branch experience, a vice president or a governor of a state. We talked about that a little bit before we started the tape and I want to go back to that because I just think it's, especially right now for the record nine,

eight men and one woman are vying for the Democratic presidential nomination and one of them is the governor of a small state, happens to be in New England, not in the South, but a small state and all the other are or have been senators. Is that right?

Mr. McPherson: Well, not Al Sharpton.

Mr. Vanderstar: No, not Al Sharpton. Of the ones who have government experience, all are present or former senators plus one former governor.

Mr. McPherson: Yes. I think that's right.

Mr. Vanderstar: You make a point in your book about President Carter and contrast him with President Johnson on a number of points but notably on President Carter's seeming unwillingness or inability to become a political person and to trade and to do deals and instead his emphasis on kind of the moral issue and the answer that the morality produces. So there's a case where you had a president, namely, Johnson, who's primary experience had been in the Congress, in the Senate—he had only been vice president for a few years—being successful, and a president who's government experience had been as a governor being unsuccessful. Could you talk about that?

Mr. McPherson: Yes, I will. Johnson's great success—I think it would be widely agreed—was as a legislative leader, in the White House just as he had been on the Hill. What Johnson did was to find ways using the presidential office and the reach it gave him to bring about the passage of a vast legislative agenda that had been building up for 20 or 30 or 40 years. He was the guy who could make that happen because of his knowledge of the Congress, his relationships in the Congress and his new scope as president. He brought in to his office leaders of business, labor leaders, civil rights leaders, mayors, everybody. It's a great place if you know how to use it and are willing to use it. Everybody wants to go see you and offer to

help and if you get on the phone with them enough after they've been there, they'll just do all sorts of great things for you and the country. Johnson was made for that.

His tragedy was associated with his executive branch role of Commander-in-Chief. That is obviously something we could spend a couple of tapes on. Carter had been a not very successful governor in the sense that he angered most of the legislature in Georgia. I remember one day I was lobbying a very bright man, decent man, Congressman Barber Conable from upstate New York, Republican. I had a date to see him at 11:30 one morning on some tax matter, I think. He didn't get there until 12:30, and he apologized profusely because he'd been to the White House and Jimmy Carter had laid out his energy program. Barber said, "It was amazing." He said, "He didn't use a note. He didn't call on anybody to help him, the secretary of the interior or the secretary of commerce or the secretary of defense, didn't do any of that. He talked about the National Petroleum Reserve, he talked about prices, the Middle East. It was just remarkable." I was really quite taken aback, this Republican saying this Democratic president was quite impressive. I said, "Is he going to get his program through?" And he said, "Oh, I don't know. You know, he's got no friends up here."

Doesn't have any friends! Hell, when Nixon had his back to the wall shortly before the House committee voted the Articles of Impeachment, he still had friends from the Chowder and Marching Society. They were all on his side. I heard that pathetic man, Nixon, the other day, they're playing his tapes occasionally. He was being interviewed by an old staffer of his, Frank Gannon. I listened, I didn't get out of the car, this last weekend, I just listened to this hallucinatory talk about the last few weeks as president leading up to the resignation. Even then he was talking about how he might be able to duck the vote of impeachment in committee if he could just get the southern Democrats. He mentioned Joe Waggoner of Louisiana—I think he

was Ways and Means, and he was the leader of the conservative, smart Democrats, southern Democrats, who had ties to Nixon. And Nixon was saying, "I talked to Joe Waggoner and he said, 'I think I can get, if I can get just one then I'll get the other two and you'll have three southern Democrats voting with you and that will block the vote."'

Mr. Vanderstar: Wow.

Mr. McPherson: This is at the very end. It didn't happen; Joe couldn't get them. But Nixon still had a southern Democratic Conservative friend trying to help him. It was quite stunning.

Mr. Vanderstar: I guess what I'm finding so fascinating here is the conventional wisdom that, if you're a governor or a former governor you have a good chance of winning the Presidency but if you're a senator, you don't. And here you've got two Democratic presidents whose successes and failures completely refute that conventional wisdom. Now, in the context of today's Democratic presidential race, where does it leave us? Do we have senators who might have a good shot at winning the Presidency and being successful because of the Lyndon Johnson experience, or is the conventional wisdom more likely to apply here?

Mr. McPherson: You know, I don't know anyone who feels much confidence about the outcome on the Democratic side. One guy we left out is the House member, Gephardt. In a way he had more responsibility of a presidential nature, by way of being a Democratic leader in the House. He may turn out to be a strong candidate. The whole political situation is to me baffling right now. George W. Bush still has over 50 percent approval, when what is happening is that he is taking natural advantage of a situation.

This again is an example of the **role** of fate in political life. Ronald Reagan had an approval rating in the twenties when he was shot. His manly behavior after that, his John

Wayne-Jimmy Stewart kind of behavior, was followed by a really genuine policy decision for which he ought to get a lot of credit, facing down the air traffic controllers. That fateful shooting started his recovery in the public eye, just as 9/11 started George W. Bush's, which was in the 20s, not doing well at all and would have been road kill, I think, in 2004 if it had not been for this extraordinary environment that we are in and will be in, I imagine, at the time of the election and long after.

In any event, I've just finished reading a biography of Cicero. Cicero was too canny to believe in auguries, so was Caesar, but many Romans did. Entrails and various signs of birds and natural phenomena were real markers for what was to come, they thought. These sudden calamities that befell the United States in Bush's time had a huge effect. Whether that will completely wipe out more knowledgeable people in 2004, as a Democrat, I really don't know. What Bush is playing now, in addition to the card of "threat," is the card of "powerful response." He is sitting at the controls of unprecedented military power. There has never been anything like this, except maybe in Napoleon's early campaigns, Hitler's early campaigns when he was thrashing everybody in Europe and then began to run into winter and Russian resistance, and the advent of America entering the war. I don't know what will be, what will turn this around for the United States and Bush, if anything will. Right now we are riding this stallion of military prowess, and Bush is in command on the stallion, just as Napoleon was in France.

Mr. Vanderstar: And governors have little or no experience with such things.

Mr. McPherson: True.

Mr. Vanderstar: It gets back to the conventional wisdom of how accurate it might be.

Mr. McPherson: Well, there are too many Democratic contenders now to

handicap any one of them with any comfort, so I think it's probably not worth trying to pursue that. And it's also, curiously, a time of unimpressive candidates.

In 1960, I think I mentioned this in an earlier tape, there were five Democratic candidates for the nomination: Lyndon Johnson, the majority leader and described in *Time* magazine as the second-most powerful man in America after Ike; Hubert Humphrey, the voice of liberalism; Stuart Symington, extremely well-known, experienced man, had run several big government agencies, Air Force, RFC; Adali Stevenson, twice a nominee, familiar to everybody and an eloquent spokesman for Democratic principles; and the least consequential of them all, in terms of achievement, John F. Kennedy. Yet Kennedy was the only one who understood or was caused to understand how to run for the nomination in modem times, how to use public relations and connections that his father's money made possible, his own attractiveness, his own personality, a handsome, witty, appealing figure in terms of the public's perception of him. He was always interesting. I remember, and perhaps you do, rearranging my schedule so I could watch his press conference at night. It was the best stuff on the air.

But you could see he was very different from others, and the gap was huge between him and Johnson out in Los Angeles, in that ability to be clever and attractive and funny, to be good "watching" on television. The gap between Kennedy and LBJ in public appreciation was rather like that between FDR and Truman. When Truman started speaking in the weeks after Roosevelt's death, your spirits just *sank*. You had this magnificent man, FDR, this leader with a cape around his shoulders, standing at the rail with Churchill and speaking in his wonderful booming voice. Then you get Truman's midwestem twang. There was a great falling off in the appeal of the president to the people.

Anyway, politicians get nominated by both parties, even if they've only had one

short term as governor of Texas, as George W. did.

What is fascinating to me is the determination and ability of the Bush administration to govern as if they had won a landslide. My instinct, if I were president, or counsel to this president, would be to be looking for Democratic allies, trying to fashion moderate compromises that could attract a big Democratic vote. I would be sending moderate to conservative judges instead of hard-over nominees to the Senate. Not this crowd. If they did not win the popular vote by 500,000 votes, they won the electoral vote by a hair. Their tax bill that loots the Treasury for wealthy people passes the Senate 50-50 on the vote of Dick Cheney. And they just gave Rupert Murdoch his choice of properties around the country by a vote of three to two. So, they do these things by the narrowest of margins.

I shouldn't complain, I guess, because I've worked for and am sitting across from you because of a man who won by 87 votes out of 1,400,000, if he won at all.

Mr. Vanderstar: If he won, yes.

You mentioned, this is going to be another radical shift, you mentioned in passing a few minutes ago the impeachment vote on Nixon. Let me ask you to talk a little about the impeachment vote that went forward to a trial.

Mr. McPherson: Let me tell you a funny experience, I hope I haven't already done this, about Muskie?

Mr. Vanderstar: You mentioned Muskie any number of times, which is no surprise.

Mr. McPherson: I got home on Saturday night, the night of the massacre, the night Elliot Richardson and Bill Ruckleshaus had been fired and Bork had come in to fire Archie Cox. I arrived at my house in Chevy Chase at about seven o'clock, and this was going on and I

watched it with mouth open. I thought we were headed for some kind of dictatorship, certainly something in which the power of the Presidency would have become, if not unlawful, at least without any moral foundation—to backhand the independent counsel and then to fire the attorney general and the deputy attorney general, who would not fire him. I called my partner, Berl Bemhard, and I said, "We've got to get Muskie to call for impeachment." He said, "Let me get him; I'll get him on the phone." And he called me back in about 15 minutes and said, "He's got a houseful of Mainers—people from Maine—friends at a dinner party but he said to come on over. But he said, 'Get Clark'.'' So I called Clark Clifford at his home and said, "Will you meet me and Berl at Muskie's house at nine o'clock?'' Clark said, "I would be privileged to be there."

Mr. Vanderstar: You told him what the point of the meeting was?

Mr. McPherson: Yes, yes. We arrived at Muskie's house and in that area—you know American Plant Food on River Road?

Mr. Vanderstar: Yes.

Mr. McPherson: Behind it in that westwood neighborhood, that's where he lived. So we arrived over there and went in and here was Ed with a bunch of great friends from Maine and they're just the kind you expect from Maine, plain, funny. They were all half in the bag when we got there. Muskie said, "You all go on back to the back and talk and I'll come back and join you."

We go back and I launch into my program, that is, to get Muskie to call for an inquiry by the Judiciary Committee or a special committee into whether the president should be impeached. Muskie comes in and he's in great spirits. I'm extremely serious, and I'm trying to get him to be serious and I start talking about how this is a threat to the Republic, this is a threat

to the government of laws, we cannot have this and YOU have a responsibility as one of the leaders of this party to stand up against it.

Muskie went over and got a three-comered hat that somebody had given him and put it on and he got a long ceremonial sword, and he started walking around waving the sword, repeating what I had just said. "This is McPherson, Admiral McPherson saying what I must do." "Well," he said, "write something up." Then he went back to his dinner party. We spent an hour writing three sentences. He came back and read it and said, "Well, okay, all right." I was expecting another hour of argument, but he said, "Okay."

Well, the one thing that these three lawyers did not know how to do was whatever came next, how you get it into the press. So I called Associated Press and I got some tough guy, kind of a "Front page" type, on the phone. "What?" I said, "My name is Harry McPherson." "Yeah." I said, "I'm calling from the home of Senator Edmund Muskie." "What?" I said, "Yes, and Senator Muskie has a statement." "Are you his press secretary?" "No. I'm just a lawyer, a friend of his, but he has a statement that he wants to put in." He said, "What's the number? What's his telephone number, so I can call you back." "You want to check and see if I'm legitimate?" "Sure." So, I give him the number.

In a couple of minutes he calls back. "Okay, let me have the statement. What's your name again?" And I tell him. I said, "I'm here with Mr. Clark Clifford who was the secretary of defense." "Oh, all right." I hear this thing being tapped out on a typewriter. About 11**:30** the party is winding up in front, but still going on. We **turn** on the TV in the den. There's suddenly a show with, I forget who the journalist was, but the subject, the guest on the show was Mac Mathias, former Senator Mathias, a wonderful liberal Republican from Maryland. And Mac was speaking very seriously about what had just happened. He was a great friend of Elliot

Richardson's. He hadn't quite used the magic words. I ran out and got Muskie to come back to sit down with us, saying "Let's watch this." We're in this tiny dark room with the set, Clifford, Berl, me and Muskie, and after about another five minutes some guy hands a piece of paper over the journalist's shoulder, and the journalist says "Oh, Senator Mathias. Let me just read you what's come over the Associated Press. 'Senator Edmund S. Muskie of Maine tonight called for a Senate Judiciary Committee or for a special committee to look into the issue of the impeachment of Richard Nixon for crimes against the United States."' And I forget what he said about the legal process, but here we were, sitting there, and I looked and said, "Ed!"—and Muskie was sound asleep.

Mr. Vanderstar: Oh, no! (laughter)

Mr. McPherson: His head was down and I shook him and said, "They just ran it!"

So that was my one glorious experience in the impeachment business of Richard Nixon. Everybody had to do what you could.

Watching that House inquiry was just one of the most riveting things I've ever seen. I knew Paul Sarbanes, and he was on it; so was Barbara Jordan, an unforgettable person. There was guy that I really thought the world of, never even met him before, named Jim Mann, James Mann from South Carolina. He was great. Several people just kind of emerged, just came forward at that time.

Mr. Vanderstar: What about the impeachment of William Clinton?

Mr. McPherson: Sidney Blumenthal's new book, ***The*** *Clinton Wars,* almost certainly contains Clinton's view of all this, his and hers. I know Sidney very well, and I was appalled by Clinton and appalled by Sidney, frankly, for telling me on a couple of occasions that

this was all a contrived situation in which Lewinsky had thrown herself at Clinton and he was trying to placate her. It was the kind of thing that can only be believed by someone who was determined to believe it no matter what, and Sidney believed it. We had lunch one day right in the middle of it and I said, "Sidney, you can't believe this." And he just got up and said, "I have to leave" and left the Hay-Adams and went back to the White House. When Clinton finally fessed up, Anne Richards and I and another lawyer called Sidney and invited him to lunch. He said, "I think I'm going into 'river therapy."'

Mr. Vanderstar: River therapy?

Mr. McPherson: River therapy. I said, "What's that?" He said, "You know, the study of de-Nile.'' (laughter)

Mr. Vanderstar: Oh, good.

Mr. McPherson: Clinton was always a problem for me as far as committing to him. I had huge regard for his brains and his appeal, and I was stunned by his ability as a vote-getting and opinion-molding politician. He was really just extraordinary.

Mr. Vanderstar: Yes.

Mr. McPherson: But I never felt that I could rely on him in some fundamental way. I thought he was, in many ways, like Johnson in his huge capacity for political information, huge interest in it, huge appetite for it. He wasn't as good as Johnson in putting factions together, but he was awfully good. And yet his great attraction was for Kennedy. He, Clinton, was attracted particularly to Kennedy and not to Johnson.

Mr. Vanderstar: And your 1995 preface to your book concludes by saying, Clinton can learn much from Johnson's failures and shortcomings, et cetera, but you were critical of Clinton for seeking to emulate Kennedy rather than Johnson in his domestic goals.

Now, if you wrote that three years later, would you say the same thing?

Mr. McPherson: Yes, I think, Clinton's a special case. His behavioral weakness, to put it in a euphemism, was enormous and so was Kennedy's, but Clinton had even less simple caution than Kennedy did.

Mr. Vanderstar: Well, you mentioned earlier and you mentioned in your book that the role that fate played. But for the Paula Jones suit you wouldn't have had the deposition, and et cetera, et cetera, et cetera.

Mr. McPherson: Right. Exactly.

Mr. Vanderstar: Because that deposition gave Clinton's adversaries something to work from.

Mr. McPherson: Right.

Mr. Vanderstar: Without that they would have had very little.

Mr. McPherson: That's right.

Mr. Vanderstar: The whole business of sexual behavior and not admitting it is so endemic, I think, in our society that I think a lot of people sympathized with Clinton, even if they thought he was lying. Do you agree with that?

Mr. McPherson: Yes. Many successful as well as failed politicians have had affairs outside marriage. Years ago when I was doing some work for the Norfolk Southern Railroad, I would be invited down to the old Pullman car that sits on a siding in Union Station. It's owned by Norfolk Southern and it is one of the two cars that FDR used for campaigning. One evening I was in there for dinner. Usually six or eight people could get around the table, and the meal was invariably steak and potatoes made by wonderful elderly Black men who had been doing this for many years. One of them was on the train when Roosevelt used it in 1940

and '44, and that car, I was told by my host, had been many times pulled up on a spur on its way to Hyde Park, a spur in New Jersey near the home of Lucy Mercer Rutherford.

One evening, a couple of drinks in me and feeling a little interested in scandal, I said to this nice old Black man, "Could you show me where Mrs. Rutherford would stay?" And he said, "I don't speak about things like that." This was 35 years later, and you might have thought he would have told a few stories about FDR and Lucy, just to be entertaining. But he wouldn't tell them. I have the greatest respect for that.

Mr. Vanderstar: It sounds like a George Marshall kind of person, to go back to your story about your conversation with General Marshall.

Mr. McPherson: Right.

Mr. Vanderstar: I guess I'll make the assumption that you think that impeachment and trial of Bill Clinton was not good use of our national resources.

Mr. McPherson: Oh, no. In fact, there is an extremely readable book that—I loaned it to someone but when I get it back I'll send it to you—by former Senator Dale Bumpers. It's his autobiography. It's terrific. It's absolutely and unmistakably Dale, and not Dale "with" anybody. It's called *The Best Lawyer in a One-Lawyer Town* and it's about his start in Arkansas. It's just a delightful book. At the very end he prints his speech in defense of Clinton, which I thought was one of the best speeches I ever heard made in Congress. He put the question to the Congress: "Why have you got this man against the wall?"

Mr. Vanderstar: Yes. And the action of the House knowing that the Democrats controlled the Senate and were virtually certain to turn down the Articles makes it even more startling. And one of the prosecutors is now the junior senator from South Carolina.

Mr. McPherson: Yes, Lindsay Graham. And the guy who was the main

motivator, Tom DeLay, is now the majority leader.

Mr. Vanderstar: Yes. For Democrats, it's a scary business.

Mr. McPherson: Well, yes.

Mr. Vanderstar: Let me sort of move toward a close by going back to Charlie Horsky's book for a minute. You started out talking about his generosity to people he characterized as "Washington Lawyers," which you certainly are. One of the things he says in there is that he thinks Washington lawyers help make the government function well. "Generosity" is a very good description of that.

Mr. McPherson: I think that's true. Many members have said this. "I appreciate people coming in to talk to me about these issues; otherwise, I'd never know." It's sometimes meant to flatter, but it's true. Staffs are much bigger than they used to be, but for the most part the best lawyers in this city are in private practice, and they're more likely to have had the time and the focus, the assistance and associates digging in the library, to prepare their case well, to make it with effectiveness and to bring matters to the attention of the members that the members wouldn't get normally. So, in that sense, people are educated by lawyers coming in to do it, and certainly in rulemaking proceedings they play an invaluable role. Your submissions to a rulemaking are what the agency has got to work with.

Mr. Vanderstar: And I think that's the way Charlie was characterizing it too—if you are helping government function by providing information to decision makers that they might not otherwise have, then that helps make the ultimate outcome more reasonable. And, of course, the problem people talk about all the time is that, on a lot of issues only one side has the access. You talked about Tommy Boggs representing the Trial Lawyers Association. There is a match for you. And you also told a story once about Jack Valenti and you making presentations

on opposite sides. And those are, of course, common situations. But there is always a worry in the public's mind that there are situations in which only one side, the business side if you will, is getting access and the opportunity and the consumer, the ordinary citizen, however one characterizes the other side, is not getting the access. I guess that's a problem for which there's no real solution.

Mr. McPherson: Yes. If you looked at the whole range of matters that members deal with in the course of a couple of years, the things that get a lot of tongue-clucking comment, that is, in which the journalists write about lawyers or interest groups getting a special deal in a tax bill, that sort of thing, those are actually pretty infrequent, a pretty small part of what Congress does. Ninety percent of what Congress does is probably—and I have no basis for this other than just surmise—but I would think that 90 percent of what Congress does is not lobbied by lawyers hired from Washington firms or firms anywhere. It's got to do, let's say, with the education program, "No Child Left Behind." What are we going to do about that? How are we going to handle the reading of four year olds? I was watching ***Lehrer*** last night. A part of the problem with the Act has to do with the reluctance of a number of school districts to take part, to take any money from the federal government because they don't want to be told how to teach children to read. They thought they had a better idea of how to do that. Well, that's nothing anybody would hire a Washington lawyer to say. It may be the NEA, National Education Association, the AFT, certainly the Department of Education and maybe someone like the late Marge McNamara, Bob McNamara's wife, who was one of the founders of Reading Is FUNdamental. People like that would probably go up and see friends of theirs, members, and talk to them about how important it was to do a certain thing about reading, and when the member went on the floor his head wouldn't be filled with data from a lawyer like McPherson; it

would be filled with the argument that his friend Marge McNamara had just made, or some other woman. For all I know, Laura Bush may have, seems to be interested in reading.

Mr. Vanderstar: Or Marian Wright Edelman.

Mr. McPherson: Marian Wright Edelman. Exactly. A lot of, most of what Congress does is in that area that is not normally the subject of compensated lawyer lobbying.

Mr. Vandrstar: In the course of this last few minutes of discussion, both my comments and yours, we've started to identify public interest lawyers, lobbyists, what have you, so that there's been a growth, I guess, certainly since you left the White House, an enormous growth in a number of citizen groups, consumer groups, feminists, what have you, that have the kind of access that you're talking about. So that the balance is probably a lot more even that people think it is.

Mr. McPherson: Well, they certainly are. The Leadership Conference on Civil Rights, People for the American Way, organizations like that have been enormously active. Here's John Gardner, a single individual, who writes a letter with no famous names on the left or the right of the letter to, I don't know, maybe a million people asking them to send him 15 dollars and to help him start Common Cause. I know several hundred thousand people did.

Mr. Vanderstar: Oh, sure.

Mr. McPherson: And the letter was not a page and a half bullet-point kind of thing. It was about a 15-page letter in which John talked about all the things that troubled him about our society and how we citizens really ought to be together trying to do something about them. An amazing thing.

Mr. Vanderstar: Yes, yes. That's a good story, a good place to kind of wind up the discussion because you've now spent, how many years since you first came to Washington?

Mr. McPherson: '56 to '03, so 47 years.

Mr. Vanderstar: And you've seen pretty much everything that goes on from a big point of view.

Mr. McPherson: It's amazing how much I learn every week, significant things, that I'd never known.

Mr. Vanderstar: You mean, even now.

Mr. McPherson: Oh, all the time. Almost every day someone says, "You didn't know that?" (laughter)

Mr. Vanderstar: Good. I think we'll close this, and I just want to say how grateful I am to you on behalf the Oral History Project and, to a large degree, on my personal behalf, for your time and your attention and your wonderful stories and your willingness to talk about some things that I wasn't sure you'd be willing to talk about, like your mother's death, and race in Tyler, Texas, and lots of others things even today. So, I just wanted to express my appreciation

Mr. McPherson: It's just been a wonderful privilege to talk with you about it. I mean, these are matters that will always interest me, but to have somebody who is also interested in them and who evokes some ideas and thoughts from me has been great. Mainly, I'm just glad to have made a friend and look forward very much to having you all to dinner when you get off the mountain in North Carolina.

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Since joining the firm in 1969, Harry McPherson has represented and counseled businesses, non-profit organizations, foreign governments, and individuals on a wide range of matters before the Executive Branch, the Congress, regulatory agencies, and other public bodies.

Significant Accomplishments

- Managed and achieved passage of legislation that will, for the first time, privatize a major government-sponsored enterprise.

- Represented the interests of more than 2500 Czech-Americans in obtaining compensation for the seizure of their assets by the Communist government of Czechoslovakia. The final settlement was for over eighty cents on the dollar.

- Represented oil and gas wildcatters and developers from Kansas, Oklahoma, Texas, and Louisiana, in tax legislative battles.

- Obtained government approval for the merger of two international airlines.

- Represented one of the major television networks in the successful struggle to repeal the "financial interest and syndication" rule -- the so-called "fin-syn" rule.

- Helped one of the nation's largest foundations work out a plan for the orderly distribution of its assets and earnings, avoiding major IRS penalties.

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Education

University of **Texas** Law School
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Other Professional Experience

Mr. McPherson served **as** Counsel, then Special Counsel, to President Lyndon B. Johnson from **1965** to **1969.** Previously he had served **as** Assistant Secretary of State for Educational and Cultural Affairs; and Deputy Under Secretary of the Army for International Affairs. He was Counsel to the U.S. Senate Democratic Party Committee, the key legislative policy organ on the Senate side for the Democratic Party.

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Born September 17, 1933, Jersey City, New Jersey. Educated in public schools and then received full scholarship to Princeton, graduating in 1954 with BSE degree.

Served in U.S. Navy 1954 through 1958 as officer in airborne early warning squadron and training unit.

Attended Harvard Law School, graduated cum laude 1961. Developments editor of Harvard Law Review.

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Joined Covington & Burling law firm in 1961, became partner in 1970, retired September 30, 2000. Practice was in all phases of federal court and administrative agency litigation and arbitration, including both commercial and civil rights law.

Active in District of Columbia Bar on various committees. Served three-year term as member of Board of Governors in May 1985. Formerly chair, Judicial Evaluation Committee, and member of committee on alternate dispute resolution, Litigation Division. Mediator, U.S. District Court.

Former adjunct professor (antitrust), Georgetown University Law Center.

Community activity: Member of the Board, ACLU, National Capital Area 1970-1980; chairman 1976-78; recipient of Alan Barth Service Award December 1984. Member of the Board, NOW Legal Defense and Education Fund 1979-95. Former member of the Board, Legal Counsel for the Elderly, Volunteer Lawyers Project. Member of the Board, Planned Parenthood of Metropolitan Washington, 1998 to present; treasurer 2001 to present.

Active member of St. Columba's Episcopal Church; formerly senior warden. Co-founder and first president, Iona Senior Services. Chairman of Finance Committee, Episcopal Diocese of Washington, 1987-90. Member and Secretary, Bishop Search Committee 1989-90. Delegate to Diocesan Convention numerous times. Former Member, Soper Advisory Group. Member, House of Deputies, Episcopal General Convention (National Church legislature), since 1994. Member, Executive Council, 2003 to present.. Member and Secretary, Board of Directors, Episcopal Women's Caucus, 1995-2001.

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