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ADRIAN S. FISHER ORAL HISTORY, INTERVIEW I

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By Adrian S. Fisher

to the

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ACCESSION NUMBER 74-105

LYNDON BAINES JOHNSON LIBRARY  
ORAL HISTORY COLLECTION

Narrator Adrian S. Fisher

Biographical information:

Lawyer; gov. ofcl., b. Memphis, Jan. 21, 1914; admitted to the Tenn. State Bar, 1938; law clerk to Supreme Ct. Justice Brandeis, 1938; law agencies, 1939-41; asst. chief Fgn. Funds Control Div., U.S. Dept of State, 1941-42; asst. to asst. sec. of war, 1944; solicitor, U.S. Dept. of Commerce, 1947-48; gen. counsel, Atomic Energy Commn., 1948-49; legal adviser, Dept. of State, 1949-53; dep. dir., U.S. Arms Control and Disarmament Agy., 1961--; pvt. law prac., former mem. Covington & Burling, now v.p., counsel Wash. Post Co; prof. international law and international trade, Georgetown U. Law Center; legal adviser to U.S. Del. to U.N., Paris, 1952; mem. Pres. commis. on Immigration and Naturalization.

Interviewer Paige Mulhollan

Position or relationship to narrator U. T. Oral History Project

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General topic of interview:

Discusses his career in law and in government.

INTERVIEWEE: ADRIAN FISHER (Tapes 1 and 2)

INTERVIEWER: PAIGE MULHOLLAN

October 31, 1968

M: As a way of introduction, Mr. Johnson broke into politics, more or less, by supporting Franklin Roosevelt in his court-packing plan in 1937 and shortly thereafter, I believe, you were serving as clerk for Mr. Justice (Louis) Brandeis, is that right?

F: Yes, I was.

M: Did you ever in that early a period come into contact with Mr. Johnson on this issue or any other issue?

F: No, I did not. I didn't come into contact with Mr. Johnson until March of 1946, and on this I was not seeing him on my own account. In March of 1946 I was a captain in the Air Force; I'd been a navigator, but I was back in legal work. I was a technical adviser to the U.S. judges at Nuremberg, and I got them to give me a couple of weeks leave to come back to the States really to see what I was going to do when I got out of the army.

I was thinking of teaching at the Harvard Law School at the time, but I had another errand to do. One of my fellow technical advisers at the International Military Tribunal was a man by the name of James Rowe. He's a partner now of Corcoran, Youngman, and Rowe. He had been a navy officer, had a brilliant war record. He was being considered and urged to take the chairmanship of the SEC in lieu of Ganson Purcell, who was getting ready to resign. Purcell died about a year ago. The initial pressure on this was coming from Ganson Purcell's sponsor, really, who was Mr. Sam [Rayburn].

Purcell had worked for the Speaker earlier, and they wanted a good man to take this job, and Rowe was a good man and is a good man. Now Rowe had some questions about it. He didn't take the job actually; and due to the fact that I was going back to the States and was going to be in Washington for a bit, he asked me to see both the Speaker and Lyndon Johnson, Congressman Johnson, to raise some of the questions that he had in his mind. I went and saw Congressman Johnson, and it was a sort of a surprise to him. He wondered "Who is this?" You know, "I was talking about Jim Rowe and here Adrian Fisher shows up. What's this all about?"

And our first meeting was perfectly friendly, but he was a little quizzical as to why I was doing it. He said he wanted to talk to Rowe. I said, "Well, look, Rowe is in Nuremberg and he asked me to ask you these questions."

M: Was Rowe working on the Nuremberg trials?

F: Yes, he was. We not only lived together in a house, we shared an office at that point.

Now, I next saw Congressman Johnson actually again in Jim Rowe's house when we all came back from Nuremberg in October of 1946. Jim Rowe had gotten to know Congressman Johnson primarily, as I'm sure you'll find from him, through Rowe's working as an assistant to President Roosevelt. That's where the Roosevelt connection [comes in]. He was quite a close friend and associate of then Congressman Johnson, you see.

M: And remained so?

F: And remained so until this day. We had lunch there with Francis Biddle, and we were all sort of getting together and breaking up, really.

I then saw him next about a month later. I was sort of in an embarrassing position. I had come to Washington in early October 1946 and told all my friends, "Goodbye, goodbye, goodbye, I'm going back to Tennessee. Maybe I'll see you once every two years. So long."

And in four weeks I was back as the general counsel to [W.] Averell Harriman in the Commerce Department, who had then succeeded Henry Wallace. They had made sort of a reasonably clean sweep of the top echelon of the Commerce Department, and I was one of Harriman's new team. I was sort of sheepish about it, having bade these fond farewells and back that soon.

But then again I saw the President, then Congressman Johnson, at Jim Rowe's house, a couple of times. Actually, at a couple of Sunday lunches where I was asking Jim for advice as to how to do certain things. Because Jim had an understanding, among my friends, of Capitol Hill that was unmatched.

M: Being a Presidential aide helps in that, doesn't it?

F: Yes, it did. And part of my responsibility as general counsel to the Commerce Department was handling Congressional relations. Really in my previous jobs in Washington before the war, even though my father was a Congressman from Tennessee, I had not gotten very close to the Hill. And now I was in charge of handling Congressional relations for Mr. Harriman, among other things, along with legal matters; and I wanted to ask for some advice. So I went to the closest to the old pro among my friends, Jim Rowe.

M: He wasn't too old then.

F: He wasn't too old then, but he was an old pro even as a young man.

I didn't really have any further contact with President Johnson until--at a later period in Mr. Harriman's career, he was in charge of President Truman's anti-inflation program. Now President Truman's anti-inflation program, we have to say in the hindsight of history and it being twenty-one years ago, which was the first anti-inflation program, had certain political overtones to it. He wanted to present a nice simple program for the 80th Congress to vote down.

M: This was when you were still in the Commerce Department?

F: Still in the Commerce Department. Now at that stage Averell Harriman was one of the world's worst witnesses before a Congressional committee. He was insecure; he was unsure of himself; he tended to mumble; he looked like a man trying to lie his way out of a traffic charge. But he was a good loyal Truman Democrat and was prepared to undertake the sort of a captaincy of the Administration team presenting the ten-point anti-inflation program to a special session of the 80th Congress. This was pretty political. And he was up with a quite nonenforceable bill on price controls before the House Committee on Banking and Currency, chaired by Jesse [P.] Wolcott [R.-Mich.]. He was the Republican chairman of the House Committee on Banking and Currency, a very astute, shrewd, conservative politician--sort of a Bob Taft-type politician. A perfectly decent man, but he considered politics a reasonably rough game; and he knew more about the OPA, since he had personally dismembered it, and knew more about the problems of price control than Mr. Harriman had ever dreamed of.

Mr. Harriman in the war had had nothing to do with the nitty-gritty problems; he was a high-policy [man] you see, and here he was defending a price control bill that was utterly unworkable before the dean of dismembering price control bills. And he was being cut to ribbons. He was being more than cut to ribbons, he was getting so nervous. This is the pre-Governor of New York Harriman. He has gone through quite a change when he got elected something himself. At this point he was a very nervous, insecure man and he was not only getting nervous, he was sort of biting at friend and foe alike. He was snapping at the Democrats who were trying to help him out, and I frankly was desperate. Because part of the political strategy of presenting a rather simple price control bill was to make it look like a workable price control bill, and if he made a concession that it really wasn't, the whole strategy was gone. Now, as I say, I wouldn't have admitted this in 1948, but in 1968 it's a long time ago. The basic strategy that Mr. Truman was running against the 80th Congress is fairly well-recognized now.

Well, I got through that evening. On the committee were (this was in the House) Mike Monroney, then a Congressman, Wright Patman, then a Congressman, and a man who is now dead named Buchanan, I believe from Pennsylvania [Rep. Frank Buchanan?]. They were all good, sort of Fair Deal Democrats.

And so I called up again my friend Mr. Rowe, when in time of troubles, and said, "Look, Harriman is antagonizing his friends, as well as his opponents. We've got another day, it's going to be absolutely murder. Will you arrange for him to have a meeting with a small group of Democrats, including these key Democrats on the committee, this evening; because seeing them in a small group, he's a charming, attractive man. He only gets his bad face on when he's before a committee. At least, he'll recognize who his friends are and will recognize them again tomorrow."

And lo and behold it was done, and that evening we gathered for drinks around 6 o'clock in Speaker Rayburn's office--he wasn't Speaker then, but we used to refer to him as

the Speaker on general principles--and there again was Congressman Johnson, along with the other various House members that I had mentioned. Speaker Rayburn, Congressman Johnson, Patman, Monroney, Buchanan and two or three others whom I can't remember right now. And it was a general discussion about life in general, Moscow, the Russians, political strategy, and Congressman Johnson sort of led it. The Speaker, while not an excessively elderly man at that point, he was quite a vigorous man, but he sort of turned it over to Congressman Johnson as the master of ceremonies, so to speak. It was sort of a harmony session. It worked fine. The next day we had a little assistance by a Wisconsin Congressman, whose name presently escapes me, who was attacking Harriman on his support for foreign aid on the ground that the Eastern-industrialist bankers were getting ready to wreck the country. A conspiracy. And if you really meant anything about price control, the first thing to do was to junk all this foreign aid. He began by attacking all the members of the so-called Harriman committee on foreign aid which had been set up which included quite a blue-chip industrialist crowd. It included some labor union people and some public people.

The first guy on the list was a fellow named Hiland G. Batcheller of Allegheny Ludlum Steel; the next one was W. Randolph Burgess, who is a banker, both of them Republicans. This rather nutty Congressman from Wisconsin began to attack these eastern industrialists, and the strategy, basically speaking, of Harriman's recognizing his friends paid off. He made a couple of words of defense of Hi Batcheller starting out, and at that point in pipes Wright Patman, and in pipes Monroney about what a terrible thing it is that a man like Mr. Batcheller who comes to public service is attacked and everything else. This was frankly a political tactic--it was a diversionary tactic. The chairman was absolutely outraged; I mean here his chance to pick away for another day at Harriman was gone, and the time was being wasted with Republicans attacking bankers.

M: Here is an example then of Mr. Johnson acting as a Congressional leader when he didn't really occupy a formal position.

F: No, he didn't. Well, he didn't really call the play. What he did was get the players together. He was not on that committee and he didn't say "Now look, Congressman so-and-so of Wisconsin is going to do something silly and then you, Monroney, do this," but he sort of got the players together to be sure they all knew each other, and knew what the general object of the exercise was.

M: "Come let us reason together," which he has been accused of in later times too.

F: Exactly, and you know it's not so bad. The idea was to be sure all of the players knew who was on the same team and the object of the exercise was to get through the next day, however you had to do it.

M: That was accomplished?

F: That was accomplished. As I say, he didn't think--and he couldn't have thought, I don't believe--that this Wisconsin Congressman would make it so easy. But he did sort of get the



players together and under the guiding eye of Mr. Sam, sort of pointed them all in the right direction. To be sure they all knew each other and had a general idea what we were doing the next day; and it worked.

M: You were then, a year later I think, general counsel for the Atomic Energy Commission. Is that correct?

F: That is correct.

M: Mr. Johnson was always a member, I believe, of the Joint Committee on Atomic Energy and interested in the AEC; did you ever have any relationship with him in that position?

F: Yes, I did. It was one that I'll never forget. I was appointed general counsel of the Atomic Energy Commission-- Oh, it was announced in December of 1947. The Harriman team in the Commerce Department was obviously headed toward foreign aid. They all did. My present boss, Bill Foster, Harriman, David Bruce. I didn't really go in that direction so when I was offered a job as general counsel of the AEC, I took it.

I had barely taken the job, which I actually went in to around the 1st of March of 1948, when I had one very embarrassing incident occur to me. It's nothing that I am ashamed of, but it was embarrassing. The reason that it was embarrassing is one of the reasons the AEC had offered me the job was that my predecessor, who recommended me, had been involved in a lot of political squabbles. He was considered a little bit too liberal; that wasn't true--it was unfair. He was a very loyal fine American. He's dead now--his name was Herbert Marks. But he had been involved in problems, fights with Kenneth [D.] McKellar [D.-Tenn.] and others, and he had become a sort of--they felt--political embarrassment to them. He then decided as a result to resign and recommended me. The commission didn't know this at the time, but I was personally very friendly to McKellar, one reason being that he and my father had been law partners and my father had run for Congress to succeed McKellar when McKellar ran for the Senate. We were family friends.

M: That didn't hurt anything at that time?

F: It did not hurt anything at that time.

But here comes the problem. I was also chairman of the Loyalty Board of the Commerce Department and my last official act as solicitor or general counsel of the Commerce Department was to sign an order recommending we continue the clearance of Dr. Edward U. Condon--he was the Director of the Bureau of Standards. Now, I've got no compunction about that. Condon did some things I thought were sort of silly, but he was a perfectly loyal American.

M: That happens with a lot of these charges, a silly action on the part--

F: . . .of a perfectly loyal American. My only problem was that I dilly-dallied with the thing too long and waited until the last minute to sign the order.

I had barely gotten over to the AEC when the Un-American Activities Committee issued a report charging that Condon was the weakest link in atomic security, and the Joint Committee were holding hearings.

M: This is the Joint Atomic Energy Committee?

F: The Joint Atomic Energy Committee was holding hearings on that. Well, at that point I went to see Congressman Johnson and just asked him-- I said, "I'm in sort of an embarrassing position. This was the ball that was being passed half-way back and forth between Commerce and the AEC. I have been the Commerce clearing man, I'm now the general counsel of the AEC, the ball is in the AEC's lap--what should I do about it?"

And he told me "Just relax." He said, "You'll probably be subpoenaed by the Un-American Activities Committee, but just stick to your guns."

And I felt that I knew him well enough to go to see him on a personal basis and ask him for some personal advice. And he just told me--he said, "The worst thing to do in a situation like this is to act like you're ashamed of anything. You're satisfied Condon is a loyal American, I think you're sensible enough not to clear a man that isn't, and this political squabble will die over; just sit tight."

Frankly, some of my colleagues at the AEC were looking at me sort of askance. "Now, here's their nice, clean, young, politically pure new general counsel--"

M: Who was brought in because he was politically pure--

F: That's right. And so now he's in a squabble with the Un-American Activities Committee, you see, and they were threatening to cite me with contempt and everything else.

This too passed but that was my last contact with him--close one, although I used to appear with the Joint Committee all the time through the year 1948 and Congressman Johnson was there. Many of my atomic energy colleagues who were aware of my friendship with McKellar weren't aware of my acquaintance with Congressman Johnson. It wasn't a close, close acquaintance but it was-- I mean he addressed me by my first name, by my nickname (I have a peculiar nickname of "Butch").

M: Not too many people use that--that indicates a certain closeness?

F: That's right. About the third time that happened I was riding back with the commissioners and one of them said, "Say, you seem to have known Congressman Johnson before." And that sort of partially rehabilitated me in my political purity; I was at least on speaking terms with a professional pro. And I saw not a great deal of him after that--after he became a Senator, I mean after the 1948 elections. As I say, most of the time when I saw him it was at Jim Rowe's house. Our paths didn't cross again until I had left the Atomic Energy Commission to go to the Department of State after the 1948 election.

Mr. Truman appointed Mr. [Dean] Acheson Secretary of State; Mr. Acheson recommended that Mr. Truman appoint me as the legal adviser, which I was.

Then Senator Johnson was not on the Foreign Relations Committee---

M: No, he was on the Armed Services Committee, and I don't know whether that would have any relations with--

F: Well, it did, because I got a rather close look at him and him at me for ten days in the joint hearings that followed the relief of General [Douglas] MacArthur.

When President Truman relieved General MacArthur and MacArthur made that magnificently demagogic speech--

M: It was piped in, as I recall, to every high school P.A. system in the world, including the one that I was in at that time.

F: That's right. "Old soldiers never die," and everything else.

Well, the "old soldiers never die" was all right. That was straight football. I must confess, although it obviously presaged trouble for me, you couldn't help but admire the sense of drama and showmanship that went in it. It was a masterpiece, but it had one flaw in it. And this was what led to my next major discussion with President Johnson.

The one flaw was he gave the impression that his four-point program was one in which the Joint Chiefs of Staff completely agreed; you know, bombing north of the Yalu and the various other things; the blockade and all that. What in fact was the case was these were four points of about thirty-two points sent out to General MacArthur to ask the comments of General MacArthur on. They included the entire spectrum of alternatives that anyone could think of.

M: These had been sent out by the Joint Chiefs of Staff?

F: To General MacArthur saying, "Here are the range of alternatives. We'd like your recommendation." One of them was evacuation.

M: So they went all the way from an extreme at one end to an extreme at the other?

F: General MacArthur picked out the four on one end and said that "These are my program, and the Joint Chiefs agree." It couldn't have been more inaccurate. But on the other hand the second that he said that, that meant a signal to the Republican colleagues "If you fellows will just investigate, you will discover that all the professional military want to fight this war one way and only Mr. Truman, probably aided and abetted by Mr. Acheson, wants it the other way."

Now, you know, had that been the case, civilian control being what it is, it still should have been alright. But in fact it wasn't the case. The Joint Chiefs and MacArthur didn't agree as to how the Korean War should be conducted; they were in bitter disagreement. And if history is written, and only one person--oh, gosh, I forget his name now, a little fellow that wrote about Presidential power, was adviser--

M: Richard Neustadt?

F: Neustadt. Only one person has ever really criticized President Truman for this. If you really want to be critical of the problem, the Joint Chiefs and MacArthur were fencing with each other from the period of the Inchon Landing to the final Chinese Communist intervention and the troubles in the North around the 1st of December of 1950.

We got into the mess we were in December 1950 without anyone really knowing it--it sort of drifted with the Joint Chiefs and MacArthur's telegrams crossing each other sort of like Hamlet and the gravedigger, you know. Unresponsive answers. So the problem really wasn't a military cabal against the civilians. It was the other way round. We hadn't really used the Presidential power through the Joint Chiefs to control the field commander. That was the root of the problem. Politics being what they are, you weren't going to be--maybe Dick Neustadt writes a book about that later, being critical of you-- But that wasn't the problem in April, May or June of 1951, after MacArthur had been fired and there was this real hue and cry for an investigation.

M: I can recall that.

F: What the Republicans expected to get out of this was Dean Acheson's head. It's as simple as that. There was an investigation; there was a Joint Committee; and President Johnson, then Senator Johnson, was on it as a member of the Armed Services Committee. Now I did not work directly with him on that. You know how you are when you're before committees--it's not like a court, there's nothing wrong with having a couple of friends on the committee that you get to ask questions--

M: In fact, it's a very good thing--

F: It's a very good thing. Well, Senator Johnson was helpful. He didn't volunteer as a contact, and we didn't seek him out because we had been steered in the direction of two other people, primarily by our unofficial floor manager, who was Bob Kerr [D.-Okla.]. Now I don't know why Bob Kerr took on the issue of General MacArthur. I don't know what-- I'm just glad he was with us rather than against us.

M: And, of course, he was a close associate of Mr. Johnson's?

F: He was. And I think that some of the information that we had--I think Mr. Kerr spoke to Mr. Johnson on. But my channel--I didn't have any direct contact with Senator Johnson--I had direct contact with Senator Kerr and direct contact with Brien McMahon [D.-Conn.] and John Sparkman [D.-Ala.].

- M: I wish I had known that when I interviewed Mr. Sparkman--I didn't.
- F: McMahon and Sparkman were basically the two people that were on the committee that I talked to when I wanted questions-- You know, points to be made. And I say I was legal adviser, I was Mr. Acheson's counsel, and I was with him during the ten days that he was up there. It was ten calendar days; it only actually covered--they let Sunday off so it was probably eight or nine, I think--there were two Sundays during that period. Didn't have Saturdays off, just Sundays.
- M: That's a voluminous report. I've looked at it--I haven't waded through it.
- F: Now, I don't know what President Johnson did about this, but there was one critical decision, and I'm frank to confess I did the thimberigging on this. Incidentally I didn't always see Kerr directly. Very often I used to see Senator Kerr through Jim Webb, who was then the Under Secretary of State.
- M: This is James Webb--later of NASA?
- F: Yes. Same Jim Webb. He was a close associate of Kerr's. So it may very well be that very often what happened on this committee--we didn't want to touch, except in open court so to speak, the chairman, Senator [Richard] Russell. He was doing a very fine job as an impartial presider and we felt that any discussions with him had to be made in open committee.
- M: That's the best practice, I'm sure.
- F: Well, with Dick Russell it is. But I'm not sure that on occasions there wasn't this rather devious contact: an idea that I have, to Webb, to Kerr, to either LBJ or Dick Russell.
- M: Or perhaps through LBJ to Dick Russell. They're very close associates also.
- F: To Dick Russell. They're very close associates. And there was a key--key decision--that became very apparent watching the way the testimony was going the first day. And that was what was the order of witnesses going to be. The order of witnesses was going to be: General MacArthur, Acheson, Secretary of War, or was the order of witnesses going to be: General MacArthur, Secretary of War, Joint Chiefs and Acheson? Now, why is that important?
- M: Yes, that was my next question.
- F: Well, it was important because it was perfectly clear that the strategy of the Republicans was to get Acheson into an argument with MacArthur on military matters.

It was very important, for Acheson's point of view, to be able to defend his political recommendations on the basis of the military advice that he had. And he didn't get direct

military advice from MacArthur; he got it from the Joint Chiefs and Secretary of War. And so it made all the difference in the world when we finally got Acheson on the stand for, you know, eight days over a ten-day calendar period, that's with the two Sundays off, for grilling, that you have the views of the Joint Chiefs on the record.

M: So your position was to get Mr. Acheson last, rather than second?

F: Last. And I realized this fact. I went to Jim Webb about it, and Jim Webb., I think, went to Bob Kerr. I didn't ask him. But they had a very close vote, almost a partisan vote, not quite, by which the order of witnesses was the way that we wanted it.

Now I don't consider that was thimblerrigging; that was fair. It really was putting Acheson in a terribly difficult position to have him have a military argument with MacArthur. It was none of his business; he was entitled to be judged on his political decisions based on the military advice that was available to him. He would have been out of line had he been getting it directly from MacArthur. He had to get it from the Secretary of Defense and the Joint Chiefs of Staff.

M: That was what the hearings were about, the chain of command.

F: Exactly. So he was entitled to it; but he got it and that one decision was the critical decision in the hearing.

Now I do not know how active President Johnson was in lining that up. I suspect he was.

M: Along with Kerr?

F: Yes, Kerr was not on the committee, you see. So there would have to be an inroad somewhere, and I didn't ask.

M: Sometimes it's better not to know.

F: Exactly. Because I was up there once as a witness and secondly as counsel to Acheson and very often people might ask you who said what to whom. And I'd want to be able to say, "I don't know what any member of this committee has been told to say about this." And then I could argue that I do think it's fair that Mr. Acheson be put on the stand after the military advisers of the President had been on the stand. And so he's not in a position of arguing with MacArthur. And it worked just the way we planned it. And the success of that hearing--success is the wrong word--that hearing petered out.

M: The issue just died away?

F: Issue just died. And the reason was that as people dug deeper and deeper and deeper and they discovered far from this military united front against the civilians, it was exactly the opposite. That the Joint Chiefs and MacArthur were at swordpoints. And that being the

case, well, you know-- You've got a pretty good set of Joint Chiefs there. The Joint Chiefs then were--of course, Secretary Marshall was Secretary of Defense; General Bradley was chairman; you had Forrest Sherman for the Navy; and General Vandenberg for the Air Force; now who was for the Army? It was [Lawton] Collins. They were a pretty impressive group of people; and if you're really talking about political clout, you know General MacArthur was popular with an awfully lot of high-ranking brass and an awful lot of conservative politicians, and a lot of my wife's relatives in Nashville, Tennessee, because he married Jean Faircloth from Murfreesboro. But he wasn't very popular with the average enlisted man.

M: I'm from Arkansas; he was popular because he had been born in Little Rock one time.

F: That's right. He wasn't very popular with the average enlisted man. And as a political proposition you take the views of, say, General Bradley as against General MacArthur. People underestimated how popular Bradley was.

M: Well, now, all of these Joint Chiefs too were what MacArthur's critics referred to--properly I think, didn't they--as Europeanists? They were people who had served in Europe and who looked at Europe first rather than Asia?

F: That's true. But they were all of them awfully bright. Including Forrest Sherman who was without a doubt one of the brightest men that I have ever seen in my life. He's Navy. The Navy representative. But the critical thing from our point of view was to get the Joint Chiefs on the record before, where they differed with MacArthur, so Acheson could be in the position where he had to defend only what he was responsible for.

M: And it turned out successfully again?

F: That was successful. Now, again, I have a sneaking suspicion that one of the people that was working on that and that may have even talked to Dick Russell on it was Senator Johnson. I do not know, and I went to great lengths not to find out.

That takes me through the State Department.

M: You left government service then in 1953?

F: I left government service in 1953 and I was an associate with Covington and Burling for a couple of years. And I was, particularly during 1953 and 1954, since I was a fairly well-recognized Democrat; I was an Acheson Democrat; I had been involved in the State Department as an opponent of Joe McCarthy; and so I wasn't considered much of a political asset in the period of 1953 to 1954.

M: I can imagine not. The purity that had brought you in had long since been dissipated.

F: Long since dissipated, and actually my chief friend and protector--and he was a friend and protector--had been beaten by another man who was also a friend. That is, Kenneth

McKellar had been defeated by Albert Gore [D-Tenn.]. Now Gore's a good friend of mine, and I'm a great admirer of his. But my political saleability had taken a decided turn for the worst. That's the way these things are; one can't cry about that too much. So I didn't get on the Hill very much, although once I was a lobbyist. I was a registered lobbyist for the Theodore Roosevelt Association. That's a pretty radical group.

M: Theodore Roosevelt Association? What is the Theodore Roosevelt Association?

F: They bought that island here; it's a memorial association and they gave it to the government with the understanding that it wouldn't be developed in a way inconsistent with the purposes of the gift. And then the engineer of commissioners decided to build a great big trench right in the middle of it, you see, and they were trying to get that stopped and they went to the firm of Covington and Burling. And Covington and Burling is a very good law firm. It's not very strong on the Hill. And they asked me whether or not I had any experience with getting riders on appropriation bills. And I said, "I've had a great deal experience trying to keep them off."

And they said, "Well, you're familiar with the process, aren't you?"

I said, "I certainly am."

"How would you like to try putting one on?"

I said, "Just try me."

But I didn't see the then Senator Johnson on that issue. I stayed away from the Hill except for that one time, this one trip. I stayed where I had nice, good, fat Republican clients.

M: Is this the period when you were counsel for the Washington Post?

F: Not yet. In January of 1955, more or less, I left my association with Covington and Burling and became a vice-president and counsel for the Washington Post. That was a peculiar job because there was just one man and you can't handle much litigation for them. And I ended up doing about three things. I was handling all their labor problems, and you didn't get very close to Capitol Hill on that. I was sort of in a peculiar capacity even though I was part of the business management, but I was sort of involved along as sort of assistant to Phil Graham, the president, his mild political wheeling and dealing, the things he got involved in. And he did a little bit of it.

M: He did quite a lot of it later.

F: Later he did a great deal of it and it's not unrelated to the fact that Senator Johnson became Vice-President Johnson. Now, with Phil Graham, I didn't do much of this for the first couple of years; but when the rather improbable charges of bribery were made by [Senator] Francis Case [R.-S.D.] about some guy, I think a fellow from Superior Oil left a campaign



contribution for him of \$5,000 but only on the condition that he had to vote right on depletion allowances or something--I don't know whether you remember the issue-- [The actual issue involved natural gas regulation.]

M: I remember vaguely the issue--

F: Well, it was a big case. This money was left in the newspaper office which is sort of a peculiar place to bribe a Senator; but maybe it's the best place, I don't know. But Case turned it back, and there was a big stew about it.

And at that stage of the game, Phil Graham got involved in an election reform bill, and he began working very closely with now Majority Leader Johnson. And there was a big stew--nothing came of it much--about, you know, putting the corrupt practices act on a somewhat more realistic basis, recognizing possible tax exemptions--putting it on a realistic basis so you really could enforce it. Now, it's so strict that it's easy to get around. You know there's a limitation on campaign contributions, but you can have eighteen different committees. And I was working on that with Phil. I was in very close contact with President Johnson's office and occasionally would go up and see him. The man that I was in closest contact with, it's a small world department, was his assistant named Jerry [Gerald] Siegel. Jerry Siegel is now vice-president and counsel for the Washington Post. He took the job that I left when I came back into government. It's a little bit changed in content--there isn't quite as much labor work on it. So I was in touch with his office a good deal of the time and occasionally was the recipient of phone calls from the President himself, then Majority Leader himself. Drew Pearson was off on a Brown & Root kick at that point. And you know, one of the problems of carrying Drew Pearson in the paper is the unsatisfactory fact that whenever he writes anything that you know about, you always realize that there is something wrong with it. It isn't quite right. That sort of casts doubt upon the whole business.

M: Upon the things that you don't know about.

F: The things that you don't know about. On the other hand, if one considers the general function of a columnist like that is to keep the government honest, Pearson keeps more people worried about it than almost anyone else I know. For some reason he was going after the then Majority Leader and campaign contributions from Brown & Root. Well, you know the President's not the world's most thick-skinned man. And he would get absolutely outraged, and he would call Phil Graham and if he didn't get Phil Graham, he'd get me because I was the one that would go with Phil up to his office when we were talking about this reform legislation.

M: He knew who you were.

F: As you know, I'd known him before, although I hadn't seen him from the time of the Congressional hearings in 1951 to about 1956. But I was the recipient of some rather short-tempered phone calls when he couldn't get hold of Graham. But we on the whole parted friends; I'd say, "Look, relax, this is just a mild innuendo from Drew Pearson. If we didn't

print this, Wayne Morse would put it in the Congressional Record where it was printed some place else and say we'd censored it. Now, which would you rather have?" Well, as I say, there wasn't anything in these conversations that led him to admire me particularly greatly, but basically we parted friends.

One thing was clear, however. All during this operation, the times that Phil and he bumped shoulders together--this was after his heart attack, about a year and a half or two years after, or three years after. I swear I spent one day up there with him working on this legislation--he was going to do this, going to do that. I was then a young man of forty-three, I guess. I hadn't had a heart attack--I was in good health, but at the end of the day I was tired and he was still going strong.

M: He hadn't slowed down at all years later?

F: No, that's right. A couple of years later. I had never seen anything like it. I had never seen such energy in my life, and I say I was running tired as a reasonably young man with no heart attack and considered myself to be in robust health.

I didn't have much to do with Phil's operation in the summer of 1960 except to talk to Phil about it from time to time. I was very busily engaged in keeping two strikes from happening at the Washington Post and that pretty well occupied most of my time. But it was perfectly clear that Phil was a strong supporter of Lyndon Johnson for President just on the ground that he was impressed with basically his ability.

M: Do you know anything about the role he may have played in getting Johnson the Vice-Presidential nomination?

F: I do not. I can't add anything to the various things that have been published, except that I know that he was a very, very strong supporter of him and I think he did whatever he could both to persuade Kennedy to offer it to him and persuade [Johnson]-- a harder job, really, in view of their relative roles in the Senate--

M: The published versions all say that Graham was one who was there several times during the time the decision was being made.

F: I know. All I know is, I know about Graham's feelings about President Johnson's abilities. And I wasn't with him at the convention, I say, but I can't confirm any of the reports as to who said what to whom, except to know that everything that Graham told me about this was consistent with his doing his best to bring this about.

M: This is a little bit of an irrelevant question but it applies to this portion of your career when you were in the Washington Post. The group that are generally called the "New Left" who are critics of Mr. Johnson today frequently say that there's an Establishment press, and certainly they always list the Washington Post, the New York Times, and such as being part of this alleged conspiracy. Is there anything in the United States in your opinion that could

be called a "government press" in the sense that they are utilized by government to sell policies?

F: I don't think so, at least I never saw that when I was in the Post.

M: It's going to be a hard thing to track down fifty years from now.

F: Well, put it this way. Phil Graham was strong for Eisenhower in 1952; he was sort of half-and-half in 1956; and for Kennedy in 1960. The operators of the Post were pretty stubborn about being independent of the government. And Phil made it pretty clear that the only fellow who was going to do much meddling was him and on occasion, after we had touched base with each other, me. The idea of the reporters and the editors and everything else was not to get too close to the government people. Just because you want to maintain your ability to criticize.

M: That comment is the kind of thing that will be useful in substantiating the fact that these charges are mostly fiction.

F: I never saw anything that would justify that. I had sort of a peculiar position there. I was part of management; I didn't have anything directly to do with editorials, but I knew something about the government, and so I used to sit in on the weekly editorial lunches that they had. I didn't sit in the regular editorial conferences they had, although I was invited to if I wanted to. But they would normally discount me as the house Democrat. And they'd sort of say, "Well, we expect you to say that," you know. But you know--while the "New Left" calls the New York Times and the Post the Establishment press, Spiro T. Agnew doesn't. Nor does Richard Nixon. Maybe we've come a long ways when the supporters of Hubert Humphrey are considered the Establishment, but this comes as a great shock to everybody. Well, you know they're a group of people who have known each other in this area; people can put all sorts of plots together. I knew Phil Graham in law school, and we lived together as bachelors a little bit. In the same bachelor household with Johnny Oakes.

M: You could really tie this together?

F: Tie it together. I know Oakes; I call him up ever so often and you could make a sort of a big play of here are a group of people that later worked for Dean Acheson and John McCloy and Phil Graham and the Oakes--

M: That has been done. You know people like Richard Rovere. Have you ever read that little thing on the Establishment that he wrote? [Richard H. Rovere, The American Establishment (New York: 1962)]

F: Yes, McCloy is the chairman of the board, I think.

M: Yes, McCloy is the president or whatever you call him, and there are charges that this type is sort of institutionalized.

F: Oh, it isn't really. If this particular Establishment had any grandfather, it was Felix Frankfurter.

M: And you worked for him one time--

F: And I worked for him once, too. Well, there are a lot of people that Frankfurter recommended, but to think that that is the Establishment now in the "New Left,"--this used to be the happy hotdogs in the old days and this was considered the New Left. Well, maybe that's the way things change; maybe that's as it should be.

But frankly, I didn't see anything of a government controlled press. There were only two times that I saw the Post really actively getting involved, knowingly, in government decisions. There was a futile attempt to get the fair election law passed. And earlier an attempt to get Mr. [L. E.] Wolfson's knuckles rapped in the handling of the transit strike in the summer of 1955, resulting in that \$30,000,000 libel suit that was dismissed.

And I once was called by Sam Spencer and asked to talk to him about it if we would support a policy based on our editorials, you see. But generally speaking that was an area of municipal concern--that was pretty much in our own backyard.

M: And their business is the D.C. operation.

F: That's right, and so far as I'm concerned there's nothing in the Establishment except a group of people that have worked and may know each other.

M: Now, we shift over to your current position. You were appointed by Mr. Kennedy at the time the ACDA was created, is that right, as deputy director?

F: That's right. I came in a little bit earlier. I came in as deputy to John McCloy-- Again here's our chairman of the board, the Establishment-- McCloy was designated by President Kennedy as his adviser in Arms Control Disarmament matters before this agency was set up.

M: This is the position that Harold Stassen had under Eisenhower roughly and then that was carried over by the Kennedy Administration while awaiting the creation of the ACDA?

F: Roughly. It had ceased to exist for a long period of time and the handling of arms control matters had been booted around in this building [State Department], and then they'd set up a disarmament administration with a deputy head--no, head--under Ed [Edmund A.] Gullion. Gullion is now head of the Fletcher School of Law and Diplomacy at Tufts. If one wants to put the conspiracy theory, he was a year behind me at Princeton and is a friend of Ed Pritchard's, who was the best man at Phil Graham's wedding.

M: I think you'd make a good conspiracy history writer here.

F: The fact that we hadn't seen each other in eight years is totally irrelevant.

But President Kennedy asked McCloy to come down--basically on a part-time basis--to sort of organize this. How should he handle it? He'd made a campaign issue of it that it wasn't being handled right. And so he asked McCloy to come down. McCloy made a series of recommendations, including the establishment of this agency. And then went back to New York. Now when McCloy was appointed, as I say I had worked for him before in the War Department for a year-- And I actually read about it, I was told about it on New Year's Day in 1961. My wife and I were having milk punch with Felix and Marian Frankfurter and Dean and Alice Acheson over at the Frankfurters' house. And I sort of said, "You know, I think I'd like to get back into government. Maybe the thing for me to do is to call McCloy and see if he'd like an assistant."

I at that point had been swearing up and down that I was never going to go back into government, but this notion sort of attracted me. I'd been offered a job, as-- I had a non-offer of a job from Adlai Stevenson. In a sense it was a sound-out; you're always getting non-offers that may or may not materialize. People wonder if you are interested. I must confess that a non-offer from Adlai was one of the most gracious things you've ever seen. It really is a beautiful thing to behold.

But I went back to work with McCloy, and I saw the Vice-President in this connection. On one occasion I saw him at Doug Cater's house--a party. I made the mistake of trying to do some business with him. The business was the following: Test ban negotiations were still going on, and we had some advisers to the test ban negotiation.

M: This was after the agency was created?

F: No. Before the agency was created. There were some advisers to the negotiation, and we obviously had to replace the House advisers, the House not being a continuing body. We wanted to ask for some more advisers. We wanted to replace the Senate advisers. We didn't know whether to replace the Senate advisers, too; we thought it was a good idea. You didn't have to. You could take the theory that the Senate being the continuing body, the designation that was made in 1960 still stuck for 1961. You couldn't say with the House because it had all changed. It's not a continuing body. But we felt that if we had to ask the House for a new designation, we had to ask the Senate, too.

Well, one of our problems was that one of the Senate advisers was one of our strong supporters of legislation. That was Albert Gore.

M: Your Senator.

F: My Senator and as I say, my friend. I became an admirer of Gore's when he refused to vote for the-- He, Kefauver and Lyndon Johnson were the only three Senators from the South that refused to vote for the Southern Manifesto of 1956. Gore was the only one that was up for office that year. And it resulted in his being opposed. He wasn't going to be opposed at that point. And he made a very courageous campaign. So I hadn't been terribly close to Gore from 1952 to 1956. But in 1956 I decided this fellow deserved supporting. And I

helped collect money for him and wrote all my friends back home where it wouldn't hurt. Some of them think I'm sort of a little extreme, so I can't tell them too much who I'm for.

M: I know what you mean.

F: And somehow I didn't want to see Gore busted off this. So I saw the Vice-President at Doug Cater's house and asked him what he thought about Gore. This was sort of a silly thing for me to do; I should have remembered from my discussions in this free election business, fair election business, that he and Gore didn't get along worth a darn. They never have.

M: That has carried over too into the Presidency on foreign policy.

F: Yes, it has, although he and Gore have never gotten along. I hope this isn't unfair to the President to say one of the reasons being Gore is a hard man for a Majority Leader to work with. He's a hard man to put pressure on.

M: He's not an easy compromiser?

F: No, he's not. Now I admire Gore, but I can understand why the Vice-President as Majority Leader would have had difficulties with him.

M: When you're trying to manage a vote on something, you need the compromisers.

F: Exactly. That's right. You need the people that you can make a deal with. So I asked the Vice-President what about if we asked for a new group of people. "Do you think you can put Gore back on?" And I got a rather sharp answer. And the answer was "No!"

And so I went up to see Gore and said, "Look, we're going to have to ask for new Senate people, and I'm afraid that your name won't be on it. I don't want to do this--your thinking I'm trying to bump you off, but I think we've just got to do it." And Gore made the classic observation. He said,

"Butch, I don't want to go to Geneva. I want to spend the summer in Tennessee."

Well, that was all right. He actually got to Geneva on an interparliamentary union trip; went to the conference; gave a press conference and everything else, whether he was an adviser or not.

M: He was removed as an adviser then?

F: He was removed as an adviser. Well, there's just another designee. And the one that was designated, I think--I forget--I think it was Hubert Humphrey, and it was sort of hard to object to that. Because you know Hubert Humphrey was our principal supporter at that period. And the principal person interested. And he was chairman of the Disarmament Subcommittee of the Foreign Relations Committee. And it was hard to object to the

leadership designating him as the Democratic Senator as an adviser. At any rate, Albert Gore didn't take that that seriously; he couldn't object to Hubert Humphrey being the chairman of the subcommittee, being the adviser. And he didn't. But I just wanted to make my peace with the two of them, to be sure that Gore didn't think I had bumped him.

Well, I saw very little of the then Vice-President Johnson except at meetings at the White House. Of course, he was a member of the NSC.

M: Now, is [William] Foster as director [of ACDA] also a statutory member of the NSC?

F: He is not, but he always attended when arms control matters were considered. Very often arms control matters are considered at the so-called committee of principles, which is a nonstatutory organization. It's members of the NSC, minus the President and Vice-President and the mobilization director and the treasury--it's just those directly related to arms control matters. But occasionally they meet at NSC meetings. And the Vice-President was there and was very astute in terms of basically domestic political advice. You needed either him or Humphrey at that point. One of our problems was we were flirting with the comprehensive test ban before we got the limited test ban. The problem of on-sight inspection. And we had a group advising President Kennedy, primarily Jerry Wiesner [Jerome B.], who really wanted to junk the on-sight inspection notion and take their chances with the Congress. And President Kennedy had in him a streak, almost a quixotic streak, as far as the Congress was concerned. He would say on occasions, "Well, let's sign this treaty and if the joint committee doesn't want it, let them take the responsibility for killing it off."

That I never liked because the notion of getting a treaty--

M: That doesn't get the treaty ratified, does it?

F: No, it doesn't. Now one could say probably without being hypercritical that President Johnson maybe errs a little bit in the other direction. But he used to advise the President as to what he thought we could or couldn't get through. And his advice on that was I thought perhaps a little more conservative than I would give, but after all he had met the payroll. He was a Senator, and I wasn't. He was an ex-Majority Leader, I wasn't.

M: This was as Vice-President?

F: As Vice-President. So he was involved in a good deal of the NSC consideration of the test ban, particularly in the summer of 1962. Now the summer of 1962 we had a mild crisis in test ban problems. Seismologists made one of their once-every-other-week breakthroughs in detecting underground tests, and we had a lot of meetings about it and there was a leak about it in the newspapers. Our then-negotiator, Arthur Dean, got enthusiastic and made an unauthorized statement at the airport, and everyone came back and we were reconsidering our positions. So we had NSC meetings, and this and that and the other.

During the last days of July of 1962, the President was there as Vice-President. In fact he participated in all of them. His advice, as I say, was on the whole more conservative than I thought. On the whole, on balance, a very good counterbalance to the people who were egging President Kennedy on to go ahead and shoot the works. If someone else knocks it down, it's their responsibility and not yours.

M: That was Mr. Wilson's tactic back in 1919.

F: That's what happened--exactly. The guy who was working on me on this was Albert. He [Gore] was saying, "Look, the worst thing you fellows can do is negotiate a treaty which you can't get through the Senate. And it's the worst thing you can do." So I was on the whole by myself in these discussions and was happy to hear the Vice-President's views. Although while I felt I was a little bit more quixotic, perhaps because I was less responsible.

M: It's easier to be when it's not your responsibility.

F: Yes, but not as quixotic as the other Senate advisers to the President. I didn't really see much of him then until after he became President.

M: Did he in your opinion when he became President hold any views toward the agency that differed importantly from Mr. Kennedy's?

F: A little bit. The principal difference was, he is a little bit more an organization man than President Kennedy was. By that he is more apt to go through channels. Very often on Saturdays or Sundays when the Director was out of town in Geneva or anything else, I would get a phone call from President Kennedy, get it in my home, saying, "What about this; what are you doing about this?"

President Johnson tends to go a little bit more through the Secretary. This agency has got an ambiguous status.

M: I was going to ask you, and this might be a good time. In preparing to talk to you I confess that I tried to pinpoint the relationship between the ACDA and the State Department; it's a very difficult thing to do.

F: I'll tell you what it is. This was a compromise that John J. McCloy made in his own mind and then it worked out between the Senate and the House when we were passing the legislation. It was really a ricochet problem, getting it through the House and the Senate. This agency is not a part of the Department of State. We have a separate budget; we have a housekeeping arrangement with the State Department performing administrative services for us. We have direct access to the President but have to advise the Secretary of any time we undertake the right of direct access. In negotiations we operate under instructions.

M: From the State Department?



F: From the State Department--from the Secretary--that really means from the State Department. But we have the right to go to the Secretary about anything that we don't like without its being considered going out of channels. We can go to the White House.

Now, President Johnson has dealt-- I don't mean to be an Arthur Schlesinger on this, but there was in the White House circles a growing, a slight disaffection for the Secretary of State.

M: This was under Kennedy?

F: Yes, it was. I'd like to have this, whether it was right or not, it's something else again and this sort of thing I don't think is quite as bad as Schlesinger's being a kiss-and-tell historian. But there was, and so we tended to work much more directly with Mac Bundy and very often with the President himself, under President Kennedy, than we did with President Johnson. President Johnson--- we send something up there, he wants to know what the Secretary of State thinks about it. Now, I'm not saying this is wrong.

M: It's just the difference in operational technique.

F: It's just the difference in operational technique, yes.

M: This may be a very difficult thing to pinpoint, but can a President, by his views, importantly affect the day-to-day operation of an agency like the Arms Control and Disarmament Agency?

F: Oh, sure.

M: He can influence its whole--

F: Sure he can. Because in the last analysis, all key decisions are going to be made by the President.

Let me let you see what President Johnson did on this.

I say the first time I saw the President after he became the President was-- Jerry Wiesner, who was very definitely a Kennedy man, and it was clear that he was going to leave fairly soon; but he wasn't a Kennedy man to the extent that he, like some of the others, didn't resent the fact that President Johnson was President. Some of them did. Jerry was a Kennedy man; he was temperamentally more attuned to President Kennedy than he was to President Johnson, but he wasn't sulking in his tent. It was clear that he was probably going back to M.I.T., which he wanted to do, but he was very interested in the arms control problem. And so he arranged for a meeting--for a weekend meeting. Initially we were going to have it up at Camp David. All of the people--sort of the new people that Johnson had brought in, with the arms controllers--there was Bill Foster, myself, Jerry, John McNaughton. We had Art Barber, the people in the Joint Chiefs, a couple of people from

State--we all had sort of a where-do-we-go-from-here look. We'd just finished the big debates on the test ban and the question was, what now?

And we didn't meet at Camp David. We met at the White House instead. It was a weekend meeting, Saturday through Sunday. And Jerry arranged for the President to come in for the last half-hour and sort of gave him the summary of our general meeting. I'll always remember there listening to the President. He said, "Gentlemen, if you want some idea of my attitude, I'll tell you a story about myself." I'm sure you've heard this story before. He said, "When I was a young Congressman, I was trying to arrange financing in my district for an REA Co-op, or rural electric co-op, and I was having a great deal of trouble. I was trying to work out something with the private utilities and I got awful mad at one point, and I told them all to go to hell. And everyone was real proud of me and all the people patted me on the back and said, 'Lyndon, you sure told those fellows off.' All of them except one." I think he was talking about Mr. [Alvin] Wirtz, who later became [Under] Secretary of the Interior. "I said, 'You don't seem to be so satisfied at what I've done. What's wrong?' He looked at me and he said, 'Lyndon, you're a fine man, you're going to go a long way, but you'll go a lot further if you realize that there's a great deal of difference between telling a man to go to hell and getting him there.'"

Well, there were two things that I was struck by that. One is I was struck by the indication of basically, that's a negotiator's attitude. I was very much heartened by that. Secondly, and I'll get back to this later, this seems a strange thing to say about a man who's relatively young, but it reminded me of my old man. Primarily because he was interested in public power. My old man was a Congressman from Tennessee, and he spent fourteen years of his life trying to get the TVA established. He never made it; he was beaten in 1930 and--

M., Just missed.

F: Just missed. The Muscle Shoals Valley Authority had been passed by Congress twice and vetoed twice. But I was struck about the almost basically--I hate to use the old-term word "populist"--but the populist approach about how important power was in the development of that area of the country; and I could sense that in President Johnson's approach to life. I must confess it reminded me of my father. And I felt that I understood him a little bit better.

M: Heartened you?

F: Yes, it did. It was very heartening.

#### SECOND PERIOD--FIRST INTERVIEW

M: We were talking about the early days of the arms control program under President Kennedy and the function of the Arms Control Agency after it was created by statute in 1961.

F: Yes.

M: Then you became its Deputy Director from the beginning of its statutory existence.

F: That's correct.

M: Mr. Dean was still negotiator at Geneva at that time?

F: Yes, he was negotiator from March 1961 through the end of 1962.

M: Then when he resigned at the end of 1962, did you replace him officially?

F: No. That position really was not recreated.

M: That's why I couldn't find whether or not it had been filled.

F: It was largely filled on an alternating basis by either the Director or myself. There was a permanent deputy there named Charlie Stelle who stayed there through 1963. He is unfortunately dead.

M: So you and Mr. Foster alternated in conducting the negotiations.

F: Yes. There have been occasions when we had a deputy there, but either Mr. Foster or I have been the representative. There was one slight difference in the case of the limited test ban, because it had sort of broken down in Geneva in early 1963. The President appointed a special representative in the case of Averell Harriman to go to Moscow.

M: This was an ad hoc type operation?

F: Ad hoc operation. I went to Moscow with Harriman as his deputy. That was a one-shot, basically ten-day or twelve-day proposition. We arrived there on the 14th of July and left the 27th of July, so it was fairly quick.

M: I think the press accounts after the test ban had been signed sometimes tried to cloud the issue as to what episode was responsible for breaking through on the test ban treaty. Was it this trip to Moscow, in your opinion?

F: Well, the trip to Moscow really wrapped up the test ban treaty. You see, the test ban treaty was negotiated on a different basis than had been discussed. It was a limited test ban treaty. It did not include the underground tests, provided they don't cause radioactive debris to be sent outside of the country conducting it. Now the origin of this treaty--success has many fathers, everyone claims they originated it-- I think that the origin of this treaty was one of two alternate treaties presented on the 27th of August, 1962, as a result of all the turmoil that accompanied the reevaluation of seismic capabilities. After Arthur Dean's airport statement and the consideration that I referred to earlier, the President (President Kennedy) authorized the presentation of two treaties. One--a comprehensive treaty with our inspection requirements scaled down somewhat to meet our increasing capacities.

M: But still onsite inspections?

F: Still onsite inspections. Secondly--a limited test ban treaty which would be verified solely by national means. At that point the Soviets flatly rejected the limited test ban treaty. They said, "This is legalizing underground tests and we'll have nothing to do with it."

After the Cuban crisis in 1962, they entered into correspondence suggesting they would undertake onsite inspection but on a very limited basis. That correspondence was made public in roughly January 1963. You can find it in documents of disarmament. A letter from Khrushchev to Kennedy, Kennedy to Khrushchev,--about two or three letters. Foster then went to Geneva and attempted to work out a reasonable number of onsite inspections and a reasonable modus vivendi in which we would carry them out in a comprehensive test ban context, but nothing came of those negotiations.

Then in early June or late May there was an indication that perhaps we should have one more try at a test ban, sending basically "high-level" representatives. Now "high-level" representative means that Mr. Harriman, no disrespect to him, isn't appreciably higher-level than Mr. Foster. But after President Kennedy's American University speech--

M: I was going to ask for this in here. Is a speech like this such as the American University speech--Mr. Johnson made some, too; the State of the Union in 1964 and the U.N. in 1963--are these things extremely important in creating renewed possibilities for your talks with the Soviets?

F: I think the American University speech, and later on we get some of Mr. Johnson's, were important. That's an indication of high-level interest and while you can't conduct a negotiation through speeches, you can give an indication of mood.

M: It's a signal that works?

F: That works in some cases, that's right. I think the American University speech was such a signal. At that point the arrangements were made to have a meeting in Moscow, and it wasn't until the first of July that a rather unpleasant speech made in East Berlin by Khrushchev that there was a real signal from their side that they were prepared to negotiate now about a limited test ban.

When we went to Moscow, we had the basic notion of a treaty already in front of us in the form of a limited test ban treaty that we had already put down on the table in Geneva the previous August. The negotiation was entirely on subjects that someone might consider peripheral. They were almost entirely, "What did you do with the peaceful explosions that vented?" And the answer is that if they vent and throw things outside the country, you can't do them. You have to amend the treaty in order to make that possible.

The question of what do you do about parties; and that's always a very sensitive matter because the Federal Republic of Germany is very much concerned about East

Germany being recognized or being given political standing. And we solved that by having three depositories. You can get an argument as to who are the parties to the treaty. The Soviets think certain people are parties to the treaty, and we think certain people are parties to the treaty, and we don't necessarily agree. But in a political treaty of this kind as opposed to something like the General Agreement on Tariffs and Trade, it's just as well to have the East Germans bound under treaty obligations to their friends. That means they won't violate it whether we recognize them or not.

But those issues were the two primary issues that were negotiated at Moscow so you really can't say that Moscow did the trick. The decisions really had been made in August of 1962. They finally got around to accepting them. Well, it was a hard negotiation [in Moscow], particularly on this parties business. And this rather complex now-you-see-it, now-you-don't thing. But that in its last analysis was peripheral as far as the U.S.-U.S.S.R. No one is really concerned about atmospheric tests in East Germany. You know, they haven't got that much territory.

M: I suppose this is a little bit peripheral to that, but it's important a number of times in connection with the Armed Controls Agency's activities. It did come up in connection with the nuclear test ban treaty after it was signed. How important is the opposition of what are sometimes called the right-wing extreme groups in the United States to the activities of the agency? I'm talking about the Manion Report and Human Events. They have all published anti- . . .

F: Well, they're important to the extent that they have an influence on people in Congress who have to vote for the authorization of the agency--the appropriations. We are a permanent agency but we have to have an authorization bill every two years or so in order to justify appropriations. Or people voting the appropriations on an annual basis. And there was a period back in 1962 and 1963 when the various publications of the agency were reprinted and underscored and sent around. That's not a direct relationship. It's indirect and only an important factor to the extent that it hurts you in the Hill.

M: I see. It doesn't bother your negotiations?

F: Not really. No. It bothers your negotiations to the extent that you think it makes an impact and you couldn't get through the Senate something that you negotiated.

M: An indeterminate impact, but it could be an important one.

F: It could be an important one but normally the extreme right isn't that-- What you figure out is not who's reading that, but you have to have your independent sources of checking with the Congress, so that you have some idea. You can't just say, "We don't care." We can't adopt a-- My father would be very unhappy with me if I said something critical of Wilson--but a Wilsonian approach of "Let the Congress make their own decision." You have to have a fairly good liaison with them to have some idea as to what you can do. It is in my judgment irresponsible to conduct a negotiation without an effective Congressional liaison, because you're not sure you can put your money where your mouth is. That's the

reason I say, for obvious concern, when it looked like we were getting ready to give up on on-site inspection in the summer of 1962 that we might have something that we couldn't get through the Senate.

M: Is this public expression of opinion important on the other side? I heard a lady from New York named Cora Weiss the other day taking some credit for, I believe, a women's march in support of the test ban. Is that important from the other side of the spectrum?

F: It tends to be a counterbalance, and the women's strike for peace and the groups like that--SANE nuclear policy--before they all got hung up on Viet Nam--were on the whole not an unimportant influence, not so much for the Congress but for jogging rather stodgy people in the Executive Branch loose.

M: Originally, wasn't the agency denied in its creation a public information officer?

F: The office of public information was stricken out of the bill, and we had in the bill later on a mandate that we cannot propagandize the American people. But with an indication in the committee report that propaganda is used in the pejorative sense, not in the sense to propagate--you can look in the dictionary.

M: How do you tell the difference though?

F: Well, it's whether you tell the truth or not really. You know propaganda now, we say:

"Oh, it's just a bunch of propaganda."

That's the common meaning of the term. The original meaning of the term was not.

M: Information, wasn't it?

F: Yes, that's right. It's a derivative of propagate--information that is propagated. But in this sense propaganda means sort of a campaign to-- We're always under a problem that every time we put out any sort of information someone will say, "Ah, propaganda."

M: And this hinders the activities of the agency?

F: Oh, it does a little bit. Ever so often. [Rep.] Craig Hosmer [R-Cal.] once wrote to the Comptroller General and asked whether or not one of our publications wasn't propagandizing the American people and the Comptroller General said, "No, it wasn't. We had a small budget for informational activities and this was just a straight report."

That is a problem in that if we didn't report on our activities to the American people, we would be criticized.

M: What I was starting to say is, it struck me as being sort of ironic--wasn't one of the functions of the Arms Control Agency on the nuclear test ban the sending of draft treaties directly to

Russian people? You remember the instance where the agency was, you might say, propagandizing the public opinion of Soviet people but you couldn't by legislative requirement propagandize your own people.

F: Well, that's an old problem and as a matter of fact the whole statutory structure of the USIA is based on the assumption that it's quite proper to propagandize someone else's citizens but not our own. That's oversimplifying, but that's not a new dilemma. Of course, we don't have any independent sources of getting to the American people except through the USIA, supplying material to the USIA.

M: Incidentally, was that an effective exercise?

F: I really can't say. I think that there was general support among the peoples in Russia for the limited test ban treaty: that the testing was bad. Now, you know, how much effect that had on the Soviet decision-making processes is something else again.

M: You can't trace the response they make to their public opinion as quickly as you can here.

F: You know-- It's changed from the days of Stalin but it's a long way from the Democratic society. Maybe you can trace the impact of opinion in the Central Committee of the Party to a decision, but that's a very small group of people. It's an obligarchy now, not a complete dictatorship, as the firing of Mr. Khrushchev indicated. But it's an obligarchy with probably a larger number of people participating in the obligarchy than we give them credit for, maybe the entire party structure. But still that is responsive in a much less direct sense to the views of the people. So I think this was Central Committee, Khrushchev, and the desire to get a little bit closer with the U.S. because of their relationship with China.

M: Continuing with this discussion regarding the Congressional role, the agency has had recurring appropriation difficulties. I've read some of the hearings in which you have appeared. Do you think it's a matter of economy or a matter of policy that causes those objections primarily?

F: Well, the objections come from two sources. One is the people who are just against the idea in the first place. That's straight policy. The second is the very grave difficulty of people that are on the fence, of persuading them that a research program which doesn't produce the result that you can use next week is a worthwhile program, particularly in this area. Now I think they're necessary, but you're always going to end up with some bloopers. If you have a research program that's worth a darn, you're going to have something in there that some fellow can pull up and make fun of.

M: Are you talking about the contracts that the agency makes with the so-called "think tank" groups?

F: Yes. And that is almost always used as the basis for an attack on us. Why are you spending your money for this sort of thing? And it's particularly true with what is known in the trade jargon as soft research.

M: Would you explain that?

F: That is, if something results with a gadget--with a machine, a new seismograph, a new thing to detect the relationship of plutonium and uranium--that's hard research. You can spend all the money you want on that as long as you can make-- I'm exaggerating now; not all the money you want--but it's easy to defend as long as you can say with a straight face, "What are you going to use it for?" Particularly if it's detection.

On the other hand, you get someone to think about Soviet attitudes or think about the impact of enforcement machinery, there you get up with a book and there aren't any machines in it. Most members of Congress think they could write a book just about as well. You end up paying \$60-, \$70,000 for a book the Congressmen think they should be able to buy down at Brentano's for \$7 and of course, you can't order the book at Brentano's to fit your needs, you see; there will always be one or two studies that you don't like. If your research program is any good, it's got to be imaginative enough to contemplate some failures.

M: When you sponsor a research project, you're not sponsoring a result anyway.

F: You aren't, but in the long-range political sense, you're responsible for it. You're responsible for saying why you spent government money for this. It's hard to sell the answer: "Look, it isn't just the fact that we spent government money and got this, and this is worth every penny of it." It isn't in every case, but the total activity produces things. Admittedly with some failures, but there are some successes. It has been hard on the middle-of-the-roaders to justify the research program that you can't say, "Well, all right, I used that very point in the test ban negotiations two weeks later."

M: Short-run return.

F: Even though there's a long-run return and particularly in the strategic arms limitation talks that have not taken place yet but the president indicates he wishes to take place. Research in the beginning of the agency is being called on to prepare positions for that.

M: Do you think that most of the opposition on the Congressional side then is of this type rather than from those who are just simply against the whole idea?

F: About half and half. And if we didn't have the type of opposition who are so "I'm from Missouri--show me why you need this," we could be more effective. If we could get those fellows on our side, we would not need to be concerned--at least not in the past; now one can't tell about political changes-- but in the past we would have had no trouble with the "We're agin you" type of opposition.

M: They're easier to defend against?



- F: Easier to defend against and more people are against that. There are more people who don't basically accept that point of view than do. So you skip back to a simple question of mathematics.
- M: A lot of your research, perhaps not a very substantial percentage but at least a number of studies have been made regarding the economic impact of various disarmament programs. Is the potential economic impact a great consideration in all matters of disarmament.
- F: Well, not really. Many of those studies were made at a time when we were thinking of negotiating possibly larger cutbacks than look negotiable at the present time. I think they were justified in doing them, but I think, as a matter of fact, right now we're just beginning to feel the other side of the coin. We'd rather spend the money some place else. It isn't a question of can we afford to disarm; it's a question of can we afford not to. The economic bind, you know, ends up with taxes and then ends up with budgets, and so we're beginning to look at the other side of that coin more than we have in the past. But I'm glad we did that because, you know, when you check layoffs because of the cessation of programs you get some idea of what happens if you get a layoff because of a cessation of an arms control agreement. But always the good side of it is you aren't spending the money any more, instead the result reflects itself in other fiscal policies which might be of an expansive rather than a recessive nature.
- M: What about the bureaucratic opposition or support for the Arms Control Agency; has there been in the State Department or in other agencies resistance by career people to the functions of the ACDA.
- F: Oh, a little bit. There has been a resistance in the State Department to the existence of an outside agency that's not part of the system.
- M: Not so much to your functions but to the fact that you're independent of State?
- F: That's right. That varies. That's compounded by the fact that there are certain natural disagreements that always come between regional bureaus who have responsibility for relations with certain countries and functional agencies be they in the State Department or not who have the responsibility for certain functions. And that is an argument as old as the conduct of relations with other countries.
- M: And probably not going to be resolved any time soon.
- F: Not going to be resolved. It's compounded by the fact that the regional bureaus speak of the countries with whom they have relationships as "their clients," which is indicative of a frame of mind which indicates that I'm perhaps speaking as a functionalist, not as a regionalist.
- M: What about the Disarmament Advisory Commission that was set up with the ACDA under, I think, Mr. [John J.] McCloy?

F: Yes, right.

M: Is this an important staff organization for the ACDA?

F: Well, it's hard to say that it's a staff organization. They're quite an active organization. They meet three or four times a year for fairly extensive sessions. It forces internal review--that's its principal role.

M: It's a review organization for the ACDA, then?

F: Yes, that's the way it works out. In telling what we're doing or what we're not doing to our advisory committee, we in effect subject ourselves to sort of a performance audit. In preparing for it, you force yourself to re-evaluate what you're doing and sometimes merely the preparation for the audit produces the same result as the audit. You see what I mean. You balance your own books in a sense, not in just precise fiscal terms but in what you've done, what you haven't done, and why not?

M: Well, it's as useful as balancing the book in fiscal terms.

F: It is.

M: I have three basic major topics that I want to discuss in the future with you. They are the non-proliferation treaty; and the general contributions of the agency during its history and its prospects for future activity; and finally, the controversy over the ABM systems. Probably the shortest of these would be the ABM. Would you like to try to do that now and then leave the other two longer ones for a future visit, or how would be most convenient? It will kind of get them out of chronological order.

F: I think it would be better to do them chronologically. I tell you what we'll do, and this won't finish the non-proliferation treaty but I think I can remember where we stopped.

After President Johnson became the President, the Eighteen-Nation Disarmament Committee which was set up by agreement between the U.S. and the U.S.S.R. by the [John J.] McCloy-Zorin [Valerian A.] talks was in recess.

M: Well, now the eighteen-nation disarmament committee was set up by a resolution of the United Nations--

F: No, that merely noted it with approval. It was done by an agreement. It's technically not a U.N. body. It's set up by agreement between the U.S. and the U.S.S.R.

M: I think that's generally misunderstood.

F: It is, and occasionally we have to remind the U.N. of that. Now the U.N. resolution approving it approved two things: It approved the composition of the body and approved

the joint statement of agreed principles. It was passed some time in December of 1961. It didn't purport to create it; it purported to approve an agreement creating it.

That organization was in recess at the time of President Kennedy's death, primarily because it usually recesses in the fall at the time of the General Assembly of the U.N. Very often because in some of the countries the people are the same people. It wasn't scheduled to resume until some time in January; whether the date had been set or not by November 22, I don't know. But it's usually agreed by the U.S. and the U.S.S.R., who are the permanent co-chairmen, that somewhere around the end of the General Assembly session when the ENDC should resume; and they notify the others and there's no objection. But that was set for January 21, 1944--I mean 1964. I shouldn't have difficulty remembering that date because it was my fiftieth birthday. I guess it was a Freudian slip that made me thirty instead.

We felt it advisable--although it hadn't been the customary policy; it's almost customary since-- to start that off with a statement to the conference by the new President, which was really indicating the type of program we were going to implement. And you'll find that statement made by the President the 21st of January. And it had in it the beginnings of two or three things that have now taken place. One was the limitation, or freeze (so-called), on offensive and defensive, but both in there together, of strategic nuclear delivery systems; and it had in it that we were working on all of these as part of a nuclear program to prevent the spread of nuclear weapons. This didn't begin with President Johnson, although the freeze--the notion of freezing offensive and defensive weapons--had been the first time the U.S. had proposed that as a separate measure. We both had general complete disarmament plans that had everything in it, but they were pretty much pie in the sky. This was the first time that you had a precise indication that the Soviets were prepared to put the lid on the present level of offensive and defensive systems--so were we. That had the beginning of both the ABM in it and the non-proliferation treaty in it.

I will end this area on the following rather personal note. We had disagreements on that in the government; and it very often happens that the most critical period of a negotiator's life is when he leaves the airport, takes off, until he lands, because that being the case the people he has left behind are trying to patch up his instructions to get them in final shape. And that in fact happened this time. Mr. Foster left on a Saturday morning and we were still working on the President's statement on Saturday. Finally by the middle of the day Saturday, we had just about agreement on everything and we had a meeting Saturday afternoon in the White House. Bill Moyers (I forget where Mac Bundy was at that point--whether he was there or not.); I remember Maxwell Taylor was there, the Secretary of State, and I was there as Acting Director because Mr. Foster was in Geneva. We had agreement on everything in it except in there was a reference on nuclear free zones to which the Joint Chiefs objected. It was a five-point program but point three, I think it was, had four subheads. Now, as delivered, it has three. The President asked me whether this was an agreed program. I said:

"It's all agreed except point 3D" to which the Joint Chiefs disagree. And Max Taylor said, "Yes, we agree to everything except that."

And he says, "Who wants it in?"

And I says, "I do. The ACDA would like it in, and we'd like to have you hear us out on it." He looked at me and he said:

"Butch, I will hear you out if you will first answer me this question. Is it worth it to you--this point worth it to you--enough to have to explain it on the Hill that the Joint Chiefs didn't agree to the entire program? Is this important enough or would you be better off saying 'This is not an agreed program, the Joint Chiefs disagreed just a little bit' or have this out and have it an agreed program which you can defend as being agreed to across the board? After you've thought that question over and you want me to hear you out on both sides, I'll do it."

I had to confess he was right. I say, "No, in the last analysis. At this stage in the negotiations we'd be better off probably to be able to say without any ifs, ands, and buts this is an agreed program."

He says, "Well, all right, that settles it."

And that was the end of that. And I had to confess he was right. I was being a little parochial on this.

Now I think ultimately in the Latin American context we got the Joint Chiefs to agree to the Latin American nuclear free zone.

M: Now, this was before the agreement on Latin American free zone?

F: Yes, it was. This came out of the program and the telegram went out that evening. But I'll never forget the way he said, "I'll hear you out if you will answer me yes to this question."

M: That's getting right to the heart at the beginning.

F: He got down to it very quickly and I didn't back down because he didn't put it to me on the basis "I won't hear you out, because I don't think you're right on this question. I'll hear you out if, after having thought it over, you will say you would prefer to have this question defended by saying the Joint Chiefs only disagree with a little bit of it. Or you would prefer to have this out and say it's an agreed program--which would you be better off on?" This got down to it awful quick.

M: That made it a yes or no matter, didn't it?

F: That's right, and he required a responsible answer. I thought a bit and it seemed to me we had enough in there to get this conference off to a good start without explaining whether we might or might not be able to live up to all of it. The second you say they don't agree to all,

the question is then "How much--how important it is," and it's best not to be only partially pure. Here we had something we could deliver on.

Now, when we come back next time, sir, I'll have that program in front of me and I'll show you where and how things developed. But this was one that he sat down-- I remember it wasn't in the Cabinet room, it was upstairs; I forget which room it was, but I remember you could see the Jefferson Memorial from it, and it's on the second floor in the residence.

M: What they call the second floor is actually the third floor.

F: And we had about a half hour meeting. But he focused on every bit of it. So that January 21, 1964 program (January 21 was a Tuesday, I believe, that conference usually starts on Tuesday--this was Saturday, so it was a meeting two or three days earlier--) but he went over it. See, there all his advisers were on this; he had the Secretary of Defense; he had Max Taylor--

M: And the process that began then didn't end until the signing of the non-proliferation treaty in July of 1968, was it not, so you had a four-year period to develop this subject so it will take us a little time, so why don't we break here and let you get to your appointment and I'll get my secretary to call and make another appointment.

F: I'm looking forward to seeing you again, sir.

M: Okay. I certainly enjoyed today.