

THE COST OF VIETNAM

Interview #4

Tuesday, May 11, 2004

RITCHIE: It's interesting to me, looking at the list of how much legislation passed in 1965 and 1966, and then there's less and less in '67, '68, '69, '70. There were controversial measures, but not as many major bills were enacted.

FERRIS: A great deal of that in my mind was Vietnam, the cost of its divisiveness and its distraction. The balloon of unlimited resources had burst; we had to make choices between guns and butter. The war was sucking up resources and it forced the Senate to prioritize. Whereas in '64, '65, and early '66, this sea change in perception had not yet been absorbed into the tissue of the Senate. But so much was accomplished before this change.

The Elementary and Secondary School Act was a tremendous breakthrough. That first bill was \$1.2 billion, which was a lot of money then. I think our whole federal budget was less than \$100 billion. I remember Johnson always tried to keep it under \$100 billion. He didn't want to be the first to break the \$100 billion ceiling. Can you imagine that! Our annual deficit today is five times what our budget was back then. Of course, this was before the unified budget.

I remember that Wayne Morse was the chairman of the education subcommittee and, of course, he was a tremendous advocate for education. The issue then was really whether the federal government should be involved in such local decisions. The states didn't have control over those decisions; it was the local board of education and elected local officials. Should the federal government get into that? The debate was framed in those terms. It was not that schools and kids didn't need help, but how it was going to be done. Then there was also the delicate issue of the eligibility of aid to private schools that still exists to this day. The debates were fascinating between Allen Ellender and Wayne Morse. Ellender was a big advocate of aid to elementary and secondary education, but he was very concerned about private and parochial schools. I think the bill finessed that. Private schools and parochial schools could not get aid, but the students there could get aid. They could provide services to those students who could come over and have classes, so they bridged that issue.

The alignment on all these issues was bipartisan. The majority bipartisan consensus on this and most bills was formed relatively quickly. Both sides on all the issues actually listened to the opposition and accommodation was attempted without significant dilution of the bill. It is such a contrast to what takes place in the Congress today. In the House especially, some committees don't even let members of the minority party into the conference committees. They just ram things through, and the Rules Committee does not even give the minority members the right to offer amendments to bills or they select which amendments the minority might offer, although in the House, I remember Wilbur Mills would get a closed rule on tax bills to prevent amendments. Back in the '60s, the Senate Democrats had such overwhelming majorities that they didn't have to act that way. It might have felt that way to the ultraconservative who didn't agree with any of this Great Society legislation. They might have felt that their voice was not being listened to. It was, but it was being outvoted. But legislation was passed by overwhelming majorities in both houses of the Congress, and certainly with every opportunity to offer amendments and for full ventilation by the minority. That is not the case today.

Look at the legislation that went through that Congress. Any two of those bills would have been a tremendous achievement for any other Congress and they were being passed like they were on the consent calendar. But you know, there was really a sense of great achievement. Everyone knew the significance of what was being done. Some of the legislation had been in gestation since the time of FDR's New Deal or Truman's Fair Deal. They were very exciting times. These were enacted by the Perfect Storm.

RITCHIE: A lot of the legislation that came out then—housing, anti-poverty bills, and all the rest—dealt with the issue of race and class in America. At the same time, there were major urban riots in the mid to late '60s. Did that have a dampening effect on some of the push for reform legislation?

FERRIS: I don't think it had a dampening effect on the legislative efforts. It caused a great deal of concern. It almost was something that should have been expected. I have always felt that the greatest Americans are the black Americans. If I were born black and was subjected to what they had been subjected to their entire lives, I would have been a revolutionary. With the passage of the Civil Rights bill of '64 and then the Voting Rights Act of '65, they began to see a little daylight in their lives, some measure of control, some relief to the despair that had been a part of their lives for so long. So they began to flex their

muscles. They were dissatisfied with the restrictions in where they must live, and the jobs that were available to them.

No, it wasn't something that changed the dynamics. I think a lot of people were scared of what was going to happen, justifiably so, and wondered what could be done. The Housing Act of '68 was passed after Watts, after Martin Luther King was assassinated and the resultant Washington, D.C. riots. I don't recall a sense that the freedom granted by legislation was a mistake but it facilitated the genie getting out of the bottle. The genie was out, and justifiably so. I don't recall a sense of "We have to do less." It brought home to more and more people what the plight had been and that what we were attempting was long overdue. The legislation removed the institutional barriers of segregation but to change the hearts and minds of all Americans would take generations. It is taking generations to seep in.

You can pass laws and you can desegregate, but all that does is remove legal barriers. You can't change how people feel and how they think. That comes from the home, the school—it is a generational process. You just have to live through that. I thought the whole notion of busing that occurred in the '70s in Boston, my home town, posed, as an example, the question: Do you use the schools as an instrument of social policy? Well, the schools are a big factor in social policy. And what resulted in all black and all white schools was not segregation by law but de facto segregation. Housing segregation existed and was the cause of the demographics of the school populations. Busing was an effort to integrate the schools—not desegregate them, and there is a difference between the two concepts. But some of the remedies were useless to accomplish either the integration of schools or the desegregation of local communities, and certainly didn't improve the education of the children involved.

In Boston they took kids from the North Dorchester and Roxbury neighborhoods and bused them to South Boston High School. Now, South Boston High School back then probably had one graduate each year who went on to college. The black children weren't getting a better education by attending South Boston High. If we had bused the black children out to Newton, in the suburbs, they would have had a significantly improved educational experience. The educational experience of Boston busing—and it was a significant experience—was teaching the South Boston children that they could attend school with black children. That is a very important element of education. But doing it in South

Boston first only permitted demagogues to influence the latent racism that existed. It was a policy that said, "you're going to have to learn to live with this, South Boston," which was an essential long-term goal, rather than improving the education of blacks in Roxbury.

Our primary and secondary public schools are funded primarily through property taxes in that local jurisdiction. The poorer neighborhoods had property assessments for less than the suburbs. The courts didn't have as a possible remedy busing children from the inner city to the richer suburbs. If the state funded all the schools in the state, such a remedy would have been effective.

RITCHIE: You mentioned that the war was draining resources and Congress had to make choices between guns and butter. Did that also increase temperatures among Senators? You had so many hawks and doves within the Democratic Party, it must have been getting harder to hold Conferences and do things on a unified basis.

FERRIS: Back then there was an overriding civility in the Senate. Every Senator openly received respect from their colleagues, regardless of their opinion on an issue. I can remember Bill Fulbright and Dick Russell side by side in the Policy Committee. They were diametrically opposed on the war and defense spending but that didn't mean they didn't work with each other. Today it is very different. Every Senator has a litmus test that determines whether another Senator is someone to be dealt with or not. The House is even more divisive.

The Senate still operates somewhat differently than the way we see the House operating today. That's because the rules of the Senate give more leverage to an individual Senator and that individual leverage translates into more horizontal civility. I don't know if there is still reverence for the institution of the Senate. It seems at times that it has dissipated completely. Back then, the Senate as an institution was revered the same way people revered the office of the presidency. No one member was larger than the Senate as an institution. You never did anything that would bring disrespect on the Senate. That was the great sin. It was the perfect example of the whole being greater than the sum of the parts.

RITCHIE: In '67 and '68 you had two Senators who challenged President Johnson for the Democratic nomination. First Eugene McCarthy and then Robert Kennedy, before Johnson withdrew. Did having those two Senators running have any effect on the workings

of the Senate?

FERRIS: I don't think so. Neither Robert Kennedy nor Eugene McCarthy were pillars of institutional power in the Senate from the standpoint of controlling legislation as chairs of major committees. Each had strong national constituencies that gave their voices great respect on the issues. Robert Kennedy was not only the prime custodian of the JFK legacy but was driven by an inner commitment to change society for the better.

As more and more Senators spoke out against the war there was probably a much greater reaction by President Johnson at the White House. I don't recall a change in the decorum of the Senate. I think there was great tolerance of Senators having different views on the issue. Even though they disagreed, they were much more tolerant of differing views. But the White House certainly put people on "do not invite" lists because of the war.

RITCHIE: There's a new biography of Senator McCarthy out now [Dominic Sandbrook, *Eugene McCarthy: The Rise and Fall of Postwar American Liberalism* (New York : Alfred A. Knopf, 2004)] that paints him as very detached and not as you say a pillar in the Senate. Did he have much impact in the Senate before he ran for president?

FERRIS: No, he was always a delightful dilettante. He was always there with a funny story, usually with a bite—sometimes a funny story about another Senator. It was good humor because there was a lot of truth at the core, like all humor. He was on the Finance Committee, whose members always had leverage. Finance and Appropriations were where you could actually do something for another Senator. I remember Robert Kennedy privately talking about the apparent irony of Gene McCarthy's reputation as a "purer-than-thou" idealist. He said, "You know, when Jack Kennedy was in the White House, if they wanted a special interest to be taken care of, some corporation or some person, and you wanted to get it done, Gene McCarthy was the member on the Finance Committee that you'd send them to." He'd get it done. The corporate executive would go up and see Gene and Gene would take care of it. I don't know if that's disparaging or not, but I think it said more about the cynicism of Gene McCarthy about the Senate as an institution than it did about his personal character. I think his personal character was unimpeachable.

He came in 1958, and I think the nomination of John F. Kennedy in 1960 was a severe blow to him. The line that's always attributed to him was that he was smarter than

Adlai Stevenson, he was more Catholic than Jack Kennedy, and he was more liberal than Hubert Humphrey. He thought he should have been the first Catholic president. After 1960, many noticed a change in Gene McCarthy, because he thought his last chance had passed. I don't know if that's true or not because I wasn't there between 1958 and 1960, but you wouldn't have seen too much in a freshman Senator anyway. People who knew him thought that he became increasingly cynical after JFK's election.

RITCHIE: There are an awful lot of U.S. Senators who think that someday they should be president.

FERRIS: They *all* think that! That's why when they address the presiding officer as "Mr. President," when they're trying to get recognition, you always see heads turning in the chamber even though they're not the presiding officer. They all love that title, except for the Southerners, who knew then that they didn't have that available option.

RITCHIE: Do you think that affected Senators' behavior when they were on a trajectory aiming toward the White House?

FERRIS: Oh, sure. They got involved in a range of issues well beyond their committee jurisdiction, and what the constituencies of their states would require. They became more active in and outside the Senate. They spoke to more groups. That's what you have to do to make yourself known and make your views known to a wider spectrum of people. It probably started right after a president was elected, four years before the next election. It was not immediately noticeable. You didn't see too much until the season started, and the season didn't start then until the fall of the year before the primary elections. From the standpoint of the Senate, Senators would be offering or speaking out on amendments to bills on which they hadn't traditionally shown an interest. They were not necessarily changing their position on issues, but they made sure that their names were associated with the issues that came up.

RITCHIE: Did you get any sense of Senators trying to use the Policy Committee to promote their candidacy?

FERRIS: No, I don't recall any of that. Ed Muskie was on the Policy Committee, but he never used it that way. Stuart Symington was on the Policy Committee, but his time

had passed. I'm trying to think of who else on the Policy Committee made a run for president other than Muskie. Harold Hughes was on it, and he had that twinkle in his eye for a short time. He was always a very quiet and passive member of the Policy Committee. I think to a great extent it was because Mansfield chaired the meetings. He didn't run an autocratic system, but he set a tone in meetings that he conducted, whether it was in the caucus or in the Policy Committee or on the floor, that almost inhibited other Senators from blatantly putting forth their political agendas.

Someone once tried to categorize the ideology of Charles De Gaulle, whether he was a rightist or a socialist, and a Frenchman said, "Charles De Gaulle is neither left nor right. He is above." Mansfield almost was treated that way. He wasn't perceived as an ideologue in any way and so his sense of fairness was never questioned, because he treated people that way. In meetings that Mansfield conducted, he was seldom under attack. When Tom Dodd gave that speech in 1963, he was really pining for Lyndon Johnson. Some people thought the legislative process should be worked out behind the scenes rather than in an open forum. Senator Dodd's frustration with the legislative performance was probably justified to a great extent. The White House wasn't terribly aggressive, or maybe they were more realistic about what could be done. It wasn't until after the assassination that so many things happened. An awful lot of the legislation passed in '64 was a memorial to Kennedy as much as it was attributable to Lyndon Johnson's tremendous legislative understanding and ability to gage the possibilities of getting bills through and working the levers to make sure they got through.

RITCHIE: Well, for all the Democrats who ran in '68, Johnson, McCarthy, Kennedy, Humphrey, it was a Republican who won the election. For the first time since you had been there you had a Republican administration. Did that change Mansfield's role and the Policy Committee's role, to have a president of the opposite party?

FERRIS: Sure. He and the Speaker of the House were called upon to comment daily on positions that were taken by the administration. Therefore, it did have an impact. The Congress was still controlled by the Democrats in both houses. Some of the most progressive legislation was passed during Nixon's term. If you blindfolded yourself you would think that Lyndon Johnson was still in office. There were the clean water and clean air bills. The EPA [Environmental Protection Agency] was established. That was a great achievement. How did that happen? Maybe it was just an idea whose time had come. But

the dynamic had changed with a Republican president in the White House.

One presidential candidate that we didn't mention was Fred Harris. He was a very able person. Fred Harris ran in 1972. He and [Walter] Mondale co-managed Hubert Humphrey's campaign in '68. Fred Harris and Bob Kennedy were close friends. I remember that Bob Kennedy was disappointed when Fred Harris was announced as co-chair of the Humphrey nominating campaign in '68. He said he knew that Fred had to do this because he was interested in national politics and running a national campaign was an excellent way—Robert Kennedy did that in '56 as well as in '60—however he was disappointed to learn about it in the papers. Fred Harris didn't make that phone call. There are certain little rituals one should do, and this was one of them. I think Fred Harris after the '68 presidential election practically picked up Bobby's mantle of issues, which amounted to a death spiral in Oklahoma politics. In '69 and '70 Fred Harris became one of the most vocally liberal and cause advocates in the U.S. Senate. I have always associated his unintentional snub of his personal friendship with Bob Kennedy by failing to make that phone call as a factor in Fred Harris' political agenda after RFK's assassination.

I remember one anecdote Fred Harris told me—I liked him, and I liked his wife LaDonna—he said, "I thought that I was ready to run for the presidency, and I thought I knew this country, but I didn't realize how much I learned by going around campaigning and learning about what this country was about, and how complex it was, and how little I knew until I ran for the presidency." I always remember that from the standpoint of people who say, "I wish we could have a thirty-day campaign." That's naive. You want candidates to get out and listen. With all the electronic media and the science of political polling, I don't know if presidential candidates still realized that they have to get out and listen, have to go out and campaign and do the retail politics that you do in Iowa and New Hampshire, where you have to listen and learn. Fred Harris said that was how you educate the man so he's competent when he takes office to actually understand the intricacies, and the complexities, and the diversities, of the country. Fred Harris was very smart. I thought that in the short time that he ran—he got eliminated pretty early—he had learned the most profound but simple lesson of the successful national leader.

RITCHIE: I should have asked you about Robert Kennedy's run for the presidency: do you think he really had a chance of getting the nomination in 1968?

FERRIS: I actually think yes. I loved Hubert Humphrey, and if Lyndon Johnson had not treated him the way he did during that fall of 1968, he would have been elected. There's no doubt in my mind. But I think Robert Kennedy had the grassroots. He would have gone on a truth-squad mission following Hubert Humphrey all around from California right up to convention time, having virtual debates on the issues. He had the charisma. He had that tremendous allegiance of the JFK constituency, and poor Hubert had Lyndon Johnson around his neck.

I remember at the '64 convention in Atlantic City when they played that USIA film, "Days of Lightening." (This was a film made by the USIA for distribution around the world on the JFK legacy. By statute a USIA work product could not be shown domestically. That prohibition was waived for this film. It was a powerful and moving film.) I was on the floor when it was shown, and I suspect there was hardly a dry eye in the place. That whole convention would have nominated Robert Kennedy for vice president by acclamation if a vote could have been taken after the showing of that movie. I think Lyndon Johnson knew that. The movie was played after the nomination was decided. But Lyndon Johnson knew that timing was very critical. There was that feeling about Robert Kennedy and the Kennedy legacy, the aura of Camelot. The perception of it was very strong and positive, and really the more important part of politics is perception.

In 1968 when Robert Kennedy sought the presidential nomination, I just think that his determination and his alignment with the prevailing views on the war would have brought him election success. It would have been very interesting. I don't know how the convention in Chicago would have changed but if he had lived, the energies that exploded there might have been channeled for a positive goal. What would Mayor [Richard] Daley have done? Daley and the Kennedys were so close going way back. Would the crowds in the street have been as angry if they had someone like Robert Kennedy as a champion. Hubert wasn't able to champion their cause for change because of Lyndon Johnson. I don't know.

RITCHIE: Were you at the '68 convention?

FERRIS: I didn't go to it. I liked Robert Kennedy, and he asked me after he announced that he would seek the nomination whether I would come with him on the campaign. I told him that I didn't want to leave Mansfield, but I said, "I'll check to see if I can get a leave of absence." Mansfield was on some trip to Mexico, to an Interparliamentary

Conference, and then Johnson got out of the race, so I thought: what can I do for Bob Kennedy? I don't know what I could have done, anyway. Bob thought I had good judgment. But I was a generalist up there, I didn't have a policy specialty in anything. But when the candidate himself says he'd like you to come with him on his campaign, you don't dismiss it summarily. Working for Mansfield was so important to me. Mike Mansfield gave me the opportunity to work on and hopefully bear some positive impact on some of the greatest social legislation of the twentieth century. To abandon that opportunity would have been very hard. I was very conflicted. Hubert Humphrey was as well a dear friend to me. He took me into his confidence during the '64 Civil Rights bill, which I consider along with the Voting Rights Act of '65 the most significant time of my life. It was another dimension of my personal conflict. Going with Bob Kennedy would have been a slight to the gratitude I maintain to this day to Hubert Humphrey. It wouldn't have registered on HHH's radar screen, but it certainly would loom big in my conscience.

Like everyone else I was very affected by Bob Kennedy's assassination. He and I had a private and mutually respectful friendship. He paid me an extraordinary compliment after I had given him some advice on some small matter. He said, "Charlie, you have the best judgment of anyone in Washington." I was young and impressionable, but Bob Kennedy's remark meant a great deal to me.

My dad had a massive heart attack in '65. He recovered and had two more great years of life, but then his heart gradually weakened. I used to go up to Boston some weekends to visit him. Bob Kennedy offered me a ride on the Caroline one summertime weekend when they were going up to Hyannis Port. We arrived in Hyannis Port and got off the plane. I was arranging to hire a car and drive back to Boston. Bob said, "If you're going back to Boston, you don't need a car." He told the pilot, "Take Charlie up to Boston." The pilot was so mad! [laughs] He had to fly me to Logan Airport in Boston. But Bob was very aware and thoughtful that way.

My dad died in August 1967. My mother called me early that morning. I immediately got in my car to drive up to Boston. My brother came up from New York, and my older brother was over in Europe, traveling with his family. Shortly after I got in the house, the phone rang. It was Angie [Novello], Bob's secretary. I answered the phone, and she said, "Charlie, I'm very sorry to hear what happened." Apparently, Bob Kennedy came on the Senate floor and was looking for me. Dan Leach, who was my associate, said, "His

father died early this morning and he's gone to Boston." Bob got on the phone and spoke to me, and then he said, "I want to talk to your mother." My mother got on the phone, and in Dorchester, Saint Mark's parish, the Kennedy family was a big deal. It was thoughtful and extraordinarily gracious for him to do something like that. Those qualities are very, very good in a person and a president.

My father had a 10:00 a.m. funeral mass on Monday morning at Saint Mark's in Dorchester. Both Bob and Ted Kennedy were at the mass. They flew up from Hyannis Port and came to Dorchester for the funeral. In Dorchester, having two Kennedys in church was a momentous event. They talked about it for years. My mother died twenty years later and the undertaker said then, "Oh, yes, your father had both Kennedys at his funeral." It was still a memorable event. As we assembled in the family car behind the hearse, to begin our journey to the graveyard, Bob and Ted both came over to our car and each individually spoke to my mother. What a great thing to do. It paid such great respect to the memory of my father and gave public significance to his life. It lifted my mother's spirits and was a cherished memory for the remainder of her life. It was very special.

I didn't go to the 1968 convention. I lost my enthusiasm for politics. I know to a great degree I identified with my boss, Mike Mansfield, and he was so vehemently opposed to our deepening policy in Vietnam. Lyndon Johnson was the symbol of the failed policy in Southeast Asia. I couldn't mask my feelings then like Mansfield could. So I didn't go to that convention. I'm glad it was the one I missed. I haven't missed one since.

RITCHIE: Following on to that, after Hubert Humphrey lost the race for president, he won Eugene McCarthy's seat in 1970. I understand it was not an easy return for him into the Senate.

FERRIS: No, he had been the Whip in the Senate and a power in the Senate and then came back. I don't know if he had expectations that he was going to have a special entry, but the Senate doesn't work that way. The Steering Committee still makes committee assignments and you have to have that group to deal with. I think Hubert was probably very disappointed with the committee assignments he got. He had been on Appropriations and Foreign Relations before, but he went on Agriculture and Government Operations when he came back. He wanted Foreign Relations, but I don't know what kept him off. I didn't participate in the Steering Committee, so I don't know who was against him. Hubert was

disappointed, but I think he would have been disappointed in anything because he had been Hubert Humphrey the consummate Senator, a title he earned. But when he came back, he came back as a freshman. That's unfair. It's too bad that the caucus didn't on their initiative do something. Maybe Hubert shouldn't have had to organize the dominos himself, maybe it should have been organized for him. I don't think he ever really got the traction in the Senate that he had before.

RITCHIE: By the time he died, he was quite popular again, but he had to re-earn that.

FERRIS: Oh, yes, he was very popular. You couldn't dislike Hubert Humphrey. I don't care what your views were, he didn't have a mean bone in his body. He didn't hold grudges. Most Senators, they remember. I remember a vote once when Allen Ellender was floor managing a bill. It might have been an appropriations bill. Senator Joe Clark offered an amendment. There used to be a ritual; the floor manager of the bill would state on the floor, "I'll take that amendment to conference." There would be a voice vote. The ritual entailed an understanding by the proponent and the floor manager that the amendment would not survive the conference with the House. In effect, it meant that the amendment was going to fall from the bill before it left the Senate floor. Ellender told Joe Clark, "I'll take that amendment to conference." Joe Clark said, "I want a record vote." Allen Ellender was furious that he wanted to record vote. I think Joe Clark only got about five votes. We used to keep the running vote at the desk in the well so we'd know what the vote was as it was in progress. We followed that procedure even on one-sided votes. After the chair announced the result of the vote on the Clark amendment, Allen Ellender said, "Give me the list of the five." To him, hey, "Those five are going against me." But Hubert Humphrey was not that way. Hubert Humphrey didn't keep a list of those who voted against him on amendments.

RITCHIE: Another Senator who was an active presidential candidate through much of this period was George McGovern. He got into the race briefly in '68 and then became the Democratic candidate in 1972. What was your impression of McGovern as a Senator?

FERRIS: He was extraordinarily decent, articulate, and intellectually honest. The war was a consuming issue for him. He didn't use it as a vehicle to further his ambition. There was a dimension to his opposition that was more than what was from the mind and the heart. I knew then that he had been a bomber pilot in World War II, but I didn't know the

extent of his wartime experiences. Ambrose's book [Stephen E. Ambrose, *The Wild Blue: The Men and Boys Who Flew the B-24s Over Germany* (New York: Simon & Schuster, 2001)] details that George McGovern was a real hero in World War II.

McGovern had a quiet demeanor and even though he came in '62, and was there in his second term, never seemed to get to where he had a lever of power by virtue of the committees he sat on. I'm sure he must have been on Agriculture, because that was so important to South Dakota, and he ran the Food for Peace program during the Kennedy administration, but I don't recall his other major committees. I thought he was a person that you'd really like to be with because he was a person that you could trust. But I don't remember a great impact that he had on any issue. I remember other people but I don't seem to recall George McGovern as the point person on an issue. Do you remember what committees that he was on and what legislation that he championed?

RITCHIE: He was very interested in hunger as an issue.

FERRIS: Yes, and he continued that afterwards. He went to Rome for the UN Food for Peace program. He was doing that before he ran for the Senate, wasn't he?

RITCHIE: Yes, in the Kennedy administration.

FERRIS: So he always had that issue. He was very empathetic, and that's a good indication of a person's values.

RITCHIE: When he ran for president he gave the impression of being pretty far to the left, although as a Senator he seemed to be more in the mainstream.

FERRIS: He was in the mainstream. I think that his being so far to the left was a Neanderthal perception. The Nixon machine was very effective, the most effective one prior to the present administration. Talk about defining your opponent, they defined McGovern as a peacenik and a bleeding heart liberal. George McGovern never was able to define himself. It was unfortunate because he was really the caliber of person who would have made a great president. He had all the right instincts and he was smart. Of all the people that I've know that have run, he would certainly be in the top percentile of the group. But he never had a chance.

RITCHIE: Continuing on personalities, in 1969, after Nixon's election, Everett Dirksen died and Hugh Scott became the Republican leader. Did Dirksen's death change the equation largely in the Senate? He and Mansfield had worked together closely.

FERRIS: Mansfield and Dirksen did work closely together—it was really a great relationship. And Mansfield developed a very good one with Hugh Scott. If the dynamic changed, it was probably due as much to Hugh Scott's communication with his own caucus as it was communication with Mansfield and the Democrats. I think he really had to establish himself as the leader that his caucus would follow, as Dirksen had. Dirksen was, I always said, a great reader. All great legislative leaders are great readers. They read the group well. Dirksen knew where his majority was intuitively, and I think Scott had to learn that. Every leader has to learn that.

Mansfield and Scott went to China together. The thing about Scott—I always say that anyone who was chair of the national committee, whether the Republican National Committee or the Democratic National Committee, that experience scars that person for life. It scarred Fred Harris when he was in it. It scarred Scoop Jackson. I think it scarred Hugh Scott as it did Bob Dole. It's very difficult for the chairman of a national party to get heard by the press and therefore they have to twist their five seconds into something that's quite biting and strongly partisan to get any attention. After that experience, they are never able to completely abandon that rhetorical experience. Hugh Scott had that experience. He probably had to learn to deal with a leader like Mansfield who was never going to take partisan advantage of someone else, and he did learn. I think their relationship was very trusting and a good working relationship.

RITCHIE: You mentioned that Scott had to establish his own position in his own caucus, because he was more in the political center than his conservative colleagues. Could he deliver the votes the same way that Dirksen did?

FERRIS: I don't recall having a great fight whereby the two leaders were communicating on getting enough votes to pass something like the Civil Rights bill. On our vote counts we would have a colleague on the other side who was doing a vote count, whether he was the Whip or not. Allan Cranston used to do vote counts on everything. He used to love to be a de facto Whip, and his vote counts were good. But Dirksen had it down well. He read his group well and he was eloquent. Not that he would be persuading his own,

but when he got up there to give the position that he felt the group was going to go with, he could articulate it extraordinarily well. I don't think Scott had that eloquence to him. Scott had Bob Griffin as his Whip, and I think he always felt Bob Griffin biting at his heels. But the Mansfield-Scott working relationship was fine. When the White House is controlled by the party that is the minority party in Congress, the dynamic changes.

RITCHIE: Scott also had the Nixon White House to contend with, and a Nixon program he had to try to enact.

FERRIS: Yes, he had his hands full.

RITCHIE: Some of the big divisive issues in the Nixon administration were the ABM treaty and the MIRVs—

FERRIS: Those were carry-overs from Lyndon Johnson. We had those issues under Johnson, too, the ABM treaty and the MIRVing of our missiles. Those were big issues but those were bipartisan issues again. You had Stennis and Russell and other Armed Services hawks. Scoop Jackson was the big advocate. He had Dorothy Fosdick and Richard Perle as his two assistants on these national security issues, so his advocacy was very intense. On the other side, Ed Brooke was very good, as was John Sherman Cooper. There were great strong people on those issues on both sides of the aisle. So it didn't work through the leadership. Johnson wanted it. He was the one who changed the rationale of the ABM, first it was going to be a protective shield for the whole country, then it was just going to protect missile silos. It was the same system just reprogrammed politically. Then it went through the same process with Nixon. Some of those votes were very close.

RITCHIE: One of the key votes was a 50-50 tie on ABM.

FERRIS: That's right. But those were just sort of ad hoc coalitions that surfaced for that purpose. It wasn't on a partisan basis but it was issue specific. Scott and Mansfield were not actively lobbying on one side or the other. Mansfield was against it, but I don't even know how Scott was on it. He probably was for it.

RITCHIE: One of the issues that Mansfield was very concerned with in those days was American troops in Europe. He made a big effort to try to withdraw them. When

Mansfield got interested in an issue, did the fact that he was the leader bring extra weight to something that was a personal interest of his?

FERRIS: Yes, but a hell of a lot more so in Europe than back here. That was the one issue of foreign policy that I was assigned by Mansfield to handle. Otherwise I was all on the domestic side. I wrote his exhaustive (and exhausting) statement on this when he testified before the Foreign Relations subcommittee in 1974. That made the case of why some of the troops should be removed. There was this whole notion of thawing of relations in the Cold War since NATO was formed, and the 74 bilateral agreements between East and West. The whole notion of that was the dishonesty of the policy as it was stated. We had 325,000 troops in Europe, and dependants. In Berlin we had 5,000. It was really a trip wire. It wasn't an all-out defensive posture. If you come, you're going to trip wire the nuclear response. Most of our troops were stationed down in the southern part of Germany. Any invasion from the East was coming from over the north German plains. So what the hell were we doing down south if we were there to defend against the hordes coming in from the East?

The most glaring inequity was the immutability at the force structure as if it was applied for the U.S. The original troop commitment for each of the NATO countries in Europe took into account the size of the U.S. standing army at the end of World War II and the fact that the Europeans really hadn't yet rebuilt their forces. They were justifiably assigned a much reduced troop commitment vis-a-vis the U.S. It was at least two to one. One European and two Americans. As the tensions eased over the years, the Europeans would reduce their NATO troop commitment, but the U.S. never adjusted its troop levels. Mansfield did not personally want all the troops to come back from Europe, but he wanted to bring the issue into focus. Really down deep our troops were in Europe not to protect against an invasion from the East, they were there to perpetuate the occupation of Germany, so the German juggernaut could not rise again. That to me was a valid justification for being in Europe. You couldn't state that publicly, but that, to my mind, was the reason we were there, and from that standpoint it succeeded admirably. Germany is probably as pacifist as any European country now. They have a public service requirement in Germany whereby every nineteen year old has to put in either nine months in the army or eighteen months in civilian public service. I wish we could have something like that here. I imagine that Charles De Gaulle wanted us to get out. He didn't want us occupying France. He knew what the whole purpose of the thing was. But Mansfield fought that battle and he kept the

pressure on.

I used to go over to NATO Parliamentary conferences after Congress adjourned. Mansfield didn't go, but he always let me go. They were good meetings. The European Parliamentarians were always very concerned about what Mansfield thought. It was always perceived as a much greater threat from a distance than it was in reality. Mansfield never made an effort to legislatively implement his troop position; it was always by simple Senate resolution, expressing the sense of the Senate. Probably the fact that he gave the troops in Europe issue to me to handle showed the fact that he wasn't terribly serious about implementing it by law. Frank Valeo did all of his foreign policy writing. But that was mostly Pacific oriented rather than European oriented. I think Mansfield probably felt that as a country we were too European oriented in our focus. Montana has a more Pacific orientation in viewing the outside world. The wheat and beef from Montana were more likely to be shipped to Japan. There was a relationship to the Pacific from out there that did not affect the Eastern seaboard.

RITCHIE: Part of it seemed to be a sense that the United States had overextended itself and had to start to rethink its position in the world.

FERRIS: We had a two and a half war strategy then. We were supposed to be able to have two wars going on, like World War II, in Europe and in the Pacific, and still have sufficient forces to fight another half a war somewhere. In the Ford administration, they finally changed to a strategy of one and a half wars. Where was the dividend for that one war we're not preparing ourselves to fight? Nothing happened on the defense appropriations. Nothing happened on force level. There was an awful lot of fiction or fantasy that was used to justify what was predetermined.

Going back to the 325,000 troops in Europe, I remember saying it was the largest army put together to occupy Europe since Julius Caesar, and it was larger than Julius Caesar's army by far. There was an awful lot of that hokey pokey. You had rationales that didn't really mean anything. You would catch them in the contradictions, but they had no impact.

RITCHIE: Was there a parallel between that and Mansfield's efforts to get congressional oversight of the intelligence agencies?

FERRIS: It was more a frustration with the reliability of the factual predicates that determined the policy options upon which the Senate and the Congress voted. We did three things that were significant. We set up an agency, the Office of Science and Technology. That was really an outgrowth of the ABM and MIRV debates. We had contacts with scientists from Stanford and other universities, who were able to counter [Edward] Teller and the others in Scoop Jackson's camp. I remember a meeting of Senators in Mansfield's back office. The scientists' presentations would sound totally reasonable and convincing, but so would the other side, who were advocating the new missile program. Mansfield said, "Why don't we have someone who is objective that we can rely upon, who's not grinding an axe?" There were a lot of technical issues coming up, so the Office of Science and Technology came out of that sense of inadequacy from the standpoint of Congress having an independent input, not co-opted by one side of the argument.

The Congressional Budget Office arose out of that same feeling. The Bureau of the Budget used to be massaging the books to provide a desired conclusion so the same frustration led to a Congressional Budget Office. I think the Congressional Budget Office has performed extraordinarily well over the years. They have been very objective and very professional.

The Intelligence Committee was a creation that was long overdue. There were never public hearings on the intelligence gathering agencies and even the appropriations for these entities never had a specific line item in any bill. When you hide \$20 billion in other appropriations categories, it makes a sham of the entire process. But the most serious effect of this deception was the lack of an oversight entity. There was no one to whom one could go to blow the whistle. There were no committee staff who were assigned oversight of the clandestine activities of the government. There was no oversight on intelligence at all that was a matter of public record. All that frustration burst forth around the same time as the Cooper-Church Amendment on Cambodia in '72. An ad hoc committee was established in the Senate. Fritz Mondale was the chair of the committee to establish a permanent Committee on Intelligence.

One thing that had always bothered me was how the committees of the Congress became captured over time by the agencies of their responsibility. It was something that happened in every entity. It's the old question of a stale record. They're on a committee and for the first five years they'd ask the right questions and get the right answers, and they'd

take those answers and accept their validity for the next twenty years. If you would ask those questions again twenty years later, you'd in all likelihood get very different answers. But the inquiries were never made. That's why I think the most significant thing in addition to the establishment of a permanent Committee on Intelligence was the rotating of the committee membership so that no Senator could serve more than six years on the committee. You didn't want them captured by the intelligence community. You keep a rotation that assured renewal. Fritz Mondale insisted on that provision. I happened to go over to Tip O'Neill's office his first year as Speaker and that's the one project that I took on during my short stay with Tip. I emphasized the need for an Intelligence Committee in the House as a counterpart to the Senate committee. In the nine months that I was there, we got that passed. And we got the rotation of the committee membership there as well. I think it has worked very well. I notice there are proposals now to get rid of that! Probably the original rationale for why it was done has been long since forgotten.

I don't believe in term limits for members of Congress, but I think term limits for committee assignments make an awful lot of sense. With people like Lee Hamilton or Dick Russell, I don't care what committee you put them on, they'd rise to the top, and they'd make great contributions. Back in the '60s, I told Fulbright this. I said, "I think we'd be much better off if we just changed the name of your committee to the Senate Armed Service Committee, and changed the name of the Senate Armed Service Committee to the Senate Foreign Relations Committee, keep the same memberships and go about your business. I think it would create a much better sense of what was going on." He agreed and thought that might be a good idea. But I think the stale record is a chronic problem in government. I found that in later years when I went down to the FCC, the stale record concept still applied. I was able to do something about it when I got down there.

RITCHIE: It is surprising that the Senators on the Intelligence Committee are suggesting that they want to be able to continue. Usually Senators seems to want to get off that committee, since most of what it did couldn't be publicized—

FERRIS: And there were no constituencies to generate PAC contributions, and PAC money drives so much of what they do up there. Their committees determine who is going to give to them, which is such a potential compromise of the whole system and how it's supposed to work. But rotation would take care of the PAC money thing, too. PAC money would still come around as people tried to get to know someone, but you could vote against

them for the first couple of times. They've done that in the House. That was a Newt Gingrich innovation, which I thought was just magnificent when he did that. I had always advocated that. I remember talking to Tom Foley after Gingrich had come in. He said, "I've got to admit that was a good idea. I never could have gotten that through." He had people like John Dingell and Jack Brooks who were barons unto themselves but who had no responsiveness to the leadership because their fiefdom was so well embedded, and that wasn't healthy.

RITCHIE: The Republicans in the Senate have a similar provision in their Conference rules, where committee chairs have a six-year term limit. Several chairmen are going to have to shift now because they've reached the limit.

FERRIS: Yes, [Ted] Stevens is going to have to give up Appropriations, and [John] McCain is going to have to give up Commerce. That's good, not that both didn't do their chair responsibilities well, they both did, but each will make a similar contribution in their new committee duties!

RITCHIE: But the Democratic Conference hasn't adopted that.

FERRIS: They haven't done that, no. I wish they would. They've been out of power long enough now, but maybe all the ranking members don't want to give up their ranking positions. I think the Republicans do it when they're in the minority, as well.

RITCHIE: I'm not sure how that works.

FERRIS: It would be interesting to do that. If Tom Daschle gets reelected to the Senate, maybe he could take on something like that. I think it makes eminent sense. You would necessarily have to contend with Bob Byrd, who would have to give up Appropriations. That would be a tornado in and of itself. Those are the practicalities of making such a change. When Newt Gingrich came in, there was such a sweep that he could get away with it. In the House, they can even pick and choose beyond the existing committee membership. The presumption of seniority doesn't apply too much. You can pick and choose who will chair the committees. It makes the leadership much stronger, because the chairs become much more responsive to the leader. For that reason, those that have the power on the committee don't want to give it up. It was a brilliant move that Gingrich made.

I thought Newt Gingrich was a remarkable guy. I was like a moth to a flame with him. Any time he was on CNN or C-SPAN at a conference, I would watch it for the whole forty minutes of his talk. He was so holistic in presenting his positions. Everything fit. He had a framework that was very consistent and rational. He was remarkable, and a very interesting man. He did some good procedural things.

RITCHIE: I suppose, if you're going to do it, you're going to do it when you've had a major change in membership.

FERRIS: That's probably the only time. I don't see the Senate ever doing it if Bob Byrd has to give up the Appropriations Committee. What else is he on? The Rules Committee? But you wouldn't get that through.

RITCHIE: One other issue that Senator Mansfield seemed particularly interested in at that time was the right to vote for eighteen year olds, a constitutional amendment. He said at one point that that was his proudest achievement.

FERRIS: Yes, I know it. It was during the Vietnam War. This was in '68 and Vietnam was still at its height. There was a great deal of sentiment about these eighteen years olds who were coming back in coffins. If they're old enough to fight, aren't they old enough to vote? It was the same rationale when Howard Cannon voted for cloture on the equal housing bill of 1968: if they can go fight together in Vietnam, they should be able to buy a house when they come back here just like any other veteran. That was a good rationale. Alan Bible never did vote for cloture, but Howard Cannon did. I think that was the same impulse on the eighteen-year-old vote. To a great extent, the eighteen year olds were certainly as aware educationally as probably twenty-one year olds were a hundred years ago.

Yes, Mansfield took great pride in that. He offered it as an amendment. I'm trying to remember to what bill. It wasn't terribly germane. I think Jim Allen was involved in that bill somehow or other. It was just sort of spontaneous. Mansfield was on the floor and he offered this amendment. Magnuson had been part of that effort for some time, and Jennings Randolph had been a part of the effort. Mansfield offered his amendment to this bill and the fireworks went off. Spessard Holland was a very bright and eloquent advocate and he insisted that anything like this had to be done by constitutional amendment. He wanted to

have a constitutional amendment on changing the cloture vote! Barry Goldwater was for the eighteen-year-old vote. Ted Kennedy was for it.

Ted Kennedy was over in Ireland giving some lecture and his legislative assistant, Cary Parker, came down to the well and said "We've got to get Ted on this." Ted was running with this issue too. I asked Mansfield to put Ted Kennedy on it, as well as Magnuson. They had been very interested in this issue and strong advocates for it. Mansfield added both as cosponsors. And we passed it legislatively. We were using as a constitutional rationale the Supreme Court decision upholding the 1965 Voting Rights Act. It was attached to an unrelated House passed bill. The big issue was: could we get the House to go along with it? McCormack was the Speaker then and he was unsure of the sense of the House on the issue.

Cary Parker was a magnificent writer and he drafted a letter to go to the editor of the *Washington Post* on the eighteen-year-old vote, which really laid the argument out very clearly and persuasively. He brought it over to me because he wanted Mansfield to sign it along with Kennedy. I thought it was a great letter and I showed it to Mansfield. He said, "We should get Magnuson to be on this, and Barry Goldwater, so we'd cover the political spectrum." I said absolutely. I got Magnuson right away. Barry Goldwater was out at Burning Tree [golf course]. I called him out there. I didn't have a relationship with Barry Goldwater, I just told him who I was. I said, "We've got this letter and it's going to the *Post* on the eighteen year old vote. I'll read it to you. The leader would like to have you be a signer of it." I read it to him and he said, "Absolutely, put my name down."

I went back to Cary Parker and he was furious that it was going to have Goldwater and Magnuson's names on it, not just Kennedy and Mansfield. I said, "But Cary, can't you see the difference, what impact this will have on the House if you have a letter with Barry Goldwater and Ted Kennedy signing it, from an ideological standpoint in the House, rather than a letter with just Kennedy and Mansfield?"

The letter appeared in the *Post* the next day and it had the desired impact. Members of the House referred to it in debate. The Senate amendment passed the House. A constitutional amendment that set the voting age at eighteen years old for both federal and state elections was subsequently passed. The real question was whether this legislation granting the right of eighteen year olds to vote in federal elections would affect state voting

rights. Since we could only prescribe it for federal elections, what were the states going to do, have two voting booths? Whenever there was a federal election, every state would have to abide by it. When they had an election all by themselves, they could have their own. That's why a constitutional amendment made it neat and tidy from the standpoint of state and local elections.

But it was surprising how strongly Mansfield felt. I think that was a corollary of his depth of feeling on Vietnam and the sacrifice of our youth. If he were alive today, what would he think of Iraq! You see the kids on McNeil-Lehrer [PBS *NewsHour*] every night. These are kids in the prime of their life. It's a terrible thing when old people send young people off to die.

RITCHIE: Well, perhaps Senator Mansfield remembered that when he was a teenager he served in all three branches of the service.

FERRIS: Yes, he did. He ran away the first time to join the Navy. But the Marines were the love of his life. The Army was supposed to send him to Europe, but he never got to Europe, he got to San Francisco, the Presidio, taking care of the colonel's horse. When they saw that he was from Montana, they assumed that he knew something about horses. In the Navy, he did make some convoys across the Atlantic, but the Marines got him over to the Philippines and got him into China on an excursion. So he was always a Marine at heart.

RITCHIE: When you mentioned Ted Kennedy, I also wanted to ask about the change in the Democratic Whip's position while Mansfield was leader. You had several challenges. You had Russell Long who was the Whip. He was challenged and defeated by Ted Kennedy. Then Robert Byrd challenged and defeated Kennedy. Could you talk about those races and how that circumstance came about?

FERRIS: Ted challenged Russell Long in 1968 for the Congress commencing in '69. I worked with Ted on this effort and I was over at his house. My position gave me an opportunity to acquire a familiarity with all the Senate that even some members didn't have the opportunity to acquire. It's obviously evident that I had a different interpretation of my job than did some of the other staff people. I got to know Mansfield and I got to know what made him tick, and I got to be able to predict what his instincts were and what his thoughts were. I used to go out and do things but always consistent with what I felt he would want

done.

Stan Kimmitt was very able, but coming out of a military environment, I think he waited to be told specifically to do something. He was in his way an activist, as was I. Mansfield was so aware of what everyone was doing. He knew exactly what I was doing, and it was very convenient because there were never any Mansfield fingerprints. It was just this damn activist Ferris, if something went wrong. That was good for him, but he knew exactly what was going on.

Ted Kennedy was a friend. He was going on a ski trip to Colorado and he forgot his ski boots. He called back to Dave Burke, who was his administrative assistant then. Dave wanted him to run for the Whip's job. He got Ted interested in it, and Ted flew back. Dave got a hold of me because I knew the backgrounds of the Senators. I remember being at Kennedy's house and going down the list, and him calling everyone. Russell Long was not active as Whip in the sense that he wasn't there too much. He was somewhat of an embarrassment to many members of the Senate. Mansfield was an institutionalist and Ted Kennedy would have been someone that he could feel comfortable with. It turned out he was very comfortable with Ted. He liked Ted very much, always did. He liked Jack Kennedy very much. He liked Bob, but he was closer to Jack. They came into the Senate together, but he was older and more of a Senate institutionalist than Jack Kennedy was. Then Teddy came as a young boy almost and Mansfield took a fondness for him.

Ted went down the list and methodically called all the Senators. You called the ones you thought you could get first and then the more difficult ones. Then you got to the list of those you never were going to get, but you want to call them, you don't surprise people. He called Jim Eastland—Kennedy was on Jim Eastland's committee—and told him that he was going to run for the Whip's job. Jim Eastland said, "Ted, ain't no vacancy there." [laughs] That's a Senate institutionalist. You wait until it's your turn. The other one who was very interesting was Dick Russell. Ted said that he was going to run, and Dick Russell said, "I will put no stone in your path." That was very revealing.

I remember driving Ted over to Bill Spong's house in Virginia. Bill Spong and I were good friends. He was a tremendous sports fan. Bill Spong and I flew up to the seventh game of the '67 Red Sox World's Series, Lonborg versus Gibson [Jim Lonborg, pitching for the Boston Red Sox against Bob Gibson of the St. Louis Cardinals]. Spong was on Foreign

Relations and Mansfield really liked him, because Spong had a quiet manner like Mansfield, and was very studious and wasn't interested in high-profiling his involvement in issues. Spong used to go on some of the NATO Parliamentary trips, and he and his wife Virginia and I were very friendly. So Spong was a swing vote, and he was from the South. I knew where Bill lived so we drove over to his house. I waited out in the car. I remember Ted saying as he went up the step, "What's his wife's name again?" He went in and spoke to Spong. I don't know if he got an immediate commitment from Spong or whether he got a good indication. Probably Spong said, "I'll give it some real thought." But Spong talked about how he was not always proud of Russell Long's behavior. I think Spong went to Dick Russell. It might have been that Ted told Spong about Russell's remarks. Spong went to Russell and told him that he was going to vote for Ted Kennedy because he was embarrassed by Russell Long's conduct. Russell said, "I understand completely." So Spong voted for Kennedy.

I don't remember the vote, but it was rather predicable. Ted didn't have the patience for the Senate floor. He didn't want to invest the time to master the parliamentary procedure; few Senators ever do. Ted was interested in a lot of substantial issues. When you're a leader you really have to be interested in moving the trains rather than packing the freight cars. Ted used to come down sometimes to the well before the Senate convened. At those press conferences on the floor, the dynamic between Mansfield and Kennedy was very good. But after Chappaquiddick, Ted went into a shell. I remember after that there was a Senate session in early September, and Teddy came down to the well. The Whip's seat was beside Mansfield, and Mansfield was just so welcoming. Teddy is back here where he belongs. That's what he said to the press who were assembled in the well. I could just tell, if I were in Ted's shoes this is what I'd love to hear. Because it was so awkward for him coming down to confront the Senate press for the first time.

That had an impact on Ted and his activities and his interaction with the other Senators. Then Bob Byrd, who was Secretary to the Conference, decided that he was going to make a move if he had the votes. Talk about someone who wallowed in the minutia of the Senate and its procedures, Bob Byrd did. I remember when he was running, Bill Spong told me that he wasn't particularly fond of Bob Byrd, personality-wise. Bob Byrd called and said, "Bill, I'd like to have you and Virginia come over for dinner, a week from Saturday." Bill Spong said, "Gee, that's really good of you, Bob, but Virginia and I are busy and we can't do it." So Bob Byrd would say, "How about three weeks from Saturday?" Spong said

no, and he said, "How about six weeks from Saturday?" He just would not take no for an answer. Spang said, "How do you handle a guy like that?" That's how he was about going after every vote, just wearing them down.

In the caucus, when the vote took place, Richard Russell was on his deathbed. As the nominations were being made and before the votes were to be counted, Byrd had someone outside on the line to Walter Reed Hospital. He had Dick Russell's proxy, but he wanted to make sure he was alive. I think it was before the nominations were put in, because he wasn't going to go forward with the nomination if Senator Russell's proxy was invalidated. because he felt that vote was critical to his success. It turned out not to be, because he had it by four, five, or six votes. What if he won by Dick Russell's vote and Dick Russell had died and the vote didn't count? He was that meticulous about how he went after things, dotting every "I" and crossing every "t."

Byrd took over as Whip in January of '71 and it was a big change—a big change for me. The Whip has no institutional responsibility. He serves really at the sufferance of the Majority Leader. The Majority Leader gives him duties that are the Majority Leader's responsibilities. Up until that time, I had been doing those things for Senator Mansfield, so Bob Byrd's effort was really to assume my responsibilities for himself. It was a concerted effort. He never did the legislative agenda, but he started talking to the chairmen of committees about what bills and amendments should come up. He went on a campaign to a great extent, I felt, to make me a non person, because he felt that the relationship that Mansfield and I had was one that interfered with him assuming a greater leadership role. I understand it from his position, and it certainly is understandable why we never developed an endearing relationship. He has a great memory, and he used to work very hard at the Senate. As Whip, he spent so much time on the Senate floor. Talk about someone who would just be there, he'd be there until every adjournment every night.

He worked at everything he did. If he was doing something, he was going to do it completely and thoroughly, and he did the Whip's job very completely and thoroughly. He was always around. He certainly relieved Mansfield of the housekeeping floor responsibilities if Mansfield had to leave. Mansfield wouldn't have to be on the floor, but I'd be on the floor and I could always reach him, or get another Senate proxy for him to make sure that some shenanigans weren't pulled off. But Bob Byrd was there, so he would be the one. If some Senator wanted to do something, Bob Byrd would go check with Mansfield.

So he was faithful in his responsibilities and did not try to usurp any of the leader's prerogatives. But he certainly was going to prevent me from being the proxy for the leader. That was his prerogative to do. So the last five years were not my most joyful in the Senate.

I remember when the Nixon impeachment started in early '73, when the Ervin Committee was appointed by Mansfield—which was a brilliant stroke, having a resolution establishing a new committee because the resolution was voted unanimously by the Senate. That meant that partisanship was taken out of it because it was *de novo*. There was no self-starting of a subcommittee or a committee to do something. I started with a group to go over the rules of impeachment in the Senate, because the Fourteenth Amendment wasn't passed when [Andrew] Johnson was impeached. A significant body of law had evolved on procedural due process since then. So we needed to bring the rules up to date. We had a staff and some outside people working on this and Mansfield wanted the rules in shape for anything that might potentially happen.

When the House committee voted impeachment, Mansfield had the rules. He had the present rules and the suggestions about what we should do side by side. He said, "Give it to Byrd," because Bob Byrd was on the Rules Committee. Byrd took it and went to committee, but he threw it out because he didn't want to have what we did as his work product. I think, to a great extent, if he was going to come out with any revisions to the rules, it wasn't going to be something that I had worked on. C'est la vie. We never really did have to use them. There were some proposals, but I don't know if any proposals for rule changes were adopted about impeachment procedures, because there didn't seem to be any problem in the '90s when they went after [Bill] Clinton from the standpoint of how the Senate proceeded. They proceeded in a fashion that worked. They adapted.

Mansfield had a sensitivity about the role of Chief Justice [Warren] Burger presiding over the Senate during an impeachment trial. He wanted all issues decided by the Senate and not by the chief justice as presiding officer. I think there was the same sense about [William] Rehnquist. They were to be figureheads. No issues were presented to them. The presiding officer was to submit every issue presented to the Senate for a vote. It was the personality, it was an institutional issue. Senate prerogatives should not be assumed by another branch of government. Even though the Chief Justice presided for a valid reason of taking partisanship out of the proceedings, the idea of protecting the institutional prerogatives of the Senate was very important to Mansfield, and I'm sure it was when the impeachment of

Clinton went forth.

It's very interesting what they did with that with Judge Alcee Hastings from Florida. They sent that impeachment to committee. They actually had it done in committee. It turned out that it made the impeachment of a judge something that was realistic. You wouldn't have to tie up the whole Senate, you could send it to a committee for its recommendation and report back to the Senate as a whole to accept or reject.

RITCHIE: They did it for all three judges in the 1980s, Harry Claiborne, Alcee Hastings, and Walter Nixon. Nixon took the issue to the Supreme Court, which upheld the notion of doing it by committee. So yes, that made it doable. Well, this has been very useful and I would like to talk more about Watergate, but this might be a good place to take a break.

End of the Fourth Interview